

## **Chapter C**

### **CHARTER**

**[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant 8-28-2007 by Res. No. 07-05.<sup>1</sup> Amendments noted where applicable.]**

#### **ARTICLE I GENERAL CORPORATE POWERS**

##### **§ C-101.**

The inhabitants of Seat Pleasant within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "The City of Seat Pleasant" with all the privileges of a body corporate, by the name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

#### **ARTICLE II CORPORATE LIMITS**

##### **§ C-201.**

The courses and distances showing the exact corporate limits of the City shall be filed at all times with the Clerk of the Circuit Court for Prince George's County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference and in the office of the Clerk-Treasurer.

##### **§ C-202. Original Boundaries**

The boundaries of the City of Seat Pleasant are as follows:

Beginning for the same at the intersection of the southwest lines of the right of way in a southeasterly direction to its intersection with the southeast line, extended, of Palmer's Sub-Division as recorded in Plat Book R.N.R. No. 2, folio 68, one of the land records of Prince George's County; thence with said line N. 58 15' E. to the northeast side of Addison Chapel Road; thence in a northwesterly direction with the northeast side of Addison Chapel Road to its intersection with Francis S. Carmondy's Sub-Division known as Seat Pleasant Heights; thence with the southeast boundary line of Seat Pleasant Heights N. 55 24' E. to the most eastern corner of Seat Pleasant Heights; thence with the eastern line of Seat Pleasant Heights to the most northern corner of Block R. Seat Pleasant Heights, thence in a straight line northwest to where said line intersects the north line of the Washington, Baltimore and Annapolis Railroad right of way; thence with said line of the Washington, Baltimore and Annapolis right of way S. 48 26' W to its intersection with the school lot of District Line School No. 2; thence N. 38 53' W. to

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1. Editor's Note: This resolution also provided for the repeal of the former Charter, adopted 5-16-1976, as amended.

Addison Chapel Church Lot; thence around said Church lot and including same, with the boundary line of Addison Chapel Church Lot to its intersection with Addison Chapel Road; thence across Addison Chapel Road to the nearest corner of Godfrey's Second Addition to Fairmount Heights; thence with the northwestern boundary line of Godfrey's Second Addition to Fairmount Heights to Noel Street; thence continuing in a straight line to the District of Columbia Boundary line to the place of beginning; including all of the sub-divisions known as Seat Pleasant Heights, Godfrey's Second Addition to Fairmount Heights, Gregory Heights, Oakmont, Palmer's Sub-division and such other land sub-divided or not sub-divided as comes within the above defined area.

**§ C-203. 1945 Annexation**

The boundaries of the City of Seat Pleasant are hereby extended to include the following area which is added to said City, beginning at a pipe on the east side of Addison Road, formerly known as Addison Chapel Road, at the end of the South 52° 00' West 712.14 foot line of a deed from Emma M. Gregory, widow, to the Board of Education, Prince George's County Maryland, filed among the Land Records of Prince George's County, Maryland in liber 361 at folio 187 and thence reversely with said line.

- (a) North 47° 07' 50" East 712.14 feet to the beginning of said line; thence,
- (b) South 11° 42' 10" East 358.25 feet reversely with North 6° 50' West;
- (c) South 48° 56' 40" East 141.93 feet to a point on the northwest side of Martin Luther King Jr. Highway (60 feet wide), opposite center line station 17° 77.35' as shown on the State Road Commission Plat No. 5255; thence with the northwest side of said highway.
- (d) North 41° 03' 20" East 1827.39 feet to the beginning of a curve to the left having a radius of 5699.58 feet; thence
- (e) South 72° 16' curve 740.96 feet (long cord bearing the length North 37° 19' 52" East 740.44 feet); thence leaving said highway and running.
- (f) South 72° 15" West 459.01 feet to a point South 26° 49' 30" East 40.45 feet from the stone found at the southeast corner at lot No. 34, Block D, Jefferson Heights, recorded among the said Land Records in Plat Book 9 as Plat 50; thence continuing on the same course.
- (g) South 72° 15' 50" West 2093.13 feet to a stone found at the end of the seventh or North 11° 33' West 384.7 foot line of a deed from John W. Gregory, et ux, to Isabelle Collins, et al., dated November 2, 1916 and recorded among the said Land Records in Liber 124 at folio 1; thence reversely with the seventh and sixth lines of said deed.
- (h) South 17° 36' 20" east 285.20 feet to a pipe;
- (i) South 44° 26' 40" West 131.20 feet to the beginning of said sixth line; thence outlines of said deed to Collins and running with the nineteenth or South 33 1/2 West 26 1/4 perch line of deed dated December 15, 1888 from Sabina Gregory, et al, John W. Gregory for 19 1/2 acres of landed [land] recorded among the said Land Records in Liber J.W.B. 18 at folio 190.
- (j) South 27° West 433.46 feet to a pipe on the east side of Addison Road, formerly known as

Addison Chapel Road; thence with east side of Addison Road the three following courses and distances.

- (k) South 27° 23' East 149.50 feet to a pipe; thence,
- (l) South 35° 50' East 296.00 to a pipe; thence,
- (m) South 21° 59' 20" East 115.89 feet to the place of beginning, containing 2,191.839 square feet or 50.318 acres of land, more or less. All of the territory hereby annexed to the City of Seat Pleasant shall after April 27, 1945, be subject to all laws, ordinances and regulations of said City.

**§ C-204. 1947 Annexation**

- (a) Described. The boundaries of the City of Seat Pleasant are hereby extended to include the following area which is added to said City, beginning for the same at the northeasterly corner of the City as now incorporated and bearing thence in a northeasterly direction on a continuation of the present corporate line for a distance of approximately 600 feet to a point in the center line of Baltic Street and the Palmer Sub-division in the City of Seat Pleasant.
- (b) Conditions. All of the territory hereby annexed to the City of Seat Pleasant shall after March 3, 1947, be subject to all laws, ordinances, and regulations of the Mayor and Council of Seat Pleasant. Provided, however, that the land now taxed as acreage in this extension shall be service free and tax free until the time that said acreage is sub-divided.

