

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2006 Legislative Session

Legislative Day # 3

BILL NO. 2006-05

Introduced by: Charles County Commissioners

SMOKING AND TOBACCO PRODUCTS

Date introduced: 03 / 06 / 06

Public Hearing: 03 / 27 / 06 @ 7:00 p.m.

Commissioners Action: 05 / 01 / 06 Enact

Commissioner Votes: WC: Y, RF: Y, AS: Y, EP: Y, CQK: Y

Pass/Fail: Pass

Effective Date: 06 / 15 / 06

Remarks: Work session 02/27/06; follow-up work session 04/25/06

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2006 Legislative Session

Bill No. 2006-05

Chapter No. 127

Introduced by County Commissioners of Charles County, Maryland

Date of Introduction March 6, 2006

BILL

1 AN ACT concerning

2 **SMOKING AND TOBACCO PRODUCTS**

3
4 FOR the purpose of

5
6 Regulating the placement of tobacco products; prohibiting smoking in certain public
7 places, including certain eating and drinking establishments; providing certain penalties for and
8 procedures to enforce smoking restrictions; and generally regulating smoking in public places.

9
10 BY adding to:

11
12 Chapter 127 – Smoking and Tobacco Products
13 *Code of Charles County, Maryland*
14 (1994 Edition, 2005 Supplement)

15
16 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
17 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
18 follows:
19

1 **CHAPTER 127. SMOKING AND TOBACCO PRODUCTS.**

2
3 **ARTICLE I. TOBACCO PRODUCTS.**

4
5 **127-1. PURPOSE.** THE BOARD OF COUNTY COMMISSIONERS OF CHARLES
6 COUNTY FINDS AND DECLARES THAT TOBACCO PRODUCTS ARE A HAZARD TO
7 THE HEALTH OF THE GENERAL PUBLIC, ESPECIALLY YOUTH, AND THAT
8 TOBACCO PRODUCTS SHOULD BE MADE ACCESSIBLE AT RETAIL PLACES ONLY
9 THROUGH THE INTERVENTION OF THE RETAIL SELLER OR SELLER'S
10 EMPLOYEES.

11
12 **127-2. DEFINITIONS.**

13 A. "RETAIL SELLER": ~~MEANS~~ THE OWNER OR PROPRIETOR OF A BUSINESS
14 ESTABLISHMENT.

15
16 B. "TOBACCO PRODUCT": ~~MEANS~~ ANY SUBSTANCE CONTAINING TOBACCO ,
17 INCLUDING CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, OR
18 SMOKELESS TOBACCO.

19
20 C. "TOBACCONIST ESTABLISHMENT": A RETAIL STORE UTILIZED PRIMARILY
21 FOR THE SALE OF TOBACCO PRODUCTS AND ACCESSORIES IN WHICH THE
22 SALE OF OTHER PRODUCTS IS MERELY INCIDENTAL.

23
24 **127-3. PLACEMENT OF TOBACCO PRODUCTS.**

25 A. A RETAIL SELLER OF TOBACCO PRODUCTS SHALL NOT DISPLAY OR STORE
26 THE PRODUCT IN ANY PLACE THAT IS ACCESSIBLE TO BUYERS OF THE
27 PRODUCT WITHOUT THE INTERVENTION OF THE SELLER OR AN
28 EMPLOYEE OF THE SELLER. VIOLATION OF THE PROVISIONS OF THIS
29 ARTICLE SHALL BE A CIVIL INFRACTION SUBJECT TO THE PENALTIES

1 PROVIDED HEREIN.
2

3 **127-4. EXCEPTIONS.** THIS SECTION DOES NOT APPLY TO:

- 4 A. THE SALE OF ANY TOBACCO PRODUCT FROM A VENDING MACHINE THAT
5 COMPLIES WITH ALL REQUIREMENTS OF STATE LAW; OR
6 B. ~~ANY STORE WHERE TOBACCO PRODUCTS ARE SOLD EITHER~~
7 ~~EXCLUSIVELY OR PRIMARILY.~~ A TOBACCONIST ESTABLISHMENT.
8

9 **127-5. ENFORCEMENT.**

- 10 A. ANY PERSON WHO DESIRES TO REPORT AN ALLEGED VIOLATION OF THIS
11 ARTICLE MAY FILE A WRITTEN COMPLAINT WITH THE CHARLES COUNTY
12 DEPARTMENT OF HEALTH. UPON RECEIPT OF A COMPLAINT,
13 REPRESENTATIVES OF THE CHARLES COUNTY DEPARTMENT OF HEALTH
14 SHALL INSPECT THE PREMISES AND DOCUMENT THEIR FINDINGS.
15

