

CHARTER
OF THE
City of New Carrollton

PRINCE GEORGE'S COUNTY, MARYLAND

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NEW CARROLLTON

Section C-1. Incorporation; general powers.

The citizens residing and/or owning real property within the area as herein defined, in Prince George's County, are hereby made a body corporate, by the name and style of the "City of New Carrollton," and by that name shall have perpetual succession, may sue and be sued, have and use a common Seal, execute contracts, purchase and hold real, personal and mixed property for municipal purposes, sell and dispose of the same for the benefit of said City and be vested with the power of eminent domain to condemn and convert property of the City for the purpose of widening or constructing streets or widening or constructing sidewalks, for the establishment of public parks and playgrounds, for the establishment of public parking grounds, for the construction of drainage projects and for the construction of any public street, alley or way, in the manner and procedure as is or shall be provided by the laws of this state for State and County purposes.

Section C-2. Boundaries.

The legal description of the corporate boundaries is not reproduced in this Charter because of its length. This description is available at the City Hall which is located at the New Carrollton Municipal Center. (Res. No. 02-04, 1-9-03.)

Section C-3. Government of the City.

A. *Election and terms of office.* The government of the City shall be vested in a Mayor and a Council of five (5) members, elected at large. On the first Monday in May of each even-numbered year, there shall be a general election as herein provided, at which a Mayor and two (2) Councilmen Members shall be elected to two-year terms. On the first Monday in May of each odd-numbered year, there shall be a general election as herein provided, at which three (3) Councilmen Members shall be elected for two-year terms.

B. *Tenure of elected officials; vacancies.*

(1) *Tenure of elected officials.* All elective officials provided for in this Charter shall assume the duties of their respective offices as soon after their appointment or election as practicable and, unless they resign or are removed for cause, shall continue to serve until their successors are duly elected and installed. The term of each elected official shall begin with the first meeting of the Council following his or her election and shall continue until the first meeting of the Council following the election of his or her successor.

(2) *Mayor vacancy:* If a vacancy occurs in the office of the Mayor more than one hundred twenty (120) days before the next general election, the Mayor Pro-Tem shall serve as Mayor for a period not to exceed sixty (60) days, during which time a special election for the office of Mayor shall be held to determine a successor. If a vacancy occurs in the office of Mayor one hundred twenty (120) days or less from the next general election, the Mayor Pro-Tem shall serve as Mayor until a new Mayor is elected at such general election.

(3) *Council Member vacancy:* If a vacancy occurs in the office of Council Member, more than one hundred twenty (120) days before a general election, a special election shall be scheduled within sixty (60) days of the date of such vacancy to fill the position of Council Member. If such vacancy occurs one hundred twenty (120) days or less before the next general election, the Council Member shall not be replaced until the next general election.

In the event of a special election for the position of Mayor or a Council Member such persons elected at such special election shall be sworn in and installed at the first regular meeting of the City Council following such special election.

C. *Mayor: powers and duties.* The Mayor shall be the Chief Executive Officer of the City and the head of the administrative branch of the City government. As such, the Mayor shall be responsible for and direct the day-to-day operations of all City departments and shall directly supervise the activities of the various City officers and department heads. The Mayor shall be responsible for enforcing the ordinances and carrying out the policies of the City. The Mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him or her by this Charter, by the ordinances of the City and by policy or by directive of the Council. The Mayor shall be the Chief Financial Officer of the City. He or she shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil process and by the Governor of the State of Maryland for the purpose of military law. The Mayor shall have the power to veto ordinances passed by the Council as provided in Section C-10 of this Charter. The Mayor shall exercise the same veto powers over any resolution in the same manner provided for the veto of ordinances. The Mayor shall provide to the Council such staff assistance and such information concerning the administrative branch of the government as the Council may require for the exercise of its legislative powers and duties. The Mayor or his or her representative shall attend all public meetings of the Council. The Mayor may recommend to the Council such measures for legislative action as he or she may deem to be in the best interests of the City. The Mayor shall receive such salary or compensation as the Council shall fix, except that no increase or decrease shall go into effect until approved by the voters at the next general election. The Mayor shall not hold any other office of the municipal corporation during his or her term of office. At the first meeting of each new Council, there shall be elected by the Council a member to be designated as Mayor Pro Tem. In case of the temporary absence of the Mayor, the Mayor Pro Tem shall act as Mayor during such absence yet retain voting privileges and legislative powers and duties as conferred and found in the City Charter. When the Mayor Pro-Tem is acting as Mayor on a permanent basis he or she shall not retain voting privileges.

D. *Council: powers and duties.* The Council shall be the legislative body of the City and shall exercise such powers and perform such duties as are or may be conferred upon it by this Charter, the General Assembly and by ordinances of this City by the enactment of all ordinances, resolutions and policies consistent with the provisions of this Charter and not contrary to the Constitution and laws of the State of Maryland. The members of the Council shall receive such salary or compensation as the Council shall fix, provided that any increase in salary or compensation voted by the Council shall not go into effect until approved by the voters at the next general election. At the first meeting of each new Council, the Council shall

elect from among its members a Chairperson and a Vice Chairperson. The Chairperson of the Council will act as presiding officer during meetings of the Council. The Vice Chairperson of the Council will act in the capacity of Chairperson during the Chairperson’s temporary absence. In the absence of both the Chairperson and Vice Chairperson, a Council Member other than the Mayor Pro Tem and Alternate Treasurer will act as presiding officer during meetings of the Council.

E. *Other officers.* Immediately after his or her election, and with the advice and consent of the Council, the Mayor shall appoint a City Treasurer, an Administrative Officer, a Director of Public Works, a City Engineer, a City Attorney and such other officers as he or she may determine from time to time to be necessary to administer the government of the City. Such officers shall serve at the pleasure of the Mayor and may be removed by him or her for good cause without the approval of the Council. Any appointed officer of the City may be required by the Council to file such bond as may be deemed necessary to guarantee the faithful performance of his or her duties. The Council shall designate one of its members as Alternate Treasurer, who shall perform all of the duties of the Treasurer in the event of the Treasurer’s temporary absence or disability. The appointed officers of the City shall receive such compensation for the discharge of their duties and such expense allowances as the Council may determine. If at any time the Administrative Officer’s position is vacant for any reason, the Mayor may appoint an Acting Administrative Officer with the advice and consent of the Council.

