
By: **Delegates Petzold, Barkley, Dumais, Heller, Madaleno, and Marriott**
 Introduced and read first time: February 9, 2005
 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Chartered Counties of Maryland - Penalties - Increase in the Maximum**
 3 **Limit**

4 FOR the purpose of increasing the limit of certain fines for charter counties; providing
 5 for an annual increase of the limit of certain fines for charter counties in direct
 6 proportion to the percent change in the Consumer Price Index; defining the
 7 Consumer Price Index to be used for calculating the annual increase of the limit
 8 of certain fines for charter counties; providing for the effective date of certain
 9 provisions of this Act; and generally providing for limits of fines for charter
 10 counties.

11 BY repealing and reenacting, with amendments,
 12 Article 25A - Chartered Counties of Maryland
 13 Section 5(A)
 14 Annotated Code of Maryland
 15 (2001 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article 25A - Chartered Counties of Maryland
 18 Section 5(A)
 19 Annotated Code of Maryland
 20 (2001 Replacement Volume and 2004 Supplement)
 21 (As enacted by Section 1 of this Act)

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

24 **Article 25A - Chartered Counties of Maryland**

25 5.

26 The following enumerated express powers are granted to and conferred upon
 27 any county or counties which hereafter form a charter under the provisions of Article
 28 XI-A of the Constitution, that is to say:

1 (A)

2 (1) To enact local laws for the county, including the power to repeal or
3 amend local laws of the county enacted by the General Assembly upon the matters
4 covered by the express powers in this article.

5 (2) To provide for the enforcement of all ordinances, resolutions, bylaws
6 and regulations adopted under the authority of this article by fines, penalties and
7 imprisonment, enforceable according to law as may be prescribed. A penalty may not
8 exceed [\$1,000] \$5,000 for any offense, unless otherwise authorized in this subsection,
9 or provide for imprisonment for more than six months.

10 (3) To provide for the enforcement of local fair housing laws by fines or
11 penalties that do not exceed the fines or penalties provided in the federal Fair
12 Housing Act Amendments of 1988 for enforcement of similar federal fair housing
13 laws.

14 (4) To provide for the enforcement of local employment discrimination
15 laws or public accommodations discrimination laws by fines or penalties that do not
16 exceed \$5,000 for any offense.

17 (5) To provide for enforcement of all ordinances, resolutions, bylaws, and
18 regulations adopted under the authority of this article by civil fines and penalties.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article 25A - Chartered Counties of Maryland**

22 5.

23 The following enumerated express powers are granted to and conferred upon
24 any county or counties which hereafter form a charter under the provisions of Article
25 XI-A of the Constitution, that is to say:

26 (A)

27 (1) To enact local laws for the county, including the power to repeal or
28 amend local laws of the county enacted by the General Assembly upon the matters
29 covered by the express powers in this article.

30 (2) (I) To provide for the enforcement of all ordinances, resolutions,
31 bylaws and regulations adopted under the authority of this article by fines, penalties
32 and imprisonment, enforceable according to law as may be prescribed. A penalty may
33 not exceed [\$5,000 for any offense, unless otherwise authorized in this subsection, or
34 provide for imprisonment for more than six months] THE MAXIMUM ALLOWABLE
35 PENALTY APPLICABLE FOR THE CURRENT YEAR for any offense, unless otherwise
36 authorized in this subsection, or provide for imprisonment for more than six months.

1 (II) THE MAXIMUM ALLOWABLE PENALTY FOR THE CURRENT YEAR
2 SHALL BE CALCULATED AS THE MAXIMUM ALLOWABLE PENALTY OF THE PREVIOUS
3 YEAR ADJUSTED IN DIRECT PROPORTION TO THE PERCENT CHANGE IN THE
4 CONSUMER PRICE INDEX FROM OCTOBER OF THE PREVIOUS YEAR TO OCTOBER OF
5 THE CURRENT YEAR AS PUBLISHED BY THE U.S. DEPARTMENT OF LABOR.

6 (III) THE CONSUMER PRICE INDEX USED TO ADJUST THE MAXIMUM
7 ALLOWABLE PENALTY FOR ANY FINE SHALL BE THE UNADJUSTED, U.S. CITY
8 AVERAGE, FOR ALL ITEMS, AND FOR ALL URBAN CONSUMERS.

9 (IV) THE MAXIMUM ALLOWABLE PENALTY FOR ANY FINE SHALL BE
10 ADJUSTED ONCE A YEAR ON DECEMBER 1.

11 (3) To provide for the enforcement of local fair housing laws by fines or
12 penalties that do not exceed the fines or penalties provided in the federal Fair
13 Housing Act Amendments of 1988 for enforcement of similar federal fair housing
14 laws.

15 (4) To provide for the enforcement of local employment discrimination
16 laws or public accommodations discrimination laws by fines or penalties that do not
17 exceed \$5,000 for any offense.

18 (5) To provide for enforcement of all ordinances, resolutions, bylaws, and
19 regulations adopted under the authority of this article by civil fines and penalties.

20 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
21 take effect October 1, 2006.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
23 Section 3 of this Act, this Act shall take effect October 1, 2005.