**§ C-205. 1951 Annexation**

- (a) Described. The boundaries of the City of Seat Pleasant are hereby extended to include the following area; that land bounded on the west by the main stream of Cabin Branch Creek which forms the boundary of the City and on the south and east by Seat Pleasant Drive and on the north by the tributary of Cabin Branch Creek which enters said Creek at Martin Luther King Jr. Highway.
- (b) Conditions. All of the territory hereby annexed to the City of Seat Pleasant shall from and after June 1, 1951, be subject to all laws, ordinances and regulations of the Mayor and Council of Seat Pleasant.

**§ C-206. 1983 Annexation**

- (a) Described. The boundaries of the City of Seat Pleasant are hereby extended to include:
  - (a) All that piece or parcel of land situate, lying and being in the Seat Pleasant election district of Prince George's County, Maryland and being bounded by the northerly right of way line of Central Avenue/East Capitol Street as shown on Maryland State Highway Administration right of way plats numbered 17080 and 34465, the southwesterly right of way line of Yost Place, the northwesterly line of Baltic Street, formerly Maple Avenue, 30 feet wide and the southwesterly line of the former east Washington Railway Company property, and being more particularly described as follows:

- (a) Beginning on the aforementioned right of way line of Central Avenue/East Capitol Street at a point where it is intersected by the aforesaid right of way line of the East Washington Railway Company and running thence the six (6) following courses with said northerly line of Central Avenue/East Capitol Street as shown on aforementioned State Highway Administration right of way plats 351.46 feet along the arc of a curve deflecting to the right, having a radius of 4032.56 feet and a long chord bearing north 86° 03' 38" west 351.56 feet, thence north 71° 51' 20" west 50.24 feet, thence north 55° 07' 10" west 109.52 feet, thence north 80° 24' 40" west 145.66 feet, thence north 63° 11' 20" west 50.15 feet, thence north 57° 12' 30" west 51.17 feet to intersect the aforementioned northeasterly right of way line of Yost Place, thence south 54° 30' 00" west 30.00 feet, with a line crossing said Yost Place, thence north 35° 30' 00" west 718.46 feet with the southwesterly right of way line of Yost Place, to intersect the aforementioned northwesterly right of way line of Baltic Street, thence north 54° 53' 50" east 227.97 feet with said right of way line of Baltic Street and an extension of the aforementioned southwesterly right of way line of the east Washington Railway Company property, thence the three (3) following courses with said southwesterly line of the railway's property thence south 42° 04' 53" east 576.05 feet, thence 573.83 feet along the arc of a curve deflecting to the left having a radius of 1943.00 feet and a long chord bearing south 55° 39' 38" east 571.75 feet to the place of beginning of this description containing a calculated area of 6.5956 acres of land.

### ARTICLE III THE COUNCIL

#### **§ C-301. Number, Selection, Term**

All legislative powers of the City shall be vested in a Council consisting of seven Councilpersons who shall be elected as hereinafter provided. Newly elected Councilpersons shall take office on the first Monday in October following election. Each Councilperson holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected or until his successor is elected and takes office under the provisions of this Charter.

#### **§ C-302. Qualifications of Councilpersons**

Councilpersons shall have resided in the City for at least one year immediately preceding their election and shall have been qualified registered voters of the City for one (1) year. Councilpersons shall maintain a permanent residence in the City during their term of office. The minimum age for City Councilpersons shall be twenty-one years of age.

#### **§ C-303. Salary of Councilpersons**

Each Councilperson shall receive an annual salary which shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that council was elected and further provided that such a salary ordinance be approved by the majority of the qualified voters of the municipality voting thereon at a regular or special municipal election. The ordinance making any change in the salary paid to the several Councilpersons, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as

to the members of the next succeeding Council.

**§ C-304. Meeting of the Council**

The newly elected Council shall meet on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called at the request of the Mayor or four or more Council members. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the City shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

**§ C-305. Vice-Mayor and President Pro Tem**

The Council shall elect a President of the Council from among its members who shall act as Vice-Mayor in the absence of the Mayor. In the event that the designated President shall be absent at any meeting of the Council, any member of the Council may be designated by the Council President Pro Tem for such meeting. The President, when acting as Vice-Mayor, shall have only such ceremonial duties as may be assigned to him by the Mayor and shall not exercise any of the power and duties of the Mayor as hereinafter set forth.

**§ C-306. Quorum**

Four members of the Council shall constitute a Quorum for the transaction of business. No ordinance shall be approved nor any other action taken without the favorable votes of a majority of the members of the Council present and voting.

**§ C-307. Procedure of Council**

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas, nays, or abstentions upon final action of any question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to public inspection after adoption.

**§ C-308. Vacancies**

The office of the Mayor or a Councilperson shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

**§ C-309. Filling of Vacancies** [Amended 11-9-2009 by Res. No. R-10-10]

A vacancy in the office of Mayor or Councilperson shall be filled by a person who meets the qualifications set forth in §§ C-302 and C-609 of this Charter. In event of a vacancy in the office of the Mayor or Councilperson the Council shall publish an advertisement in a newspaper of general circulation in the City. The advertisement shall provide public notice of the vacancy and shall solicit qualified persons to submit, on or before a date specified in the notice, letters of interest for consideration to fill the vacancy. The notice also shall state that each letter of interest

must be accompanied by the candidate's resume and a petition as specified below. Concurrently with the publication of the advertisement the Council also shall mail a notice that contains information substantially similar to the published notice. The mailed notice shall be sent to all registered voters in the City, except that when the vacancy is to fill the position of Councilperson from one of the Councilmanic subdivisions specified in § C-609, notice shall be mailed only to the registered voters in that Councilmanic subdivision. Each candidate to fill a vacancy shall file the candidate's letter of interest, resume and a petition that satisfies the requirements of § C-610 with the office of the City Clerk on or before the date specified in the notice. Following the date specified in the notice for the filing of applications to fill a vacancy, the Council shall conduct a public review of all qualified candidates who have submitted the required letters of interest, resumes and petitions. This public review may include a public hearing for public comment on the candidates. After the Council completes its public review, the Council may appoint some person qualified in accordance with § C-302 and § C-609. The Council also may reject all candidates and repeat the process established in this section until the Council appoints a qualified person to fill the vacancy. A vacancy shall be filled by the favorable votes of a majority of the remaining members of the Council and the results of such votes shall be recorded in the minutes of the Council. A person appointed to fill a vacancy shall serve until the next regularly scheduled election.

