

**COTTAGE CITY COMMISSION
TOWN OF COTTAGE CITY**

ORDINANCE NO. 2019 - 04

AN ORDINANCE OF THE TOWN OF COTTAGE CITY AMENDING CHAPTER 9 (TRAFFIC AND VEHICLES) OF THE CODE OF THE TOWN OF COTTAGE CITY REGARDING THE VARIOUS FINES BY AMENDING SECTION 9-11 TO PROVIDE A TABLE OF FINES FOR THE VARIOUS VIOLATIONS FOUND WITHIN THE PROVISIONS OF CHAPTER 9; BY PROVIDING FOR THE CHANGE OR MODIFICATION OF SAID FINES OR FEES BY WRITTEN RESOLUTION; AND GENERALLY RELATING TO THE REGULATION OF TRAFFIC AND VEHICLES

Introduced By: Commissioner-Chairman Young

WHEREAS, pursuant to Section 66 of the Town Charter, the Town has control of all public ways in the Town except those that are under the jurisdiction of the State Highway Administration, and subject to the laws of the State of Maryland and said charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, Section 25-102 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Cottage City, general power to regulate traffic by means of traffic control devices, to designate roadways as one-way highways, and to adopt such other traffic regulations as are allowed by law; and

WHEREAS, Section 25-109 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Cottage City, as to highways under its jurisdiction, general powers to designate through highways and place stop signs or yield signs at specified entrances to them, and designate any intersection as a stop intersection or as a yield intersection and place stop signs or yield signs at one of more entrances to the intersection; and

WHEREAS, Section 25-106 of the Transportation Article of the Maryland Code states that “[o]n every highway under its jurisdiction, a local authority shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic [and] each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration,” and

WHEREAS, the Cottage City Commission finds that the regulation of vehicular traffic is necessary to promote pedestrian and traffic safety, to advise motorists of the proper and safe use of the Town’s roadways, to protect the public and the residents from hazardous conditions, and to accomplish other purposes in furtherance of the public health, safety and welfare; and

CAPITALS	:	Indicate matter added to existing law	Page 1 of 4
[Brackets]	:	Indicate matter deleted from existing law	
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

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WHEREAS, the Cottage City Commission further finds that it is in the best interest of the Town and the general public's safety to eliminate a flat fine for traffic and parking violations as found within Chapter 9 of the Town Code, and instead prescribing various fines and fees based on the nature, magnitude or character of the violation.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that the Code of the Town of Cottage City as amended herein below is hereby enacted, adopted, revised and amended such that said Code and the provisions of said Code and particularly Section 9-11 (Violations) of Chapter 9 (Traffic and Vehicles) thereof shall henceforth read as follows:

**CHAPTER 9
TRAFFIC AND VEHICLES**

* * *

9-11. Violations

- A. Unless otherwise provided, any person or persons who shall fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation made under this chapter, shall, upon conviction thereof, be fined [~~not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00)~~] **AS FOLLOWS** for each offense.

VIOLATION	PROVISION	FINE
(1) NO PARKING ZONE	§9-5.G	\$35
(2) HANDICAP	§9-12.F	\$250
(3) DRIVE OR PARKED OVER CURB OR SIDEWALK	§9-6 & §9-8.G	\$50
(4) PARKED LEFT WHEEL TO CURB	§9-8.D	\$35
(5) PARKED >12" FROM CURB	§9-5.E	\$50
(6) PARKED IN FIRE LANE	§9-5.G	\$100
(7) PARKED WITHIN 15' OF FIRE HYDRANT	§9-5.D	\$50
(8) PARKED IN EXCESS OF 72 HOURS	§9-5.J	\$35
(9) FAILURE TO OBEY SIGN (PARKING)	§9-5.G	\$35
(10) FAILURE TO PARK IN DESIGNATED SPACE	§9-5.H & I	\$35
(11) PARKED WITHIN 20' OF STOP SIGN	§9-5.D	\$50
(12) PARKED WITHIN 20' OF INTERSECTION	§9-5.D	\$50
(13) PARKED OBSTRUCTING TRAFFIC	§9-5.I	\$50
(14) ABANDONED VEHICLE ON PRIVATE PROPERTY	§9-7.B	\$35
(15) COMMERCIAL VEHICLE IN RESIDENTIAL ZONE	§9-5.A	\$35
(16) DISPLAYING EXPIRED TAG/IMPROPER TAG	§9-5.K	\$35

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(17) ABANDONED OR UNREGISTERED VEHICLE	§9-7.B	\$35
(18) VEHICLE LEFT ABANDONED ON PUBLIC PROPERTY (>48 HRS.)	§9-7.B	\$35
(19) ALL OTHER VIOLATIONS OF CHAPTER 9 EXCEPT AS OTHERWISE SPECIFIED HEREIN.	CH. 9	\$35

~~[B. The fine for a violation of 9-7 abandoned vehicles, in addition to the fees outlined therein, shall be one hundred dollars (\$100.00) per vehicle.]~~

~~[C.]~~B. Moving violations. Any moving violations of this Chapter, shall be cited using the Maryland Uniform Complaint and Citation Form, and upon conviction, shall be fined and/or penalized in accordance with the schedule of fines and penalties determined by the State and set out in a document prepared by the Chief Administrative Judge of the District Court of Maryland and referred to as the "Schedule of Preset Fines and/or Penalty Deposits," as such document (Form #DC-CR-090) may be amended from time to time. Except for traffic control signal monitoring system violations as defined in Section 21-202.1 of the Transportation Article of the Maryland Annotated Code, a moving violation is any violation of this Chapter committed by the driver of a vehicle while it is being operated or is in motion at the time of the infraction, or as otherwise defined pursuant to § 11-136.1 of the Transportation Article of the Maryland Annotated Code and any regulations adopted by the State Highway Administration for the purpose of assessing points under § 16-402 of the Maryland Transportation Article.

C. THE COTTAGE CITY COMMISSION IS AUTHORIZED TO CHANGE, AMEND OR MODIFY ANY INDIVIDUAL FINE OR FEE OR ANY FINE OR FEE SCHEDULE FOR VIOLATIONS PRESCRIBED BY THIS CHAPTER BY WRITTEN RESOLUTION PROVIDED SAID RESOLUTION IS PUBLISHED AT LEAST THIRTY (30) DAYS IN ADVANCE IN THE TOWN NEWSLETTER OR IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN.

* * *

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1 of this Ordinance shall be codified and included within the Code of the Town of Cottage City.

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SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall become effective twenty (20) days following its passage.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this Ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the Town, and a fair summary of this Ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

SECTION 6.

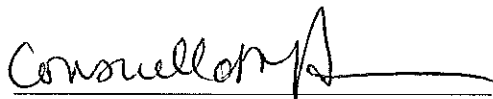
AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

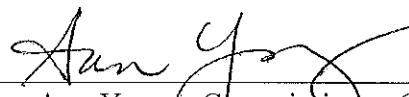
HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 10 day of July 2019, at 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Ordinance No. 2019-04 was passed by the required yea and nay votes of the Cottage City Commission on the 10th day of July 2019.

ATTEST:

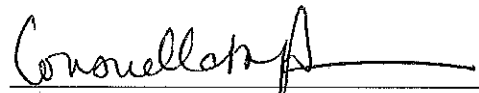
TOWN OF COTTAGE CITY, MARYLAND


Consuella Barbour, Town Manager

By: 
Ann Young, Commissioner-Chairman

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 10th day of July 2019 with 5 Aye votes and 0 Nay votes, the aforesaid Ordinance 2019-04 passed.


Consuella Barbour, Town Manager

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