- 16 B. IF, DURING ROUTINE INSPECTIONS OF RETAIL ESTABLISHMENTS
17 COVERED BY THIS SUBSECTION, ANY STATE OR COUNTY AGENCY FINDS
18 THAT THE REQUIREMENTS OF THIS ARTICLE ARE NOT BEING MET, THEY
19 SHALL REPORT SUCH NONCOMPLIANCE TO THE CHARLES COUNTY
20 DEPARTMENT OF HEALTH.
21

- 22 C. WRITTEN WARNINGS AND CIVIL CITATIONS FOR VIOLATIONS OF THIS
23 ARTICLE SHALL BE ISSUED BY REPRESENTATIVES OF THE CHARLES
24 COUNTY DEPARTMENT OF HEALTH IN ACCORDANCE WITH THE
25 PROCEDURES AND REQUIREMENTS PERTAINING TO CIVIL INFRACTIONS
26 SET FORTH IN ARTICLE 25B § 13C, ANNOTATED CODE OF MARYLAND, AS
27 THE SAME MAY BE AMENDED FROM TIME TO TIME.
28

29 **127-6. VIOLATIONS AND PENALTIES.** ANY PERSON WHO VIOLATES ANY

1 PROVISION OF THIS ARTICLE SHALL BE GUILTY OF A CIVIL INFRACTION AND
2 SHALL BE PUNISHED AS FOLLOWS:

3 A. FOR THE FIRST AND SECOND VIOLATION, UPON A WRITTEN
4 ACKNOWLEDGMENT OF THE VIOLATION BY THE RETAIL SELLER,
5 REPRESENTATIVES OF THE CHARLES COUNTY DEPARTMENT OF HEALTH
6 SHALL PROVIDE INFORMATION CONCERNING THE REQUIREMENTS OF
7 THIS SUBSECTION AND ISSUE A WRITTEN WARNING. A SUBSEQUENT
8 VIOLATION SHALL BE TREATED AS A FIRST OFFENSE.

9
10 B. ALL VIOLATIONS OTHER THAN THOSE DISPOSED OF PURSUANT TO THE
11 ABOVE SUBSECTION SHALL BE PUNISHED BY A FINE IN ACCORDANCE
12 WITH THE FOLLOWING SCHEDULE:

- 13 (1) FOR A FIRST OFFENSE: \$100;
- 14 (2) FOR A SECOND OFFENSE: \$200;
- 15 (3) FOR A THIRD OR SUBSEQUENT OFFENSE: \$300.

16
17 **ARTICLE II. SMOKING IN PUBLIC PLACES.**

18
19 **127-6. LEGISLATIVE FINDINGS AND PURPOSE.** THE BOARD OF COUNTY
20 COMMISSIONERS OF CHARLES COUNTY FINDS THAT:

- 21 A. NUMEROUS STUDIES HAVE FOUND THAT TOBACCO SMOKE IS A MAJOR
22 CONTRIBUTOR TO INDOOR AIR POLLUTION; AND
- 23 B. RELIABLE STUDIES HAVE SHOWN THAT BREATHING SECONDHAND
24 SMOKE IS A CAUSE OF DISEASE, INCLUDING LUNG CANCER, IN HEALTHY
25 NONSMOKERS. AT SPECIAL RISK ARE ELDERLY PEOPLE, CHILDREN,
26 PEOPLE WITH CARDIOVASCULAR DISEASE, AND INDIVIDUALS WITH
27 IMPAIRED RESPIRATORY FUNCTION, INCLUDING ASTHMATICS AND
28 THOSE WITH OBSTRUCTIVE AIRWAY DISEASE; AND
- 29 C. HEALTH HAZARDS INDUCED BY BREATHING SECONDHAND SMOKE

1 INCLUDE LUNG CANCER, RESPIRATORY INFECTION, DECREASED
2 EXERCISE TOLERANCE, DECREASED RESPIRATORY FUNCTION,
3 BRONCHOCONSTRICTION, AND BRONCHOSPASM.
4

5 **127-7. DEFINITIONS.** IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
6 HAVE THE MEANINGS INDICATED:

