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By: **Washington County Delegation**

Introduced and read first time: March 1, 2006

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Washington County Health Officer - Civil Citations**

3 FOR the purpose of authorizing a health officer in Washington County to issue  
4 certain citations for certain violations of law or regulation; providing for the  
5 contents of certain citations issued for certain violations of law or regulation;  
6 providing for the legal rights of certain individuals who receive certain citations  
7 for certain violations of law or regulation; providing for certain penalties if  
8 certain fines are not paid by a certain date; providing for the manner under  
9 which certain hearings are conducted; providing that the Washington County  
10 Board of County Commissioners may authorize certain individuals to prosecute  
11 certain violations of law or regulation; providing that if the District Court of  
12 Maryland for Washington County makes certain findings, certain individuals  
13 are liable for certain damages; and generally relating to issuing citations for  
14 certain violations of law or regulation.

15 BY adding to

16 Article 25 - County Commissioners

17 Section 236F

18 Annotated Code of Maryland

19 (2005 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 25 - County Commissioners**

23 236F.

24 (A) (1) THE HEALTH OFFICER FOR WASHINGTON COUNTY OR THE HEALTH  
25 OFFICER'S DESIGNEE MAY DELIVER A CITATION TO A PERSON BELIEVED TO BE  
26 COMMITTING A VIOLATION OF LAW UNDER TITLE 20, SUBTITLE 3 OF THE HEALTH -  
27 GENERAL ARTICLE OR A VIOLATION OF A PROVISION OF THE CODE OF MARYLAND  
28 REGULATIONS.

29 (2) (I) THE HEALTH OFFICER SHALL KEEP A COPY OF THE CITATION.

1 (II) THE CITATION SHALL BEAR A CERTIFICATION ATTESTING TO  
2 THE TRUTH OF THE MATTERS SET FORTH IN THE CITATION.

3 (B) THE CITATION SHALL CONTAIN:

4 (1) THE NAME AND ADDRESS OF THE PERSON CHARGED;

5 (2) THE NATURE OF THE VIOLATION;

6 (3) THE LOCATION AND TIME OF THE VIOLATION;

7 (4) THE AMOUNT OF THE FINE;

8 (5) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE  
9 PAID; AND

10 (6) THE CITED PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE  
11 VIOLATION.

12 (C) (1) A FINE NOT EXCEEDING \$1,000 MAY BE IMPOSED FOR EACH  
13 VIOLATION.

14 (2) THE COUNTY COMMISSIONERS FOR WASHINGTON COUNTY ALSO  
15 MAY:

16 (I) ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH  
17 VIOLATION; AND

18 (II) ADOPT PROCEDURES FOR THE COLLECTION OF THE FINES.

19 (D) (1) A PERSON WHO RECEIVES A CITATION MAY ELECT TO STAND TRIAL  
20 FOR THE OFFENSE BY FILING WITH THE HEALTH OFFICER A NOTICE OF INTENTION  
21 TO STAND TRIAL.

22 (2) THE PERSON ELECTING TO STAND TRIAL SHALL GIVE NOTICE AT  
23 LEAST 5 DAYS BEFORE THE DATE SET FORTH IN THE CITATION FOR THE PAYMENT OF  
24 FINES.

25 (3) AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL, THE  
26 HEALTH OFFICER SHALL FORWARD THE NOTICE TO THE DISTRICT COURT HAVING  
27 VENUE, WITH A COPY OF THE CITATION.

28 (4) AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT  
29 COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF  
30 THE TRIAL DATE.

31 (5) ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE  
32 DISTRICT COURT FOR VIOLATIONS OF THIS TITLE SHALL BE REMITTED TO THE  
33 COUNTY IN WHICH THE VIOLATION OCCURRED.

1 (E) (1) IF A PERSON WHO RECEIVES A CITATION FOR A VIOLATION FAILS TO  
2 PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND FAILS  
3 TO FILE A NOTICE OF INTENTION TO STAND TRIAL, A FORMAL NOTICE OF THE  
4 VIOLATION SHALL BE SENT TO THE OWNER'S LAST KNOWN ADDRESS.

5 (2) IF THE CITATION IS NOT SATISFIED WITHIN 15 DAYS AFTER THE  
6 DATE THE FORMAL NOTICE OF VIOLATION IS MAILED, THE PERSON SHALL BE  
7 SUBJECT TO AN ADDITIONAL FINE NOT EXCEEDING TWICE THE AMOUNT OF THE  
8 ORIGINAL FINE.

9 (3) IF THE PERSON WHO RECEIVES THE CITATION DOES NOT PAY THE  
10 CITATION BY THE 36TH DAY AFTER THE FORMAL NOTICE OF VIOLATION IS MAILED,  
11 THE HEALTH OFFICER MAY REQUEST THE DISTRICT COURT TO ADJUDICATE THE  
12 VIOLATION.

13 (4) AFTER THE HEALTH OFFICER REQUESTS ADJUDICATION, THE  
14 DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE  
15 DEFENDANT TO APPEAR.

16 (F) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF THIS  
17 TITLE SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS  
18 A MUNICIPAL INFRACTION UNDER ARTICLE 23A, § 3(B)(7) THROUGH (15) OF THE  
19 ANNOTATED CODE OF MARYLAND.

20 (G) THE COUNTY COMMISSIONERS FOR WASHINGTON COUNTY MAY  
21 AUTHORIZE THE COUNTY ATTORNEY, THE STATE'S ATTORNEY, OR ANOTHER  
22 ATTORNEY TO PROSECUTE A VIOLATION OF THIS TITLE.

23 (H) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A  
24 VIOLATION OF THIS TITLE, THE PERSON SHALL BE LIABLE FOR THE COSTS OF THE  
25 COURT PROCEEDINGS.

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