
By: St. Mary's County Delegation

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Enforcement of Ordinances and Regulations**

3 FOR the purpose of authorizing the County Commissioners of St. Mary's County to
4 provide for the enforcement of certain ordinances, rules, and regulations in the
5 same manner and to the same extent as municipal infractions in the District Court;
6 authorizing the prosecution of certain violations of ordinances and resolutions of St.
7 Mary's County as misdemeanors in the District Court; providing for the prospective
8 application of this Act; and generally relating to the prosecution of violations of
9 ordinances and regulations of St. Mary's County.

10 BY repealing and reenacting, without amendments,
11 Article 23A - Corporations - Municipal
12 Section 3
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article 25 - County Commissioners
17 Section 10-I and 10J
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

20 BY adding to
21 Article 25 - County Commissioners
22 Section 10J-1
23 Annotated Code of Maryland
24 (1996 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article 66B - Zoning and Planning
27 Section 5.05 and 7.01
28 Annotated Code of Maryland
29 (1995 Replacement Volume and 1996 Supplement)

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

3 **Article 23A - Corporations - Municipal**

4 3.

5 (a) The legislative body of any municipality shall have power to provide that
6 violations of ordinances and resolutions authorized by this article shall be punishable as
7 misdemeanors, but no penalty shall exceed a fine of \$1,000 and imprisonment for 6
8 months. Imprisonment in default of fine and costs shall be regulated by the provisions of
9 Article 38, § 4 of the Code.

10 (b) (1) The legislative body of a municipality may provide that violations of any
11 municipal ordinance shall be a "municipal infraction" unless the violation is declared to
12 be a felony or a misdemeanor by State law. In addition, the legislative body of a
13 municipality may classify as a "municipal infraction": (i) a violation of any zoning or land
14 use ordinance or regulation authorized to be adopted or enacted by that municipality; and
15 (ii) littering within the municipality as prohibited under Article 27, § 468 of the Code. For
16 purposes of this article a municipal infraction is a civil offense.

17 (2) A fine not to exceed \$1,000 may be imposed for each municipal
18 infraction. The fine is payable to the municipality by the person charged in the citation
19 within 20 calendar days of service of the citation.

20 (3) (i) Those officials authorized by the legislative body of the
21 municipality to act as enforcement officers may serve a citation on any person:

22 1. Whom they believe is committing or has committed a
23 municipal infraction; or

24 2. On the basis of an affidavit submitted to an appropriate
25 official of the municipality, to be named by the municipality, citing the facts of the alleged
26 infraction.

27 (ii) The citation shall be served on the defendant:

28 1. In accordance with Rule 3-121 of the Maryland Rules; or

29 2. For real property-related violations, if proof is made by
30 affidavit that good faith efforts to serve the defendant under Rule 3-121(a) of the
31 Maryland Rules have not succeeded, by:

32 A. Regular mail to the defendant's last known address; and

33 B. Posting of the citation at the property where the infraction
34 has occurred or is occurring, and, if located within the municipality in which the
35 infraction has occurred or is occurring, at the residence or place of business of the
36 defendant.

37 (iii) The citation shall contain:

38 1. The enforcement officer's certification:

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1 A. Attesting to the truth of the matter set forth in the citation;
2 or

3 B. That the citation is based on an affidavit;

4 2. The name and address of the person charged;

5 3. The nature of the infraction;

6 4. The location and time that the infraction occurred;

7 5. The amount of the infraction fine assessed;

8 6. The manner, location, and time in which the fine may be paid
9 to the municipality;

10 7. The person's right to elect to stand trial for the infraction;
11 and

12 8. The effect of failing to pay the assessed fine or demand a
13 trial within the prescribed time.

14 (iv) The enforcement officer shall retain a copy of the citation.

15 (4) (i) If a citation is served without a summons as provided in paragraph
16 (6) of this subsection, the person charged in the citation may elect to stand trial for the
17 infraction by notifying the municipality in writing of the person's intent to stand trial. The
18 written notice shall be given at least 5 days prior to the date of payment as set forth in the
19 citation.

