

**COTTAGE CITY COMMISSION
TOWN OF COTTAGE CITY**

ORDINANCE NO. 2026 - 01

Introduced By: The Cottage City Commission

AN ORDINANCE OF THE COTTAGE CITY COMMISSION AMENDING CHAPTER 9 OF THE TOWN CODE TO ENHANCE ENFORCEMENT MECHANISMS FOR UNPAID MUNICIPAL TRAFFIC (I.E., AUTOMATED SPEED AND RED LIGHT SYSTEMS) AND PARKING VIOLATIONS, INCLUDING BOOTING, TOWING, AND IMPOUNDMENT FOR REPEAT VIOLATORS ALONG WITH A NEW MUNICIPAL INFRACTION AUTHORIZED FOR VIOLATORS (I.E., SCOFLOWS) WHO COMMIT MULTIPLE UNPAID VIOLATIONS, AND GENERALLY RELATING TO VEHICLES AND TRAFFIC SAFETY

WHEREAS, the Town of Cottage City, Maryland (the "Town"), is a municipal corporation organized and existing under the laws of the State of Maryland, and empowered under Article XI-E of the Maryland Constitution, Section 21-809 *et al.* of the Transportation Article of the Ann. Code of Md., the Local Government Article of the Ann. Code of Md., and the general ordinance making powers of the Charter of the Town of Cottage City (including but not limited to those related to traffic regulation, public safety, and enforcement of municipal infractions) to enact ordinances to protect the health, safety, comfort, convenience, and welfare of its citizens, including the regulation of traffic, parking, and public order; and

WHEREAS, the Town issues citations and collects fines for parking and automated traffic enforcement violations pursuant to Maryland Transportation Article §21-202.1, §21-809, and §21-810, and is responsible for ensuring compliance and collection of those penalties, as authorized by Town Ordinance No. 2021-03 (establishing speed monitoring systems and related enforcement), as amended; and

WHEREAS, the Md. Transportation Article, § 26-301 explicitly authorizes political subdivisions to "provide for the impounding of vehicles parked in violation of the ordinances" and the current Town Code allows for booting or towing for two or more unpaid violations that are 90+ days past due; and

WHEREAS, Chapter 9 (Traffic and Vehicles) of the Town Code currently provides for towing, impoundment, and booting (immobilization) of vehicles with three or more outstanding parking violations (§9-7A), late fees of \$35 per citation after 45 days (§9-7B), flagging of Maryland-registered vehicles for unpaid fines (§9-7B), and recovery of towing, storage, and administrative

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expenses from vehicle owners (§9-7A and §9-7B) (emphasis added), which could be amended to also provide such enforcement mechanisms for speed and red light violations; and

WHEREAS, Ordinance No. 2021-03 was passed September 8, 2021 authorizing the operation of speed cameras provided by its contracted vendor in certain residential districts in Town and said ordinance further ratified the continued use of red light cameras permitted under State law, and said ordinance permits the Town to request to “flag” the registration of a motor vehicle of a person liable for a speed or red light camera citation but does not timely pay the civil penalty; and Section 9-17 provides for the following fees for both types of monitoring systems: Late Fee (\$40), Returned Check Fee (\$35), Municipal Flagging Fee (\$40) and Debt Collection Fee (twice the amount of any unpaid debt for fines or fees); and

WHEREAS, House Bill 182 effective on October 1, 2025 repeals a statutory provision that sets a maximum amount of \$40 for the civil penalty for speed monitoring systems that is imposed on the owner or driver of a motor vehicle that exceeds a posted speed limit and is recorded by a speed monitoring system, and instead, the bill establishes an escalating penalty structure, with a maximum penalty that ranges from \$40 to \$425 for the offense, depending on the excessiveness of the speed violation, and the Cottage City Commission passed Emergency Ordinance 2025-02 to amend Chapter 9 of the Town Code to implement HB 182 and establish penalties that range and/or include fines of \$40, \$70, \$100, \$200, and \$300 for the offense, depending on the excessiveness of the speed violation; and

WHEREAS, the Town currently contracts with Municipal Collections of America, Inc. (MCoA) for debt collection services, which may impose collection fees up to 2 times the outstanding debt, providing an existing pathway for escalated recovery of unpaid fines and administrative fees; however, this pathway presently does not include a separate infraction for repeat offenders also known as scofflaws; and

WHEREAS, another new law, enacted as Senate Bill 820 (also cross-filed as House Bill 1506) effective October 1, 2025, increased the maximum fine that municipalities may impose for a municipal infraction from \$1,000 to \$5,000 and the increase is intended to provide local governments with greater flexibility in addressing persistent violations and to act as a stronger deterrent for repeat offenders, who previously sometimes viewed the \$1,000 fine for municipal infractions or misdemeanors and the \$40 speed camera fine (recently changed to a graduated fine schedule based on the amount of speeding) as a mere “cost of doing business;” and