#### **§ C-310. Forfeiture of Office**

The Mayor or a Council person shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony, or (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

#### **§ C-311. Ordinances** [Amended 12-3-2012 by Res. No. R-13-12]

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six or more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the Mayor or passage by the Council over his veto. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality following passage. 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 veto by the Council.

#### **§ C-312. Emergency Ordinance**

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Article VIII. An emergency ordinance shall be

introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon the adoption or at such time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### **§ C-313. Veto**

All ordinances passed by the Council shall be promptly delivered to the Mayor for his approval or disapproval. If the Mayor approves any ordinance, he shall sign it. If the Mayor disapproves any ordinance, he shall not sign it. The Mayor shall return all ordinances to the City Clerk within six days after delivery to him (excluding the first day, including the last day, and excluding any Sunday) with his approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote from five members of the whole Council within thirty-five calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within six 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.

#### **§ C-314. Advisory Boards and Commission**

The Mayor, with Council consent, shall have the power to appoint and dissolve boards and commissions to act in advisory capacity to the City Council as required by law or as it may deem necessary for the good government of the City. He may also establish mandatory fiscal and administrative procedures for such boards.

### **ARTICLE IV THE MAYOR**

#### **§ C-401. Qualifications of Mayor**

The Mayor must have resided in Seat Pleasant for at least one year immediately preceding his election, and shall have been a qualified registered voter of the City for one year.

#### **§ C-402. Salary of the Mayor**

The Mayor shall receive a salary which shall be specified at time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected and further provided that such a salary ordinance shall be approved by the

majority of the qualified voters of the municipality voting thereon at a regular or special municipal election. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease shall be finally ordained prior to the municipal election for the members of the next succeeding Council.

**§ C-403. Powers and Duties**

- (a) The Mayor shall be the Chief Executive Officer of the City government and shall have such powers and perform such duties as may be prescribed by this Charter. The Mayor is authorized to sign and execute documents and to accept service of legal process on behalf of the City. The Mayor shall see that the Ordinances of the City are faithfully executed and enforced and perform such other duties which are not inconsistent with this Charter as may be authorized by the Council. [Amended 10-3-2016 by Res. No. R-17-01]
- (b) Annual report for general distribution. The Mayor shall prepare or cause to be prepared annually a report in the name of the government of the City of Seat Pleasant. This report shall deal not only with the financial condition of the City, but also with the accomplishments of the various agencies of the City. This report shall be printed for general distribution.
- (c) Except as otherwise expressly provided in this Charter, the Mayor, with consent of a majority of the entire Council, shall appoint the City Treasurer, the City Clerk, the Chief of Police and all other department and agency heads. Except as otherwise expressly provided in this Charter, all such officials and department and agency heads shall only be removed by consent of a majority of the entire Council. [Amended 10-3-2016 by Res. No. R-17-01]
- (d) Budget. By April 1 of each year, the Mayor shall prepare a budget and submit it to the Council. He/she shall be responsible for the administration of the budget as adopted by the Council.

ARTICLE V  
**GENERAL POWERS**

**§ C-501. General Powers**

- (a) General. The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein.
- (b) Enumeration. The Council shall have, in addition, the power to pass ordinances, not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes.
  - (1) Advertising. To provide for advertising for the purposes 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) Appropriations. To appropriate municipal monies for any purpose within the powers of the Council.
- (4) Billboards. 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.
- (5) Bridges. To erect and maintain bridges.
- (6) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the City, and to grant building permits for the same; 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; 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.
- (7) Cemeteries. To regulate or prohibit the interment of bodies.
- (8) Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.
- (9) Community Services. 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.
- (10) Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.
- (11) Curfew. To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
- (12) Dangerous Conditions. 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 persons or property.
- (13) Taxes. To levy and collect taxes as may be prescribed by ordinance.
- (14) Disorderly Houses. To suppress bawdy houses, disorderly houses and houses of ill fame.
- (15) Dogs. To regulate the keeping of dogs in the City and to provide, wherever the County does not license or tax dogs, 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) Elevators. To require the inspection and licensing of elevators and to prohibit their uses when unsafe or dangerous or without a license.
- (17) Explosives. 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 person or property.
- (18) Filth. To compel the occupant of any premises, building or outhouse 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 be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.
- (19) Finances. To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City.
- (20) Fire. To contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards to forbid and prohibit the use of fire-hazardous buildings and structures; to regulate or prevent the use of bonfires, explosives, or any other similar things which may endanger persons or property.
- (21) Franchises. To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the City, subject, however, 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 years.
- (22) Garbage. 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.
- (23) Health. 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 regulate his powers and duties; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations, and (See Note 1) 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; that 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.
- (24) Licenses. 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; to establish and collect fees and charges for all licenses permits issued under the authority of this Charter.
- (25) Liens. 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.
  - (26) Livestock. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale and redemption of such animals which are found in violation of the ordinance in such cases provided.
  - (27) 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.
  - (28) Noise. To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.
  - (29) Nuisances. To prevent or abate by appropriate ordinances all nuisances in the City which are so defined as common law by this Charter, or by laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or 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. In this connection, the City may 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.
  - (30) 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.
  - (31) Parking Facilities. To license and regulate and to establish, and obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.
  - (32) Parking Meters. To install parking meters on the streets, public places of the City in such places as they shall be by ordinance determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.
  - (33) 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.
  - (34) Police Force. To establish, operate, and maintain a police force.

