

Commissioners of Bel Air
Agenda
January 21, 2020

Resolution No. 1142-20

DESIGNATION OF TOWN COUNSEL TO PROSECUTE MUNICIPAL INFRACTION

RECOMMENDED MOTION: "... Resolution No. 1142-20 Designation of Bel Air Town Counsel to prosecute a municipal infraction be approved by the Board of Town Commissioners.

I. BACKGROUND

Title 6 of the Local Government Article defines Municipal Infractions as a civil offense. These are misdemeanors that can be punishable by up to six months imprisonment, up to a \$1000 fine or both. Examples of these infractions may be a zoning violation such as improper signs or violation of an ordinance such as littering. The Town of Bel Air only applies fines for such offences which vary from \$50 to \$1000. Municipalities in Maryland must apply the requirements outlined in Title 6 concerning written notice, the service of citation/summons, and prosecution of a municipal infraction.

II. PRIMARY ISSUES

The Town of Bel Air typically works with a property owner regarding a potential municipal infraction by favoring abatement of the issue rather than a fine. The process the Town follows prior to issuing a citation is outlined in the attachment. It is rare that a property owner will not observe a Town ordinance and choose to go to court. However, Title 6 is clear that if a situation cannot be resolved and the Town must issue a Municipal Infraction, the process is as follows:

- The Town serves a civil citation enforcing the applicable fine unless the defendant elects to stand trial, or the Town serves a summons to the property owner to appear in District Court
- The court may order payment of the fine (which may include additional court or other costs), order abatement of the infraction, suspend or defer the fine

In order for Bel Air to have the option of proceeding with enforcement of a municipal infraction, the following action must be taken by the Town Board.

III. DISCUSSION/EXPLANATION

Section 6-108 of the Maryland Annotated Code allows for the Town to designate an attorney to prosecute a municipal infraction in the same manner as the State's Attorney. Resolution 1142-20 affirms the designated Bel Air Town Counsel will prosecute municipal infractions in the Town. This action simplifies the process and allows for a more efficient enforcement of the code.

IV. RECOMMENDATION

Staff recommends that Resolution 1142-20, Designation of Town Counsel to prosecute a municipal infraction be approved by the Board of Town Commissioners.

RESOLUTION NO. 1142-20

**TOWN OF BEL AIR
DESIGNATION OF ATTORNEY TO PROSECUTE MUNICIPAL INFRACTIONS**

WHEREAS, Section 6-108(b) of the Local Government Article of the Annotated Code of Maryland provides that a municipality may designate an attorney to prosecute a municipal infraction in the same manner as the State's Attorney for a county.

NOW, THEREFORE, BE IT RESOLVED the Board of Town Commissioners hereby designates the Bel Air Town Counsel as attorneys who may prosecute a municipal infraction on behalf of the Town of Bel Air in the same manner as the State's Attorney for Harford County.

AND BE IT RESOLVED that this Resolution shall take effect on the ____ day of _____, _____.

PASSED AND APPROVED: _____

AYES:

NAYS:

ABSENT:

Amy G. Chmielewski, Chair
Board of Town Commissioners

Michael L. Krantz
Town Clerk