20 (ii) Upon receipt of the written notice of the intent to stand trial, the
21 municipality shall forward to the District Court having venue a copy of the citation and
22 the written notice.

23 (iii) Upon receipt of the citation and the written notice, the District
24 Court shall schedule the case for trial and notify the defendant of the trial date.

25 (5) (i) If a person charged in a citation fails to pay the fine by the date of
26 payment set forth on the citation and fails to deliver to the municipality the written notice
27 of intent to stand trial, the person is liable for the assessed fine.

28 (ii) The municipality may double the fine to an amount not to exceed
29 \$1,000 and request adjudication of the case through the District Court, including the
30 filing of a demand for judgment on affidavit.

31 (iii) The District Court shall promptly schedule the case for trial and
32 summons the defendant to appear.

33 (iv) The defendant's failure to respond to such summons shall result in
34 the entry of judgment against the defendant in favor of the municipality in the amount
35 then due if a proper demand for judgment on affidavit has been made.

36 (6) (i) 1. An enforcement officer may also serve a summons with a
37 citation that requires the person to appear in District Court on a specified date and time.

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1 2. The summons shall specify that the person is not required to
2 appear in District Court if the fine is paid as provided in the citation.

3 3. If approved by the Chief Judge of the Maryland District
4 Court, the citation form may contain the summons.

5 4. The enforcement officer shall coordinate the selection of
6 court dates with the appropriate District Court officials.

7 (ii) If the defendant fails to pay the fine as provided in the citation and
8 fails to appear in District Court as provided in the summons:

9 1. The municipality may double the fine to an amount not to
10 exceed \$1,000; and

11 2. The Court may enter judgment against the defendant in the
12 amount then due if the proper demand for judgment on affidavit has been made.

13 (7) If any person shall be found by the District Court to have committed a
14 municipal infraction:

15 (i) 1. The District Court shall order the person to pay the fine,
16 including any doubling of the fine, not to exceed the limits under paragraph (2) of this
17 subsection;

18 2. The fines imposed shall constitute a judgment in favor of the
19 municipality; and

20 3. If the fine remains unpaid for 30 days following the date of
21 its entry, the judgment shall be enforceable in the same manner and to the same extent as
22 other civil judgments for money unless the Court has suspended or deferred the payment
23 of the fine as provided under subparagraph (ii) of this paragraph;

24 (ii) The District Court may suspend or defer the payment of any fine
25 under conditions that the Court sets;

26 (iii) The person shall be liable for the costs of the proceedings in the
27 District Court; and

28 (iv) The Court may order the person to abate the infraction or enter an
29 order permitting a municipality to abate any such infraction at the person's expense.

30 (8) (i) If a municipality abates an infraction pursuant to an order of the
31 District Court, the municipality shall present the defendant with a bill for the cost of
32 abatement by:

33 1. Regular mail to the defendant's last known address; or

34 2. Any other means that are reasonably calculated to bring the
35 bill to the defendant's attention.

36 (ii) If the defendant does not pay the bill within 30 days after
37 presentment, upon a motion of the municipality, the District Court shall enter a judgment
38 against the defendant for the cost of the abatement.

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1 (9) All fines, penalties, or forfeitures collected by the District Court for a
2 municipal infraction shall be remitted to the municipality in which the infraction
3 occurred.

4 (10) If a defendant fails to pay any fine or cost imposed by the District Court
5 without good cause, the District Court may punish the failure as contempt of court.

6 (11) Adjudication of a municipal infraction, as defined in paragraph (1) of
7 this subsection, is not a criminal conviction for any purpose, nor does it impose any of the
8 civil disabilities ordinarily imposed by a criminal conviction.