- (35) Police Powers. To punish and suppress vagrancy, vice, gambling, and the owning or keeping of houses of ill fame within the limits of the City. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.
- (36) Property. To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the City and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds, and property of the City.
- (37) Refuse Collection. To acquire, regulate, or provide for the collection, removal, and disposal of refuse, garbage, rubbish, filth, or any other matter or thing that is or may become injurious to the health or comfort of the inhabitants of the City. Whenever such requirements shall not be met, the City shall arrange for the necessary work to be done and any expenses incident thereto shall become a lien upon the property.
- (38) Regulations. To adopt by ordinance or ordinances and enforce within the corporate limits police, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.
- (39) Sidewalks. To construct, maintain, and improve sidewalks and regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for clearing and cleaning sidewalks.
- (40) Voting Machines. To purchase, lease, borrow, install, and maintain voting machines for use in City elections.
- (41) Zoning. To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.
- (42) 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.

#### **§ C-502. Exercise of Powers**

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

#### **§ C-503. Enforcement**

To ensure the observance of the ordinance of the City, the Council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment of not

exceeding six (6) months, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within ten days to the Circuit Court of the County in which the fine, forfeiture, or penalty was imposed. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

#### **§ C-504. Civil Remedies**

Nothing herein provided shall be deemed a waiver or in any other fashion as a bar to the City to seek civil remedies by way of injunction or otherwise in order to effect and carry out any of the provisions of this Charter or any of the ordinances passed pursuant thereto.

### **ARTICLE VI REGISTRATION, NOMINATION AND ELECTIONS**

#### **§ C-601. Regular Election**

The election for all elective City officers shall be held on the second Monday in September at a place to be designated by the Council. Notices of the designated place must be posted in three public places, at least ten days before said election. The polling places shall remain open 7:00 a.m. to 8:00 p.m., or longer at the discretion of the Council.

#### **§ C-602. Qualification of Voters**

Every person who (1) is a citizen of the United States, (2) is at least eighteen (18) years of age, (3) has been a resident of the City of Seat Pleasant for at least thirty (30) days prior to the election and (4) is registered in accordance with the provisions of this Charter and City Ordinances, shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at any or all City elections.

#### **§ C-603. Board of Supervisors of Elections**

There shall be a Board of Supervisors of Elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in January following their election. The terms of members of the Board of Supervisors of Election begin on the first Monday in January in the year in which they are appointed and run for four years. Members of the Board of Supervisors of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The Mayor with Council consent shall appoint one of its members as chairman. Vacancies on the Board shall be filled by the Mayor with Council consent for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

#### **§ C-604. Removal of Members**

Any member of the Board of Supervisors of Elections may be removed by the Council, if in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. Any member of the Board of Supervisors shall not be removed by the Council unless an extraordinary majority of five Councilmembers concur at a regular or special

meeting of the Council.

**§ C-605. Duties**

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all City elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

**§ C-606. Notice of Registration Days and Elections**

The Board of Supervisors of Elections shall give at least two weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the City and by posting a notice thereof in some public place or places in the City.

**§ C-607. Registration**

There shall be Universal Voter Registration in conjunction with Prince George's County, Maryland as required by the Election Law Article, Sections 3-401, et seq., of the Maryland Annotated Code, as amended, of qualified persons not registered to vote. No person is entitled to vote in City elections unless he is registered. The Board of Supervisors of Elections shall keep the registration lists up-to-date by striking from the lists persons known to have died or to have moved out of the City. The Council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when necessary.

**§ C-608. Appeal from Action of Board of Supervisors of Elections**

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, he may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for the county within the time allowed for such appeals.

**§ C-609. Councilmanic Subdivisions**

Two of the seven Councilpersons shall be selected at large and candidates for such positions shall have their names placed upon the ballots or upon the voting machine labels for all residents of the City. The other five Councilpersons shall be chosen respectively from the five subdivisions described herein below. Each such Councilperson shall reside in and be duly elected from the particular subdivision from which he becomes a candidate for office. The ballots or the voting machines shall be so arranged that the voters in any one subdivision shall be eligible to vote only for those candidates for the City Council coming from the particular subdivisions. The several subdivisions shall have the boundaries as described below.

- (a) Ward One. Beginning at the point of intersection of the northwest side of Addison Road and the northwest boundary of the City southwesterly along the City boundary to its intersection with the northeast side of Eastern Avenue; thence, southeasterly along the eastern side of Eastern Avenue to the intersection of said boundary with Martin Luther King Jr. Highway; thence, southeasterly along the City boundary to its intersection with Eades Street; thence, along the northwest side of Eades Street in a northeasterly direction to

its intersection with Addison Road; thence in a southeasterly direction along the eastern side of Addison Road to its intersection with Drylog Street; thence, in a northeasterly direction along the northwest side Drylog Street to its intersection with 70th Street; thence, in a northwesterly direction along the southwest side of 70th Street to its intersection with Seat Pleasant Drive; thence, in a westerly direction along the south side of Seat Pleasant Drive to its intersection with Martin Luther King Jr. Highway; thence, in a southwesterly direction along the South side of Martin Luther King Jr. Highway to its intersection with Addison Road; thence, in a northwesterly direction along the west side of Addison Road to its intersection with "G" Street; thence, in a northeasterly direction along the north side of "G" Street to its intersection with 64th Avenue; thence, in a northerly direction along the west side of 64th Avenue to its intersection with 63rd Place; thence, in a northwesterly direction along the southwest side of 63rd Place to the intersection of Greig Street; thence, in a southwesterly direction along the south side of Greig Street to its intersection with Addison Road; thence, in a northerly direction along the southwest side of Addison Road to its intersection with the City Boundary.

