

Section 14.02 Code Violations

1. Definitions.

MUNICIPAL INFRACTION. The violation of any ordinance or code provision specifically declared to be punishable as a municipal infraction and not otherwise deemed to be a criminal offense under state or county law; a municipal infraction is a civil offense.

2. Abatement Of Public Nuisances. If any person shall fail to abate any public nuisance condition (which public nuisance condition shall include any violation of Article XIV, Section 14.01 paragraphs (c), (d), (e), (f), (g), (h), (j), or (k)), after receipt of the Town of Burkittsville's notice to abate within a reasonable time as may be specified in such notice, then the condition may be abated by the Town at the expense of the person named in such notice. Abatement by the Town shall not bar the prosecution of the person responsible for the condition abated.

3. Municipal Infraction Procedures.

1. Declaration Of Municipal Infractions. The Town Council shall be ordinance declare the violation of which code or ordinance provisions shall be municipal infractions.

2. Issuance Of Citation For Municipal Infractions. Those enforcement officials authorized by the Town Council to enforce town ordinances may deliver a citation to any person alleged to be committing a municipal infraction. This includes, but is not limited to, a person appointed by the Mayor and approved by the Town Council to serve as a "Code Enforcement Officer" of the Town of Burkittsville. The issuing officer shall file copies of any such citation in the office of the Town Clerk/Treasurer. Citations issued under this ordinance shall contain the following information:

1. Name and address of the person charged.
2. The nature of the infraction.
3. The location and time that the infraction occurred.
4. The amount of the infraction fine assessed and the amount which shall be due upon failure to make timely payment.
5. The manner, location and time in which the fine may be paid to the Town of Burkittsville.

6. The right of the accused to elect to stand trial for the municipal infraction.
3. **Payment Of Fine.** The fine is payable by the recipient of the citation to the Town Clerk/Treasurer within twenty (20) calendar days of receipt of the citation.
4. **No Formal Hearing.** The Town shall not conduct any formal hearing for those persons in receipt of a citation for a municipal infraction. 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 municipal infraction.
5. **Election To Stand Trial.** A person who receives a citation for an infraction may elect to stand trial for the offense by giving written notice to the Town Clerk at least five (5) days prior to the date by which payment shall be required under the citation. Upon receipt of such notice the Town Clerk/Treasurer shall forward to the District Court of Maryland for Frederick County a copy of the citation indicating the recipient's intention to stand trial.
6. **Failure To Pay Fine.** Upon failure of a person to pay the fine noted on the citation when required, the Town Clerk/Treasurer shall give written notice of the infraction and the recipient's of the citation's failure to pay the required fine on time. If the fine on the citation has not been satisfied within fifteen (15) days from the date of the notice from the Town Clerk/Treasurer, the recipient of the citation shall be liable for an additional fine not to exceed twice the original fine. If the recipient of the citation has not made payment of the fine noted thereon within thirty-five (35) days from the date of the notice from the Town Clerk/Treasurer, the Town may request adjudication of the case in the District Court of Maryland for Frederick County, which shall thereupon schedule the case for trial and summon the recipient of the citation to appear. The recipient's failure to respond to such summons shall be contempt of court.
7. **Rights Of Accused.** In any proceeding for municipal infraction, the accused shall have the right to cross-examine witnesses, to testify or introduce evidence, and to be represented by an attorney of his or her own selection and at his or her own expense.

4. Penalties.

1. **General Municipal Infraction Penalties.** The general penalty for commission of a municipal infraction shall be fifty dollars (\$50.00) unless another fine has been enumerated.
2. **Continuing Violations.** Each day a violation of this Code or any Town Ordinance continues, shall, unless otherwise provided, constitute a separate or repeat offense.