

**Title 1**

**GENERAL PROVISIONS**

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**Chapter 1.04  
GENERAL PROVISIONS**

**Chapter 1.01  
CODE ADOPTION  
  
(Reserved)**

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- 1.04.030 Grammatical interpretation.**
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**1.04.010 Definitions.**

The following words and phrases, whenever used in the ordinances of the Town of Elkton, shall be construed as defined in this section unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“Board” means the Mayor and Commissioners of the Town of Elkton.

“County” means the county of Cecil.

“Law” denotes applicable federal law, the Constitution and statutes of the state of Maryland, the ordinances of the town, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” includes money, goods, chattels, things in action and evidence of debt.

“Preceding” and “following” means next before and next after, respectively.

“Property” includes real and personal property.

“Real property” includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curblin and adjacent property line intended for the use of pedestrians.

“State” means the state of Maryland.

“Street” includes all streets, highway, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

“Year” means a calendar year. (Added during 1996 codification)

#### **1.04.020 Interpretation of language.**

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1996 codification)

#### **1.04.030 Grammatical interpretation.**

The following grammatical rules shall apply in the ordinance of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 1996 codification)

#### **1.04.040 Acts by agents.**

When an act is required by an ordinance, the same being such that it may be done as well by an agents as by the principal, such requirement shall be construed to included all such acts performed by an authorized agent. (Added during 1996 codification)

#### **1.04.050 Prohibited acts include causing and permitting.**

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Added during 1996 codification)

#### **1.04.060 Computation of time.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day in Sunday or a holiday, in which case it shall also be excluded. (Added during 1996 codification)

#### **1.04.070 Construction.**

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Added during 1996 codification)

#### **1.04.080 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1996 codification)

## Chapter 1.08

### GENERAL PENALTY

#### Sections:

**1.08.010 Definitions.**

**1.08.020 Declaration as infraction – Fine.**

**1.08.030 Issuance of citation.**

**1.08.040 Payment of fine.**

**1.08.050 No formal hearing by town.**

**1.08.060 Election to stand trial.**

**1.08.070 Failure to pay fine.**

**1.08.080 Conviction not criminal offense**

**1.08.090 Court proceedings and rights of accused.**

**1.08.010 Definitions.**

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

“Infraction” means any violation of this code, which violation has been specifically declared to be an infraction. For purposes of this code, an “infraction” is a civil offense.

“Misdemeanor” means:

1. A criminal offense, not amounting to a felony, arising from a violation of a law of the state, which violation of a law of the state, which violation is defined as a misdemeanor; or;

2. Unless otherwise specified, a violation of any law of this town. All violations of this code shall be treated as misdemeanors unless specifically declared to be infractions. (Prior code § 16-1)

**1.08.020 Declaration as infraction–Fine.**

The board of commissioners 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. This fine shall never exceed one hundred dollars (\$100.00) for any single, initial violation or two hundred dollars (\$200.00) 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 board of commissioners to any other administrative or legislative body. (Prior code § 16-2)

**1.08.030 Issuance of citation.**

Those enforcement officials authorized by the board of 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 officials attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum the following information:

A. 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 fine assessed;

E. The manner, location and time in which the fine may be paid to the town;

F. The right if the accused to stand trial for the infraction. (Prior code § 16-3)

**1.08.040 Payment of fine.**

The fine for an infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the town within twenty (20) calendar days of receipt of the citation. (Prior code § 16-4)

**1.08.050 No formal hearing by town.**

The town shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. The provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction. (Prior code § 16-5)

**1.08.060 Election to stand trial.**

A person receiving the citation for an infraction 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 days prior to the date of payment as set forth in the citation. Upon receipt of the notice of this intention to stand trial, the town shall forward to the district court for Cecil County a copy of the notice form the person who received the citation indicating this intention to stand trial. Upon receipt of the citation, the district court shall schedule the case for the trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the district court for violations for infractions shall be remitted to the general fund of the town. (Amended during 1996 codification; prior code § 16-7)

**1.08.070 Failure to pay fine.**

If a person receiving a citation for an infraction fails to pay the fine for the infraction 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, a formal notice of the infraction shall be sent to the offender's last known address. If the citation has not been satisfied within fifteen (15) days from the date of the notice, he shall be liable for an additional fine not to exceed twice the original fine. If after thirty-five (35) days the citation has not been satisfied, the town may request adjudication of the case through the district court. The district court shall promptly schedule the case the case for trial and summon the defendant to appear. (Prior code § 16-7)

**1.08.080 Conviction not criminal offense.**

Conviction of a municipal infraction, whether by the district court or by payment of the fine to the town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Prior code § 16-8)

**1.08.090 Court proceedings and right 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 selection and at his own expense. (Prior code § 16-9)