

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-15-06
Introduced by: City Council
Date Introduced: Monday, March 2, 2015
First Reading: Monday, March 2, 2015
Public Hearing:
Second Reading: Monday, April 13, 2015
Date Adopted: Monday, April 13, 2015
Date Effective: Monday, May 11, 2015
AN ORDINANCE concerning

COLLECTION OF OUTSTANDING FEES AND FINES

FOR the purpose of amending Chapter 150 (Vehicles and Traffic) by adding a new Section 150-75 providing that fees and fines owed to the City that remain unpaid and outstanding after 30 days may, in the City's sole discretion and to the extent permitted by law, be referred to a collection agency or an attorney for collection and reporting to a major credit bureau in accordance with State and federal law; providing that an additional fee for collections shall be assessed for debtors whose accounts are referred to a collection agency or an attorney for collection; providing that such additional fee for collections shall not exceed two times the past due amount or total amount owed to the City; and providing that the City may, in its sole discretion, alternatively or further elect to file a civil suit against the debtor to recover the delinquent sums due and owing.

BY amending
Chapter 150 – VEHICLES AND TRAFFIC
adding new Section 150-75
Code of the City of Seat Pleasant (1994 Edition)

WHEREAS, The City of Seat Pleasant ("the City") is a Maryland municipal corporation, organized and operating under a Charter in accordance with Article XI-E of the Constitution of Maryland and the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202, the City Council of the City of Seat Pleasant (the "City Council") may adopt ordinances to assure the good government of the City, protect and preserve the City's rights, property, and privileges, preserve peace and

good order, secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d), the City Council may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the City; and

WHEREAS, pursuant to Md. Code Ann., Transp. § 26-301(b), the City Council is authorized to adopt ordinances or regulations that regulate the parking of vehicles, provide for the impounding of vehicles parked in violation of such ordinances or regulations, regulate the towing of vehicles from publicly owned and privately owned parking lots, and provide for the issuance of a citation by an officer for a violation of such ordinances or regulations; and

WHEREAS, the Council find that there is a substantial amount of fees and fines that are currently unpaid and outstanding, and that the City incurs significant and substantial costs, including attorney's fees and collection costs, in administering and overseeing the collection of such fees and fines; and

WHEREAS, the City Council deems it in the interest of the public health, welfare, and safety of the citizens of the City, and for the good government of the City, to enact this Ordinance and to take the actions as described herein.

SECTION 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL that Chapter 150 (Vehicles and Traffic) of the Code of the City of Seat Pleasant be and it is hereby amended to add a new Section 150-75, to read as follows:

§ 150-75. COLLECTION FEE. WHERE ANY FEES OR FINES ARE ASSESSED OR IMPOSED IN ACCORDANCE WITH THIS CHAPTER, AND WHERE SUCH FEES OR FINES ARE UNPAID AND OUTSTANDING FOR THIRTY (30) OR MORE DAYS, THE CITY, IN ITS SOLE AND ABSOLUTE DISCRETION AND TO THE EXTENT PERMITTED BY LAW, MAY REFER SUCH DEBT TO A COLLECTION AGENCY OR AN ATTORNEY FOR COLLECTION. IN ADDITION, SUCH DEBT MAY BE REPORTED TO A MAJOR CREDIT BUREAU, IN ACCORDANCE WITH STATE AND FEDERAL LAW. FOR ALL ACCOUNTS REFERRED TO A COLLECTION AGENCY OR AN ATTORNEY FOR COLLECTION, SUCH ACCOUNTS SHALL BE SUBJECT TO A COLLECTION FEE NOT EXCEED TWO (2) TIMES THE OUSTANDING DEBT OR THE TOTAL SUM INDEBTED TO THE CITY, WHICHEVER IS GREATER. THE CITY MAY ALTERNATIVELY OR FURTHER ELECT TO FILE A CIVIL SUIT AGAINST THE DEBTOR TO RECOVER SUCH OUTSTANDING AND UNPAID FEES OR FINES.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that all other ordinances or parts of ordinances or provisions of the Code of

the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.


SECTION 6. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the City Clerk shall certify to the adoption of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT


Johnie L. Higgs, Sr., Councilmember

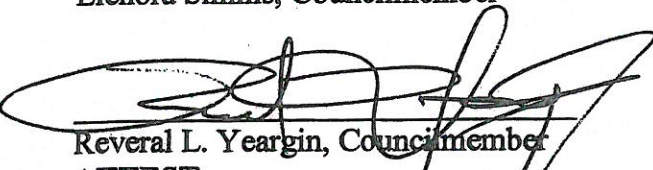
Eugene F. Kennedy, Councilmember



Kelly Porter, Councilmember


Gerald R. Raynor, Sr., Councilmember

Elenora Simms, Councilmember

Aretha A. Stephenson, Councilmember


Reveral L. Yeargin, Councilmember
ATTEST:


Dashaun N. Lanham, CMC
City Clerk

APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 14th day of April, 2015.



Dashaun Lanham
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby **(APPROVE)** **(DISAPPROVE)** of this Ordinance this 14th day of April, 2015.



Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.