
By: **Prince George's County Delegation and Montgomery County
Delegation**

Introduced and read first time: February 9, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Fine for**
3 **Erecting a Structure or Enclosing an Area**
4 **PG/MC 110-06**

5 FOR the purpose of increasing the maximum amount of the pre-set fine that the
6 Maryland-National Capital Park and Planning Commission may impose for a
7 Commission infraction of unauthorized enclosure of an area or erection of a
8 structure on Commission property; increasing the maximum amount of the fine
9 that may be imposed if a person is found by the District Court to have
10 committed a Commission infraction of unauthorized enclosure of an area or
11 erection of a structure on Commission property; and generally relating to the
12 Maryland-National Capital Park and Planning Commission.

13 BY repealing and reenacting, with amendments,
14 Article 28 - Maryland-National Capital Park and Planning Commission
15 Section 5-113
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2005 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 28 - Maryland-National Capital Park and Planning Commission**

21 5-113.

22 (a) The Commission may make rules and regulations for the government and
23 use of all land or other property acquired by it or under its jurisdiction. It shall cause
24 these rules and regulations to be posted outside each park headquarters building,
25 community center, recreation center, or similar building in a developed park area.
26 Following their promulgation, they shall be published at least three times within 60
27 days, in one or more newspapers published in the metropolitan district, and the
28 posting and publication shall be sufficient notice to all persons. The sworn certificate

1 of any member of the Commission of the posting and publication shall be prima facie
2 evidence thereof.

3 (b) (1) Any violation of a rule or regulation is a "Commission infraction"
4 unless the violation is declared by law to be a criminal offense. For the purpose of this
5 article, a Commission infraction is a civil offense.

6 (2) Commission police officers may deliver a citation to any person whom
7 they adjudge to be committing a Commission infraction. A copy of the citation shall be
8 retained by the issuing authority and shall bear his certification attesting to the truth
9 of the matter therein set forth. The citation shall also contain:

- 10 (i) Name and address of the person charged;
- 11 (ii) The nature of the infraction;
- 12 (iii) The location and time that the infraction occurred;
- 13 (iv) The amount of the infraction fine assessed;
- 14 (v) The manner, location, and time in which the fine may be paid to
15 the Commission; and
- 16 (vi) The person's right to elect to stand trial for the infraction.

17 (3) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH, A pre-set fine not to exceed \$50 may be imposed for each conviction of a
19 Commission infraction. The Commission is authorized to establish a schedule of
20 pre-set fines for each conviction of a Commission infraction, which is payable by the
21 recipient of the citation to the Commission within 20 calendar days of the receipt of
22 the citation. Repeat offenders may be assessed a pre-set fine not to exceed \$100 for
23 each repeat offense.

24 (II) FOR EACH CONVICTION OF THE COMMISSION INFRACTION OF
25 UNAUTHORIZED ENCLOSURE OF AN AREA OR ERECTION OF A STRUCTURE ON
26 COMMISSION PROPERTY, A PRE-SET FINE NOT TO EXCEED \$1,000 MAY BE IMPOSED
27 FOR EACH DAY THAT THE ENCLOSURE OR STRUCTURE REMAINS ON COMMISSION
28 PROPERTY.

29 (4) A person receiving the citation for a Commission infraction may elect
30 to stand trial for the offense by notifying the Commission of his intention of standing
31 trial. The notice shall be given at least 5 days prior to the date of payment as set forth
32 in the citation. Upon receipt of the notice of the intention to stand trial, the
33 Commission shall forward to the District Court having venue a copy of the citation
34 and the notice from the person who received the citation indicating his intention to
35 stand trial. Upon receipt of the citation, the District Court shall schedule the case for
36 trial and notify the defendant of the trial date. All fines, penalties, or forfeitures
37 collected by the District Court for Commission infractions shall be remitted to the
38 Commission.

1 (5) If a person receiving a citation for an infraction fails to pay the fine
2 for the infraction by the date of payment set forth on the citation and fails to file a
3 notice of his intention to stand trial for the offense, a formal notice of the infraction
4 shall be sent to the owner's last known address. If the citation has not been satisfied
5 within 15 days from the date of the notice, he shall be liable for an additional fine not
6 to exceed twice the original fine. If after 35 days the citation has not been satisfied,
7 the Commission may request adjudication of the case through the District Court. The
8 District Court shall thereupon promptly schedule the case for trial and summon the
9 defendant to appear. The defendant's failure to respond to the summons is contempt
10 of court.

11 (6) (I) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
12 PARAGRAPH, IF any person is found by the District Court to have committed a
13 Commission infraction, he shall be required to pay a fine in an amount not to exceed
14 \$50 or in the event that the infraction is a repeat offense, \$100.

15 (II) IF ANY PERSON IS FOUND BY THE DISTRICT COURT TO HAVE
16 COMMITTED THE COMMISSION INFRACTION OF UNAUTHORIZED ENCLOSURE OF AN
17 AREA OR ERECTION OF A STRUCTURE ON COMMISSION PROPERTY, THE PERSON
18 SHALL BE REQUIRED TO PAY A FINE IN AN AMOUNT NOT TO EXCEED \$1,000 FOR EACH
19 DAY THAT THE ENCLOSURE OR STRUCTURE REMAINS ON COMMISSION PROPERTY.

20 (7) Adjudication of a Commission infraction, as defined in this article, is
21 not a criminal conviction for any purpose, nor does it impose any of the civil
22 disabilities ordinarily imposed by a criminal conviction.

23 (8) In any proceeding for a Commission infraction before the District
24 Court, the violation shall be prosecuted in the same manner and to the same extent as
25 set forth for municipal infractions in Article 23A, § 3(b)(8) through (15), inclusive.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2006.