- (b) Ward Two. Beginning at the northeast intersection of the City and the northwest side of Martin Luther King Jr. Highway in a westerly direction along the City boundary to its intersection with the northwest corner of the City boundary thence, in a southerly direction along the City boundary to its intersection with Addison Road; thence, in a southerly direction along the northeast side of Addison Road to its intersection with Greig Street; thence, in a northeasterly direction along the north side of Greig Street to its intersection with 63rd Place; thence in a southerly direction along the north side of 63rd Place to its intersection with 64th Avenue; thence, in a southerly direction along the east side of 64th Avenue to its intersection with "G" Street; thence, in a northeasterly direction along the north side of "G" Street to its intersection with Greig Street; thence, in an easterly direction along the north side of Greig Street to its intersection with Martin Luther King Jr. Highway; thence, in a northeasterly direction along the north side of Martin Luther King Jr. Highway to its intersection with the northerly City boundary.
- (c) Ward Three. Beginning at the northwest corner of the intersection of Birchleaf Avenue and Seat Pleasant Drive; thence, in a northerly direction along the west side of Birchleaf Avenue to its northern end; thence, extended on the line of said street to its intersection with Martin Luther King Jr. Highway; thence, in a southwesterly direction along the southeast side of Martin Luther King Jr. Highway to its intersection with Greig Street thence, in a westerly direction along the south side of Greig Street to its intersection with "G" Street; thence, in a southeasterly direction along the south side of "G" Street to its intersection with Addison Road; thence, in a southeasterly direction along the northeast side of Addison Road to its intersection with Martin Luther King Jr. Highway; thence, in an easterly direction along the north side of Martin Luther King Jr. Highway to its intersection with Addison Road and Seat Pleasant Drive; thence, in an easterly direction along the north side of Seat Pleasant Drive to its intersection with 70th Street; thence, in a southerly direction along the east side of 70th Street to its intersection with Drylog Street; thence, in a northeasterly direction along the north side of Drylog Street to its intersection with the eastern boundary of the City; thence, in a northerly direction along the eastern boundary of the City to its intersection with Seat Pleasant Drive; thence, in an easterly direction along the north side of Seat Pleasant Drive to its intersection with Birchleaf

Avenue.

- (d) Ward Four. Beginning at the intersection of Seat Pleasant Drive and the Cabin Branch Tributary; thence, in a westerly direction along the Cabin Branch Tributary and City boundary to their intersection with Martin Luther King Jr. Highway; thence, in a southwesterly direction along the south side of Martin Luther King Jr. Highway to its intersection with the northerly direction along Birchleaf Avenue and its extension along its east side to its intersection with Seat Pleasant Drive; thence, in an easterly direction along the north side of Seat Pleasant Drive to its intersection with the Cabin Branch Tributary.
- (e) Ward Five. Beginning at the intersection of Drylog Street and Cabin Branch Creek; thence, in a southerly direction along Cabin Branch Creek to its intersection with Central Avenue; thence, in a westerly direction along the north side of Central Avenue to its intersection with the western City boundary; thence, in a northwesterly direction along the westerly City boundary to its intersection with the western extension of Eades Street; thence, in a northeasterly direction along the south of Eades Street to its intersection with Addison Road; thence, in a southerly direction along the west side of Addison Road to its intersection with Drylog Street; thence, in a northeasterly direction along the south side of Drylog Street to its intersection with the Cabin Branch Creek.

#### **§ C-610. Nominations**

Candidates for election to the office of Councilmember or Mayor shall file with the Board of Election Supervisors a petition signed by at least 20 registered voters of the City of Seat Pleasant at least sixty (60) days (including Sundays and holidays) prior to the date of such election. Such petition shall state (1) the name and address of the candidate, (2) the fact that such person is eligible for election to the office of Councilmember or Mayor and (3) that such person wishes his name placed on the ballot as candidate. Such petition shall be sworn to by the person filing same, both as to the fact of the candidate's eligibility and as to the genuineness of the signatures of such petition. No person shall be eligible for elective City public office who has not fulfilled the requirements of this section. No candidate shall file for election for more than one City public office at any one election.

#### **§ C-611. Election of the Mayor and Councilmembers**

Beginning on the second Monday in September, 1976, and every fourth year thereafter, the City shall elect the Mayor and all seven Councilmembers.

#### **§ C-612. Conduct of Elections**

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.

#### **§ C-613. Absentee Ballot**

Any qualified voter registered to vote in the City of Seat Pleasant is entitled to vote in any



municipal election by absentee ballot.

**§ C-614. Mailing of Absentee Ballots**

The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than twenty days prior to the election. All absentee ballots shall be delivered to City Hall before the day of election.

**§ C-615. Special Elections**

All special City elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular City elections.

**§ C-616. Vote Count**

The Board of Supervisors of Elections shall begin counting the votes immediately after the polls have closed. All votes shall be counted to include the regular ballot and absentee ballots. Once the actual vote counting begins, no persons shall enter or leave the room in which the vote count is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty-four hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the Clerk of the City who shall record the result in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The candidates for election to the vacancies as Councilmembers with the highest number of votes shall be declared elected. The declarations shall be proclaimed by the Chairman of the Board of Supervisors of Election within forty-eight hours after the vote count at a special public meeting. A tie vote shall be decided by special election between the tied candidates.

**§ C-617. Preservation of Ballots**

All ballots and records used in any City election shall be preserved for at least six (6) months from the date of the election.

**§ C-618. Regulation and Control**

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

**§ C-619. Women**

Women shall have equal privileges with men in registering, voting and holding City offices. Whenever the masculine gender has been used as to any registering, voting, or holding City office, it shall be construed to include the feminine gender.

**§ C-620. Penalties**

Any person who (a) fails to perform any duty required of him under the provisions of this

sub-title or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this sub-title or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or election, shall be deemed guilty of a misdemeanor. Any officer or employee of the City government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

ARTICLE VII  
CITY ADMINISTRATOR  
[Amended 1-12-2015 by Res. No. R-15-12]

**§ C-701. Appointment, Compensation, Duties and Removal**

- (a) There shall be a full-time City Administrator appointed by majority vote of the entire Council, who shall report directly to the Mayor. The Mayor, with consent of a majority of the entire Council, shall fix the compensation of the City Administrator. [Amended 10-3-2016 by Res. No. R-17-01]
- (b) The City Administrator shall be the Chief Administrative Officer of the City and shall have those powers and responsibilities as may be provided by the Charter. The City Administrator shall take action and do those things mandated by any Ordinance or Resolution duly enacted by the City Council.
- (c) The City Administrator shall represent the City in all matters of day-to-day administration, under the direct supervision of the Mayor. In this capacity, he or she shall exercise all administrative powers and authority delegated by this Charter or the Council. He or she shall: [Amended 10-3-2016 by Res. No. R-17-01]
  - (1) Direct and supervise all employees of the City, except the City Clerk, who shall be supervised by the Council, and except as otherwise expressly provided in this Charter;
  - (2) With the Mayor and City Treasurer, prepare an annual budget for submission to the City Council;
  - (3) Sign and execute documents on behalf of the City and accept services of legal process;
  - (4) Report regularly on the business of the City to the City Council; and
  - (5) Enforce and implement the duly enacted ordinances of the City Council.
- (d) The City Administrator shall report to the City Council on his or her activities and the business of the City not less than once a month and more frequently when circumstances require.
- (e) The City Administrator shall recommend to the City Council, Ordinances, Resolutions, and Directives which, if enacted by a majority of the City Council, would enable the City Administrator to perform his or her duties under the Charter and effectively conduct business for and on behalf of the City of Seat Pleasant.
- (f) The City Administrator may be removed without cause by a majority vote of the entire

Council. The Council shall appoint or designate some person to serve for the City Administrator in his/her absence or inability to serve.