- 7 A. "EATING AND DRINKING ESTABLISHMENT": ANY ENTERPRISE THAT
8 PREPARES OR SELLS FOOD OR DRINK FOR HUMAN CONSUMPTION ON OR
9 OFF THE PREMISES. EATING AND DRINKING ESTABLISHMENT INCLUDES:
10 (1) ANY RESTAURANT, COFFEE SHOP, CAFETERIA, SHORT-ORDER CAFÉ,
11 LUNCHEONETTE, SANDWICH STAND, SODA FOUNTAIN; AND
12 (2) ANY FOOD SERVICE FACILITY IN AN INDUSTRY, INSTITUTION,
13 HOSPITAL, CLUB, SCHOOL, CHURCH, CATERING KITCHEN, OR CAMP.
- 14 B. "NON-RESTAURANT BAR": AN ESTABLISHMENT IN WHICH ALCOHOLIC
15 BEVERAGES ARE SERVED FOR CONSUMPTION BY GUESTS ON THE
16 PREMISES. FIFTY-PERCENT OR MORE OF ANNUAL GROSS REVENUES FROM
17 THE ENTIRE NON-RESTAURANT BAR PREMISES SHALL BE REALIZED FROM
18 THE SALE OF ALCOHOLIC BEVERAGES IN ORDER TO QUALIFY AS A NON-
19 RESTAURANT BAR. A NON-RESTAURANT BAR SHALL NOT BE LOCATED
20 WITHIN ANY PORTION OF A RESTAURANT AND SHALL INCLUDE NO
21 DINING AREA. NON-RESTAURANT BARS LOCATED IN A BUILDING WITH
22 OTHER BUSINESSES SHALL HAVE SEPARATE ENTRANCES AND HEATING,
23 VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS FROM SUCH
24 OTHER BUSINESSES AND SHALL BE SEPARATED FROM ALL COMMON
25 PASSAGEWAYS BY SOLID WALLS THAT EXTEND FROM THE FLOOR TO THE
26 CEILING AND SOLID DOORS THAT SHALL BE CLOSED WHEN NOT IN USE.
- 27 C. "RETAIL STORE": ANY ESTABLISHMENT EMPLOYING 20 OR MORE FULL-
28 TIME PERSONS WHOSE PRIMARY PURPOSE IS TO SELL TO CONSUMERS
29 ANY GOODS, WARES, FOOD FOR CONSUMPTION OFF THE PREMISES, OR

1 MERCHANDISE.

2 ~~D. "RETAIL TOBACCO STORE": A RETAIL STORE UTILIZED PRIMARILY FOR~~
3 ~~THE SALE OF TOBACCO PRODUCTS AND ACCESSORIES IN WHICH THE~~
4 ~~SALE OF OTHER PRODUCTS IS MERELY INCIDENTAL.~~

5 D. "SERVICE LINE": ANY INDOOR LINE AT WHICH ONE OR MORE PERSONS
6 WAIT FOR OR RECEIVE SERVICES OF ANY KIND, WHETHER OR NOT SUCH
7 SERVICE INVOLVES THE EXCHANGE OF MONEY.

8 E. "SMOKE" (WHEN USED AS A NOUN): AIRBORNE MATERIAL, WHETHER
9 VISIBLE OR NOT, PRODUCED BY THE BURNING OF TOBACCO IN ANY
10 FORM.

11 F. "TOBACCONIST ESTABLISHMENT": A RETAIL STORE UTILIZED PRIMARILY
12 FOR THE SALE OF TOBACCO PRODUCTS AND ACCESSORIES IN WHICH THE
13 SALE OF OTHER PRODUCTS IS MERELY INCIDENTAL.

14 G. "SMOKE" (WHEN USED AS A VERB): THE ACT OF INHALING, EXHALING,
15 BURNING, OR CARRYING ANY LIGHTED CIGAR, CIGARETTE, WEED, PLANT,
16 PIPE, OR OTHER COMBUSTIBLE SUBSTANCE IN ANY MANNER OR IN ANY
17 FORM.

18
19 **127-8. APPLICABILITY TO COUNTY-OWNED AND LEASED FACILITIES.** ALL
20 ENCLOSED FACILITIES AND OTHER DESIGNATED AREAS OWNED OR LEASED BY
21 CHARLES COUNTY OR THE CHARLES COUNTY BOARD OF EDUCATION SHALL BE
22 SMOKE FREE.

