

**TOWN COUNCIL OF CENTREVILLE
ORDINANCE NO. 03-2023**

**AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE TO AMEND THE CODE OF
THE TOWN OF CENTREVILLE TO UPDATE THE PENALTY SECTIONS THROUGHOUT
THE CODE**

WHEREAS, Section 6-102 of the Local Government Article of the Annotated Code of Maryland and Section 304 of the Charter of the Town of Centreville authorize the Town Council to provide that violations of Town Ordinances are a municipal infraction subject to a fine not to exceed \$1,000;

WHEREAS, Section 6-101 of the Local Government Article of the Annotated Code of Maryland authorizes the Town Council to provide that violations of Town Ordinances are punishable as a misdemeanor subject to a fine not to exceed \$1,000 or imprisonment not to exceed six (6) months or both; and

WHEREAS, the Town Council wishes to clarify the penalties throughout the Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Centreville:

1. That the Town Code is hereby amended to include the text of which is attached hereto as Exhibit "A" with new material shown in **bold underlined** and deleted language shown with **~~bold~~ ~~strikeout~~**.
2. This Ordinance shall become effective on the twenty-first day after its enactment.

ATTEST:

THE TOWN COUNCIL OF CENTREVILLE

Carolyn M. Brinkley
Town Clerk

Steven K. Kline, President

First Reading: _____
Second Reading: _____
Enacted: _____
Effective: _____
(21st calendar day after enactment)

Ashley H. Kaiser, Esq., Vice President

Eric B. Johnson, Jr., Member

Daniel B. Worth, Member

Jim A. Beauchamp, Member

Amend § 1-14.B(5) Penalties (General Provisions)

5. Penalties

- a. The following penalty sections wherein the penalty is a municipal infraction are revised to provide that violation of the provisions of the chapter (or article) shall constitute a municipal infraction, and said person or persons violating the chapter (or article) or any section thereof shall be subject to a fine of ~~not to exceed \$1,000~~ **for a Class A Municipal Infraction as adopted by the Town Council by Resolution**, provided that a citation is served upon said person or persons in the manner prescribed by ~~§ 3 of Article 23A~~ **6-103 of the Local Government Article** of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. ~~Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense: §§ 7-4; 24-2; 28-2B (Subsection 116.4 of the BOCA Building Code, 1993 Edition); 31-9; 42-11; 59-5; 88-7; 118-3; 123-2; 129-35; 134-9; 148-2; 151-13; 154-14.~~

Chapter 7 Alcoholic Beverages

Chapter 11 Amusements Arcades and Pool Halls

Chapter 31 Buildings, Dangerous

Chapter 42 Cemetery

Chapter 59 Firearms

Chapter 88 Noise

Chapter 95 Peddling And Soliciting

Chapter 102 Plastic Carryout Bags

Chapter 123 Smoking

Chapter 134 Streets and Sidewalks (Snow and Ice Removal)

Chapter 145 Trees

Chapter 148 Urination in Public Places

Chapter 151 Vehicles, Abandoned

Chapter 154 Vehicles And Traffic

- b. The following penalty sections are revised to provide that violation of the chapter (or article) shall be a misdemeanor punishable by a fine not to exceed \$1,000, or imprisonment for a term not to exceed six months, or both: ~~§§ 50-14; 62-10; 99-7; 115-42; 118-13; 138-9; 170-66A.~~

Chapter 50 Elections

Chapter 62 Firesafety

Chapter 66 Floodplain

Chapter 99 Petitions, Fraudulent

Chapter 115 Sewer Use

Chapter 170 Zoning (in part)

- c. The following penalty sections wherein the penalty is a municipal infraction are revised to provide that violation of the provisions of the chapter (or article) shall constitute a municipal infraction, and said person or persons violating the chapter (or article) or any

section thereof shall be subject to a fine for a Class B Municipal as adopted by the Town Council by Resolution, provided that a citation is served upon said person or persons in the manner prescribed by § 6-103 of the Local Government Article of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Each day such violation, as defined above, continues shall be considered a separate offense:

