

REQUIRED MOTION

MAYOR & CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: November 22, 2022

TOPIC: **Introduction of an Ordinance:** Amending Chapter 65, Habitual Offender, to enhance support to our transient visitors and neighborhoods.

Charter Amendment	_____
Code Amendment	_____
Ordinance	<u> X </u>
Resolution	_____
Other	_____

MOTION: I hereby move that the Mayor and City Council introduce an ordinance to amend Chapter 65, Habitual Offender, of the Code of the City of Hagerstown. This chapter will be amended to include Chapter 230, Transient Housing. This amendment is intended to provide additional protections for our transient visitors and neighborhoods from nuisance actions and conditions.

DATE OF INTRODUCTION:	11/22/2022
DATE OF PASSAGE:	12/20/2022
EFFECTIVE DATE:	1/20/2023

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE
OF THE CITY OF HAGERSTOWN, BY
AMENDING CHAPTER 65 THEREOF, ENTITLED
*HABITUAL OFFENDER***

RECITALS

WHEREAS, by virtue of State Law and the City Charter, the City of Hagerstown has the authority to regulate and require inspections of buildings within the City; and

WHEREAS, the Mayor and Council have a responsibility to maintain a safe, clean environment within the City; and

WHEREAS, contemporaneously with the enactment of this Amendment, the Mayor and Council are enacting a new Code Chapter, namely Chapter 230 *Transient Housing*;

WHEREAS, the Mayor and Council desire to assure compliance with all laws, ordinances and regulations applicable to transient facilities in the City of Hagerstown, including but not limited to Chapter 65 *Habitual Offender*; and

WHEREAS, the Mayor and Council have therefore determined that it is in the best interest of the citizens of Hagerstown to amend Chapter 65, *Habitual Offender*, to include habitual offenses of the provisions of Chapter 230, *Transient Housing*.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. The foregoing recitals be and are incorporated herein as if restated verbatim.
2. The Code of the City of Hagerstown is hereby amended by amending Chapter 65, to read as follows:

(See Attached)

3. This amendment to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Enacting Ordinance shall become effective upon the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler
City Clerk

Emily N. Keller
Mayor

Date of Introduction: 11/22/2022
Date of Passage: 12/20/2022
Effective Date: 1/20/2023

PREPARED BY:
SALVATORE & MORTON, LLC
CITY ATTORNEY

Chapter 65 - Habitual Offender

§ 65-1 Title

This chapter shall be known and may be cited as the "City of Hagerstown Habitual Offender Ordinance."

§ 65-2 Declaration of policy.

It is hereby declared and ordained by the Mayor and Council of the City of Hagerstown to be the public policy of the City to preserve, protect, and improve property maintenance standards and the aesthetic nature of the community and to prevent and prohibit conditions existing which shall be detrimental to the property of others or which cause or tend to cause substantial diminution in the value of properties in the City.

§ 65-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HABITUAL OFFENDER

Any person who shall pay a fine after receipt of a citation, or who shall be convicted of or have judgment entered against him or her for violations of the following chapters of the City Code, or any combination thereof, for three or more separate and distinct violations occurring during a twenty-four-month period shall be considered a habitual offender. The chapters of the City Code which apply toward habitual offender status are Chapter 64, Property Maintenance, Chapter 140, Land Management Code, Chapter 185, Nuisance Abatement, Chapter 197, Rental Facilities, Chapter 230 Transient Housing, Chapter 232, Vacant Nonresidential Structures, and Chapter 233, Vacant Residential Structures.

PERSON

Any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature. The person shall include the owner(s), tenant(s), lessee(s), occupant(s) and/or person(s) in charge of or using the property.

PREMISES

A lot, plot or parcel of land, including any structures thereon and the public sidewalk or public way abutting such lot, plot or parcel.

§ 65-4 Violations and penalties.

- A. It shall be unlawful for any person considered a habitual offender under this chapter to own, use or occupy any premises regulated by Chapter 64, 140, 185, 197, 230, 232, or

233 of the Code of the City of Hagerstown in conflict with or in violation of the provisions contained therein.

- B. Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days in the County Jail, or by both fine and imprisonment, in the discretion of the court.
- C. In addition to the penalties provided herein, the court may:
 - (1) Order a period of probation;
 - (2) Order that any violation be abated by the defendant, or by the City at the cost of the defendant; and/or
 - (3) Order periodic inspections of the property by the City at the cost of the defendant.