F. *Oath of office.*

(1) Every officer and Council Member, exclusive of the Mayor of the City, shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation to be made before the Mayor, a signed copy to be filed and kept in the office of the Administrative Officer:

“I,, swear (or affirm) that I will support the Constitution of the United States, that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof, and that I will, without partiality or prejudice, execute the office of of the City of New Carrollton, according to the Constitution and laws of this State and the Charter of this City.”

(2) The Mayor shall, before entering upon the duties of his or her office, take and subscribe to the same oath before the Clerk of the Circuit Court for Prince George’s County, Maryland, or before one of his or her sworn deputies.

G. *Citizen advisory boards.* The Mayor or the Council may appoint, for designated periods, one (1) or more temporary boards of citizens of the City who shall assist in the consideration of City policies and programs, provided that the Council must approve of any public funds expended by such advisory boards in the execution of their charge.

H. *Definitions.* The terms “City,” “municipality” or “municipal corporation,” when used in this Charter, shall be synonymous and shall refer to the “City of New Carrollton.” The terms “Mayor” and “Council,” when used in this Charter, shall refer to the Mayor of the City of

New Carrollton and to the City Council of the City of New Carrollton, respectively. (Res. 97-5, 3-12-98; Res. 98-02, 6-25-98; Res. No. 02-05, 1-9-03; Res. 13-03, 11-20-12.)

Section C-4. Qualifications of officers.

Each elective officer of the City and the Treasurer appointed by the Mayor shall have attained the age of at least twenty five (25) years, must be a citizen of the United States and a resident of the City of New Carrollton and must be a registered voter of said State and of said City. Each such officer shall retain, throughout his or her respective term of office, all of the qualifications necessary for his or her election or appointment, and the failure to retain all of such qualifications shall ipso facto cause a forfeiture of office, and the Council shall proceed forthwith to fill said vacancy.

Section C-5. Board of Elections.

A. *Appointment and qualifications.* There shall be a Board of Elections consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council. Two (2) members shall be appointed at the first Council meeting in June of every even-numbered year, and one (1) member shall be appointed at the first Council meeting in June of every odd-numbered year. The terms of the members of the Board of Elections shall begin on the 15th day of June in the year in which they are appointed and shall run for two (2) years. Members of the Board of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their terms of office. The Board shall appoint one of its members as Chairperson. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. Any compensation of the members of the Board shall be determined by the Council.

B. *Duties.* The Board of Elections shall be in charge of the registration of voters, nominations for public office and all City elections. The Administrative Officer of the City shall serve as Secretary to the Board. The Board may appoint election clerks to assist it in its duties.

C. *Removal.* Any member of the Board of Elections may be removed for good cause by the Mayor with the approval of the Council. Before removal, the member of the Board of Elections to be removed shall be given a written copy of the charges against him or her and shall have a public hearing on said charges before the Council if he or she so requests within ten (10) days after receiving the written copy of the charges against him or her.

Section C-6. Qualifications and registration of voters.

A. *Qualifications and registration of voters.* Every person who is a citizen of the United States, is at least eighteen (18) years of age on or before the day of the next succeeding general or special election, who has resided within the corporate limits of the City for at least thirty (30) days next preceding any City election, who is a resident of the City as of the time for the closing of registration next preceding any election, who has not been convicted of theft or other infamous crime, unless pardoned, or, in connection with a first such conviction only, has

completed any sentence imposed pursuant to that conviction, including any period of probation imposed by virtue of parole or otherwise in lieu of a sentence or part of a sentence, who is not under guardianship for mental disability and who has not been convicted of buying or selling votes shall be eligible to register in accordance with the provisions of this Charter and, if registered, shall be entitled to vote at any or all City elections. All citizens legally registered under the Constitution and laws of the State of Maryland shall be registered voters of the City of New Carrollton within the meaning of this Charter.

B. *Registration.* Any person possessed of all the qualifications that are necessary to entitle a person to exercise the right to register as a voter of Prince George's County under the State of Maryland general election laws, including those qualifications as listed in Section C-6A, above, shall be entitled to be registered. Any such qualified citizen residing within the corporate limits of the City of New Carrollton who is registered to vote with the Supervisor of Elections for Prince George's County shall automatically become a registered voter of the City of New Carrollton and be entitled to vote at general or special elections of the City of New Carrollton.

C. *Removal.* The Supervisor of Elections for Prince George's County shall maintain the registration lists in accordance with its usual procedures, including but not limited to removing names because of changes of address and cancellation of registration for failure to vote.

D. *Appeal.* Challenges to the registration of any individual not believed to be qualified to vote in City elections shall be filed with the Supervisor of Elections of Prince George's County, Maryland, in accordance with said Supervisor's procedures. (Res. No. 02-06, 1-9-03.)

Section C-7. Elections.

A. *Conduct and procedure.* All elections to fill the office of Mayor and/or Council Member shall be on a nonpartisan basis, shall be by secret ballot and shall be held on the first Monday in May of every year, except a special election as provided in Section C-3B(2), which may be held on any day as determined by the City Council. The City Council may adopt by ordinance any procedures and regulations consistent with the provisions of this Charter and with the election laws of the State of Maryland necessary to provide for the orderly conduct of municipal elections, including but not restricted to provisions for absentee ballots and for write-in candidacies. No person shall be allowed to vote in any City election except those persons whose names shall appear upon the City voter registration list. The Board of Elections shall appoint as many judges and clerks, who shall themselves be registered voters of the City, as may be required to conduct the election in such place as may be designated by the Mayor. The polls shall be open from the hour of 7:00 a.m. to the hour of 8:00 p.m., when they shall be closed, and no ballots shall be cast after that time. The Board of Elections shall conduct such elections, canvass the ballots and certify the results in the manner prescribed by the general election laws of this State for State and County elections, except that the Board of Elections shall, within twenty-four (24) hours after each election, deliver into the hands of the Mayor one (1) certificate or return of the result of the canvass of the ballots as cast in the election, together with the tally sheet, and shall deliver another certificate or return of the result of said canvass,

together with the other tally sheet, into the hands of the Mayor Pro Tem. When paper ballots are used, the Board of Elections shall deliver the ballot box containing the ballots, properly sealed, to the City Clerk, in person, who shall retain the same for six (6) months. The results of the election shall be received by the Council from the Mayor at the first regular meeting of the Council following the election. The Council shall determine all cases arising from the results of the elections, except as otherwise may be provided, and any voter who feels he or she has been aggrieved by any ruling as to the eligibility of his or her right to vote may file an appeal to the Circuit Court for Prince George's County, Maryland, and the same shall be determined by said Court. The provisions of this section shall apply to all annual general elections and to any special election conducted as provided elsewhere in this Charter.

