

ARTICLE IX

PENALTIES- ENFORCEMENT-SEVERABILITY

Section 1. Penalties

1.1 Misdemeanors

Except where a lesser penalty or fine is imposed by Ordinance of the Town Council relating to a violation of a specific Section of the Code of Ordinances, any person found guilty of violating any provision of this Code shall constitute a misdemeanor, and the person found guilty shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding six (6) months or both such fine and imprisonment. Each day a violation continues shall constitute a separate offense. The imposition of a penalty pursuant to this section does not prevent license or permit revocation or the imposition of administrative sanctions.

1.2 Municipal Infractions

All violations of this Code may be prosecuted as Municipal Infractions. For purposes of this Code, a Municipal Infraction is a civil offense and a finding against the defendant is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. The fine to be imposed for a Municipal Infraction shall be in accordance with Table I of this Article unless otherwise provided in an Ordinance specific to a particular section of the Code of Ordinances. If neither this Article nor a particular section of the Code of Ordinances specifies the fine for a particular infraction, the fine is to be the maximum allowed by state law for a Municipal Infraction. Each day a violation continues shall constitute a separate and repeat violation. Municipal infraction fines are payable at the Town Hall in care of the Town Clerk. The imposition of a Municipal Infraction does not prevent license or permit revocation or the imposition of administrative sanctions.

1.3 Equitable Relief

The Town, in addition to, and not in lieu of, other remedies, may institute any appropriate civil action or proceeding to prevent, restrain, correct or abate violations of the Code of Ordinances and any administrative orders issued hereunder. The imposition of any municipal infraction or misdemeanor penalty shall not preclude the Town from instituting appropriate action or proceeding to require compliance with the provisions of the Code of Ordinances. In the event the Town is deemed to be the prevailing party in such litigation, the violator, in addition to adherence to any Order entered by a Court, shall be responsible to pay, which shall be reduced to a judgment in favor of the Town, all reasonable costs, expenses and attorneys' fees of the Town in pursuing such action.

Table I. Municipal Infractions

VIOLATED ARTICLE & SECTION	FINE
Article I Sections 1 - 12	\$100 per violation, per day
Article II All Sections	\$100 per violation, per day
Article III Section 2 and 3	\$25 per violation, per day
Article III. Section 7	\$100 for the first violation, and \$250 for subsequent violations
Article III. Section 8 and 9	\$25 per violation
Article III Section 11	\$250 per ton over the limit
Article III Section 12	\$25 per violation
Article VI All Sections	\$100 per violation
Article VII All Sections	\$100 per violation, per day
Article XIV All Sections	\$0.30 per square foot of non-compliance, or \$1,000 per violation, per day

Section 2. Enforcement

The provisions of this Code of Ordinances shall be enforced by the Mayor of the Town, the Mayor Pro Tempore as appropriate, or his or her written designee; provided, however, that no person other than the Mayor or Mayor Pro Tempore shall have any authority to institute any such enforcement actions, absent a Resolution of the Town Council appointing such other written designee of the Mayor or Mayor Pro Tempore at a regular meeting of the Town Council or special meeting called for such purpose. Any notice of a Municipal Infraction shall be issued and served by the appropriate official set forth above in accordance with the provisions of Section 3, Article 23A, of the Annotated Code of Maryland as now existing or hereafter amended and/or re-designated. The Town shall not be liable for acts of commission or omission in connection with the enforcement and implementation of this Code of Ordinances.

Section 3. Lien Against Real Property

Any judgment, fine, attorneys' fees or other costs and expenses which may be awarded by any Court of competent jurisdiction in connection with any enforcement action by the Town relating to the owner(s) of one or more parcels or lots of real property pursuant to this ARTICLE IX shall constitute a lien against any such real property within the Town subject to such an enforcement action, and the Town may record among the Land Records of Montgomery County a "Notice of Lien" to that effect, and may exercise all rights afforded to it by law to collect such amounts, including an action to foreclose upon the real property in order to recover any such amounts due, in which case, the Town shall be entitled to collect, in addition to the principal amount of the lien against any such real property, the Town's costs, expenses and attorneys' fees attributable thereto.

Section 4. Severability

It is hereby declared to be the intention of the Council of the Town of Washington Grove that the articles, sections, paragraphs, sentences, clauses

and words of this Code of Ordinances are severable, and if any word, clause, sentence, paragraph or section of this Code of Ordinances shall be declared unconstitutional or otherwise invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code of Ordinances, since the same would have been enacted by the Council without the incorporation in this Code of Ordinances of any such unconstitutional or invalid word, clause, sentence, paragraph or section.