9 (12) In any proceeding for a municipal infraction:

10 (i) It shall be the burden of the municipality to prove that the
11 defendant has committed the infraction by clear and convincing evidence, and in any such
12 proceeding, the District Court shall apply the evidentiary standards as prescribed by law
13 or rule for the trial of civil causes;

14 (ii) The District Court shall ensure that the defendant has received a
15 copy of the charges against the defendant and that the defendant understands those
16 charges;

17 (iii) The defendant shall be entitled to cross-examine all witnesses who
18 appear against the defendant, to produce evidence or witnesses in the defendant's own
19 behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;

20 (iv) The defendant shall be entitled to be represented by counsel of the
21 defendant's own selection and at the defendant's own expense; and

22 (v) The defendant may enter a plea of guilty or not guilty of the
23 infraction as charged, and the verdict of the District Court shall be guilty of a municipal
24 infraction or not guilty of a municipal infraction, or the District Court may, before
25 rendering judgment, place the defendant on probation.

26 (13) The court costs in a municipal infraction proceeding in which costs are
27 imposed are \$5. A defendant may not be liable for payment to the Criminal Injuries
28 Compensation Fund.

29 (14) The State's Attorney of any county is authorized to prosecute a
30 municipal infraction and is authorized to enter a nolle prosequi in such cases or to place
31 such cases on the stet docket.

32 (15) Notwithstanding the provisions of paragraph (14) of this subsection, a
33 municipality may designate an attorney to prosecute any municipal infraction in the same
34 manner as the State's Attorney of any county.

35 **Article 25 - County Commissioners**

36 10-I.

37 (a) The County Commissioners of St. Mary's County may regulate any public
38 road, street, avenue, lane, alley or bridge, sidewalk, curb, gutter, and storm drainage
39 facilities within St. Mary's County which is not within the corporate limits of any

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1 incorporated city or town and which has not been designated or maintained as a part of
2 the State or federal highway system or any extension with respect to:

3 (1) The weight of vehicles;

4 (2) The parking of vehicles;

5 (3) The abandonment of vehicles;

6 (4) Use by private and public utilities in the construction and maintenance
7 necessitated by the performance of their purpose;

8 (5) The construction and maintenance of driveway connections where those
9 connections are provided;

10 (6) The speed of vehicles.

11 (b) The County Commissioners of St. Mary's County shall enact by ordinance
12 rules and regulations governing the grading, constructing, improving, maintaining, and
13 repairing of roads, now used by the public or intended for public use, including roads
14 proposed for subdivisions, whether now recorded or hereafter proposed, including
15 sidewalks, curbs and gutters, driveway entrances and storm drainage facilities and
16 appurtenances to be located within the subdivision.

17 (c) The County Commissioners of St. Mary's County shall provide appropriate
18 traffic control devices when mandated by the ordinance adopted pursuant to
19 SUBSECTION (A) OF THIS SECTION.

20 (d) The County Commissioners of St. Mary's County may regulate the
21 engineering, constructing, and accepting of any new public road, street, avenue, lane,
22 alley, bridge, sidewalk, curb, gutter, and storm drainage facilities into the county roads
23 system.

24 (e) In St. Mary's County, except as provided in subsection (f) of this section, any
25 violations of this subtitle shall be a misdemeanor punishable by a fine of not more than
26 \$1,000 or six months imprisonment for each and every violation, or both fine and
27 imprisonment, in the discretion of the judge. Every day that said violation continues shall
28 be a separate offense.

29 [(f) (1) The County Commissioners for St. Mary's County may provide a civil
30 penalty for any violations of this subtitle which shall be enforced as provided in this
31 subsection.

32 (2) A county employee with the duty of enforcing this subtitle may deliver a
33 citation to a person believed to be committing a violation thereof. A copy of the citation
34 shall be retained by the county employee and shall bear a certification attesting to the
35 truth of the matters set forth. The citation shall contain:

36 (i) The name and address of the person charged;

37 (ii) The nature of the violation;

38 (iii) The place and time of the violation;

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- 1 (iv) The amount of the fine assessed;
- 2 (v) The manner, location, and time in which the fine may be paid; and
- 3 (vi) The person's right to elect to stand trial for the violation.

4 (3) A preset fine, not to exceed \$500, may be imposed for each violation.
 5 The County Commissioners may establish a schedule of fines for each violation and may
 6 adopt procedures for collection of these fines.