B. *Nomination of candidates.* Any qualified person desiring to run for any elective office of the City shall file, or there shall be filed in his or her behalf, with the Board of Elections, a nominating petition containing the valid signatures of at least ten (10) persons who are qualified voters of the City of New Carrollton, no later than 5:00 p.m. of the 31st day, including Sundays and legal holidays, prior to a general or special election. Each person signing the petition shall indicate thereon both his or her name and his or her residence address. A petition of candidacy may be withdrawn by submission of a written statement, signed by the candidate, any time prior to the filing deadline for candidacy. The Board of Elections shall be authorized to delete from a ballot the name of a candidate if a candidate dies or withdraws or becomes disqualified for any reason.

C. *Notice of election.* The Board of Elections shall give notice of every election day by an advertisement published in at least one (1) publication of general circulation within the City once between thirty (30) and forty (40) days prior to the election date and by posting notice of such election day in some public place or places within the City. The Board of Elections shall also cause to be published in at least one (1) publication of general circulation within the City a second notice of election containing the names of all candidates for elective office once between three (3) and ten (10) days prior to the election date.

D. *Candidates elected.* At each annual election in which a Mayor is to be elected, the candidate for Mayor receiving the highest number of votes cast at the election shall be declared duly elected to the office of Mayor. At the election held during every even-numbered year, the two (2) candidates for Council Member receiving the highest number of votes cast at the election shall be declared duly elected to the office of Council Member, and at the election held during every odd-numbered year, the three (3) candidates for Council Member receiving the highest number of votes cast at the election shall be declared duly elected to the office of Council Member. In the event of a special election to fill a vacancy on the Council, the candidate or candidates for Council Member receiving the highest number of votes cast at the election shall be declared elected to complete the unexpired term(s) of office of Council Member. In the event that vacancies on the Council would require that one (1) or more additional Council Members be elected at an annual election to a one-year term to maintain a full five-Member Council, the candidate or candidates for Council Member receiving the next-highest number of votes cast at the election, after those candidates elected to the regular two-year terms on the Council, shall be declared elected to the office of Council Member for the one-year term or terms. In the event of

a tie vote for any elective office, a runoff election between the tied candidates shall be conducted not later than thirty (30) days from the date of the election in which the tie vote occurred.

E. *Corrupt practices.* All the provisions of the Public General Laws of Maryland now in force or hereafter enacted relating to the determination of elections, providing penalties for illegal registration, illegal voting and corrupt practices and requiring reports of the expenditure of money in connection with any election shall be and hereby are made applicable to all elections held under the provisions of this Charter.

Section C-8. Council meetings.

The Council shall meet in City Hall or some other place of convenience in the City on the third Wednesday of each month and at such other times as may be required to conduct the business of the City. Three (3) Council Members present at any meeting shall constitute a quorum for the transaction of business. The Council shall adopt rules and regulations consistent with the provisions of this Charter for its own government while in session. (Res. No. 02-07, 1-9-03.)

Section C-9. Treasurer's and Administrative Officer's duties.

A. *Treasurer's duties.* The Treasurer of the City shall supervise all expenditures, including payroll, to assure that budget appropriations are not exceeded. The Treasurer shall disburse City funds, except City payroll checks, by check duly signed by him or her as Treasurer and countersigned by the Mayor, pursuant to a resolution of the Council. The Treasurer shall also do such other things in relation to the fiscal or financial affairs of the City as the Mayor or the Council may require or as may be required elsewhere in this Charter. The Treasurer shall assist the Administrative Officer and the City Auditor in the preparation of a complete financial report of the accounts of the City as required.

B. *Administrative Officer's duties.* In addition to the duties assigned to the Administrative Officer by the Mayor, or elsewhere in this Charter, the Administrative Officer shall:

(1) Maintain the City accounting system in such form as the Council may require, not contrary to State law.

(2) Have custody of all public moneys belonging to or under the control of the City, except for funds under the control of any trustees, and have custody of all bonds and notes of the City.

(3) Disburse City funds by checks duly signed by him or her for City payroll. The Mayor or the Mayor's designee may sign payroll checks if the Administrative Officer is unavailable for any reason.

(4) Ensure that all taxable property within the City is assessed for taxation.

(5) Collect all taxes, special assessments, license fees, liens and all other revenues of the City for whose collection the City is responsible, and receive any funds receivable by the City.

(6) Invest City funds in excess of those required of the immediate needs of the City. Such investment shall be in the best interest of the City. (Res. 97-5, 3-12-98; Res. 02-08, 1-9-03.)

Section C-10. Ordinances; Veto.

A. *Exercise of Powers.* For the purposes of carrying out the powers granted in this Charter, the Council shall pass all necessary ordinances and resolutions pursuant to such manner as may be prescribed by this Charter, ordinance or the public general laws of Maryland.

B. *Ordinances: adoption and amendment.* Any proposed ordinance or proposed amendment to an existing ordinance shall be introduced for a first reading at a public meeting of the City Council and, except as herein provided, shall immediately be tabled by the Council and shall not be eligible for adoption until the next regularly scheduled public Council meeting. At a subsequent Council meeting, the proposed ordinance may be introduced for a second reading, after which it may be adopted by a majority vote of the Council. The Council may, by a four-fifths vote, declare any proposed ordinance or any proposed amendment to an ordinance to be an "emergency ordinance" and shall thereupon be authorized to introduce and enact such ordinance or amendment at a single meeting. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over his or her veto by the Council.

C. *Veto.* All ordinances passed by the Council shall be immediately delivered by the Administrative Officer to the Mayor for his or her approval or veto. If the Mayor approves any ordinance, he or she shall sign it. If the Mayor vetoes any ordinance, he or she shall not sign it. The Mayor shall return all ordinances to the Administrative Officer within seven (7) calendar days after delivery to him or her with his or her approval or veto. Any ordinance approved by the Mayor shall be law. An ordinance vetoed by the Mayor shall be returned with a message stating the reasons for his or her disapproval. Any vetoed ordinance shall not become law unless subsequently passed by a favorable vote of four-fifths of the whole Council within thirty-five (35) calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within seven (7) days of its delivery, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by him the Mayor.

