

**CITY COUNCIL OF ANNAPOLIS, MARYLAND**

**Ordinance No. \_\_\_\_**

**Introduced by**

**Jared Littmann, September 2016**

**Food for Fines Program**

AN ORDINANCE TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF AN OCCASIONAL PROGRAM BY WHICH FINES FOR QUALIFYING PARKING INFRACTIONS MAY BE PAID BY MEANS OF THE DONATION OF FOOD ITEMS IN LIEU OF THE PAYMENT OF MONEY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

THE CITY COUNCIL OF THE CITY OF ANNAPOLIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title: XX, Chapter X, of the Municipal Code of the City of Annapolis, MD, is hereby amended by adding thereto a new section, designated as Section XXX, reading as follows:

XXXX (A) The Annapolis Department of Transportation (“ADOT”), from time to time and upon authorization by the City Council pursuant to Subsection (B), may operate a temporary program by which fines for **qualifying** parking infractions may be paid by means of the donation of food items in lieu of the payment of money. In order to satisfy the amount of the fine for any particular infraction, the food must be of equal or greater value than the amount of the corresponding fine.

(B) A temporary program described in Subsection (A) may be authorized no more than twice per calendar year and must be approved in advance, as to both time period and duration, by the City Council. ADOT may establish such procedures and requirements regarding the program as may be desirable or appropriate, including without limitation what types of food items will qualify; a range of dates within which parking infractions must have been issued in order to be eligible; and a time period within which donations in lieu of payment must be made. **The determination of whether or not a particular parking infraction qualifies under the program**, and the determination of the value of donations are completely within the discretion of ADOT.

(C) For purposes of Subsection (A), “qualifying parking infraction” means any non-moving violation OTHER THAN the following:

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Annapolis hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Annapolis, in conflict herewith are hereby repealed.