23
24 **127-9. SMOKING PROHIBITED IN PUBLIC PLACES.** SMOKING SHALL BE
25 PROHIBITED IN ALL ENCLOSED PUBLIC PLACES WITHIN CHARLES COUNTY
26 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING PLACES:

27 A. ELEVATOR, EXCEPT ELEVATORS IN SINGLE-FAMILY DWELLINGS AS
28 PROVIDED BY STATE LAW;

29 B. REST ROOMS;

- 1 C. SERVICE LINES;
- 2 D. RETAIL STORES;
- 3 E. ALL AREAS AVAILABLE TO AND CUSTOMARILY USED BY THE GENERAL
- 4 PUBLIC IN ALL BUSINESSES AND NONPROFIT ENTITIES PATRONIZED BY
- 5 THE PUBLIC, INCLUDING BUT NOT LIMITED TO EATING AND DRINKING
- 6 ESTABLISHMENTS, OFFICES, BANKS, HOTELS, AND MOTELS;
- 7 F. PUBLIC AREAS OF AQUARIUMS, GALLERIES, LIBRARIES, AND MUSEUMS
- 8 WHEN OPEN TO THE PUBLIC;
- 9 G. ANY BUILDING NOT OPEN TO THE SKY WHICH IS USED PRIMARILY FOR
- 10 EXHIBITING MOTION PICTURES, STAGE, DRAMA, LECTURES, MUSICAL
- 11 RECITALS, OR OTHER SIMILAR PERFORMANCES, EXCEPT WHEN SMOKING
- 12 IS PART OF THE STAGE PRODUCTION;
- 13 H. SPORTS ARENAS AND CONVENTION HALLS; AND
- 14 I. EVERY ROOM, CHAMBER, PLACE OF MEETING OR PUBLIC ASSEMBLY,
- 15 INCLUDING SCHOOL BUILDINGS AND GROUNDS UNDER THE CONTROL OF
- 16 ANY BOARD, COUNCIL, COMMISSION, COMMITTEE, INCLUDING JOINT
- 17 COMMITTEES, OR AGENCY OF THE COUNTY.

18

19 **127-10. EXCEPTIONS.** NOTWITHSTANDING ANY OTHER PROVISION OF THIS

20 ARTICLE TO THE CONTRARY, THE FOLLOWING AREAS SHALL NOT BE SUBJECT

21 TO THE SMOKING RESTRICTIONS OF THIS ARTICLE:

- 22 A. TOBACCONIST ESTABLISHMENTS;
- 23 B. IN A VEHICLE, WHEN USED IN THE COURSE OF EMPLOYMENT AND
- 24 OCCUPIED BY ONLY ONE INDIVIDUAL;
- 25 C. WHEN SMOKING IS NECESSARY TO THE CONDUCT OF SCIENTIFIC
- 26 RESEARCH INTO THE HEALTH EFFECTS OF TOBACCO SMOKE AND IS
- 27 CONDUCTED AT AN ANALYTICAL OR EDUCATIONAL LABORATORY;
- 28 D. IN ANY PART OF A PRIVATE RESIDENCE WHICH IS NOT OPEN TO THE
- 29 PUBLIC FOR BUSINESS PURPOSES;

- 1 E. IN UP TO 40% OF THE SLEEPING ROOMS IN A HOTEL OR MOTEL; AND
- 2 F. IN UP TO 40% OF THE PREMISES OF A FRATERNAL, RELIGIOUS, PATRIOTIC,
- 3 OR CHARITABLE ORGANIZATION OR CORPORATION OR FIRE COMPANY OR
- 4 RESCUE SQUAD DURING AN EVENT THAT THE ORGANIZATION OR
- 5 CORPORATION HOLDS ON ITS OWN PROPERTY AND WHICH IS OPEN TO
- 6 THE PUBLIC.
- 7 G. IN THE BAR AND DINING AREA OF AN EATING AND DRINKING
- 8 ESTABLISHMENT THAT:
- 9 (1) IS A CLUB AS DEFINED IN THE STATE ALCOHOLIC BEVERAGES LAW;
- 10 (2) HAS AN ALCOHOLIC BEVERAGES LICENSE ISSUED TO PRIVATE OR
- 11 NON-PROFIT CLUBS UNDER THE STATE ALCOHOLIC BEVERAGES
- 12 LAW; AND
- 13 (3) ALLOWS CONSUMPTION OF ALCOHOLIC BEVERAGES ON ITS
- 14 PREMISES.
- 15 H. IN A NON-RESTAURANT BAR.
- 16 I. IN A ~~RESTAURANT AREA, LAVATORY, OR WORK AREA OF A RETAIL~~
- 17 ~~STORE~~ WORK PLACE:
- 18 (1) TO WHICH THE PUBLIC DOES NOT HAVE ACCESS; AND
- 19 (2) ~~THAT CAN BE PHYSICALLY ISOLATED BY A ROOM WITH DOORS~~
- 20 ~~CLOSED~~ MEETS THE REQUIREMENTS FOR A DESIGNATED SMOKING
- 21 AREA AS PROVIDED BY COMAR 09.12.23.04, AS THE SAME MAY BE
- 22 AMENDED FROM TIME TO TIME.

