

1 **CITY OF HYATTSVILLE**

2 **ORDINANCE 2021-03**

3 **An ordinance whereby the City Council amends the City of Hyattsville Code**  
4 **to decrease the maximum penalty for nonpayment of parking fines to no more**  
5 **than one- and one-half times the value of the original fine after thirty days of**  
6 **nonpayment.**

7 **WHEREAS**, the Maryland Code, Transportation Article, Section 26-301(b) authorizes  
8 political subdivisions of the State to adopt ordinances that regulate the parking of vehicles and to  
9 issue citations for violations of such ordinances; and

10  
11 **WHEREAS**, the Maryland Code, Transportation Article, Section 26-303(a) requires that  
12 a person who receives a citation to either pay for the parking violation directly to the political  
13 subdivision serving the citation or elect to stand trial for the violation; and

14  
15 **WHEREAS**, Section 114-2 of the City of Hyattsville Code permits the Mayor and Council  
16 to adopt regulations regarding vehicles and traffic within the City, as necessary, by ordinance,  
17 resolution or motion adopted in accordance with law; and

18  
19 **WHEREAS**, currently, under the City of Hyattsville Code, nonpayment of a parking fine  
20 within fifteen (15) days results in the doubling of the fine, and the continued nonpayment for an  
21 additional fifteen (15) days results, again, in the doubling of the fine, totaling in an amount four  
22 (4) times greater than the original fine after thirty (30) days of nonpayment; and

23  
24 **WHEREAS**, the Council recognizes that a penalty for nonpayment of parking fines that is  
25 less severe may compel payment of fines in a timely manner; and

26  
27 **WHEREAS**, the Council recognizes that any change to the Code may require the  
28 negotiation of amendments to any City parking agreement affected by this change; and

29  
30 **NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Hyattsville  
31 in regular session assembled that provisions of the City Code are hereby amended as follows:

1 THE CODE

2 Chapter 114

3 VEHICLES AND TRAFFIC

4 \*\*\*

5 ARTICLE VIII

6 Penalty Provisions; Impoundment

7 § 114-73. Violations and penalties. [Amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by  
8 HO 2014-02, Amended 12-5-16 by HO-2016-02]

9  
10 A. Election. Unless a separate procedure is provided for in this Chapter, the following  
11 procedures apply to violations of this Chapter:

12 (1) Election by person receiving citation.

13 (a) Within ~~fifteen (15)~~ thirty (30) days after the date of the citation, the person receiving a  
14 citation under this Chapter shall:

15 (i) Pay the amount indicated on the violation directly to the City Police Department; or

16 (ii) Choose to stand trial for the violation.

17 (b) A choice to stand trial shall be made by sending a notice of intention to stand for trial to  
18 the ~~City Police Department or other designated City department or agency~~ City's agent  
19 ~~within fifteen (15) days after the date on the citation.~~

20 ~~(c) Upon the failure of the person cited to elect within fifteen (15) days after the date of the~~  
21 ~~citation, the fine for the violation shall double.~~

22 (c) Upon the failure of the person to either elect to stand trial or to pay the amount indicated  
23 on the violation within thirty (30) days after the date of the citation, the fine for the violation  
24 shall increase by one- and one-half times the value of the original citation.

25 ~~(D) Upon the failure of the person to act within thirty (30) days after the date of the citation,~~  
26 ~~the fine for the violation shall double again.~~

27 (2) When presence of City personnel required. If a person elects to stand for trial and desires  
28 the presence at trial of the officer or person who issued the citation, he/she shall so notify the  
29 ~~City Police Department~~ City's agent at the time the notice of intention to stand trial is given.

30 (3) If proper notification is not given, the officer or person who issued the citation need not  
31 appear at the trial, and the copy of the citation bearing the certification of the person who issued  
32 the citation is *prima facie* evidence of the facts stated in it.

33 B. Except where another penalty is provided for within this Chapter the fine for a violation of  
34 this Chapter shall be thirty-five dollars (\$35.00) if the person cited makes the election as outlined

1 in this subsection 114-73(A). Without such election within ~~fifteen (15)~~ thirty (30) days, the fine  
2 shall be ~~seventy dollars (\$70.00)~~ fifty-two dollars and fifty cents (\$52.50).

3 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall  
4 forthwith be published twice in a newspaper having general circulation in the City and otherwise  
5 be made available to the public;

6 **AND BE IT RESOLVED** that the City Administrator, or his designee, is authorized to  
7 negotiate amendments to any agreements impacted by this adjustment provided that such  
8 negotiations do not modify the existing base fee/fine schedule.

9 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular  
10 public meeting on May 17, 2021.

11 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public  
12 meeting on June 7, 2021.

Adopted: June 7, 2021

Attest: \_\_\_\_\_  
Laura Reams, City Clerk

\_\_\_\_\_  
Kevin Ward, Interim Mayor

13  
14 **Effective Date: July 1, 2021**