WHEREAS, Section 20 (Enforcement of ordinances) of the Town Charter, which despite the new higher authorization under SB 820 serves as a local restriction on the Commission's power, and states that to ensure the compliance with the ordinances of the Town, the Commission shall have the power to provide that a violation shall be a misdemeanor or a municipal infraction, unless the

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violation is declared to be a felony or misdemeanor by state law, and the Commission shall have the power to affix penalties for the violation of an ordinance, and the penalty for a misdemeanor shall not exceed a fine of one thousand dollars (\$1,000) per infraction and/or imprisonment for six (6) months, and a penalty for a municipal infraction shall not exceed one thousand dollars (\$1,000) per infraction, and the Commission may provide that a judgment or conviction for an offense shall not bar a subsequent enforcement procedure for a continuation of the same offense; and

WHEREAS, under LG Article, Section 5-205(d) of the Annotated Code of Md., the Town is authorized to impose certain fees and charges provided the fees are not intended merely to raise revenues such as a tax but instead must be reasonably related to the cost attendant upon the expense, trouble and labor of regulating, supervising or licensing an activity and properly tied to the cost recovery for providing a governmental or proprietary function; and

WHEREAS, Title 6 of the LG Article of the Annotated Code of Md. authorizes municipalities to provide that violations of ordinances are punishable as either criminal misdemeanors or municipal infractions provided further that the fine does not exceed \$5,000 and is payable within 20 calendar days of service of the citation for the violation; and

WHEREAS, the Cottage City Commission finds that the Town of Cottage City currently has approximately \$2 Million in bad debt (i.e., unpaid citations with late and other administrative fees accrued) that may be recovered but the majority of this relatively small-sum individual accumulated debt is not readily collectable for red light and speed camera violations for the same or similar reasons cited by the General Assembly of Md. when it enacted SB 820/HB 1506 raising the maximum fines for ordinance violations from \$1,000 to \$5,000; and

WHEREAS, the Town is considering a proposed Professional Services Agreement dated January 14, 2026, with All American MD, LLC trading as The Traffic Safety Group (TSG) for citation review, program administration, ombudsman services, and support for outstanding violations and municipal debt collection (including coordination with the State of Maryland Central Collection Unit), which agreement emphasizes cost neutrality to the Town, violator-funded operations, and a separate fee schedule for collection activities (Addendum A) to be negotiated and approved by the Cottage City Commission; and

WHEREAS, the Cottage City Commission finds that amending Chapter 9 (Traffic and Vehicles) to strengthen booting, towing, and impoundment provisions for chronic parking violators (e.g., lowering the threshold to two or more unpaid violations 90 days or more past due), and by establishing a new scofflaw violation for chronic violators for red light and speed camera violators, while relying on existing administrative fees and authorizing coordination with vendors like TSG, will promote compliance, increase public safety, ensure due process of law, reduce administrative

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burden, make debt collections cost effective, protect the Town’s fiscal interests, and ensure equitable enforcement without introducing unreasonable or excessive new fees.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that the Code of the Town of Cottage City as stated herein below is hereby, enacted, adopted, revised and amended such that said Code and the provisions of said Code and particularly this revised Chapter 9 (Traffic and Vehicles) thereof shall henceforth read as follows:

**CHAPTER 9
Traffic and Vehicles**

SECTION 9-7: ABANDONED VEHICLES AND ABATING SCOFFLAWS

A. Definitions. As used in this [section] CHAPTER the following terms shall have the meanings indicated:

DELINQUENT VIOLATION: A violation that remains unpaid more than thirty (30) days after the date payment was due.

SCOFFLAW: Any person, vehicle owner, or registered operator with two (2) or more delinquent violations (as defined in this Chapter involving traffic and vehicles including but not limited to parking, and automated speed and red-light enforcement) that remain unpaid more than ninety (90) days after the due date.

VIOLATION: Any unpaid parking or traffic citation, red light violation, speed camera violation, or other automated traffic enforcement citation issued by or on behalf of the Town.