Chapter 28 Building Construction

Chapter 69 Forest Conservation

Chapter 118 Sewers And Water

Chapter 134 Streets And Sidewalks (Permits for Placement of Facilities And Utilities

Chapter 138 Subdivision Regulations

Chapter 170 Zoning (in part)

- d. The following penalty sections wherein the penalty is a municipal infraction are revised to provide that violation of the provisions of the chapter (or article) shall constitute a municipal infraction, and said person or persons violating the chapter (or article) or any section thereof shall be subject to a fine for a Class C Municipal Infraction as adopted by the Town Council by Resolution, provided that a citation is served upon said person or persons in the manner prescribed by § 6-103 of the Local Government Article of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Each day such violation, as defined above, continues shall be considered a separate offense:

Chapter 24 Brush, Grass and Weeds

Chapter 129 Solid Waste

Chapter 158 Vehicles, Non-Self-Propelled

Amend § 7-4 Violations and Penalties (Alcoholic Beverages)

A violation of the provisions of this article shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code. ~~and said person or persons violating this article or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.~~

Amend § 11-6 Violations and Penalties (Amusements Arcades and Pool Halls)

The violation of the provisions of this chapter shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code. ~~and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to~~

exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 24-2 Violations and Penalties (Brush, Grass and Weeds)

Violation of the provisions of this chapter shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.d of the Town Code. and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense. In addition to the penalties provided in § 1-14.B.5.d of the Town Code, the Town may take such other lawful action as is necessary to prevent or remedy the violation, including cutting or removing the brush, grass, or weeds, and assessing the costs for the removal as a lien against the property collectible in the same manner as real estate taxes.

Add a new § 28-6 (Building Construction)

Violation of any of the Adopted Codes referenced in § 28-1 by any property owner, tenant, architect, builder, contractor, agent, or other person shall be a municipal infraction, subject to the penalties provided in § 1-14.B.5.c of the Town Code.

Amend § 31-9 Violations and Penalties (Buildings, Dangerous)

Any owner, occupant, mortgagee, trustee, lessee or any other persons having an interest in any dangerous building as shown by the Land Records of Queen Anne's County who shall fail to comply with any notice or order to repair, vacate, or demolish said building issued by any person authorized by this chapter to give such notice shall be in violation of this chapter and said violation shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code. and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 42-11 Violations and Penalties (Cemetery)

The violation of the provisions of this article shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code. and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 50-14 (Elections)

Any person that violates any of the sections of this chapter shall be guilty of a misdemeanor subject to the penalties provided in § 1-14.B.5.b of the Town Code and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or imprisonment not exceeding six months, or both.

Amend § 59-5 (Firearms)

Violation of the provisions of this chapter shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code, and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 62-10 Violations and Penalties (Firesafety)

The owner or owners, occupier or occupiers who shall obstruct or refuse to permit the free entrance to and the inspection of any premises, buildings, or structure or neglect or refuse to comply with the terms and conditions of the order herein authorized to be issued by the Commissioners Town Council of Centreville, unless the same shall be revoked, or who shall violate any other provision of this article shall be guilty of a misdemeanor, subject to the penalties provided in § 1-14.B.5.b of the Town Code and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or imprisonment not exceeding six months, or both. Each day that a violation continues shall constitute a separate offense.

Amend § 66-50 Violations and Penalties (Floodplain)

Violations of these regulations or failure to comply with the requirements of these regulations or any conditions attached to a permit or variance shall constitute a misdemeanor, subject to the penalties provided in § 1-14.B.5.b of the Town Code. Any person responsible for a violation shall comply with the notice or stop work order. Failure to comply shall be in accordance with this section as well as Chapter 170 of the Town of Centreville Zoning Ordinance. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Centreville from taking such other lawful action as is necessary to prevent or remedy any violation.