D. *Ordinances: enforcement.* The style of all ordinances enacted by the Council shall be "Be it enacted and ordained by the City Council of New Carrollton," and all suits at law for the violation thereof shall be instituted in the name of the City of New Carrollton, against offending parties, and all fines recovered in such suits at law for the breach of any ordinance of the corporation and any fine imposed by any judicial officer for violation of such ordinances

shall be collected by said judicial officer and paid over to the Treasurer of the City within one (1) month after collection of the same.

E. *Ordinances: certified copies.* A copy of any ordinance or record of the City of New Carrollton, certified by its Administrative Officer, under its Seal, to be a true copy and the whole of such ordinance or record, shall be received in all courts as presumptive legal evidence of the facts therein stated.

F. *Ordinances: penalties.*

(1) To give full force and effect to the powers and authority conferred on the Council, the Council may provide that violations of ordinances and resolutions shall be punishable as misdemeanors, unless otherwise specified as municipal infractions, and shall have the power to affix thereto penalties of a fine not to exceed one thousand dollars (\$1,000) or imprisonment for not exceeding six (6) months, or both such fine and imprisonment, in any one (1) case as may appear to it right, and it may recover said fines and penalty by action of debt, and, in addition thereto, any offender in default of fine may be imprisoned until the fine is paid for a period not exceeding ninety (90) days in the County jail. The Sheriff or Chief of Police of Prince George's County shall receive and confine any person so committed as now provided by law. All such City cases shall be tried in the District Court for Prince George's County or as otherwise provided by law. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(2) The Council may also provide that violations of any ordinances or resolutions shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this subsection, a municipal infraction is a civil offense. A fine not to exceed one thousand dollars (\$1,000) may be imposed for each conviction of a municipal infraction. Each day a violation continues shall constitute a separate offense. (Res. 02-09, 1-9-03; Res. 13-04, 11-20-12.)

Section C-11. Enumeration of Powers of the City.

A. The City shall have the general power to pass such ordinances not contrary to the Constitution and laws of the State of Maryland deemed necessary to assure the good government of the City, to protect and preserve the City's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the City.

B. In addition to the powers granted by Section C-11A of this Charter, the Council shall have the power to pass ordinances, resolutions and other regulations to achieve the specific purposes enumerated in the remaining subsections of this section:

(1) *Advertising:* to provide for advertising for the purpose of the City, for printing and publishing statements as to the business of the City.

(2) *Amusements*: to provide in the interest of the public welfare for licensing, regulating or restraining theatrical or other public amusements.

(3) *Animals*: to regulate and prohibit the running at large of all animals and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(4) *Appropriations*: to appropriate and to expend municipal funds for any public purpose, provided that funds not appropriated at the time of the annual levy shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all Members elected to said Council.

(5) *Audits*: to provide for the appointment of an auditor or accountant to audit the books and accounts of all municipal officers collecting, handling or disbursing funds belonging to the municipality.

(6) *Billboards*: to license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the City.

(7) *Bridges*: to erect and maintain bridges.

(8) *Buildings*: to make reasonable regulations in regard to buildings, fences and signs to be erected, constructed or reconstructed in the City and to authorize issuance of building permits therefor; to formulate a building code and a plumbing code and to appoint a Building Inspector and a Plumbing Inspector, and to require reasonable charges for permits and inspections; and to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.

(9) *Cemeteries*: to regulate or prohibit the interment of animal or human bodies within the municipality and to regulate cemeteries.

(10) *Codification of ordinances*: to provide for the codification of all ordinances.

(11) *Community services and facilities*: to provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the City.

(12) *Cooperative activities*: to make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of any governmental functions.

(13) *Curfew*: to prohibit the youth of the City from being in the streets, lanes, alleys or public places at specified hours of the night.

(14) *Damage to personal or public property:* to prohibit the causing of any damage to public real or personal property, including streets and sidewalks, and private real or personal property, whether intentional or not, and to provide a penalty therefor.

(15) *Dangerous improvements:* to compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any person or property.

(16) *Departments:* upon the recommendation of the Mayor may create, change and abolish offices, departments or agencies, other than offices, departments and agencies established by this Charter, and to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(17) *Enforcement:* to approve an enforcement officer(s) to oversee the enforcement of City ordinances in force.

(18) *Erosion and sediment control:* to provide for the control and regulation of erosion and sediment in connection with all construction and grading within the City.

(19) *Explosives and combustibles:* to regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter and to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(20) *Filth:* to compel the occupant [occupants] of any premises, building situated in the City, if it has become filthy or unwholesome, to abate or cleanse the condition, and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(21) *Finances:* to levy, assess and collect ad valorem property taxes; to levy, assess and collect amusement taxes; to expend municipal funds for any public purpose; publicize and adopt an operating and a capital budget and to amend said budget; to establish and maintain an operating reserve fund; to engage in tax anticipation borrowing, when necessary, consistent with Section C-16 of this Charter; to allow specific tax credits; and to have general management and control of the finances of the City.

(22) *Fire:* to suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire hazard regulations are met; to install and maintain fire

hydrants where and as necessary and to regulate their use; to provide for a City fire code; and to take all other measures necessary to control and prevent fires in the City.

(23) *Franchises:* to grant and regulate franchises to water companies, electric light companies, gas companies, taxicab companies and any others which may be deemed advantageous and beneficial to the City, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(24) *Garbage and trash:* to prevent the deposit of any unwholesome substance, either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal; and to provide for the proper disposal of such material, including the provision of pickup service within the City, by City employees or by contractors.

(25) *Grants-in-aid:* to accept gifts and grants of Federal or State funds from the Federal or State governments or any agency thereof and to expend the funds for any lawful purpose agreeable to the conditions under which the gifts or grants were made and to expend money necessary to the applications and qualifications for such grants.

(26) *Health:* to protect and preserve the health of the City and its inhabitants; to appoint a public health officer, who shall be a reputable practicing physician licensed in the State of Maryland, and to define and regulate his or her powers and duties, which shall include powers equivalent within the City to those of an officer of the State Department of Health; to fix his or her salary or compensation; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health, including the pollution of air or water; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any Public General or Local Law relating to the subject of health.

(27) *House numbers:* to regulate the numbering of houses and lots and to compel owners to renumber them or, in default thereof, to authorize and require the work to be done by the City at the owner's expense, such expense to constitute a lien upon the property, collectible as tax moneys.

(28) *Inspections:* to authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires and drainage and sewage systems on private property and to compel repairs thereon.

(29) *Jail:* to establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the City or to use the County jail for such purposes.