## ARTICLE VIII FINANCE

### **§ C-801. Fiscal Year**

The City shall operate on an annual budget. 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. The fiscal year constitutes the tax year, the budget year, and the accounting year.

### **§ C-802. Budget**

The Council shall adopt a budget on such date as they shall determine, but at least thirty-two (32) days before the beginning of any fiscal year. The 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. The budget shall be a public record in the office of the City Clerk, open to public inspection by anyone during normal business hours. The budget shall reflect no deficit spending.

### **§ C-803. Budget Adoption**

- (a) Before adopting the budget the Council shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the City. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such 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 shall be necessary for adoption.
- (b) If the budget is not approved by July 1, a majority vote of the Council shall be necessary to extend the current budget for a single thirty day period. Expenditures for that period shall not exceed one-twelfth (1/12) of the annual expenses provided in the budget of the previous fiscal year.

### **§ C-804. Appropriations - Approval**

No public money may be expended without having been approved and appropriated by the Council.

### **§ C-805. Transfer of Funds**

Any transfer of funds between major appropriations for different purposes must be approved by the Council before becoming effective.

### **§ C-806. Over-Expenditure Forbidden**

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

**§ C-807. Appropriations Lapse After One Year**

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been 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 anticipated revenues for the next succeeding budget year.

**§ C-808. Taxable Property**

All real property within the corporate limits of the City shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and County taxes. No authority is given by this section to impose taxes on property which is exempt from taxation by any Act of the General Assembly.

**§ C-809. Budget Authorized Levy**

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

**§ C-810. Notice of Tax Levy**

Immediately after the levy is made by the Council in each year, the City Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real estate property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property.

**§ C-811. When Taxes are Overdue**

The taxes provided for in § C-810 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at such rate as may from time to time be provided by the laws of the State of Maryland for each month or fraction of a month until paid.

### **§ C-812. Sale of Tax Delinquent Property**

A list of all property on which the City taxes have not been paid and which are in arrears as provided by § C-811 of this Charter shall be turned over by the City Treasurer to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by State law.

### **§ C-813. Fees**

All fees received by an officer or employee of the City government in his official capacity shall belong to the City government and be accounted for by the City.

### **§ C-814. Audit**

The financial books and accounts of the City shall be audited annually in a manner determined by the Council but not contrary to applicable State law.

### **§ C-815. Tax Anticipation Borrowing**

The City shall have the power to borrow in anticipation of the collection of current taxes and to issue tax anticipation notes or other indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than eighteen (18) months from their date of issue. The Council shall have the power to regulate all matters concerning the issuance of tax anticipation notes.

### **§ C-816. Authorization to Borrow Money**

The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title "Municipal Corporations," subtitle "Creation of Municipal Public Debt."<sup>2</sup>

### **§ C-817. Authorization to Borrow Money** [Amended 3-11-2013 by Res. No. R-13-15]

- (a) The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this Section.
- (b) All general obligation bonds, notes or other evidences of indebtedness issued under the provisions of this Section shall be authorized by an ordinance that shall contain: (1) a statement of the maximum aggregate principal amount of such obligations to be issued; (2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (3) a pledge of the security for such obligations and, if applicable, a statement

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2. Editor's Note: Article 23A, Sections 31 to 37, of the Annotated Code of Maryland, were repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013. See now the Local Government Article.

that such obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and (4) a requirement that, subject to the provisions of subsection (d) below, prior to the issuance of any such obligations, the Council shall adopt a resolution in accordance with the provisions of subsection (c) below.

- (c) Prior to issuing any such obligations identified in subsection (b) above, the Council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for); (3) the date or dates and amount or amounts of maturity, which may be in any denomination and which may be in serial and/or term maturities or otherwise payable in installments; (4) the manner of selling such obligations, which may be either by solicitation of competitive bids at public sale after publication or dissemination of the notice of sale or a summary thereof or by private (negotiated) sale without advertisement or solicitation of competitive bids; (5) the price or prices of such obligations, which may be at, above or below par value; (6) any desired provisions relating to the redemption or put of such obligations prior to maturity (which may be at, above or below par value), and the manner of publishing or otherwise giving notice of such redemption or put; (7) the manner of executing and sealing such obligations, which may be by facsimile; (8) any documents pursuant to which such obligations are to be issued or secured, including, without limitation, agreements with banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for such obligations and for securing any tender option granted to the holders thereof; and (9) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the Council may determine necessary or desirable, including, without limitation, whether such obligations shall be sold for cash or other valuable consideration or further specifying the purposes for which such obligations are to be expended (within the limitations set forth in the applicable ordinance). By resolution the Council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (c). A resolution adopted pursuant to this subsection (c) may be introduced and adopted at a single session of the Council and shall become effective immediately upon adoption or upon the date specified in such resolution.
- (d) The Council may, at its option, determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (c) above by ordinance instead of by resolution.
- (e) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the public sale of municipal obligations by competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the City and/or in a generally recognized financial journal such as The Bond Buyer, or any notice of sale, rather than being published in full or summary form, may be made available solely via the internet or by other electronic means and/or by any other then-commercially reasonable manner for the sale of municipal

obligations, all as determined by the Council by resolution or ordinance in accordance with the provisions of subsection (c) or subsection (d) above, as applicable. To the extent the Council determines to publish the notice of sale in full or summary form, any such publication need only be made once at least seven (7) days before the initial date fixed for sale.

