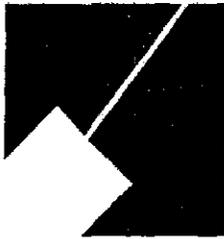


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Item # B
MCPB 10-21-04

MEMORANDUM

DATE: October 15, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *RCH*
Michael Ma, Supervisor *Ma*
Development Review Division

FROM: Doug Johnsen
Development Review Division
(301) 495-4571

SUBJECT: Revised Citation Form

STAFF RECOMMENDATION: Approval of the revised citation form.

Background

The site plan enforcement staff currently has the authority to issue civil citations for preliminary plan, site plan and forest conservation plan violations. This authority is extended to the enforcement staff under Article 28 of the Annotated Code of Maryland, and Chapter 22A and Section 50-41 of the Montgomery County Code.

Issues

The plan enforcement inspection staff is currently using a generalized Uniform Civil/Municipal Infraction Citation form (Attachment A). This form is tailored for use by law enforcement agencies and does not reflect the preliminary plan, site planning or forest conservation plan violation issues faced by the enforcement staff.

The size and format of the generalized form creates some problems for both staff and violators. Since most of the current citation is completed by hand the form can be somewhat confusing and required information is easily omitted. The form is small in size and limits the amount of information staff can document about the violation. This entails omitting possibly key information that may be important to M-NCPPC and the violator. Also, it can be confusing for violators to read and fully understand the actions taken against them because sections of the current form jump around and necessary information is buried.

Revised Citation

The goal of revising the generalized civil citation form is to make the form relevant to M-NCPPC enforcement issues, to make the form more readable and understandable, and to also streamline the writing and documentation process.

To remedy some of the problems with the current citation form, the revised form (Attachment B) is of a larger size and information is easily annotated. Most of the revised form will consist of informational check boxes with adequate space for the written explanation of the violation. This reduces the chance for errors in documentation and presents information in a clear format. Additional space is added to allow explanation for remedial actions if necessary. Each section of the form is identified with the appropriate heading and follows in logical sequential format. The location and description of the violation is clearly spelled out. The civil fines and compliance actions follow the violation section and are easy to understand.

The legal staff has reviewed the revised citation form and concurs with the modifications.

Staff Recommendation

Plan enforcement staff recommends that the Planning Board approve the revised citation form.

ATTACHMENT

- A. Current citation form
- B. Revised citation form



UNIFORM CIVIL/MUNICIPAL INFRACTION CITATION

6233638415

District Court of Maryland for.....

County/Municipality/State of Maryland vs. Agency

Defendant's (Last) Name First Middle

Current Address in Full

City State Zip Code

DOB Height Weight Sex Race Hair Eyes

Related Citations Telephone No. Day: Night:

It is formally charged that the above named defendant on..... Year atM of

County, Maryland did.....

This citation is based upon an affidavit of (See attached.)

In violation of: Md. Ann. Code COMAR Municipal Ordinance/Public Local Law/Local Code

Document/Article Section Sub Section Paragraph

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

X Defendant's Signature

YOU MUST EITHER ELECT TO STAND TRIAL OR PAY A FINE.
NOTE: Failure to either pay the fine or request a trial date by the below mentioned date will deem you liable for the fine assessed, the fine may be doubled and a judgment on affidavit entered against you including an Order of Abatement.
OR If you request a trial date and then fail to appear in Court, the fine may be doubled and a judgment on affidavit may be entered against you.
YOU MAY PAY A FINE OF \$..... BY..... Year AT (Payment Location).....
THIS WILL BE DEEMED AN ADMISSION OF GUILT AND NO TRIAL DATE WILL BE SET. OR
IF YOU ELECT TO STAND TRIAL, DO NOT FORWARD PAYMENT OF THE FINE, BUT YOU MUST NOTIFY IN WRITING
AND THE DISTRICT COURT WILL NOTIFY YOU OF A TRIAL DATE AND LOCATION.
 IN ADDITION, IS SEEKING ABATEMENT OF THIS INFRACTION. YOU MAY BE ORDERED TO ABATE THIS INFRACTION OR BE ASSESSED THE COSTS FOR THE ABATEMENT, AS WELL AS A FINE OF UP TO \$1,000. PLUS COURT COSTS. FAILURE TO APPEAR SHALL RESULT IN JUDGMENT ON AFFIDAVIT.

YOU MUST APPEAR IN COURT: A court date will be sent to you by mail.
 YOU MAY ELECT TO STAND TRIAL OR YOU MAY ELECT TO PAY A PRESET FINE OF \$..... to the District Court of Maryland at
and AVOID TRIAL. A court date will be sent to you by mail. Payment must be made on or before the scheduled trial date.
AFTER TRIAL the Court may impose a fine up to \$..... plus court costs.
FAILURE TO APPEAR OR, IF PERMITTED, PAY THE PRESET FINE LISTED ABOVE, WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldiers and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Officer's Signature Date Agency Sub-Agency I.D. No. Phone

Remedial Action:

1.

by: _____ (date)

2. You have violated Chapter 22A of the Montgomery County Code, and are subject to an Administrative Civil Penalty, which may include an additional monetary fine in addition to corrective measures. You must contact Environmental Planning Department of M-NCPPC at 8787 Georgia Avenue, 1st Floor, Silver Spring, Maryland 20910, 301.495.4540, within 15 days of issuance of this citation.

Acknowledgement:

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation. I have a right to stand trial for the offense(s) charged. If I do not exercise my right to stand trial, I agree to entry by the court of judgment on affidavit for the amount of the fine.

Defendant's Signature

Date

Affirmation:

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this citation are true to the best of my knowledge, information and belief and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Soldier's and Sailor's Civil Relief Act of 1940 with amendments, nor has been in such service within thirty days hereof.

Inspector's Signature

Date

Print name: _____ Phone number: _____

District Court to send notices to M-NCPPC, Office of the General Counsel, 8787 Georgia Avenue, Suite 205, Silver Spring, Maryland 20910.

white=District Court; yellow=Office of General Counsel; pink=Defendant; green=Inspector