

Sponsored by: Dr. Mona Becker, Mayor  
Gregory Pecoraro, Council President

CHARTER AMENDMENT RESOLUTION NO. 24-01

A CHARTER AMENDMENT RESOLUTION  
OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF WESTMINSTER  
CONCERNING THE SINGLE SUBJECT, “ENFORCEMENT”, TO AMEND THE CHARTER  
OF THE CITY OF WESTMINSTER, § 44, “ENFORCEMENT OF ORDINANCES”

WHEREAS, the Mayor and Common Council of Westminster (hereinafter, the “City”) is a municipal corporation in the State of Maryland, organized and operating under a Charter in accordance with Article XI E of the Constitution of Maryland, and Md. Code Ann., Local Government Article, the Charter being published in the Municipal Charters of Maryland; and

WHEREAS, pursuant to Local Government Art., § 4-301 et seq. the City has the authority to amend the City Charter, in accordance with the procedures set forth therein; and

WHEREAS, the City has adopted, pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Local Govt. Art., § 5-202, provisions in its Charter that provide for the enforcement of ordinances; and

WHEREAS, it has come to the attention of the Mayor and Common Council that a provision of the Charter with respect to the penalties for the enforcement of ordinances is outdated; and

WHEREAS, the Mayor and Common Council believe that the amendment of the Charter to update its provisions to enhance the efficient enforcement of its ordinances serves the public interest:

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER that Section 44 of the City Charter, “Enforcement of ordinances”, shall be amended to read as follows:

**BOLD SMALL CAPS** and underlined numbers:

**Strikethrough:**

Indicate matter added to existing law.

Indicate matter deleted from existing law.

§ 44. Enforcement of ordinances.

(a) To ensure the observance of the ordinances of the city, the mayor and common council has the power to provide that ~~violation~~ **VIOLATIONS** thereof shall be ~~assessed~~ **DECLARED** a misdemeanor unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine ~~not exceeding one thousand dollars (\$1,000.00)~~ **IN SUCH AMOUNT AS IS AUTHORIZED BY STATE LAW** or imprisonment for ~~not exceeding six (6) months~~ **SUCH PERIOD OF TIME AS IS AUTHORIZED BY STATE LAW**, or both such fine and imprisonment **IF AUTHORIZED**. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the ~~circuit~~ **DISTRICT** court of the county in which the fine, forfeiture, or penalty was imposed. The mayor and common 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 mayor and common 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 ordinances~~. For purposes of this charter a municipal infraction is a civil offense.

(2) A fine not to exceed ~~four hundred dollars (\$400.00)~~ **THE AMOUNT AUTHORIZED BY STATE LAW** 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 of a citation. **EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE**. Repeat offenders may be **SUBJECT TO a HIGHER fine FOR EACH REPEAT OFFENSE, PROVIDED THAT THE AMOUNT DOES not to exceed four hundred dollars (\$400.00) THE AMOUNT AUTHORIZED BY LAW for each repeat offense, and each day a violation continues shall constitute a separate offense.**

(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 as set forth in the citation. 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.

(c) All ordinances relating to disorderly conduct and the suppression of nuisances may be enforced within the city limits and beyond for one-half mile.

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Indicate matter added to existing law.

Indicate matter deleted from existing law.

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Section 2. BE IT FURTHER RESOLVED that all ordinances and resolutions enacted by the Mayor and Common Council of the City of Westminster prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for any such ordinance or resolution is not granted to the City of Westminster by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this Resolution. To the extent that any section of the Charter is in conflict with the provisions of this Resolution, such section or sections shall be and hereby are repealed to the extent of such conflict.

Section 3. 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 that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

Section 4. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted by the Mayor and Common Council of Westminster and that a complete and exact copy of this Charter Amendment Resolution shall be posted at City Administration Building for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the City not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 5. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Mayor and Common Council of Westminster, upon the fiftieth day after being so ordained or passed, unless there shall be presented to the Mayor and Common Council of Westminster, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of Md. Code Ann., Local Gov't Art, § 4-304(d), or upon the certification of the results of a referendum if such a petition is received and the referendum fails.

Section 6. BE IT FURTHER RESOLVED that the Mayor shall send to the Department of Legislative Services, within 10 days of the date on which the Charter Amendment become effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Common Council of Westminster, or a referendum election; and (iv) the effective date of the Charter Amendment.

**BOLD SMALL CAPS** and underlined numbers:

**Strikethrough:**

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Indicate matter deleted from existing law.

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Gregory Pecoraro, Council President

Section 7. BE IT FURTHER RESOLVED that the Mayor is specifically instructed to carry out the provisions of Sections 6, 7, and 8 hereof, as evidence of compliance herewith, and that the City Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the regular meeting of the Mayor and Common Council at which it is adopted an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and shall further cause to be completed and executed a Certificate of Effect.

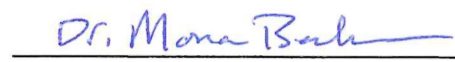
INTRODUCED this 13<sup>th</sup> day of MAY, 2024

  
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Douglass A. Barber, City Clerk

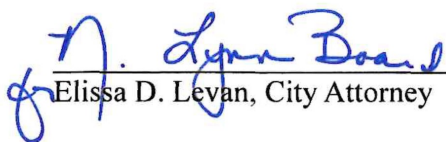
ADOPTED this 8<sup>th</sup> day of July, 2024

  
\_\_\_\_\_  
Sara Imhulse, City Administrator

APPROVED this 8<sup>th</sup> day of July, 2024

  
\_\_\_\_\_  
Dr. Mona Becker, Mayor

Approved as to form and legal sufficiency  
this 8<sup>th</sup> day of July, 2024.

  
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Elissa D. Levan, City Attorney

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