

Commissioners of Bel Air  
Agenda  
January 21, 2020

Resolution No. 1141-20

**DESIGNATION OF CODE ENFORCEMENT OFFICER**

**RECOMMENDED MOTION:** "... Resolution No. 1141-20 Designation of Code Enforcement Officer 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 a Town ordinance such as littering. The Town of Bel Air only applies fines for such offences which vary from \$50 to \$1000 depending on the offense. Towns and cities in Maryland are permitted to enforce municipal infractions provided they apply the requirements outlined in Title 6 concerning written notice, the service of citations/summons, and the 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 imposing 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), 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 6-103 of the Annotated Code of Maryland allows for the designation of an official authorized to act as an Enforcement Officer to serve a citation. Resolution 1141-20 designates the Director of Planning & Community Development and the Director of Public Works as Code Enforcement officers. This action simplifies the process and allows for a more efficient enforcement of the code.

**IV. RECOMMENDATION**

Staff recommends that Resolution 1141-20, Designation of Code Enforcement Officer be approved by the Board of Town Commissioners.

**RESOLUTION NO. 1141-20**

**TOWN OF BEL AIR  
DESIGNATION OF ENFORCEMENT OFFICER**

**WHEREAS**, Section 6-103, "Citations" of the Local Government Article of the Annotated Code of Maryland provides that "any official authorized by the legislative body of a municipality to act as an enforcement officer may serve a citation on a person:

- (1) who the official believes is committing or has committed a municipal infraction; or
- (2) on the basis of an affidavit that
  - (i.) cites the facts of the alleged infraction; and
  - (ii.) is submitted to a designated official of the municipality.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Town Commissioners hereby designates the Director of Planning and Community Development and the Director of Public Works as enforcement officers who may serve a summons on any owner, tenant, or occupant who the Director of Planning and Community Development and the Director of Public Works believes is committing or has committed a municipal infraction by violating Article II, Section 165-20D(1) of the Development Regulations of the Town of Bel Air.

**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