7 (4) A person who receives a citation may elect to stand trial for the offense
 8 by filing with the county employee a notice of intention to stand trial. The notice shall be
 9 given at least 5 days before the date of payment as set forth in the citation. On receipt of
 10 the notice of intention to stand trial, the county employee shall forward to the District
 11 Court having venue a copy of the citation and the notice of intention to stand trial. On
 12 receipt of the citation, the District Court shall schedule the case for trial and notify the
 13 defendant of the trial date. All fines, penalties, or forfeitures collected by the District
 14 Court for violations shall be remitted to St. Mary's County.]

15 (F) THE COUNTY COMMISSIONERS MAY PROVIDE FOR A CIVIL PENALTY FOR
 16 VIOLATION OF ANY ORDINANCE, RULE, OR REGULATION ENACTED UNDER THIS
 17 SECTION. IN A PROCEEDING BEFORE THE DISTRICT COURT, THE VIOLATION SHALL
 18 BE ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS SET FORTH FOR
 19 MUNICIPAL INFRACTIONS IN ARTICLE 23A, § 3(B) OF THE CODE.

20 (g) In addition to all other remedies provided by law, St. Mary's County shall have
 21 the right of ex parte injunctive relief against a violator requiring correction or elimination
 22 of any violation.

23 10J.

24 (a) The County Commissioners for St. Mary's County may:

25 (1) Adopt rules and regulations for erosion and siltation control
 26 requirements to facilitate sedimentation control within the county; and

27 (2) Provide for the enforcement of this section and of any ordinance or
 28 regulation made thereunder.

29 (b) A violation of any ordinance or regulation made under this section is a
 30 misdemeanor, and the County Commissioners may provide for punishment by fine or
 31 imprisonment or both.

32 [(c) The County Commissioners for St. Mary's County may provide a civil penalty
 33 for sedimentation control violations which shall be enforced as provided in this section.

34 (d) A county employee with the duty of enforcing the sedimentation control
 35 ordinance may deliver a citation to a person believed to be committing a violation thereof.
 36 A copy of the citation shall be retained by the county employee and shall include a
 37 certification attesting to the truth of the matters set forth. The citation shall contain:

38 (1) The name and address of the person charged;

39 (2) The nature of the violation;

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1 (3) The place and time of the violation;

2 (4) The amount of the fine assessed;

3 (5) The manner, location, and time in which the fine may be paid; and

4 (6) The person's right to elect to stand trial for the violation.

5 (e) A preset fine, not to exceed \$500, may be imposed for each violation. The
6 County Commissioners may establish a schedule of fines for each violation and may adopt
7 procedures for collection of these fines.

8 (f) (1) A person who receives a citation may elect to stand trial for the offense
9 by filing with the county employee with the duty of enforcing the sedimentation control
10 ordinance a notice of intention to stand trial.

11 (2) The notice shall be given at least 5 days before the date of payment as
12 set forth in the citation.

13 (3) On receipt of the notice of intention to stand trial, the county employee
14 shall forward to the District Court having venue, a copy of the citation, and the notice of
15 intention to stand trial.

16 (4) On receipt of the citation, the District Court shall schedule the case for
17 trial and notify the defendant of the trial date.

18 (5) All fines, penalties, or forfeitures collected by the District Court for
19 sedimentation control violations shall be remitted to St. Mary's County.]

20 (C) THE COUNTY COMMISSIONERS MAY PROVIDE FOR A CIVIL PENALTY FOR
21 VIOLATION OF ANY ORDINANCE, RULE, OR REGULATION ENACTED UNDER THIS
22 SECTION. IN A PROCEEDING BEFORE THE DISTRICT COURT, THE VIOLATION SHALL
23 BE ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS SET FORTH FOR
24 MUNICIPAL INFRACTIONS IN ARTICLE 23A, § 3(B) OF THE CODE.

25 [(g)] (D) In addition to all other remedies provided by this section, St. Mary's
26 County has the right of ex parte injunctive relief against a violator requiring correction or
27 elimination of any violation.

28 10J-1.