(30) *Junkyards*: to prohibit the establishments or maintenance of junkyards or yards for the storage of automobiles.

(31) *Licenses and permits*: subject to any restrictions imposed by the Public General Laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter for the purpose of regulation and for revenue.

(32) *Liens*: to provide that any valid charges, taxes or assessments made against any real property within the City shall be liens upon the property, to be collected as municipal taxes are collected.

(33) *Lights*: to provide for the lighting of the City and to regulate private lighting to prevent it from becoming a nuisance or disturbing the privacy of other citizens.

(34) *Litter*: to prohibit the dumping, dropping or abandonment of all types of trash, paper, garbage, earth or gravel within the City limits by persons or organizations and to provide a penalty therefor.

(35) *Maintenance*: to regulate or prohibit the maintenance of conditions which detract from the appearance of the City and are offensive to neighbors, such as the height of grass and the external maintenance of buildings.

(36) *Markets*: to regulate the maintenance and operation of any public market.

(37) *Merit system*: to establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or Public General or Public Local Laws of the State, and to request and avail itself of the facilities of the State Secretary of Personnel or his or her successor for the administration of such merit system without unnecessary expenses.

(38) *Minor privileges*: to regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.

(39) *Motor vehicles*: to provide regulations and ordinances for the control of motor vehicles, traffic and parking within the City.

(40) *Noise*: to regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns or any other offensive sound or noise.

(41) *Nuisances*: to prevent or abate by appropriate ordinances all nuisances in the City which are so defined by common law, by this Charter or by the laws of the State of

Maryland, whether they are herein specifically named or not; and to regulate, to prohibit, to control the location of and to require the removal from the City of all trading in, handling of or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health.

(42) *Obstructions*: to remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto or any other places within the limits of the City.

(43) *Parking facilities*: to license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(44) *Parking meters*: to install parking meters on the streets and public places of the City in such places as by ordinance it determines, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration of Maryland or successor organizations must first be approved by the Administration or successor organizations.

(45) *Parks and recreation*: to establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the City.

(46) *Pension*: to provide a retirement or pension system or a group insurance plan for its officers or employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe.

(47) *Police force*: to establish, operate and maintain a police force. All City police officers within the municipality shall have the powers and authority of constables in this State. The Council may also authorize the Mayor to contract with Prince George's County for the provision of additional County police protection in the City.

(48) *Police powers*: to prohibit, suppress and punish within the City all vice, gambling and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; and all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, drunkenness or trespass.

(49) *Property*:

(a) To acquire, by conveyance, purchase or condemnation, real or leasehold property needed for any public purpose; to erect buildings thereon for the benefit of the municipality; and to sell at public or private sale after twenty (20) days' public notice and to convey to the purchaser or purchasers thereof any real or leasehold property belonging to the municipality when such legislative body determines that the same is no longer needed for any public use.

(b) To take, by gift, grant, bequest or devise, and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor and accepted by the municipality; to provide for the proper administration of the same; and to convey the same when such legislative body determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

(50) *Regulations:* to adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(51) *Removals and suspensions:* to remove or temporarily suspend from office any person who has been appointed to any municipal office and who, after due notice and hearing, is adjudged to have been guilty of inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office or insubordination; and to fill the vacancy caused by such removal or suspension.

(52) *Salaries:* to fix the salary or compensation of all municipal employees.

(53) *Seal:* to make, have and use, and from time to time alter, a common Seal.

(54) *Sewerage and drainage systems:* to construct, establish and maintain in working order a sewerage system in the City of New Carrollton, if facilities of the Washington Suburban Sanitary Commission are not available, for the collection, transmission and disposal of drainage and sewage from the houses and other buildings and cesspools, wells, sinks and other receptacles for sewage drainage, etc., in the City, including also, if the Council shall at any time require for the protection and maintenance of any public street, sidewalk or other public facility, facilities for the collection, transmission and disposal of stormwater and other drainage from the streets, lanes, roads and alleys thereof.

(55) *Sidewalks:* to regulate the use of sidewalks and all structures in, under or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; and to prescribe hours for cleaning sidewalks.

(56) *Snow and ice:* to require the owners of premises to keep the sidewalks thereon clean and free from snow, ice or other obstructions and to provide for the removal of snow and ice from the streets.

(57) *Solicitation:* to license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the City and to revoke such license for any action or threat of action by such a licensee in the course of his or her occupation which causes or threatens harm or injury to inhabitants of the City or to their welfare or happiness.

(58) *Special elections*: to provide for special elections for municipal purposes at such times and places as may be determined and subject to the provisions of the Charter of this municipality.

(59) *Streets*: to regulate, control, lay out, open, extend, improve, close and maintain the construction, maintenance and use of the streets, alleys, curbs, roads, roadbeds, gutters, culverts, drains and sidewalks of the City so as to provide a safe, convenient system of drainage, travel and transportation for the City; to regulate parking on City streets, roads and alleys by all types of vehicles, including commercial vehicles. The City shall also have the power to control or prohibit the obstruction of such streets and sidewalks and to control or prohibit distractions or commotions on or near the same. Those parts of the public roads, streets, avenues, alleys or ways which are now or shall hereafter be shown on any legally recorded plat or addition to the legally platted part of the City as public roadways and accepted by the Council as such are declared to be public streets of the City.

(60) *Sweepings*: to regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or on any public or private property in the City.

(61) *Taxicabs*: to license, tax and regulate public hack drivers, taxicab drivers, draymen, drivers, cabbies, porters and expressmen and all other persons pursuing like occupations.

(62) *Television*: to grant a license or franchise for the installation and operation of community antenna television systems (CATV) within the corporate limits of the City and may provide by ordinance for such regulations, provisions and conditions of said license or franchise which are in the public interest and shall fix a reasonable annual fee to be paid to the City by the holder of said license or franchise.

(63) *Vehicles*: to regulate and license wagons, bicycles and other vehicles not in conflict with the licensing powers of the State of Maryland.

(64) *Voting machines*: to purchase, lease, borrow, install and maintain voting machines for use in City elections.

(65) *Weapons*: to regulate or prohibit the carrying or use of any deadly or dangerous weapon within the City limits.

(66) *Zoning*: to exercise any powers as to zoning and planning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland and not conferred on the District Council by the Maryland–Washington Regional District Act.

C. *Saving Clause*. The enumeration of powers in this section is not to be construed as limiting the powers of the City to the several subjects mentioned and is in addition to any other powers that the City may have under and by virtue of the general public laws of Maryland. (Res. 02–10, 1–23–03; Res. 13–05, 11–20–12.)

Section C–12. Taxes and assessments.

A. *Tax rate.* All real property and all tangible personal property within the corporate limits of the City or personal property which may have a situs there by reason of the residence of the owner therein is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes. The Council shall have full power and authority to levy annually, upon all real property and tangible personal property, shares of stock in domestic corporations, operating property of railroads and contract carriers, operating property of public utilities, stock in business of manufacturing or commercial business which shall include inventory, manufacturing property, franchises of the City and all other property authorized by law subject to assessment and tax for State and County purposes, such taxes and at such rates as may be necessary, in its judgment, to meet the anticipated expenses of the next succeeding fiscal year, not to exceed the rate of sixty cents (\$0.60) per one hundred dollars (\$100) of assessed valuation of the taxable property or franchise. From the effective date of the annual budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

B. *Tax bills.* Whenever the Council shall levy a tax, the Treasurer shall prepare a listing of all persons, partnerships, firms or corporations charged therewith and shall indicate thereon the respective sums to be collected from the same. The Treasurer shall promptly render to each such person, partnership, firm or corporation a statement or tax bill showing the amount due by them.

C. *Collections.* All taxes levied under this section shall be a lien on any and all property of the person, partnership, firm or corporation against whom said taxes are levied. The Council shall by ordinance or resolution provide for the systematic and orderly collection of taxes consistent with the applicable provisions of the Tax–Property Article and the Tax–General Article of the Annotated Code of Maryland and Article 17 of the Code of Public Local Laws of Maryland, entitled “Prince George’s County.”

D. *Tax sales.* The Treasurer of the City of New Carrollton, upon receiving notice from the appropriate official of Prince George’s County, as is provided for in § 14–801 of the Tax–Property Article of the Annotated Code of Maryland, and not later than thirty (30) days after receipt of said notice, shall certify to the appropriate official of Prince George’s County a statement of all taxes due the City of New Carrollton, and the payment of said taxes shall be enforced in accordance with the provisions of § 14–801 et seq. of the Tax – Property Article of the Annotated Code of Maryland, relating to tax sales generally. The payment of said taxes may also be enforced in any other manner as is now or may be provided by law.

E. *Assessments.* The Council is hereby authorized, empowered and directed to adopt and use as and for the assessment of property within the corporate limits of the City the assessment in force in the same fiscal year for County tax purposes in Prince George’s County. The adoption and use of said County tax assessment by the Council shall be treated and considered in all respects as its own valuation and basis of assessed property in the City subject to taxation for municipal purposes. (Res. 02–11, 1–23–03; Res. No. 07–01, 3–6–08.)

Section C–13. Shared funds.

The City of New Carrollton shall receive its share or proportion of all public moneys. (Res. No. 02–12, 1–23–03.)

Section C–14. Budget and finance.

A. *Fiscal year.* The fiscal year of the City shall begin on the first day of July in any year and shall end on the last day of June in the following year. Such fiscal year shall constitute the tax year, the budget year and the accounting year.

B. *Annual budget.* The City shall operate on an annual budget. The Mayor, shall submit an operating and a capital budget on such date as the Council by ordinance determines. This budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures.

C. *Budget adoption.* Before adopting the budget, the Council shall hold a public hearing thereon after publishing notice of said public hearing in at least one (1) publication of general circulation within the City. The Council may insert new items or may increase or decrease the items of the budget. If the Council increases the total proposed expenditures, it shall also increase the total anticipated revenues to an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

D. *Appropriations.* No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Any transfer of funds between appropriations for different purposes must be approved by the Council before becoming effective. All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the revenues for the current budget year or be designated for other purposes as specified by the City Council.

E. *Audit.* The Council shall provide for the financial books and accounts of the City to be audited annually as required by § 40 of Article 19 of the Annotated Code of Maryland, or at such other times as the Council may require. The Council shall appoint the auditor.

F. *Financial statement.* At least thirty (30) days before each general election, and before each special election at which there is a ballot question pertaining to the expenditure or borrowing of public moneys, the Mayor shall have prepared in a form appropriate and made

available in a suitable place or places for inspection by the taxpayers of the City a detailed statement of the financial condition of the City, including receipts and expenditures of all kinds whatsoever since the last general election. (Res. 97-5, 3-12-98; Res. 02-13, 1-23-03.)

Section C-15. Benefit assessments.

A. *Authority.* The Council shall have the power to assess against the abutting property, and to collect from the owners thereof, any part or all of the cost of streets, sidewalks, curbs and gutters, drainage systems and other permanent municipal improvements as it may determine to be necessary for the public benefit and for the benefit of the owners of said abutting land. Such costs shall include the direct construction costs of the project, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the administrative expense incurred to levy and collect the assessment and any other item of cost which may reasonably be attributed to the project. All benefit assessments so levied shall be subject to the provisions of this section. In no case shall the Council levy an assessment to recover the cost of normal repairs or maintenance to existing streets, sidewalks, curbs and gutters, drainage facilities or other similar improvements. Before levying any benefit assessment as provided herein, the Council must obtain, in writing, the approval of the owners of more than fifty percent (50%) of the abutting property against which the assessment is to be made.

B. *Notice of proposed assessment.* When the Council has determined to propose an assessment for an improvement, the Administrative Officer shall notify, in writing, all owners of property against which the assessment is proposed to be levied, stating a time and place for a public hearing to be conducted thereon. Said notice may be mailed to the last known address of the owner or served in person upon any adult occupying the premises. Said notice shall state the nature and extent of the proposed project, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid and the rate of interest the assessment will bear. Notice of said public hearing shall also be advertised in at least one (1) publication of general circulation within the City at least five (5) days before the date of the hearing. Following the public hearing, and upon obtaining the written approval of the owners of more than fifty percent (50%) of the assessable property, the Council, in its discretion, may vote to proceed with the project and to levy the assessment. Any person feeling aggrieved by the levying of an assessment under the provisions of this assessment shall have the right to appeal to the Circuit Court for Prince George's County within ten (10) days after the levying of said assessment by the Council.

C. *Levying of assessments.* All assessments levied under the provisions of this section shall be by ordinance of the City Council and shall be a lien on the property assessed, to be collected in the same manner as is provided for the collection of real property taxes. The assessment against each abutting parcel shall be for a share of the total cost of the assessable improvement equal to the proportion thereof that the number of feet in said parcel abutting on such improvement bears to the total assessable frontage on the part of the street or area so improved, or shall be on such other equitable basis as determined by the Council. The principal of such assessment shall be payable in twenty (20) equal semiannual installments from the date of the assessment, and at the time of the payment of each of the installments there shall also be

due and payable the interest on such installment and on the balance of the principal then unpaid. The rate of interest shall be as determined by the Council in levying the assessment, and it shall not exceed the rate of interest stated in the notice of the proposed assessment mailed to the owners of assessable property as provided in this section.

D. *Collection.* All assessments shall be billed and collected by the City Treasurer, who shall be charged with the custody of all proceeds therefrom. All collections shall be maintained in a separate fund in the accounts of the City. No part of the proceeds collected may be used except to liquidate the notes, bonds or other evidences of indebtedness and to pay the interest thereon which may have been issued to finance the improvements for which the assessment was levied. When such notes, bonds or other evidences of indebtedness have been paid in full, any remaining balance in the special assessment fund may be used for general municipal purposes as directed by the Council.

Section C-16. Borrowing authority and limits; approval.

A. *Authority and limits.* The Council may from time to time authorize the Mayor to borrow, upon the faith and credit of the City, for general administration purposes and payment of its obligations and for financing municipal improvements or purchases of property, structures or equipment and improvements authorized as benefit assessment projects, such sum or sums of money as may be necessary, provided that the total outstanding long-term indebtedness does not exceed at any one (1) time a total of five per centum (5%) of the assessed valuation of the taxable real property in the City.

B. *Approval of borrowing.* The Council is prohibited from borrowing money for any purpose, except for improvements for which a benefit assessment has been or will be levied to recover the entire cost of said improvements, unless first approved by a majority vote at a regular or special municipal election. If the money to be borrowed is to be used for more than one (1) specific purpose, each such purpose and the amount of money proposed for each shall be listed as a separate question on the ballot.

C. *Sale of bonds by negotiation.* When, after a bond issue has been approved, it is determined that it is in the best interest to negotiate the sale of bonds in lieu of taking bids, the city council may waive the bidding procedures by a vote of a majority of its members. Upon the waiver of bidding procedures and the completion of negotiations, the city council shall award the issuance of the bonds by ordinance and such ordinance shall include the complete form of said bonds, the place or places and time or times of payment thereof, the rate or rates of interest payable thereon, the title of the officials whose signatures are affixed to or imprinted on such bonds, the authority for the issuance thereof, and the taxes or any special revenues from which the principal and interest on said bonds will be payable. (Res. 11-01, 1-05-12.)

Section C-17. Settlement of claims.

The Council may settle, in its discretion, claims and suits, either at law or in equity, or whether such claim may be based upon a suit already instituted or not, whenever the cause of action or claim arises out of the negligence or wrongful act, whether of commission or omission,

of any officer or employee of the City, for whose negligence or acts the City, if a private individual, would be prima facie liable to respond to damages, irrespective of whether such negligence occurred or such acts were done in the performance of a municipal or a governmental function of the City. In the settlement of any claim under the provisions of this section, the City shall not pay to any claimant an amount in excess of one thousand dollars (\$1,000), and any settlement so authorized may be paid out of any money which the City may have in its general funds. Nothing herein contained shall be construed as depriving the City of any defense it may have to any suit, whether at law or in equity, which may be instituted against it or to give any person, corporation, partnership or association any right to institute any suit against the City which did not exist prior to June 1, 1953. No action taken by the City in an effort to effectuate a

settlement of any claim or suit authorized to be settled by the provisions of this section shall be taken as an admission of liability on the part of the City or otherwise used against the City respecting its liability or asserted to be any liability of the City in any suit instituted by a claimant to enforce his or her claim. (Res. 02-14, 1-23-03.)

Section C-18. Purchasing and contracts.

The Mayor shall be responsible for all purchases made by or on behalf of the City. The Council shall, by ordinance, provide procedures for the purchase of all supplies, materials, equipment, contractual services and capital improvements for the City. Sealed competitive bids, solicited by advertising in at least one (1) newspaper having general circulation within the City, shall be obtained for all purchases which are estimated to cost in excess of seven thousand five hundred dollars (\$7,500), provided that emergency purchases and purchases for which competitive bids cannot be obtained may be made without regard to this procedure. (Res. 97-5, 3-12-98; Res. 02-15, 1-23-03.)

Section C-19. Referendums.

A. *Petition: annexation resolution.* At any time within the forty-five-day period following the final enactment of the resolution, a number of persons equal to not less than twenty per centum (20%) of the qualified voters of the City may, in writing, petition the Mayor and City Administrative Officer of the City for a referendum on the resolution. Upon the presentation of a petition to the officer, he or she shall cause to be made a verification of the signatures thereon and shall ascertain that the persons signing the petition represent at least twenty per centum (20%) of the qualified voters of the City. Upon verifying that the requirements of this subsection and § 19 of Article 23A of the Annotated Code of Maryland have been complied with, the officer shall by proclamation suspend the effectiveness of the resolution, contingent upon the results of the referendum. The Council shall have the ordinance or resolution or the part thereof requested for referendum submitted to a vote of the qualified voters of the City at the next regular City election or, in the Council's discretion, at a special election occurring before the next regular election.

B. *Petition: Charter amendment resolution.* A Charter amendment or amendments proposed by the City Council of the City shall become and be considered a part of the City Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the 50th day after being so ordained or passed, unless on or before the 40th day after being so ordained or passed there shall be presented to the City Council of the City, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of this subsection and § 13 of Article 23A of the Annotated Code of Maryland. The petition shall be signed by twenty per centum (20%) or more of the persons who are qualified to vote in general elections of the City and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the City.

C. *Petition: all other resolutions and all ordinances.* If, before the expiration of twenty (20) calendar days following approval of any ordinance or resolution other than a

resolution effecting an annexation or a Charter amendment or amendments, a petition is filed with the Board of Elections containing the signatures of not less than eight per centum (8%) of the qualified voters of the City and requesting that the ordinance or resolution, or any part thereof, be submitted to a vote of the qualified voters of the City for their approval or disapproval, the Council shall have the ordinance or resolution or the part thereof requested for referendum submitted to a vote of the qualified voters of the City at the next regular City election or, in the Council's discretion, at a special election occurring before the next regular election.