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SECTION 9-7A: ENHANCED ENFORCEMENT, IMPOUNDMENT OR ATTACHMENT OF VEHICLES

A. A vehicle may be impounded or attached if:

- (1) It is parked unattended or found parked in violation of any traffic law, ordinance or regulation.
- (2) It is disabled and creating a traffic hazard.
- (3) It is parked unattended and there are [~~Three~~] TWO or more outstanding Town parking violations, [~~all of which were issued at least 30 days prior~~] THAT ARE NINETY (90) DAYS OR MORE PAST DUE, OR THE VEHICLE IS ASSOCIATED WITH A PERSON, DRIVER OR OWNER ADJUDICATED OR WHO IS RESPONSIBLE AND HAS IGNORED OR OTHERWISE HAS NOT PAYED OR CONTESTED ISSUED CITATIONS AS AUTHORIZED BY THIS CHAPTER) TO BEING A SCOFFLAW UNDER §9-7C.
- (4) It is parked on public or private property in violation of § 9-7.

B. A vehicle parked in violation of Subsection A of this section may be impounded or attached by:

- (1) Towing or conveying the vehicle to a place of storage designated by the Chief of Police, and all expenses incurred in the impoundment will be the responsibility of the owner of the vehicle.
- (2) Attaching an immobilized device (commonly called a "boot") to the vehicle, and all expense incurred for the attaching and detaching of the immobilizing device will be the responsibility of the owner of the vehicle, INCLUDING REASONABLE ADMINISTRATIVE FEES NOT TO EXCEED THOSE SET BY RESOLUTION OR ORDINANCE OF THE COMMISSION FOR COST RECOVERY (E.G., BOOT REMOVAL FEE OF \$200, AND TOWING AND STORAGE AT STANDARD RATES).

C. Vehicles impounded or attached will not be released unless:

- (1) All outstanding [~~parking~~] citations ISSUED UNDER THIS CHAPTER BY [~~for~~] the Town of Cottage City have been satisfied INCLUDING ANY LATE FEES UNDER §9-7B, FINES UNDER §9-7C, AND COLLECTION FEES IMPOSED BY AUTHORIZED AGENTS OR THE STATE CENTRAL COLLECTION UNIT; and

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(2) All expenses incurred by the Town for impoundment or attachment have been satisfied.

D. The expenses incurred for attaching and detaching the immobilizing device, the expenses of certified mail and/or newspaper publication and the man-hours expended will be set by the Chief of Police, SUBJECT TO APPROVAL BY THE COMMISSION.

E. PRIOR TO IMMOBILIZATION OR TOWING, REASONABLE EFFORTS SHALL BE MADE TO NOTIFY THE REGISTERED OWNER OF THE OUTSTANDING DEBT AND PROVIDE AN OPPORTUNITY FOR PAYMENT OR RESOLUTION, CONSISTENT WITH DUE PROCESS REQUIREMENTS. IMMOBILIZATION OR TOWING BASED ON SCOFFLAW STATUS SHALL NOT OCCUR UNTIL THE MUNICIPAL INFRACTION UNDER §9-7C IS RESOLVED (EITHER BY PAYMENT/ADMISSION OR ADJUDICATION).

F. ANY VEHICLE REMAINING UNCLAIMED FOR TWENTY-ONE (21) DAYS FROM THE DATE OF IMPOUNDMENT SHALL BE DISPOSED OF BY PUBLIC AUCTION CONDUCTED BY THE TOWN'S DESIGNATED VENDOR OR ITS QUALIFIED SUBCONTRACTOR IN ACCORDANCE WITH STATE STATUTES AND ANY APPLICABLE ORDINANCES. PROCEEDS FROM ANY SUCH SALE SHALL BE APPLIED FIRST TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE RECOVERY OF THE DEBT, INCLUDING TOWING, IMPOUND, AND ENFORCEMENT EXPENSES. ANY REMAINING BALANCE SHALL BE APPLIED TOWARD THE SATISFACTION OF OUTSTANDING VIOLATIONS, LATE FEES, SCOFFLAW FINES, AND PENALTIES.

G. NO VEHICLE SUBJECT TO THIS SECTION SHALL BE RELEASED TO A VEHICLE RECYCLER, DISMANTLER, OR SCRAP PROCESSOR UNDER MARYLAND TRANSPORTATION ARTICLE §§25-201 THROUGH 25-207, §25-202, OR §25-204, UNLESS EXPRESSLY AUTHORIZED IN WRITING BY THE TOWN MANAGER OR CHIEF OF POLICE. ALL VEHICLES SOLD AT AUCTION SHALL COMPLY FULLY WITH APPLICABLE STATE LAW GOVERNING ABANDONED OR UNCLAIMED VEHICLES.

H. THE TOWN MAY PROMULGATE ADDITIONAL ADMINISTRATIVE PROCEDURES CONSISTENT WITH THIS CHAPTER TO GOVERN THE IMMOBILIZATION, TOWING, IMPOUNDMENT, AND SALE OF VEHICLES, AND MAY CONTRACT WITH QUALIFIED VENDORS TO PERFORM SUCH SERVICES, INCLUDING BUT NOT LIMITED TO COORDINATION WITH ENTITIES PROVIDING DATA SUPPORT AND DEBT RECOVERY ASSISTANCE.