29 EXCEPT AS PROVIDED IN §§ 10-I(F) AND 10J(C) OF THIS ARTICLE, ARTICLE 66B,
30 §§ 5.05(D) AND 7.01(C) OF THE CODE, AND NOTWITHSTANDING ANY OTHER
31 PROVISION OF LAW TO THE CONTRARY, IN ST. MARY'S COUNTY, THE COUNTY
32 COMMISSIONERS MAY PROVIDE THAT:

33 (1) VIOLATIONS OF COUNTY ORDINANCES AND RESOLUTIONS SHALL
34 BE PUNISHABLE AS MISDEMEANORS AND ENFORCED IN THE SAME MANNER AND TO
35 THE SAME EXTENT AS MUNICIPAL VIOLATIONS UNDER ARTICLE 23A, § 3(A) OF THE
36 CODE; AND

37 (2) VIOLATIONS OF COUNTY ORDINANCES SHALL BE PROSECUTED IN
38 THE SAME MANNER AND TO THE SAME EXTENT AS SET FORTH FOR MUNICIPAL
39 INFRACTIONS IN ARTICLE 23A, § 3(B) OF THE CODE.

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1 Article 66B - Zoning and Planning

2 5.05.

3 (a) Except as provided in subsections (b) [and (c)] THROUGH (D) of this section,
4 whoever, being the owner or agent of the owner of any land located within a subdivision
5 transfers or sells or agrees to sell or negotiate to sell any land by reference to or
6 exhibition of or by other use of a plat of a subdivision, before the plat has been approved
7 by the planning commission and recorded or filed in the office of the appropriate county
8 clerk, shall forfeit and pay a civil penalty of not less than \$200 and not more than \$1,000
9 in the discretion of the court, for each lot or parcel so transferred or sold or agreed or
10 negotiated to be sold; and the description of the lot or parcel by metes and bounds in the
11 instrument of transfer or other document used in the process of selling or transfer or
12 other document used in the process of selling or transferring shall not exempt the
13 transaction from the penalties or from the remedies herein provided. The county or
14 municipal corporation may enjoin the transfer or sale or agreement by action for
15 injunction brought in any court of equity jurisdiction or may recover the penalty by civil
16 action in any court of competent jurisdiction.

17 (b) In Charles and St. Mary's Counties this section does not apply to the sale or
18 negotiation for sale of industrial property.

19 (c) In Frederick and Carroll Counties, this section does not apply to the contract
20 for sale or negotiation for sale of property zoned industrial, commercial, or both
21 industrial and commercial, if a plat is approved and recorded in accordance with this
22 article prior to the transfer of land.

23 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
24 SECTION, IN ST. MARY'S COUNTY THE COUNTY COMMISSIONERS MAY PROVIDE A
25 CIVIL PENALTY FOR A SUBDIVISION VIOLATION. IN A PROCEEDING BEFORE THE
26 DISTRICT COURT, THE SUBDIVISION VIOLATION SHALL BE ENFORCED IN THE SAME
27 MANNER AND TO THE SAME EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS
28 IN ARTICLE 23A, § 3(B) OF THE CODE.

29 7.01.

30 (a) (1) The local legislative body may provide by ordinance for the enforcement
31 of this article and of any ordinance or regulation made thereunder. A violation of this
32 article or of such ordinance or regulation is a misdemeanor, and such local legislative
33 body may provide for punishment by fine or imprisonment or both. It is also empowered
34 to provide civil penalties for such violation.

35 (2) In addition to the jurisdiction as defined in subsection (c) of this section,
36 the legislative body of Baltimore County may provide by ordinance for an administrative
37 proceeding to enforce its zoning regulations, including the imposition of civil fines and
38 penalties for zoning violations.