Amend § 69-16.B (Forest Conservation)

B. Violation

1. In addition to the provisions under Subsection A of this article, a person who violates a provision of this chapter or regulation or order adopted or issued under this chapter is liable for a municipal infraction, subject to the penalties provided in § 1-14.B.5.c of the Town Code penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Town of Centreville.
2. Each day a violation continues is a separate violation.

Amend § 88-7 Violations and Penalties (Noise)

Any violation of this article shall constitute a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code, and said person or persons violating this chapter or any section thereof shall be subject to a fine

of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 95-11 Violations and Penalties (Peddling And Soliciting)

Violation of the provisions of this chapter shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 99-7 Violations And Penalties (Fraudulent Petitions)

Any violation of provisions of §§ 99-1 through 99-6 of this chapter shall be deemed a misdemeanor, **subject to the penalties provided in § 1-14.B.5.b of the Town Code.** and any person upon conviction thereof shall be punished by imprisonment in jail for not more than six months, or by a fine of not more than \$1,000, or by both such fine and imprisonment, in the discretion of the Court.

Amend § 115-42 Violations And Penalties (Sewer Use)

- A. Any person who shall continue any violation beyond the time limit provided for in Article VIII, § 115-41, shall be guilty of a misdemeanor, and on conviction thereof shall be **subject to the penalties provided in § 1-14.B.5.b of the Town Code.** fined in the amount not exceeding \$1,000 or imprisoned for a period not to exceed six months, or both, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- B. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document required to be maintained pursuant to this chapter or industrial waste permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, **shall be guilty of a misdemeanor subject to the penalties provided in § 1-14.B.5.b of the Town Code.** be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both.
- C. Violation of this chapter shall be a matter of public record and open to public review and reproduction upon request. In addition, the Town may, in its discretion, publish information pertaining to any violations of this chapter in any newspaper of general circulation within the Town and/or on the Town's website.

Amend § 118-3 Violations And Penalties (Sewers and Water – Rental Units And Apartments)

Any person, firm or corporation violating the provisions of this article by not returning the complete questionnaire, or aiding, abetting or assisting in the violation of said provisions **is liable for a municipal infraction, subject to the penalties provided in § 1-14.B.5.c of the Town Code.** shall upon conviction before the proper official be guilty of a

municipal infraction and be sentenced to pay a fine of not more than \$1,000 and costs of prosecution for each offense.

Amend § 118-13 Violations And Penalties (Sewers and Water – Water Meters and Safety Devices)

Any person, firm or corporation violating the foregoing sections of this article, or aiding, abetting or assisting in the violation of the foregoing sections of this article **is liable for a municipal infraction, subject to the penalties provided in § 1-14.B.5.c of the Town Code.** ~~shall upon conviction be guilty of a municipal infraction and be sentenced to pay a fine of not more than \$1,000 or be imprisoned for a period not to exceed six months, or both.~~

Amend § 123-2 Violations And Penalties (Smoking)

A violation of this chapter shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** ~~and the violator of this chapter shall be fined \$1,000, provided that a citation for the infraction is served upon the person in a manner prescribed by Article 23A, § 3 of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense, and each day a violation continues shall constitute a separate offense.~~

Amend § 129-16 Violations And Penalties (Solid Waste - Littering)

Violation of the provisions of this article shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.d of the Town Code.** ~~and said person or persons violating this article or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.~~

Amend § 129-38 Violations And Penalties (Solid Waste - Waste Collection)

Violation of the provisions of this article shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.d of the Town Code.** ~~and said person or persons violating this article or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 6-103 of the Local Government Article of the Maryland Annotated Code. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.~~

Amend § 129-43 Enforcement (Solid Waste - Pet Waste)

Violation of the provisions of this article shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.d of the Town Code.** ~~and said person or persons violating this article or any section thereof shall be subject to a fine of not to exceed \$500, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed~~

~~§500 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.~~

Amend § 134-9 Violations And Penalties (Streets and Sidewalks – Snow and Ice Removal)