I. INTERGOVERNMENTAL COOPERATION. THE CHIEF OF POLICE, ACTING BY AND WITH THE CONCURRENCE OF THE COTTAGE CITY COMMISSION, IS HEREBY AUTHORIZED TO ENTER INTO MEMORANDA OF UNDERSTANDING (MOU'S) OR

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INTERGOVERNMENTAL AGREEMENTS WITH OTHER MUNICIPALITIES, COUNTIES, OR GOVERNMENTAL AGENCIES WITHIN THE STATE OF MARYLAND FOR THE PURPOSE OF ENFORCING, COORDINATING, OR FACILITATING BOOTING, TOWING, AND IMPOUNDMENT ACTIONS UNDER THIS CHAPTER.

SECTION 9-7B: PAYMENT OF FINES, FEES AND OTHER CHARGES.

A. Penalties and administrative fees will be set by resolution OR ORDINANCE of the Commission.

B. Fines and administrative fees.

(1) Payment of fines and administrative fees will be paid within 30 days after the citation is issued unless a timely election is made to stand trial regarding the citation.

(2) If payment is not received by the Town within 30 days (no timely election for trial having been filed), a warning letter will be sent to the last known registered owner of the vehicle.

(3) If payment is not received by the Town within 45 days after the citation has been issued (no timely election for trial having been filed), a late fee of \$~~[35]~~40 per citation will be assessed.

(4) Any vehicle which is impounded or attached will not be released until all fines, administrative fees and other related expenses are paid.

(5) Failure to pay a citation or to elect to stand trial within the set time parameters will result in a late fee in the amount of \$~~[35]~~40.

(6) If the vehicle is registered in the State of Maryland, it will be subject to the state's flagging programs until all fines, fees and expenses are paid.

(7) THE TOWN MAY COORDINATE WITH AUTHORIZED COLLECTION AGENTS, THE STATE CENTRAL COLLECTION UNIT, OR VENDORS DESIGNATED UNDER CONTRACTS TO RECOVER DEBTS THROUGH LAWFUL MEANS SUCH AS JUDGMENTS, GARNISHMENTS, OR LIENS, WITH COLLECTION FEES LIMITED TO UP TO TWO TIMES THE OUTSTANDING DEBT AMOUNT AS PER § 9-17.

SECTION 9-7C: SCOFFLAW INFRACTIONS.

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A. IT SHALL BE A MUNICIPAL INFRACTION, AS DEFINED UNDER THE MD. LOCAL GOVERNMENT ARTICLE §6-101 ET SEQ., FOR ANY PERSON, VEHICLE OWNER, OR REGISTERED OPERATOR TO BE A SCOFFLAW, AS IDENTIFIED BY HAVING TWO (2) OR MORE DELINQUENT VIOLATIONS UNPAID MORE THAN NINETY (90) DAYS AFTER THE DUE DATE.

B. UPON IDENTIFICATION OF A POTENTIAL SCOFFLAW, THE TOWN SHALL ISSUE A SEPARATE MUNICIPAL INFRACTION CITATION SPECIFYING THE UNDERLYING VIOLATIONS, THE SCOFFLAW ALLEGATION, HAVING A FINE OF ONE THOUSAND DOLLARS (\$1,000.00). THE CITATION SHALL PROVIDE NOTICE OF THE RIGHT TO PAY THE FINE OR ELECT A TRIAL IN THE DISTRICT COURT OF MARYLAND, IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE §6-102 ET SEQ.

C. IF THE CITATION IS NOT CONTESTED WITHIN THE TIME SPECIFIED (OR IF CONTESTED AND ADJUDICATED GUILTY IN THE DISTRICT COURT), THE VIOLATOR SHALL BE DEEMED A SCOFFLAW, THE FINE SHALL BE ADDED TO THE OUTSTANDING BALANCE, AND THE TOWN MAY PROCEED WITH ENHANCED ENFORCEMENT UNDER §9-7A, INCLUDING BOOTING, TOWING, OR IMPOUNDMENT. THE FINE IS INTENDED TO PROMOTE COMPLIANCE AND DETER CHRONIC VIOLATIONS, AND REVENUE THEREFROM SHALL BE CREDITED TO THE TOWN'S GENERAL FUND.