39 (b) In case any building or structure is erected, constructed, reconstructed,
40 altered, repaired, converted, or maintained, or any building, structure, sign, or land is
41 used in violation of this article or of any ordinance or other regulations made under
42 authority conferred hereby, the proper local authorities of the jurisdiction in addition to
43 other remedies, may institute any appropriate action or proceeding to prevent the

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1 unlawful erection, construction, reconstruction, alteration, repair, conversion,
2 maintenance, or use, to restrain, correct, or abate the violation, to prevent the occupancy
3 of the building, structure, or land, or to prevent any illegal act, conduct, business, or use
4 in or about the premises. However, despite any provisions of this section, the proper local
5 authorities may not institute any action or proceeding to abate a transfer which has been
6 completed or to prevent the occupancy of a building, structure, or land involved in the
7 transfer as a result of a violation of § 5.05 or § 5.06 of this article. Further provided, that
8 any property subdivided in violation of §§ 5.05 and 5.06 of this article shall remain subject
9 to the adopted subdivision regulations.

10 (c) (1) In this subsection, the following words have the meanings indicated.

11 (i) "Commission" means the planning and zoning commission or
12 similar body of the county.

13 (ii) "Local legislative body" means:

14 1. The elected body of a county, whether known as county
15 commissioners, or county council; and

16 2. The Mayor and City Council of Baltimore.

17 (iii) "Zoning official" means a county employee with the duty of
18 enforcing the zoning ordinance.

19 (2) The local legislative body may provide a civil penalty for a zoning
20 violation, which shall be enforced as provided in this subsection.

21 (3) The zoning official may deliver a citation to a person believed to be
22 committing a civil zoning violation. A copy of the citation shall be retained by the zoning
23 official and shall bear a certification attesting to the truth of the matters set forth. The
24 citation shall contain:

25 (i) The name and address of the person charged;

26 (ii) The nature of the violation;

27 (iii) The place where and time that the violation occurred;

28 (iv) The amount of the fine assessed;

29 (v) The manner, location, and time in which the fine may be paid; and

30 (vi) The person's right to elect to stand trial for the violation.

31 (4) A preset fine, not to exceed \$500, may be imposed for each violation.
32 The local legislative body may establish a schedule of fines for each violation and may
33 adopt procedures for collection of these fines.

34 (5) A person who receives a citation may elect to stand trial for the offense
35 by filing with the zoning official a notice of intention to stand trial. The notice shall be
36 given at least 5 days before the date of payment as set forth in the citation. On receipt of
37 the notice of intention to stand trial, the zoning official shall forward to the District Court
38 having venue, a copy of the citation and the notice of intention to stand trial. On receipt

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1 of the citation, the District Court shall schedule the case for trial and notify the defendant
2 of the trial date. All fines, penalties, or forfeitures collected by the District Court for
3 zoning violations shall be remitted to the county in which the zoning violation occurred.

4 (6) If a person who receives a citation for a violation fails to pay the fine by
5 the date of payment set forth on the citation and fails to file a notice of intention to stand
6 trial, a formal notice of the violation shall be sent to the owner's last known address. If
7 the citation is not satisfied within 15 days from the date of the notice, the person is liable
8 for an additional fine not to exceed twice the original fine. If, after 35 days, the citation
9 is not satisfied, the zoning official may request adjudication of the case through the
10 District Court. The District Court shall schedule the case for trial and summon the
11 defendant to appear.

12 (7) Adjudication of a violation under this subsection is not a criminal
13 conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal
14 conviction.

15 (8) In a proceeding before the District Court, the violation shall be
16 prosecuted in the same manner and to the same extent as set forth for municipal
17 infractions in Article 23A, § 3(b)(8) through (15) of the Code. The governing body of any
18 county may authorize the county attorney to prosecute a civil zoning violation.

19 (9) If a person is found by the District Court to have committed a civil
20 zoning violation, he shall be liable for the costs of the proceedings in the District Court.

21 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C) OF THIS
22 SECTION, IN ST. MARY'S COUNTY THE COUNTY COMMISSIONERS MAY PROVIDE A
23 CIVIL PENALTY FOR A ZONING VIOLATION. IN A PROCEEDING BEFORE THE
24 DISTRICT COURT, THE ZONING VIOLATION SHALL BE ENFORCED IN THE SAME
25 MANNER AND TO THE SAME EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS
26 IN ARTICLE 23A, § 3(B) OF THE CODE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
28 only prospectively and may not be applied or interpreted to have any effect on or
29 application to any violation of a St. Mary's County ordinance occurring before the
30 effective date of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1997.