- (f) The power conferred on the City under this Section shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the City by Maryland, City or federal law, and the City may authorize, issue and secure any such general obligation debt in conformity with this Section and/or any other applicable law.

#### **§ C-818. Payment of Indebtedness**

The power and obligation of the City to pay any and all bonds, notes, or other evidences of indebtedness issued by it shall be unlimited and the City shall levy ad valorem taxes upon all the taxable property in the City for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon. The faith and credit of the City is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

#### **§ C-819. Previous Issues**

All bonds, notes, or other evidences of indebtedness validly issued by the City previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth.

#### **§ C-820. Purchasing and Contracts** [Amended 12-10-2012 by Res. No. R-13-14]

- (a) The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.
- (b) The City Administrator may spend up to three thousand dollars (\$3,000) without Council approval for supplies, materials, equipment, construction of improvements, services and city-related expenses. The City Administrator shall obtain Council approval (which approval may be made by resolution or motion) for any expenditures for supplies, materials, equipment, construction of improvements, services and city-related expenses in excess of three thousand dollars (\$3,000) and up to seven thousand five hundred dollars (\$7,500). Except as otherwise provided in this § C-820, the provider of any supplies, materials, equipment, construction of improvements, services and city-related expenses costing in excess of seven thousand five hundred dollars (\$7,500) shall be selected by competitive bid as established by this Charter and ordinances of the Council and any such expenditures shall be made on written contract. The City Administrator shall be required to advertise for sealed bids for any such written contract in such manner as may be prescribed by ordinance. Any such written contract shall be awarded to the bidder who offers the lowest or best bid and the best quality of goods and work and time of delivery or completion, with the responsibility of the bidders considered. By resolution, the Council

may approve or authorize one or more appropriate officials to approve any such written contract before the same becomes effective. The Council shall have the right to reject bids and readvertise. The city, at any time in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the city may require. [Amended 1-12-2015 by Res. No. R-15-12]

- (c) The Council may exempt contracts involving professional services in excess of seven thousand five hundred dollars (\$7,500), including (without limitation) accounting, architectural, auditing, consulting, computer maintenance and support services, engineering, legal, planning, or surveying services, from competitive bidding and any such written professional services contracts may be negotiated by the City Administrator with the approval of the Council or by the Council itself. By resolution the Council may (1) provide for the exemption of any such written professional services contract from competitive bidding and (2) approve or authorize one or more appropriate officials to approve the written contract for any such negotiated professional services.
- (d) Except with the respect to the selection of the primary development entity with which the city shall enter into any public-private partnership (which selection of such primary entity shall be made in accordance with the provisions of subsection (b) above), the Council may exempt contracts with individuals or entities involving supplies, materials, equipment, construction of improvements, services or city-related expenses in excess of seven thousand five hundred dollars (\$7,500) to be entered into in connection with any public-private partnership undertaken by the city from competitive bidding and any such written ancillary public-private partnership contracts may be negotiated by the City Administrator with the approval of the Council or by the Council itself. By resolution the Council may (1) provide for the exemption of any such written ancillary public-private partnership contract from competitive bidding and (2) approve or authorize one or more appropriate officials to approve the written contract for any such ancillary public-private partnership supplies, materials, equipment, construction of improvements, services or city-related expenses. The provisions of this subsection (d) shall be liberally construed in connection with any public-private partnership undertaken by the city.

## ARTICLE IX ADMINISTRATION

### **§ C-901. City Treasurer** [Amended 5-12-2008 by Res. No. R-08-04; 1-12-2015 by Res. No. R-15-12]

There shall be a City Treasurer appointed pursuant to § C-403(c) whose compensation shall be determined by the Council. The City Treasurer shall be the financial officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the City Treasurer under the direct supervision of the City Administrator.

### **§ C-902. City Clerk**

There shall be a City Clerk appointed pursuant to § C-403(c). The City Clerk shall attend every meeting of the Council and keep such other records and perform such other duties as may be required by this Charter or the Council. The City Clerk shall be supervised by and be under the direction and control of the City Council, and is accountable to the City Council. Except as



otherwise directed by the City Council, or except as required to fulfill a duty or responsibility expressly imposed upon the City Clerk by this Charter, the City Clerk shall work exclusively for the City Council.

#### **§ C-903. City Attorney**

There may be a City Attorney appointed by the Council. He shall serve at the pleasure of the Council and his compensation shall be so determined by the Council. The City Attorney shall be a member of the bar of Maryland Court of Appeals. The City Attorney shall be the legal advisor of the City and shall perform such duties in this connection as may be required by the Council. The City shall have the power to employ other legal consultants as it deems necessary from time to time.

#### **§ C-904. Creation of Departments**

The Mayor may with Council consent establish, disestablish or combine City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies. The departments of the City government established by this Charter are the department of finance, public works, police, public safety and community services. The Public Safety Department shall be under the direction and supervision of the Chief of Police who shall be appointed in accordance with § C-403(c) of this Charter.

#### **§ C-905. Direction of the City Administrator** [Amended 1-12-2015 by Res. No. R-15-12; 10-3-2016 by Res. No. R-17-01]

All departments, offices and agencies shall be under the direction and supervision of the City Administrator. However, the City Administrator may only with the Mayor's consent appoint an officer to assist him or her in administration of said departments, offices or agencies.

#### **§ C-906. Merit System Authorized**

The City may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The City may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

#### **§ C-907. Retirement System**

The City Council may do all things necessary to include its officers and employees, or any of them, within any retirement systems or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the City.

**§ C-908. Compensation of Employees**

The compensation of all officers and employees of the City shall be set from time to time by an ordinance passed by the Council subject to the restrictions imposed upon establishing the salaries of the City Council.

**§ C-909. Employee Benefit Programs**

The City by ordinance-may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public moneys of the City for such programs.

