

Commissioners of Bel Air
Agenda
March 4, 2019

Resolution No. 1126-19
Town Code Fines and Penalties

RECOMMENDED MOTION: "...that Resolution No. 1126-19, amending the Town's Code for Fines and Penalties, be received by the Board of Town Commissioners."

1. BACKGROUND

Chapter 1, Article II, entitled "Enforcement", of the Bel Air Town Code authorizes the Board of Town Commissioners to establish the violation fine and penalty for misdemeanors and municipal infractions.

2. PRIMARY ISSUES

Newly introduced and received Bel Air Town Code Chapter 465 Wireless Facilities and Utilities includes Section § 465-13 Penalty that incorporates the following language:

- A. For failure to comply with any provision of this chapter, the penalty shall be a municipal infraction payable to the Town in an amount determined through Resolution by the Bel Air Board of Town Commissioners.

Staff recommends that the municipal infraction fine amount be set at \$400 per day per infraction/violation.

3. DISCUSSION

The above change is reflected in the attached resolution.

4. RECOMMENDATION

The staff recommends that the Board of Town Commissioners receive Resolution No. 1126-19, amending the Town's Code for Fines and Penalties. A public hearing is scheduled for Monday, March 18, 2019 at Town Hall, 39 N. Hickory Avenue, Bel Air, Maryland 21014 at 7:30pm.

RESOLUTION NO. 1126-19 NO. 1121-18
AMENDING RESOLUTION NO. 1121-18 NO. 1030-14
TOWN CODE FINES AND PENALTIES

WHEREAS, Chapter 1, Article II, entitled "Enforcement", of the Bel Air Town Code authorizes the Board of Town Commissioners to establish the violation fine and penalty for misdemeanors and municipal infractions; and

WHEREAS, the Board of Town Commissioners desire to adopt fines related to municipal infractions related to Chapter 465 Small Cell Wireless Facilities Section § 465-13 Penalty amend fines related to municipal infractions of Chapter 122 Alarm Systems, Article I Burglar Alarms, Section § 122-8 False Alarm Fines; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Town Commissioners that the following fines and penalties are hereby adopted for the Bel Air Town Code:

CHAPTER & SECTION	TYPE	PROPOSED
Ch 37, § 37-25 Election	Misdemeanor	\$250 or imprisonment for a period of 60 days, or both.
Ch 43 § 43-5; §43-6; §43-7	Misdemeanor	Failure to timely file: financial disclosure \$2/day, maximum \$250; lobbyist registration/report \$10/day, maximum \$250. A lobbyist violation of Chapter 43, the fine is not to exceed \$2,000/violation. Official or employee violation of the Conflict of Interest, \$2,000/violation. An official or employee violation of Chapter 43, the fine is \$5,000 or imprisonment for 1 year.
Ch 115 § 115-7 Address Numbers	Municipal Infraction	\$25.
Ch 122, § 122-8, False Alarm Fines	Municipal Infraction	Each calendar year: 3 rd to 9 th false alarm \$25 \$75 each; 10 th false alarm \$100; 11 th or more false alarms \$200 each. No alarm application additional fine \$50 per alarm.
Ch 128 § 128-5, Amusements	Municipal Infraction	\$50.
Ch 134, Article I, Animals	Municipal Infraction	\$50.
Ch 145 § 145-7(A)(25) Building Code	Misdemeanor	\$1,000 or imprisonment for a period of 90 days, or both
Ch 165, Article II & III Sign and Development Regulations	Misdemeanor	\$400.
Ch 180 § 180-10 Electrical Standards	Misdemeanor	\$1,000 or imprisonment for a period of 90 days, or both.
Ch 198 § 198-1 & 198-2; Discharge of Firearms & Stun Guns	Misdemeanor	\$250 or imprisonment for a period of 60 days, or both.
Ch 198 § 198-3 & 198-4; Discharge/Sale of Fireworks & Keeping/Storage of Explosives	Municipal Infraction	\$250.
Ch 204, Article I, § 204-2, Fire Lanes	Municipal Infraction	\$200.
Ch 204, Article II, § 204-10 Residential Sprinkler Systems	Municipal Infraction	\$1,000.
Ch 210, § 210-13, Floodplain Management, Permit	Misdemeanor and/or municipal infraction – Permit Infraction.	\$500 or imprisonment for a period of 90 days, or both.
Ch 216, § 216-23(A), Forest Conservation, Noncompliance Fine	Set per square foot of the area in noncompliance	Noncompliance \$.40/sq ft of forest cut or cleared; Forest Conservation Fund \$.40/sq ft of area of planting.
Ch 216, § 216-23(B) Forest Conservation	Municipal Infraction	\$1,000.
Ch 223, Fortune-Telling	Municipal Infraction	\$100.
Ch 240, Health and Sanitation - Article I, Nuisances	Municipal Infraction	\$200.
Ch 240, Article II, Litter Control	Municipal Infraction	\$200.
Ch 240, Article III, Refuse, Garbage and Weeds	Municipal Infraction	\$200.
Ch 240, § 240-26(A)(7) Nonexclusive franchises to commercial operators	Municipal Infraction; subsequent offense is a Misdemeanor	\$200. \$500 or imprisonment for a period of 90 days, or both.
Ch. 240, Article V, Misc. Regulations	Municipal Infraction	\$200.
Ch 246, § 246-12 Historic Preservation	Municipal Infraction	\$400.