D. IF CONTESTED, SCOFFLAW STATUS AND THE ASSOCIATED FINE SHALL NOT BE IMPOSED UNTIL ADJUDICATION BY THE DISTRICT COURT. DURING PENDENCY OF ANY CONTEST, THE TOWN MAY PURSUE COLLECTION OF UNDERLYING VIOLATIONS THROUGH EXISTING MECHANISMS BUT SHALL NOT APPLY ENHANCED SCOFFLAW ENFORCEMENT (E.G., BOOTING OR TOWING BASED SOLELY ON SCOFFLAW STATUS) UNTIL RESOLUTION.

E. THIS SECTION COMPLIES WITH DUE PROCESS REQUIREMENTS BY AFFORDING NOTICE, AN OPPORTUNITY TO BE HEARD, AND JUDICIAL REVIEW, WHILE ALIGNING WITH THE TOWN'S AUTHORITY TO CLASSIFY REPEAT ORDINANCE VIOLATIONS AS MUNICIPAL INFRACTIONS.

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SECTION 9-11: VIOLATIONS.

A. Unless otherwise provided, any person or persons who shall fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation

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made under this chapter, shall, upon conviction thereof, be fined AND/OR CHARGED as follows for each offense.

VIOLATION/ENFORCEMENT ACTION	PROVISION	FINE/FEE
(1) No parking zone	§9-5.G	\$45
(2) Handicap	§9-12.F	\$250
(3) Drive or parked over curb or sidewalk	§9-6 & §9-8.G	\$50
(4) Parked left wheel to curb	§9-8.D	\$45
(5) Parked >12" from curb	§9-5.E	\$50
(6) Parked in fire lane	§9-5.G	\$100
(7) Parked within 15' of fire hydrant	§9-5.D	\$45
(8) Parked in excess of 72 hours	§9-5.J	\$45
(9) Failure to obey sign (parking)	§9-5.G	\$45
(10) Failure to park in designated space	§9-5.H & I	\$45
(11) Parked within 20' of stop sign	§9-5.D	\$50
(12) Parked within 20' of intersection	§9-5.D	\$50
(13) Parked obstructing traffic	§9-5.I	\$50
(14) Abandoned vehicle on private property	§9-7.B	\$45
(15) Commercial vehicle in residential zone	§9-5.A	\$45
(16) Displaying expired tag/improper tag	§9-5.K	\$45
(17) BOOT REMOVAL FEE	§9-7.A	\$200
(18) TOWING AND STORAGE	§9-7.A	VARIES
[(17)] (19) Abandoned or unregistered vehicle	§9-7.B	\$45
[(18)] (20) Vehicle left abandoned on public property (>48 hrs.)	§9-7.B	\$45
(21) SCOFFLAW INFRACTION	§9-7.C	\$1,000
(22) SPEED MONITORING SYSTEM FINE	§9-15	\$40-\$300
(23) RED-LIGHT MONITORING SYSTEM FINE	§9-16	\$75
(24) LATE FEE	§9-7.B & §9-17	\$40
[(19)] (25) All other violations of Chapter 9 except as otherwise specified herein.	Ch. 9	\$45

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SECTION 9-17: ADMINISTRATIVE FEES; REGISTRATION FLAGGING; REFERRAL FOR COLLECTION.

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E. OTHER FINES AND FEES. IN ADDITION TO ANY FINES OR FEES EXPRESSLY ESTABLISHED IN SECTION 9-13 THROUGH SECTION 9-17 OF THIS CHAPTER, THE TOWN MAY CHARGE AND COLLECT ANY OTHER APPLICABLE FINES AND FEES AUTHORIZED BY THIS CHAPTER INCLUDING BUT NOT LIMITED TO THE FINES AND FEES ENUMERATED IN SECTION 9-11.

SECTION 2.

AND BE IT FURTHER ENACTED AND ORDAINED by the Cottage City Commission that said body may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Cottage City Commission that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Cottage City Commission that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Cottage City Commission.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1 of this Ordinance shall be codified and included within the Code of the Town of Cottage City, whereby the entirety of the previously enacted and codified portion of Chapter 9 of the Town Code shall be restated and replaced in its entirety by the sections and provisions written hereinabove in Section 1.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city, and a fair summary of this ordinance shall be published at

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least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a ye and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this ___ day of February 2026, at approximately 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Ordinance No. 2026-01 was passed by the required ye and nay votes of the Cottage City Commission on the ___ day of February 2026.

ATTEST: TOWN OF COTTAGE CITY, MARYLAND

John Hoatson, Town Manager

By: _____
Wanda Wheatley, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the ___ day of February 2026 with ____ Aye votes and ____ Nay votes, the aforesaid Ordinance 2026-01 passed.

John Hoatson, Town Manager

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