



# Town of Berwyn Heights

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**MAYOR**  
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**COUNCIL MEMBERS**  
Jason W. Papanikolas (Mayor Pro Tem)  
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Ethan D. Sweep

## ORDINANCE NO. 179

**AN ORDINANCE TO TRANSFER ALL SPECIFIC DOLLAR AMOUNTS OF FEES AND FINES TO A COMPREHENSIVE FEES AND FINES SCHEDULE TO BE LISTED IN THE APPENDIX OF THE CODIFIED ORDINANCES OF THE TOWN AND THE TRANSFER OF INDIVIDUAL FEE AND FINE SCHEDULES TO THE SAME COMPREHENSIVE FEES AND FINES SCHEDULE.**

**WHEREAS**, Town Charter CHAPTER IV. POWERS OF THE COUNCIL Section 401. General Powers states that the Berwyn Heights Town Council shall have the power to pass all or any such ordinances not contrary to the Constitution and Laws of the State of Maryland, Prince George's County, or this Charter, as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection of the health, safety, comfort, convenience, and welfare of the residents of the Town and visitors thereto and sojourners therein; and

**WHEREAS**, Town Charter Section 605. Fees states that all fees, fines and other funds received by any official or employee of the Town in his official capacity shall belong to the Town and be accounted for by the Town Manager; and

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Berwyn Heights that the following ordinance changes shall be made:

**Ordinance 103: Budget** shall be amended to include

A. CONCURRENT WITH THE SUBMISSION OF THE PROPOSED ANNUAL BUDGET, THE TOWN COUNCIL SHALL ANNUALLY REVIEW A PROPOSED SCHEDULE OF FEES AND FINES SET BY RESOLUTION, A DOCUMENT SUMMARIZING THE COMPILED CURRENT AND PROPOSED FEES AND FINES, AND A PROPOSED RESOLUTION BY WHICH THE PROPOSED FEES ARE TO BE ADOPTED.

B. A PUBLIC HEARING ON THE ANNUALLY PROPOSED FEES AND FINES SCHEDULE RESOLUTION SHALL BE HELD AT THE SAME TOWN MEETING AT WHICH THE PUBLIC HEARING IS HELD FOR THE GENERAL FUND BUDGET.

C. ADDITIONAL CHANGES TO THE FEES AND FINES SCHEDULE MAY BE MADE AT TOWN MEETINGS OTHER THAN THE ANNUAL REVIEW CONDUCTED CONCURRENT WITH THE PROPOSED BUDGET VIA RESOLUTION, WITH THE HOLDING OF A PUBLIC HEARING TO BE AT THE DISCRETION OF THE TOWN COUNCIL.

## **Ordinance 105: Business Licenses**

### **Fines Section 3. Annual Renewal of Licenses.**

Business Licenses shall be valid for one year, from July 1 through June 30, and must be renewed annually. The Town shall notify all business establishments operating within the Town of the business license application requirement and fee in writing. An application not filed and/or fees not paid within 30 days from the date of the letter sent to the business establishment will be subject to a penalty and will be subject to an additional penalty for each month or partial month the business license application is not filed and/or fee is not paid after 60 days from the date of the letter sent to the business establishment. Any business establishment that fails to file an application or pay the business license fee can be reported to the Maryland Office of the Comptroller, Maryland State Department of Assessment & Taxation Personal Property Tax Division, and the Clerk of the Circuit Court in Prince George's County. A business license is not transferable to a new owner or operator of an existing business. Licenses granted for a period after December 31 will be prorated at one-half the scheduled rate.

### **Section 8. Violation.**

Violation of any provision of this Ordinance shall be a municipal infraction. There shall be a penalty for each violation for each initial offense and a separate penalty for each repeat offense. Failure to apply for this license and pay the required fees within the specified time frame as indicated in this Ordinance shall constitute a violation. Such violation shall not be considered corrected until the required application is filed and proper fee paid. If an application has not been filed, nor the proper fees paid after the elapse of a 30-day period following the initial due date as stated in the letter of notification, this shall constitute a separate offense. The Mayor and Town Council reserve the authority to change the penalties of this ordinance from time to time by resolution.

## **Ordinance 106: Cable Television**

### **5. FILING FEES.**

(a) To be acceptable for filing, any application of the type listed below submitted after the effective date of this Ordinance shall be accompanied by a nonrefundable filing fee, payable to the Town, to cover costs incidental to the awarding or enforcement of the franchise, as appropriate:

## **Ordinance 107: Clean Lot**

### **Fines: Section 6. Notice of Violation of Standards and Penalty for Violations**

#### **A. 5. Contain:**

b. The requirement that the violation must be fully corrected within the timeframe, as specified in Section 6. E. of this Ordinance. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Berwyn Heights. Fines for failure to take remedial action shall be established by resolution of the Town Council and shall not exceed the amount of the allowable municipal infraction allowed by the State. Failure to pay fine(s) will result in the amount of any fine(s) imposed to be collected in the same manner as delinquent Town taxes.