23

24 **127-11. OPTIONAL SMOKING RESTRICTIONS.** THE OWNER OR PERSON IN

25 CONTROL OF ANY PROPERTY NOT COVERED IN SECTION ~~127-7~~ 127-9 OR

26 EXEMPTED UNDER SECTION ~~127-8~~ 127-10 MAY PROHIBIT OR RESTRICT SMOKING

27 AS PROVIDED IN THIS ARTICLE BY NOTIFYING, IN WRITING, THE DEPARTMENT

28 DESIGNATED TO ENFORCE THIS SECTION AND BY POSTING APPROPRIATE SIGNS.

29 THE DEPARTMENT MUST ENFORCE THE PROHIBITION OR RESTRICTION

1 WHEREVER SIGNS ARE POSTED UNTIL THE OWNER OR PERSON IN CONTROL OF
2 THE PROPERTY NOTIFIES THE DEPARTMENT IN WRITING THAT THE OWNER OR
3 PERSON IN CONTROL HAS REVOKED THE PROHIBITION OR RESTRICTION AND
4 REMOVED ALL SIGNS.

5
6 **127-10. DUTY TO PREVENT SMOKING IN CERTAIN AREAS.** THE OWNER OR
7 PERSON IN CONTROL OF A BUILDING OR AREA COVERED BY THIS SECTION
8 MUST REFUSE TO SERVE OR SEAT ANYONE WHO SMOKES WHERE SMOKING IS
9 PROHIBITED, AND MUST ASK THE PERSON TO LEAVE THE BUILDING OR AREA IF
10 THE PERSON CONTINUES TO SMOKE AFTER PROPER WARNING.

11
12 **127-11. POSTING SIGNS.**

- 13 A. "SMOKING" OR "NO SMOKING" SIGNS, WHICHEVER ARE APPROPRIATE,
14 WITH LETTERS OF NOT LESS THAN ONE INCH IN HEIGHT OR THE
15 INTERNATIONAL "NO SMOKING" SYMBOL (CONSISTING OF A PICTORIAL
16 REPRESENTATION OF A BURNING CIGARETTE ENCLOSED IN A RED CIRCLE
17 WITH A RED BAR ACROSS IT) SHALL BE CLEARLY, SUFFICIENTLY, AND
18 CONSPICUOUSLY POSTED IN EVERY BUILDING OR OTHER PLACE WHERE
19 SMOKING IS REGULATED BY THIS ARTICLE, BY THE OWNER, OPERATOR,
20 MANAGER, OR OTHER PERSON HAVING CONTROL OF SUCH BUILDING OR
21 OTHER PLACE.
- 22 B. EVERY THEATER OWNER, MANAGER, OR OPERATOR SHALL
23 CONSPICUOUSLY POST SIGNS IN THE LOBBY STATING THAT SMOKING IS
24 PROHIBITED WITHIN THE THEATER OR AUDITORIUM..

25
26 **127-12. NONRETALIATION.** NO PERSON OR EMPLOYER SHALL DISCHARGE,
27 REFUSE TO HIRE, OR IN ANY MANNER RETALIATE AGAINST ANY EMPLOYEE OR
28 APPLICANT FOR EMPLOYMENT BECAUSE SUCH EMPLOYEE OR APPLICANT
29 EXERCISES ANY RIGHTS AFFORDED BY THIS ARTICLE.

1 **127-13. INTERPRETATION.**

- 2 A. THIS ARTICLE SHALL NOT BE INTERPRETED OR CONSTRUED TO PERMIT
3 SMOKING WHERE IT IS OTHERWISE RESTRICTED BY OTHER APPLICABLE
4 LAWS.
- 5 B. THIS ARTICLE ADDS TO, AND DOES NOT REPLACE OR RESTRICT, ANY
6 OTHER APPLICABLE FEDERAL, STATE, OR COUNTY LAWS OR
7 REGULATION.