~~Violation of the provisions of this article shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** and said person or persons violating this article or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.~~

Amend § 134-17.A Violations And Penalties (Streets And Sidewalks – Permits for Placement of Facilities And Utilities)

A. ~~For failure to comply with any provision of this article or the design manual, the penalty shall be a municipal infraction, **subject to the penalties provided in § 1-14.B.5.c of the Town Code.** punishable by fine specified in Section 304 of the Charter of the Town of Centreville. Each day such violation continues shall be considered a separate offense.~~

Amend § 138-9 Violations And Penalties (Subdivision Regulations)

Whoever, being the owner or agent of any land located within a subdivision, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning and Zoning Commission and recorded or filed in the office of the appropriate county clerk, **is liable for a municipal infraction, subject to the penalties provided in § 1-14.B.5.c of the Town Code,** for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction. Every act or omission in violation of these Regulations shall be punishable as provided in this section. Where such an act or omission is of a continuing nature, each and every day during which such act or omission continues shall be deemed a separate ~~misdemeanor~~ **municipal infraction.**

Amend § 145-25 Enforcement (Trees)

~~Violations of this chapter or failure to comply with any of its requirements shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** A person who violates this chapter or fails to comply with any of its requirements shall be subject to the penalties specified in Section 304 of the Charter. Each day such violation continues shall be considered a separate offense.~~

Amend § 148-2 Violations And Penalties (Urination in Public Places)

~~Violation of the provisions of this chapter shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to~~

the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 151-13 Violations And Penalties (Vehicles, Abandoned)

Violation of the provisions of this chapter shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** and said person or persons violating this chapter or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 154-14 Violations And Penalties (Vehicles And Traffic – Residential Parking Permits)

Violation of the provisions of this article shall constitute a municipal infraction, **subject to the penalties provided in § 1-14.B.5.a of the Town Code.** and said person or persons violating this article or any section thereof shall be subject to a fine of not to exceed \$1,000, provided that a citation is served upon said person or persons in the manner prescribed by § 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense. Each day such violation, as defined above, continues shall be considered a separate offense.

Amend § 158-2.A Violations And Penalties (Vehicles, Non-Self-Propelled)

A. Any person, firm or corporation violating any of the provisions of this chapter shall receive a citation, either in person or by having same placed in a conspicuous place on the vehicle, which he, she or it was using at the time of the violation of said provisions, to appear before the District Court of Queen Anne's County, to answer a charge of violating the provisions of this chapter; provided, however, that if the person, firm or corporation may appear at the Town Office of the Town of Centreville within the times and dates designated by Article I of Chapter 154, Vehicles and Traffic, and pay the fine or fines set forth in **Chapter 154 § 1-14.B.5.d of the Town Code;** the payment of such fine, shall have the effect of dismissing the citation.

Amend § 170-68 Violations And Penalties (Zoning)

- A. Any person, firm, or corporation who violates any of the provisions of this chapter or fails to comply with any of the requirements herein; or who constructs or alters any building not in accordance with plan approved under the regulations herein; or defaces, removes, or destroys an official warning, safety or stop work signs; or who interferes with or threatens, in any manner, any person engaged in the performance of a duty required by the terms of this chapter shall be guilty of a misdemeanor, **subject to the penalties provided in § 1-14.B.5.b of the Town Code.** and shall be liable to a fine not to exceed \$1,000 or imprisonment for not to exceed six months, or both, per day that the violations exist.
- B. All other violations of the provisions of this chapter or failure to comply with any of its requirements **including but not limited to construction or alteration of any building not in accordance with plans approved under regulations herein** shall constitute a municipal infraction **subject to the penalties provided in § 1-14.B.5.c of the Town Code.** Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the penalties specified in Section 304 of the Charter. Each day such violation continues shall be considered a separate offense.

- C. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be **subject to the penalties provided in A and B above**. ~~found guilty of a separate offense and suffer the penalties herein provided.~~
- D. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

DRAFT