## **Ordinance 110: Ethics**

### **Section 8. Enforcement.**

a) The Commission may:

- 1) Assess a late fee for a failure to timely file a financial disclosure statement required under §6 or §7 of this Ordinance;
- 2) Assess a late fee for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this Ordinance;

## **Section 8. Enforcement.**

a) The Commission may:

C) Impose a fine for any violation of the provisions of this Ordinance, with each day upon which the violation occurs constituting a separate offense.

## **Ordinance 111: Municipal Infractions**

### **Fines Section 2. General Penalties**

A. Infraction. - Any person found guilty of violating a provision of the Town Ordinances, which violation is an infraction as declared shall be assessed a fine. The fine shall be paid by the offender to the Town within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed an additional fine for each repeat offense. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense.

B. Misdemeanor. Unless otherwise provided herein, any person found guilty of violating any provision of the Town Ordinances, which violation is a misdemeanor as defined herein, shall be subject to a fine and imprisonment not to exceed thirty (30) days or both such fine and imprisonment. Each day such violation continues shall constitute a separate offense.

## **Section 3. Declaration as Infraction**

The Mayor and Town Council shall, by official act, declare the violation of which ordinance or ordinances shall be an infraction, or infractions, and for each such violation a specific fine shall be set. An additional fine shall be set for each repeat or continuing violation. 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 Mayor and Town Council to any other administrative or legislative body.

## **Ordinance 112: Parks & Public Property Regulations**

**Section 3. Violation** - Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment for a term not exceeding thirty (30) days or both, in the discretion of the court.

## **Ordinance 114: Peace, Order and Nuisances**

**Section 6. Violation** - Violation of any provision of this Ordinance shall be a municipal infraction.

## **Ordinance 117: Refuse Collection**

### **Section 10. Violations, Repeat Violations, Fines, Imported Refuse Fines, and Abatement**

**D. Imported Refuse Fines** – Violation of the Imported Refuse provisions of this Ordinance shall carry a fine for each occurrence per day and violation may be abated by the Town within Twenty-four (24) hours after issuance of a “Violation Notice.”

## **Ordinance 119: Traffic and Parking**

### **Section 6. Penalties**

**A. Misdemeanor** - Violation of any provision of this Ordinance shall be deemed a misdemeanor and any person convicted of such violation shall be fined.

## **Ordinance 120: Licensing of Rental Units**

### **Section 10. Notice of Violations and Penalty for Violations**

**5. b.** In cases where remedial action is appropriate, the notice shall contain the requirement that the violation must be fully corrected within twenty (20) business days from the date of the notice and that, in the event the property owner or agent fails to do so within the twenty (20) business-day period, a

second notice shall be sent advising of the imposition of a charge payable to the Town. In the event the violation is not fully corrected within twenty (20) business days after this second notice, a third notice shall be sent advising of the imposition of a further charge. Each additional ten (10) business days thereafter that this violation exists will constitute an additional charge. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Berwyn Heights. Fines for failure to take remedial action shall be established by Resolution of the Town Council and shall not exceed an amount for each violation allowable by the Annotated Code of Maryland for a municipal infraction.

#### **Section 10. Notice of Violations and Penalty for Violations**

**A.** Whenever the Code Official determines that there has been or is a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Code Official shall give notice of such violation to the property owner or agent, if applicable, as herein after provided.

**5.** Such notice shall:

**c.** In all other cases, contain the amount of the fine, which shall be assessed according to a schedule established by Resolution of the Town Council and shall not exceed an amount for each violation allowable by the Annotated Code of Maryland for a municipal infraction. The Town reserves the right to either revoke a rental license or deny renewal of a rental license for violations of this Ordinance.

**BE IT FURTHER ORDAINED** that if any sections or provisions or parts of this Ordinance shall be adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of this Ordinance as a whole or any other section or provision or part thereof; and

**BE IT FURTHER ORDAINED** that the Town Council of the Town of Berwyn Heights on this 14<sup>th</sup> day of August 2019 does hereby adopt Ordinance 179 – a Comprehensive Fee & Fine Schedule; and

**BE IT FURTHER ORDAINED** by the Town Council of the Town of Berwyn Heights that this Ordinance shall become effective on September 3, 2019, after having been read at two (2) successive Town Meetings on July 10, 2019 and August 14, 2019, pursuant to Section 311 of the Town Charter, unless within (20) days after its passage a Referendum Petition is filed with the Town Manager. If such Petition is filed, this Ordinance shall be held in abeyance pending the outcome of a special election.