8

9 **127-14. ENFORCEMENT.**

- 10 A. ENFORCEMENT OF THIS ARTICLE SHALL BE THE RESPONSIBILITY OF THE
11 CHARLES COUNTY DEPARTMENT OF HEALTH. THE CHARLES COUNTY
12 HEALTH OFFICER, OR HIS/HER DESIGNEE, SHALL BE AUTHORIZED TO
13 ISSUE CIVIL CITATIONS FOR VIOLATIONS OF THIS ARTICLE. VIOLATIONS
14 SHALL BE PROSECUTED PURSUANT TO THE PROCEDURES AND
15 REQUIREMENTS PERTAINING TO CIVIL INFRACTIONS SET FORTH IN
16 ARTICLE 25B § 13C, ANNOTATED CODE OF MARYLAND, AS THE SAME MAY
17 BE AMENDED FROM TIME TO TIME.
- 18 B. ANY PERSON WHO DESIRES TO REPORT AN ALLEGED VIOLATION OF THIS
19 ARTICLE MAY FILE A WRITTEN COMPLAINT WITH THE CHARLES COUNTY
20 DEPARTMENT OF HEALTH. UPON RECEIPT OF A COMPLAINT,
21 REPRESENTATIVES OF THE CHARLES COUNTY DEPARTMENT OF HEALTH
22 SHALL INSPECT THE PREMISES AND DOCUMENT THEIR FINDINGS.
- 23 C. IF, DURING ROUTINE INSPECTIONS OF ESTABLISHMENTS COVERED BY
24 THIS ARTICLE, ANY STATE OR COUNTY AGENCY FINDS THAT THE
25 REQUIREMENTS OF THIS ARTICLE ARE NOT BEING MET, THEY SHALL
26 REPORT SUCH NONCOMPLIANCE TO THE CHARLES COUNTY DEPARTMENT
27 OF HEALTH.
- 28 D. WRITTEN WARNINGS AND CIVIL CITATIONS FOR ALLEGED VIOLATIONS OF
29 THIS ARTICLE SHALL BE ISSUED BY REPRESENTATIVES OF THE CHARLES

1 COUNTY DEPARTMENT OF HEALTH IN ACCORDANCE WITH THE
2 PROCEDURES AND REQUIREMENTS PERTAINING TO CIVIL INFRACTIONS
3 SET FORTH IN ARTICLE 25B § 13C, ANNOTATED CODE OF MARYLAND, AS
4 THE SAME MAY BE AMENDED FROM TIME TO TIME.

5 E. ALL FINES COLLECTED SHALL BE PAID TO CHARLES COUNTY.
6

7 **127-15. VIOLATIONS AND PENALTIES.** ANY PERSON WHO VIOLATES ANY
8 PROVISION OF THIS ARTICLE SHALL BE GUILTY OF A CIVIL INFRACTION AND
9 SHALL BE PUNISHED AS FOLLOWS:

10 A. FOR THE FIRST AND SECOND VIOLATION, UPON A WRITTEN
11 ACKNOWLEDGMENT OF THE VIOLATION BY THE VIOLATOR,
12 REPRESENTATIVES OF THE CHARLES COUNTY DEPARTMENT OF HEALTH
13 SHALL PROVIDE INFORMATION CONCERNING THE REQUIREMENTS OF
14 THIS ARTICLE AND ISSUE A WRITTEN WARNING. A SUBSEQUENT
15 VIOLATION SHALL BE TREATED AS A FIRST OFFENSE.

16 B. ALL VIOLATIONS OTHER THAN THOSE DISPOSED OF PURSUANT TO THE
17 ABOVE SUBSECTION SHALL BE PUNISHED BY A FINE IN ACCORDANCE
18 WITH THE FOLLOWING SCHEDULE.

- 19 (1) FOR A FIRST OFFENSE: \$100;
20 (2) FOR A SECOND OFFENSE: \$200;
21 (3) FOR A THIRD OR SUBSEQUENT OFFENSE: \$300.

1 **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect FORTY-FIVE (45)
2 calendar days after it becomes law.

3
4 _____
5 Wayne Cooper, President

6
7 _____
8 Robert J. Fuller

9
10 _____
11 Candice Quinn-Kelly

12
13 _____
14 Edith J. Patterson

15
16 _____
17 Allan R. Smith

18
19 ATTEST
20
21 _____
22
23
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25
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29