Ch 252, § 252-5, Hotels	Misdemeanor	\$50 or imprisonment for a period of 10 days, or both.
Ch 272, § 272-9, Itinerant Merchants, Vendors and Solicitors	Municipal Infraction	\$100.
Ch 301, § 301-31, Livability Code	Misdemeanor	Property owner \$500 or imprisonment for a period of 90 days, or both.
Ch 301, § 301-56(B), Tenants	Municipal Infraction	\$200.
Ch 334, § 334-18, Parks and Recreation	Municipal Infraction	\$100.
Ch 339, Pawnbrokers	Misdemeanor	\$250.
Ch 345, Article I, Noise	Municipal Infraction	\$200.
Ch 345, Article II, § 345-8, 345-9, 345-10 and 345-11	Misdemeanor	\$250 or imprisonment for a period of 60 days, or both.
Ch 345, Article II, § 345-13 and 345-14 Wagering, Betting and Alcoholic Beverages	Municipal Infraction	\$200.
Ch 345, Article III, Obscene Performance	Misdemeanor	\$100 or imprisonment for a period of 30 days, or both
Ch 353, § 353-9, Plumbing and Gas Fitting Standards	Misdemeanor	\$1,000 or imprisonment for a period of 90 days, or both.
Ch 364, § 364-13, Property Maintenance	Municipal Infraction	\$200.
Ch 397, Article I, § 397-25, Sewers and Sewage Disposal	Municipal Infraction	\$200.
Ch 397, Article II, § 397-37 Pretreatment Standards	Misdemeanor	\$1,000 or imprisonment for a period of 6 months, or both.
Ch 407, Article IV, § 407-13(F) Violations, Enforcement, and Penalties	Municipal Infraction	\$200.
Ch 410, Article I, § 410-6, Streets and Sidewalks	Municipal Infraction	\$200.
Ch 410, Article III, § 410-19, Stands, Carts or Displays on Sidewalks	Municipal Infraction	\$200.
Ch 410, Article IV, § 410-26 Newsracks	Municipal Infraction	\$200.
Ch 410, Article V, Public Utilities	Municipal Infraction	\$200.
Ch 420, § 420-13, Tattooing	Misdemeanor	\$500 or imprisonment for a period of 90 days, or both.
Ch 424, Taxicabs	Municipal Infraction	\$50.
Ch 435, § 435-16, Trees	Municipal Infraction	\$200.
Ch 465 Small Cell Wireless Facility, § 465-13 Penalty	Municipal Infraction	\$400 per day per infraction/violation

* Fines for Chapter 450, Vehicles and Traffic, are stated in resolution No. 1097-17.

AND BE IT FURTHER RESOLVED that this Resolution shall become effective on January 1, 2019.

INTRODUCTION: March 4, 2019 ~~November 19, 2018~~
PUBLIC HEARING: March 18, 2019 ~~December 3, 2018~~
ENACTMENT: ~~December 3, 2018~~
EFFECTIVE: January 1, 2019

AYES: Commissioners Chmielewski, Einhorn, Hopkins, Richards and Burdette
NAYS: None
ABSENT: None

Susan U. Burdette, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk