

CHARTER AMENDMENTS 2016

Amendments for discussion

Boldface	Heading or defined term.
<u>Underlining</u>	Added to existing law by original bill.
Single strikethrough	Deleted from existing law by original bill.
<u>Double underlining</u>	Added by Amendment.
Double strikethrough	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by bill.

Part I - THE CHARTER

Sec. 4. – Same – Qualifications of councilmembers.

No person shall be eligible to the office of councilmember unless that person is domiciled in the city at least one year immediately preceding their election and unless that person is also a registered voter of the city at the time of their election. All council members must continue their domicile in the city during their term in office.

If adopt Districts –

No person shall be eligible to the office of councilmember unless that person is domiciled in the city and if seeking election in a District is domiciled in that District for at least one year immediately preceding their election and unless that person is also a registered voter of the city at the time of their election. All council members must continue their domicile in the city and the District in which they were elected, if elected in a District during their term in office.

Sec. 8. - Same—Mayor to serve as president; vice president.

The mayor shall serve as president of the council. He may take part in all discussions of the council, but shall have no vote on any decision by the council except the mayor may vote when the councilmembers who are present and eligible to vote are equally divided.The council shall elect a vice president of the council from among its members who shall act as president in the absence of the president who shall be entitled to vote on any decision by the council. At any meeting at which the president and vice president shall both be absent the council may elect one of its members to act as president pro tem who shall be entitled to vote on any decision by the council.

Alternative language –

The mayor shall serve as president of the council. He may take part in all discussions of the council, but shall have no vote on any decision by the council except the mayor may vote when the council vote ends in a tie, provided that no such vote shall occur in a manner intentionally designed to avoid participation by a given councilmember or members. The council shall elect a vice president of the council from among its members who shall act as president in the absence of the president who shall be entitled to vote on any decision by the council. At any meeting at which the president and vice president shall both be absent the council may elect one of its

members to act as president pro tem who shall be entitled to vote on any decision by the council.

Sec. 19. - Enumeration of powers of council.

The council may pass any ordinance not contrary to the Constitution and laws of the State of Maryland or this Charter, as it may deem necessary to assure the good government of the City; protect and preserve the City's rights, property and privileges; preserve the peace and good order; secure persons and property from danger and destruction; and protect the health, comfort and welfare of the residents of the City.

~~The council shall have the following powers to the extent that their exercise is not specifically prohibited by Constitution or statute:~~

- ~~(1) To provide for advertising for the purposes of the city.~~
- ~~(2) To regulate and prevent the obstructions of aisles in public halls, churches, places of amusement and other places open to the public and to regulate the construction and operation of the doors and means of egress therefrom.~~
- ~~(3) To provide for licensing, regulating, or restraining theatrical or other public amusements.~~
- ~~(4) To appropriate municipal monies for any purpose within the powers of the council.~~
- ~~(5) To regulate the sale of all kinds of property at auction within the city and to license auctioneers.~~
- ~~(6) To establish a municipal band, symphony orchestra, or other musical or cultural organization, and to regulate by ordinance the conduct and policies thereof.~~
- ~~(7) To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, 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.~~
- ~~(8) To regulate the erection, construction, repair or reconstruction of buildings in the city and to require building permits for the same; and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.~~
- ~~(9) To regulate or prohibit the operation of cemeteries and the interment of bodies within the city.~~
- ~~(10) To codify, or recodify, in permanent or looseleaf form, from time to time, any or all of the laws and ordinances of the city, and the City Charter, and such other laws or ordinances as they may deem appropriate for inclusion in such codification, and to publish periodic supplements to any such codification. In the process of codification or recodification, the council shall have the power to amend or repeal any or all of the ordinances or resolutions of the city heretofore or hereafter adopted, by changes, alterations, amendments or deletions in any codification, or any supplement thereto.~~

~~Except as may otherwise be required, by law, no notice of any such amendment or repeal shall be required, other than notice of the adoption or approval of such codification, recodification, or supplement thereto.~~

- ~~(11) 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) To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performances of or for cooperation in the performance of any governmental functions.~~
- ~~(13) To prohibit the youth of the city from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.~~
- ~~(14) To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned on the payment of all damages resulting from such work which may be sustained by any persons or property.~~
- ~~(15) To regulate the keeping of dogs in the city and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.~~
- ~~(16) To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.~~
- ~~(17) To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.~~
- ~~(18) To compel the occupant of any premises, building or structure situated in the city, when the same 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 city.~~
- ~~(19) To levy, assess, and collect ad valorem property taxes, to participate in real property tax relief measures as allowed under applicable local, state and federal laws and in accordance therewith and authorize the city manager to, by resolution, establish and implement appropriate regulations relating to the administration of such measures; to expend municipal funds for any public purpose; to have general management and control of the finances of the city except to the extent that responsibility therefore is delegated by this Charter to the city manager.~~
- ~~(20) 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 plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the city.~~
- ~~(21) To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.~~
- ~~(22) To grant and regulate franchises to electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, community antenna television companies and any other which may be deemed advantageous and~~

~~beneficial to the city. No such franchise shall be granted for a longer period than fifty years.~~

- ~~(23) To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slop, garbage, ashes and other waste or other unwholesome material to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.~~
- ~~(24) To accept gifts and grants of funds from the federal, state or county governments or any agency thereof, or any other source, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.~~
- ~~(25) To license, tax, regulate, or prohibit pawnbrokers, fortunetellers, hawkers, itinerant dealers and peddlers, and all other persons selling any article on the streets of the city.~~
- ~~(26) To protect and preserve the health of the city and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; 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.~~
- ~~(27) To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the city.~~
- ~~(28) To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the city or to use the county jail for such purpose.~~
- ~~(29) To license and regulate all persons beginning to conduct 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; to establish and collect fees and charges for licenses and permits issued under the authority of this Charter.~~
- ~~(30) To provide that any valid charges, taxes or assessments made against any real property within the city shall be liens upon such property, to be collected as municipal taxes are collected.~~
- ~~(31) To provide for the lighting of the city.~~
- ~~(32) To regulate and prohibit the running at large of cattle, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.~~
- ~~(33) To obtain by lease, own, construct, purchase, operate and maintain public markets within the city.~~
- ~~(34) 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.~~
- ~~(35) To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or other noises.~~

- ~~(36) To prevent or abate by appropriate ordinance all nuisances in the city which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, prohibit, control the location of, or require the removal from the city and 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; to regulate, prohibit, control the location of, or require the removal from the city of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies; this listing is by way of enumeration, not limitation.~~
- ~~(37) 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.~~
- ~~(38) 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.~~
- ~~(39) To install parking meters on the streets and public places of the city and to prescribe rates and provisions for the use thereof.~~
- ~~(40) 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.~~
- ~~(41) To establish, operate and maintain a police force which shall have, within the city, all the power and authority of police officers and deputy sheriffs generally within the scope of the police functions and powers in this state. Such police force and members thereof shall also be authorized to act outside the city to the extent necessary to transport prisoners to or from trial or to or from places of incarceration, or to engage in the pursuit of fleeing offenders, or to cooperate in the exercise of police functions by agreements between the city and other governmental jurisdictions.~~
- ~~(42) To prohibit, 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; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.~~
- ~~(43) To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome material into any public way or onto any public or private property in the city.~~
- ~~(44) To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.~~
- ~~(45) To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.~~
- ~~(46) To purchase, lease, borrow, install, and maintain voting machines for use in city elections.~~
- ~~(47) In addition to all powers granted to the council by this Charter or any other provision of law, the council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.~~

~~(48) To encourage and establish programs, take actions and provide assistance for orderly economic and industrial development in the city and foster employment opportunities for inhabitants of the city.~~

Sec. 24. - Same—Removal of members.

Any member of the board of supervisors of elections may be removed for good cause by the council. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the council if he so requests within ten (10) days after receiving the written copy of the charges against him.

Sec. 30. – General elections.

Elections shall be conducted as specified in this Charter. There shall be within the city three (3) election districts, said election districts being designated on a map of election districts approved by resolution of the council. Election districts shall not be modified by the council in any calendar year in which a city election is held. Candidates' names shall appear in alphabetical order for the office sought on the ballots or on the voting machine labels, with no party designations of any kind.

Section 31. – When election for mayor and councilmembers held.

On the first Tuesday after the first Monday in November ~~2004~~2017 and every fourth year thereafter the registered voters of the City shall elect a Mayor and two (2) Councilmembers at large. The term of office for the Mayor and two (2) Councilmembers so elected shall expire on the second Monday following the election held in November ~~2005~~2021 and every fourth year thereafter.

On the first Tuesday after the first Monday in November ~~2003~~2019 and every fourth year thereafter, the registered voters of the City shall elect three (3) Councilmembers as follows: The registered voters in District One shall elect one (1) person as a councilmember from District One, which said person shall reside in District One; the registered voters in District Two shall elect one (1) person as a councilmember from District Two, which said person shall reside in District Two; and the registered voters in District Three shall elect one (1) person as a councilmember from District Three, which said person shall reside in District Three. The term of office of the three (3) Councilmembers so elected shall expire on the second Monday following the election held in November ~~2007~~2023 and every fourth year thereafter.

Those incumbents in office as of the effective date of this amendment shall continue in office beyond their existing respective term until the terms of office consistent with this charter amendment commence.

Should a runoff election be required pursuant to provisions of the Charter, then such runoff election shall be held not more than fourteen (14) days thereafter and the term of any incumbent involved in said runoff election shall be extended until the first Monday following the runoff.

Sec. 54. - Borrowing in anticipation of taxes and revenues.

In addition to any other borrowing power which the city may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law, the city shall have the power to borrow money and incur indebtedness, from time to time, for any public purpose, in anticipation of the collection of taxes or revenues, or both, direct or indirect, and to issue tax anticipation notes, notes in the nature of commercial paper or other evidences of indebtedness (hereinafter collectively referred to as "notes") which shall be a first lien upon the proceeds of such taxes and revenues. All notes shall be authorized by ordinance, which ordinance shall not be subject to the referendum provision of section 12 of this Charter and shall be fully effective upon its final passage. The council shall have the power to determine by such ordinance the form and terms and all other matters concerning the issuance and sale of notes, ~~including, without limitation:~~

- ~~(a) The manner of sale of such notes, which may be by private negotiation without notice of sale or solicitation of competitive bids;~~
- ~~(b) The purchase price for such notes, which may be at, above or below the par value thereof;~~
- ~~(c) The medium of payment therefor, which may be cash or other consideration;~~
- ~~(d) The rate or rates of interest payable thereon, which may vary from time to time; such notes may be non-interest bearing;~~
- ~~(e) The date or dates of maturity of such notes, provided, however, that no notes shall mature later than eighteen months from their respective dates of issue; and~~
- ~~(f) Any additional security for such notes, including, but not limited to, a trust indenture with a corporate trustee or trustees, which may be any trust company or a bank having the powers of a trust company within or without the state, a letter of credit, line of credit or any other credit arrangement with a bank or lending institution.~~

Sec. 55. - Borrowing power of city generally; bond authorization ordinances; procedure for borrowing; pledging of faith and credit of city; tax levy for payment of indebtedness.

In addition to any other borrowing power which the city may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law:

- ~~(a) The~~city may borrow money and incur indebtedness, from time to time, for any public purpose, and evidence that borrowing or indebtedness by the issue and sale of its general obligation bonds, notes issued in anticipation thereof, or other evidences of indebtedness (hereinafter collectively referred to as "bonds").
- ~~(b) All bonds shall be authorized by ordinance, which ordinance shall not be subject to the referendum provisions of section 12 of this Charter and shall be fully effective upon its final passage. The council shall have the power to determine by such ordinance the form and terms and all other matters concerning the issuance and sale of the bonds. The sale of bonds shall be in accordance with the city's debt policy, adopted by resolution by the council, including, without limitation:~~

- ~~(1) The manner of sale of such bonds, which may be by private negotiation without notice of sale or solicitation of competitive bids;~~
 - ~~(2) The purchase price for such bonds, which may be at, above or below the par value thereof;~~
 - ~~(3) The medium of payment therefor, which may be cash or other consideration;~~
 - ~~(4) The rate or rates of interest payable on such bonds, which may vary from time to time; such bonds may be non interest bearing; and~~
 - ~~(5) The date or dates of maturity of such bonds.~~
- ~~(c) The city may pay the maturing principal of and interest on bonds, to the extent practicable, from the revenues, if any, of the particular project or improvement for which the bonds were issued, notwithstanding any limitation contained in any other law.~~
 - ~~(d) In addition to any other sources of payment for the principal of and interest on the bonds, the city may also pay the maturing principal of and interest on such bonds, in whole or in part, from the proceeds of such capital contribution charges, connection charges (including area connection charges related to the cost of base plant construction as well as the actual cost of connection), ready to serve charges, service charges, charges for upkeep, and any other charges or impositions as the city may levy, impose and collect from time to time during the life of such bonds, the power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law.~~
 - ~~(e) In addition to any other sources of payment for the principal of and interest on such bonds, the city may also pay the maturing principal of and interest on such bonds, in whole or in part, from the proceeds of such benefit assessments as the city may levy, impose and collect from time to time during the life of such bonds, the power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law.~~
 - ~~(f) If the bonds issued pursuant to this section are in the form of bond anticipation notes, the principal of and interest on such notes shall be payable to the bearer or registered holder thereof out of the first proceeds of sale of the bonds in anticipation of which such notes were issued, or from tax or other revenues which shall have been previously determined and applied to the payment of the notes and the interest thereon.~~
 - ~~(g) The issuance of such bonds shall constitute a pledge of the full faith and credit of the city to the payment of the principal of and interest on such obligations when due; the prompt payment of the principal of and interest on such bonds shall be made from unlimited ad valorem taxation and other revenues lawfully available for the purpose described in the authorizing ordinance or ordinances. In any event, the city shall annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide, together with any other funds lawfully available for the purpose, for the payment of the maturing principal of and interest on such bonds, without limitation as to rate or amount.~~
 - ~~(h) Nothing contained in this section shall be deemed or construed to impair the terms or conditions of any bonds of the city issued prior to the effective date of this section.~~