
By: Washington County Delegation

Introduced and read first time: March 1, 2006

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 6, 2006

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2006

CHAPTER _____

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:

1

Article 25 - County Commissioners

2 236F.

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

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

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

11 (B) THE CITATION SHALL CONTAIN:

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

13 (2) THE NATURE OF THE VIOLATION;

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

15 (4) THE AMOUNT OF THE FINE;

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

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

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

22 (2) THE COUNTY COMMISSIONERS FOR WASHINGTON COUNTY ALSO
23 MAY:

24 (I) ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH
25 VIOLATION; AND

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

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

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

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

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

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

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

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

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

22 (4) AFTER THE HEALTH OFFICER REQUESTS ADJUDICATION, THE
23 DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE
24 DEFENDANT TO APPEAR.

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

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

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

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