D. *Petition: form.* Each person signing a petition shall indicate thereon both his or her name and residence address. Each person signing the petition shall also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. A petition may consist of several pages, but each page shall contain a request that the resolution or ordinance be submitted on referendum to the voters of the City and shall also consist of the complete text or an accurate and fair summary of the ordinance, annexation resolution, Charter amendment resolution or other resolution petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Board of Elections is directed to verify that it has been signed by the required number of qualified voters. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others. If the petition fails to contain the required number of valid signatures, as determined by the Board of Elections, the petitioners may submit, as an amendment to their original petition, the additional number of valid signatures to meet the requirements of this subsection but within the aforementioned time.

E. *Petition: applicability.* The provisions of this subsection shall not apply to any ordinance, or part thereof, levying property taxes for the payment of indebtedness, but the provisions of this subsection shall apply to any ordinance, or part thereof, levying benefit assessment charges.

F. *Effect of petition.* Any ordinance or resolution, or the part thereof requested for referendum, shall be suspended following the receipt of such petition until and unless found to be invalid or approved at the election thereon by a majority of the qualified voters voting on the question; provided, however, that for ordinances and all resolutions other than those effecting an annexation or a Charter amendment or amendments, the total number of votes cast in any special election shall equal at least twenty-five percent (25%) of the total number of votes cast in the last municipal general election. In the case where fewer than twenty-five percent (25%) of the votes in the previous municipal election are cast, then the ordinance or resolution shall be considered approved and valid and the suspension of its effectiveness shall end. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to a vote within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the registered voters voting

on the question at any election. Any ordinance or resolution, or part thereof, disapproved by the voters shall stand repealed.

G. *Advisory referendums.* The Council, for its guidance, may provide for advisory referendum questions at a regular or a special municipal election. (Res. 02–16, 1–23–03.)

Section C–20. Ordinances or resolutions initiated by qualified voters.

A. *Petition.* Eight per centum (8%) or more of the qualified voters of the City may initiate a proposed ordinance or a resolution, other than a resolution for annexation, or a Charter amendment by a petition presented to the Board of Elections. The petition shall contain the complete and exact wording of the proposed ordinance or resolution. Each person signing a petition shall indicate thereon both his or her name and residence address. Each person signing the petition shall also print his or her name and address. A petition may consist of several pages, but each page shall contain a request that the resolution or ordinance be submitted as an initiative to the voters of the City and shall also consist of the complete text and exact wording of the ordinance or resolution petitioned upon. There shall be at the bottom of each page of signatures filled with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Board of Elections is directed to verify that it has been signed by the required number of qualified voters and shall consider the petition as of no effect if it is signed by fewer than eight per centum (8%) of the qualified voters of the City. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not invalidate his or her signature. The invalidation of one signature on a petition shall not serve to invalidate any others. If the petition fails to contain the required number of valid signatures, as determined by the Board of Elections, the petitioners may submit, as an amendment to their original petition, the additional number of valid signatures to meet the requirements of this subsection.

B. *Effect of petition.* If the petition complies with the requirements of this section, the Council shall, by resolution passed as in its normal legislative procedure, and not later than sixty (60) days after the petition shall have been certified as valid by the Board of Elections, specify the day and the hours for the election at which the question shall be submitted to the voters of the City. This election, in the discretion of the Council, may be the next annual general election or a special election. If the question shall be submitted to the voters in a special election, the total number of votes cast in the special election must equal at least twenty–five percent (25%) of the total votes cast in the last municipal general election. In the event that a special election is designated, it shall be within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution setting the date of said election. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting machines when the question is submitted to the voters of the municipal corporation. If the question is approved by a majority of the voters at the election, the Council shall proceed immediately to enact the ordinance or resolution.

C. *Council enactment.* If the Council shall approve of the ordinance or resolution provided for in the petition, the Council shall have the right by resolution to pass the ordinance

or resolution proposed by the initiative petition and to proceed thereafter in the same manner as if the ordinance or resolution had been initiated by such legislative body. (Res. 02-17, 1-23-03.)

Section C-21. Recall of elected officials.

A. *Application.* The holder of any elective office of the City shall be subject to recall for failure to perform the duties of his or her office as such duties are set forth in this Charter.

B. *Petition.* If a petition signed by not less than twenty-five percent (25%) of the qualified registered voters of the City shall be presented to the Board of Elections setting forth that the officeholder in question has failed to perform the duties of his or her office and specifying the instances of such failure and requesting an election to vote upon the recall of the officeholder, the Board of Elections shall immediately pass upon the legal sufficiency thereof and shall verify that the petition has been signed by the required number of qualified registered voters. Each person signing the petition shall indicate thereon both his or her name and residence address. The Council shall consider the petition as of no effect if it is signed by fewer than twenty-five percent (25%) of the persons who are qualified to vote in municipal elections. A minor variation in the signature of a petition between his or her signature on a petition and that on the City voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others. If the petition fails to contain the required number of valid signatures, as determined by the Board of Elections, the petitioners may submit as an amendment to their original petition the additional number of valid signatures to meet the requirements of this section.

C. *Effect of petition.* If the Board of Elections shall determine that the petition meets all the requirements of this section, the Council shall, by resolution, specify the day and the hours for a special election to be held, not more than forty-five (45) calendar days from the date said resolution is adopted. The resolution shall specify the exact wording of the question which is to appear on the ballot. The ballot question shall include the name of the officeholder in question and the office which he or she holds and shall request a "yes" or a "no" vote as to his or her removal from that office. The ballot question shall not specify, or in any way refer to or imply, the reasons for which removal is being sought.

D. *Results of election.* If a majority of the voters in the special election vote in favor of recalling the officeholder in question, upon certification of the results of the election by the Board of Elections to the Council, said office shall thereupon be declared vacant by the Council and shall be filled by the Council in the manner prescribed by this Charter; provided, however, that if the total number of votes cast in the special election does not equal at least twenty percent (20%) of the total number of registered voters, then the results of the election shall be considered to have no effect. (Res. No. 97-05, 3-12-98.)

Section C-22. Code of Ethics.

The Council shall adopt a Code of Ethics applying to all persons in the service of the City, such code to be on file for public inspection in the offices of the City, and shall be reviewed every three (3) years by the Board of Ethics.

Section C-23. Legislative intent.

Notwithstanding any other evidence of the legislative intent, it is hereby declared to be the legislative intent that if any provisions of this act or the application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

NOTES

(1) Resolution 02-03, effective December 26, 2002, amended the City Charter to make nonsubstantive revisions to capitalization and gender.