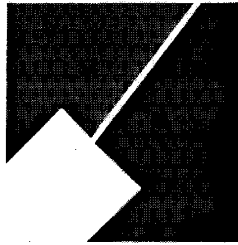


M-NCPPC



**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](http://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



6233638415

UNIFORM CIVIL/MUNICIPAL INFRACTION CITATION

District Court of Maryland for.....

County/Municipality/State of Maryland Agency  
vs.

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  
at .....M at .....

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 .....

Municipal Infractions

**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..... AT (Payment Location)..... Year  
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.

Civil/Code Violations

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 Soldier's 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

[Bar Code]

Citation No. \_\_\_\_\_

**Civil Citation**  
**The Maryland-National Capital Park and Planning Commission**  
**vs.**

Name: \_\_\_\_\_  
                                First  Middle  Last

Company/Position: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**Location and Description of Violation:**

Address/location of site: \_\_\_\_\_

Pursuant to the M-NCPPC's authority under Article 28 of the Annotated Code of Maryland and Chapter 50 of the Montgomery County Code, it is formally charged that the above named defendant on \_\_\_\_\_ (date) at the stated site location did commit the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In violation of:

Montgomery County Code, Chapter 22A

Montgomery County Code, Chapter 59

Approval of \_\_\_\_\_ Plan No. \_\_\_\_\_

Other: \_\_\_\_\_

**Civil Fine and Compliance:**

1. (a)  You shall pay a fine of \$ \_\_\_\_\_ by \_\_\_\_\_ (date) and complete the remedial action listed below, if any, to avoid trial.
- (b)  You shall pay a daily fine of \$ \_\_\_\_\_ if the original fine has not been paid and/or the remedial action has not been completed by \_\_\_\_\_ (date). The daily fine shall accrue until the original fine is paid and all remedial action is completed.
2.  You shall pay a daily fine of \$ \_\_\_\_\_ until the remedial action listed below is completed. This fine shall be paid within 15 days of completion of all remedial action.

**Checks should be made payable to M-NCPPC** and shall be paid during normal business hours at the Information Counter of M-NCPPC's Montgomery Regional Office located at 8787 Georgia Avenue, 2<sup>nd</sup> Floor, Silver Spring, Maryland 20910, 301.495.4610. Failure to comply with this citation may result in formal court action and/or issuance of additional citations including additional fines. You may also elect to stand trial. If you elect to stand trial, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 Georgia Avenue, Suite 205, Silver Spring, Maryland 20910, within 15 days of date of citation. The District Court will thereafter notify you of the trial date.

**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, 1<sup>st</sup> 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