

**RESOLUTION FOR AN AMENDMENT
TO THE CHARTER OF THE
CITY OF CAMBRIDGE, MARYLAND**

CHARTER RESOLUTION NO. CR-2021-02

A RESOLUTION OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND §§ 4-302(1) AND 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE MARYLAND ANNOTATED CODE TO AMEND § 3-83 OF THE CHARTER OF THE CITY OF CAMBRIDGE FOR THE PURPOSES OF INCREASING THE MAXIMUM FINES FOR VIOLATIONS OF THE CITY CODE, INCLUSIVE OF THE UNIFIED DEVELOPMENT CODE, THAT ARE PUNISHABLE AS A MISDEMEANOR TO \$1,000.00 AND/OR UP TO SIX MONTHS' IMPRISONMENT AND INCREASING THE MAXIMUM FINES FOR SUCH VIOLATIONS THAT ARE PUNISHABLE AS MUNICIPAL INFRACTIONS TO \$1,000.00; PROVIDING THAT THE TITLE OF THIS CHARTER AMENDMENT RESOLUTION SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO MISDEMEANORS AND MUNICIPAL INFRACTIONS IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of Cambridge, as the legislative body of the City of Cambridge, Maryland (the "City"), are authorized and empowered to amend the Charter of the City of Cambridge (the "Charter"); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Commissioners of Cambridge or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Commissioners of Cambridge; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commissioners of Cambridge may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in the subtitle, is ordained or passed as in the usual course of considering resolutions in the City government, by a majority of the Commissioners of Cambridge, and the same shall be subject to the right of referendum; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 6-101 and 6-102, the Commissioners of Cambridge are authorized and empowered to provide that a violation punishable as a misdemeanor shall be subject to a fine of up to \$1,000.00 and/or up to six months' imprisonment and that a violation punishable as a municipal infraction shall be subject to a fine of up to \$1,000.00; and

WHEREAS, pursuant to § 3-83 of the Charter, the maximum penalties for a misdemeanor violation are \$500.00 and/or up to 90 days' imprisonment, and the maximum penalty for a municipal infraction is \$100.00; and

WHEREAS, the Commissioners of Cambridge are desirous of amending the Charter for the purposes of increasing the maximum fines for violations of the City Code, inclusive of the Unified Development Code, that are punishable as a misdemeanor to \$1,000.00 and/or up to six months' imprisonment and increasing the maximum fines for such violations that are punishable as municipal infractions to \$1,000.00; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 4-304(a)(2), a public hearing on the amendments to the Charter as set forth herein was held on _____, 2021, notice of which was published on _____, 2021 and _____, 2021 in the Star Democrat, a newspaper of general circulation in the City, with the first publication occurring more than 21 days prior to the public hearing; and

WHEREAS, the Commissioners of Cambridge, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF CAMBRIDGE, that pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301, et seq. of the Local Government Article of the Maryland Annotated Code, the Charter of the City of Cambridge (as published in Chapter 19, Volume 1 of Compilation of Municipal Charters) be, and the same is hereby, amended as follows:

SECTION 1. Section 3-83 of the Charter is hereby amended as follows:

Sec. 3-83. - Enforcement of ordinances.

- (a) To ensure the observance of the ordinances of the city, the council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding [five hundred dollars (\$500.00)] one thousand dollars (\$1,000.00) or imprisonment for [not exceeding ninety (90) days] not more than six (6) months, or both such fine and imprisonment. [Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the circuit court of the county in which the fine, forfeiture or penalty was imposed.] The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.
- (b) (1) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this section a municipal infraction is a civil offense.
- (2) A fine not to exceed [one hundred dollars (\$100.00)] one thousand dollars (\$1,000.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of [receipt] service of a

citation. Repeat offenders may be assessed a fine [not to exceed two hundred dollars (\$200.00)] double the amount of the initial fine, not to exceed one thousand dollars (\$1,000.00), for each repeat offense. [, and each] Each day a violation continues shall constitute a separate offense and subject to a separate fine.

- (3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.
- (4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

AND BE IT FURTHER RESOLVED that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and in *italicized* type, and deleted text is enclosed in [bold brackets]. Language added after the date of introduction is in italicized, boldface type and text deleted after the date of introduction is crossed out twice and enclosed in bold brackets.

AND BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Commissioners of Cambridge that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

AND BE IT FURTHER RESOLVED that, to the extent that any section of the Charter is in conflict with the provisions of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

AND BE IT FURTHER RESOLVED that the date of adoption of this Resolution is _____, 2021, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after adoption, or on _____, 2021, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after adoption, or on _____, 2021, as provided by law. A complete and exact copy of this Resolution shall be posted at City Hall, 410 Academy Street, Cambridge, Maryland 21613, or another main municipal building or public place, for a period of at least forty (40) days following its adoption, or until _____, 2021, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption, or between _____, 2021 and _____, 2021.

AND BE IT FURTHER RESOLVED that as soon as the Charter amendment enacted by this Resolution shall become effective, either as herein provided or following a referendum, the City Manager shall send by certified mail, return receipt requested, bearing a postmark from the

United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Commissioners of Cambridge or in a referendum; and (4) the effective date of the Charter amendment.

AND BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to carry out the provisions of the foregoing Recitals; and as evidence of compliance herewith, the City Manager shall cause to be affixed to the minutes of the Commissioners of Cambridge for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of this Charter Amendment Resolution shall have been published as provided herein; and (3) the return receipt of the mailing as provided herein.

This Charter Amendment Resolution was introduced at a public meeting of the Commissioners of Cambridge, held on the __ day of ____, 2021, and having been reviewed and considered for final action, was duly adopted on the __ day of ____, 2021.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

Andrew Bradshaw, Mayor

Introduced the __ day of ____, 2021

Adopted the __ day of ____, 2021

Effective the __ day of ____, 2021