

DO NOT
TO READ

ORDINANCE NO. 51

**AN ORDINANCE OF THE COMMISSIONERS OF
MARDELA SPRINGS TO ESTABLISH AND DECLARE
VIOLATIONS OF CERTAIN ORDINANCES TO BE
MUNICIPAL INFRACTIONS AND TO SET A
SPECIFIC FINE FOR SUCH VIOLATIONS**

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE
COMMISSIONERS OF MARDELA SPRINGS, as follows:

SECTION ONE - Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

Municipal Infraction - Any violation of an Ordinance of the Town of Mardela Springs. Which violation has been specifically declared to be an infraction. For purposes of this Ordinance, an "Infraction" is a civil offense.

SECTION TWO - Declaration as infraction; violations and penalties.

The Commissioners of Mardela Springs shall, by official act, declare the violation of which ordinance or ordinances shall be infractions and for each such violation, a specific fine shall be set. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by the Commissioners to any other administrative or legislative body.

SECTION THREE - Issuance of citation.

Those code enforcement officials authorized by the Commissioners to enforce this Code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the Town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum the following information:

- A. The name and address of the person charged.
- B. The nature of the infraction.
- C. The location and time that the infraction occurred or was observed.
- D. The amount of the infraction or fine assessed.
- E. The manner, location and time in which the fine may be paid to the Town.

- F. The person's right to elect to stand trial.
- G. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

SECTION FOUR: Payment of fine.

The fine is payable by the recipient of the citation to the town within ten (10) calendar days of receipt of the citation.

SECTION FIVE: No formal hearing by Town.

The Town shall not conduct any formal hearing for those persons in receipt of a citation. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

SECTION SIX: Election to stand trial.

A person receiving the citation may elect to stand trial for the offense by notifying the Town in writing of his intention of standing trial. The notice shall be given at least five (5) days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the Town shall forward to the District Court having venue, a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the district court for violations shall be remitted to the general fund of the Town.

SECTION SEVEN: Failure to pay fine.

If a person receiving a citation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, the person is liable for the assessed fine. The Town may double the fine to an amount not to exceed \$1,000.00 and request adjudication through the District Court, including the demand for judgment or affidavit. The District Court shall promptly schedule the case for trial and summon the defendant to appear.

SECTION EIGHT: Conviction not criminal.

Conviction, whether by the District Court or by payment of the fine to the Town, is not a criminal conviction for any person nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

SECTION NINE. Rights of accused.

In any proceeding for a municipal infraction the accused shall have the same rights as for the trial of criminal cases. He shall have the right to cross-examine witnesses against him, to testify or introduce evidence in his own behalf and to be represented by an attorney of his own selection and at his own expense.

SECTION TEN: Waiver of fines; authority to issue citations; violations and penalties; repealer.

A. Those persons of departments authorized to administer and enforce this chapter have the privilege to waive any fine contained herein not imposed by any court if it can be established by uncontroverted evidence that the citation for the offense was issued erroneously and the President of the Commissioners authorizes such Waiver.

for B. The following persons shall have the authority to issue citations municipal infractions.

- (1) Building Inspector
- (2) Code Enforcement Officer

each initial C. The violations of the following codes and ordinances are hereby declared to be a municipal infraction, and the penalty for such violations shall be Five Hundred Dollars (\$500.00) for offense and One Thousand Dollars (\$1000.00) for each repeat offense, and each day the violation continues shall constitute a separate offense.

- (1) Zoning Code
- (2) International Residential Code as adopted by the Commissioners
- (3) International Property Maintenance Code as adopted by the Commissioners
- (4) Landlord Licensing Ordinance

D. The penalty provisions of any of the codes, ordinances or laws referred to in this Ordinance inconsistent with the penalty provisions of this Ordinance are hereby repealed.

SECTION ELEVEN: This Ordinance shall take effect from and after the date of its adoption.

The above Ordinance was introduced and read at the regular meeting of the Commissioners of Mardela Springs held on the 17th day of May, 2011 and having been published as required by law and a public hearing held thereon, was finally passed on the 21st day of June, 2011.

TOWN CLERK:

COMMISSIONERS OF MARDELA SPRINGS

Patricia Hooper

Eric S. Smith

Randy Place

Ulma F. Bailey

Jerrold Marshall