**§ C-910. Prohibitions**

- (a) No officer or employee in the service of the City shall continue in a paid status after becoming a candidate for nomination or election to any public office in the City.
- (b) No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any City political purpose whatever from any person holding a position in the service of the City.
- (c) No person holding a position in the service of the City shall make any contribution to the campaign funds of any political party or any candidate for public office in the City or take any part in the management, affairs, or political campaign of any political party or candidate for public office in the City, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.
- (d) No person shall hold more than one City office or position at any one time, nor shall any person holding any City office, or position have outside business interest in commercial enterprise doing business with the City. For the purpose of this section City office or position shall mean all elective, appointive and classified positions of the City with no distinction made between paid or unpaid positions.

ARTICLE X  
**PUBLIC WAYS AND SIDEWALKS**

**§ C-1001. Definition of Public Ways**

As used in this Charter, the following terms shall have the meanings indicated: "Public Ways" - Includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

**§ C-1002. Control of Public Ways**

The City has control of all public ways in the City except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the City may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the City.

**§ C-1003. Powers of City as to Public Ways**

The City may:

- (a) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any City public ways or part thereof, bridges, curbs, and gutters.
- (b) Grade, lay out, construct, open, extend, and make new City public ways.
- (c) Grade, straighten, widen, alter, improve, or close up any existing City public way or part thereof.
- (d) Pave, surface, repave, or resurface any City public way or part thereof.
- (e) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- (f) Construct, reconstruct, maintain, and repair bridges.
- (g) Name City public ways.
- (h) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

**§ C-1004. Powers of City as to Sidewalks**

The City may:

- (a) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.
- (b) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on City property along any public way or part thereof.
- (c) Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- (d) Require and order the owner of any property abutting on any public way in the City to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law.

ARTICLE XI  
**STORM WATER DRAINAGE SYSTEM**

**§ C-1101. Power of the City**

The City may operate, maintain and repair storm water sewers and the storm water drainage system provided said maintenance and repairs are not supplied by the Washington Suburban Sanitary Commission.

ARTICLE XII  
**SPECIAL ASSESSMENTS**

**§ C-1201. Power of City to Levy Special Assessments**

The City may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, 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 services of the administrative staff of the City and any other item of cost which may reasonably be attributed to the project.

- (a) Provided. The procedure for special assessments, wherever authorized in this charter, is as provided in this section.
- (b) Assessment of Cost. The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the Council.
- (c) Amount. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessment levied by the City and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvements for which assessed.
- (d) Uniformity of Rates. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.
- (e) Levy of Charges; Public Hearing; Notice. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The City Clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, 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, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the City. The City Clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the City Clerk shall have completed publication and service of notice as provided in this section. Following the hearing the Council, in its discretion may vote to proceed with the project and may levy the special assessment.
- (f) Right to Appeal. Any interested person feeling aggrieved by the levying of any special

assessment under the provisions of this section shall have the right to appeal to the Circuit Court for the County within ten days after the levying of any assessment by the Council.

- (g) **Payments; Interest.** Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.
- (h) **When Due; Lien on Property; Collection.** All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as City taxes or by suit at law.
- (i) **City Treasurer.** All special assessments shall be billed and collected by the City Treasurer.

### ARTICLE XIII CITY PROPERTY

#### **§ C-1301. Acquisition, Possession, and Disposal**

The City may acquire real, personal, or mixed property within the corporate limits of the City for any public purpose by purchase, gift, request, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the City. All municipal property, funds, and franchises of every kind belonging to or in the possession of the City (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

#### **§ C-1302. Condemnation**

The City shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the City, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State Law applicable to the City shall be deemed to be public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in Real Property Article of the Annotated Code of the Public General Laws of Maryland, title "Eminent Domain".

#### **§ C-1303. City Buildings**

The City shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the City government.

#### **§ C-1304. Protection of City Property**

The City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition.

### ARTICLE XIV

## **GENERAL PROVISIONS**

### **§ C-1401. Oath of Office**

Before entering upon the duties of their offices, the Council members, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the City government shall take and subscribe the following oath or affirmation: "I, \_\_\_\_\_ do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and 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, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_, according to the Constitution and Laws of this State."

### **§ C-1402. Taking the Oath**

The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George's County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath may do so before the Mayor.

### **§ C-1403. Official Bonds**

The City Treasurer and such other Officers or employees of the City as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City.

### **§ C-1404. Prior Rights and Obligations**

All right, title, and interest held by the City or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the City are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

### **§ C-1405. Misdemeanors**

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the Circuit Court for the County within which the offense is committed by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for thirty days in the County Jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(a) The Council may provide that violations of any municipal ordinance 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 Article, a municipal infraction is a civil offense.

- (b) A fine not to exceed four hundred dollars (\$400) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Each day a violation continues shall constitute a separate offense.
- (c) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city, in writing, of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice or intent to stand trial may result in doubling of the fine, not to exceed four hundred dollars (\$400).
- (d) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil liabilities ordinarily imposed by a criminal conviction.

**§ C-1406. Effect of Charter on Existing Ordinances**

All ordinances, resolutions, rules, and regulations in effect in the City at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

**§ C-1407. Conflicting Ordinances, Resolutions, Rules and Regulations**

All ordinances, resolutions, rules and regulations in effect in the City at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

**§ C-1408. Separability**

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

**ARTICLE XV  
TRANSITIONAL PROVISIONS**

**§ C-1501. Officers and Employees**

Nothing in this Charter except as otherwise specifically provided shall effect [affect] or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

**§ C-1502. Continuance of Office or Employment**

Except as specifically provided by this Charter, if at the time this Charter takes effect a City officer or employee holds any office or position which is or can be abolished by this charter, he shall continue in such office until the specific provision under this Charter directing that he

vacate the office or position becomes effective.

**§ C-1503. Personnel System**

An employee holding a City position at the time this Charter takes effect, who was serving in that same position or a comparable position at the time of its adoption, shall not be subject to competitive test as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Article IX.

**§ C-1504. Pending Matters**

All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the appropriate City department, office or agency under this Charter.

**§ C-1505. Mayor and Council**

The Mayor and Council in office at the effective date of this Charter shall continue to hold office until the new Mayor and Council are elected and take office as provided for in § C-611, and they shall exercise all rights, duties, powers, and responsibilities granted by this Charter.