

CHARTER

OF THE

City of Bowie

PRINCE GEORGE'S COUNTY, MARYLAND

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CONTENTS

General Corporate Powers

Section

1. Incorporation; body corporate.

Corporate Limits

2. To be filed in certain places.

The Council

3. Composition; election; terms of office.
4. Qualifications of Councilmembers.
5. Salary.
6. Meetings.
7. Council to be judge of qualifications of its members.
8. Chairperson.
9. Quorum.
10. Procedure.
11. Vacancies.
12. Procedure for enacting ordinances.
13. Public records.

The Mayor

14. Election; term of office.
15. Qualifications.
16. Salary.
17. Powers and duties.

Council Powers

18. General Powers.
- 18A. Express Powers.
19. Manner of exercise.
20. Fixing penalty for violations of ordinances.

Voter Registration, Filing of Candidacy and Elections

21. Qualification of voters.
22. Election districts.
23. Board of elections.

24. Removal of election board members.
25. Duties of the board of elections.
26. Notice of elections.
27. Voter registration.
28. Procedure for filing of candidacy.
29. Election of mayor.
30. Election of councilmembers.
31. Conduct of elections.
32. Special elections.
- 32A. Recall.
33. Counting votes; declaring results.
34. Preservation of ballots.
35. Vacancies.
36. Power of council to regulate elections, etc.
37. Violations of election laws.

City Manager

38. Appointment and removal.
39. Powers and duties.
40. Bond.

Finance

41. Fiscal year; tax year.
42. Duty to prepare budget, etc.
43. Capital Improvements Program.
44. Adoption of budget.
45. Appropriations.
46. Transfer of funds.
47. Expenditures in excess of appropriations forbidden.
48. Lapse of unexpended appropriations.
49. Manner of issuing checks.
50. Taxable property.
- 50A. Partial tax levy.
51. Tax levy—Determination of amount.
52. Tax Levy—Notice.
53. Due date of taxes; date unpaid taxes are delinquent, etc.
54. Sale of tax delinquent property.
55. Disposition of fees received by city officers and employees.
56. Annual audit of city accounts.
57. Tax anticipation borrowing.
58. Authority for borrowing.
59. Payment of indebtedness.
60. Validity of bonds, etc., issued prior to effective date of Charter.
61. Purchasing and contracting.

- 62. Cooperative bidding.

Personnel

- 63. City attorney.
- 64. Employment authority.
- 65. Merit system.
- 66. Dual office holding prohibited.
- 67. Retirement system.
- 68. Compensation.
- 69. Employee benefit programs.

Public Ways and Sidewalks

- 70. “Public ways”—Defined.
- 71. Control of public ways.
- 72. City’s powers as to public ways enumerated.
- 73. City’s powers with respect to sidewalks.

Water and Sewer

- 74. Powers of the city.
- 75. Approval of plans by city prerequisite to construction, etc., of mains, conduit, etc.
- 76. Obstructing sewers and water mains.
- 77. Right of entry of city upon county public ways.
- 78. Sewers and water mains; Connections required, etc.
- 79. Sewers and water mains; Connection charge.
- 80. Sewers and water mains; Improper uses.
- 81. Private water, sewerage, etc.
- 82. Extensions of city water or sewerage system beyond city limits.
- 83. Right of entry by city employees.
- 84. Pollution of water prohibited.
- 85. Water contracts.
- 86. Charges for water, etc., service.

Special Assessments

- 87. Powers generally.
- 88. Procedure.

Special Taxing Districts

- 89. Establishment, taxes, administration.

City Property

- 90. Acquisition, possession, and disposal.
- 91. Condemnation.

General Provisions

- 92. Oath of office.
- 93. Official bonds.
- 94. Prior rights and obligations.
- 95. Violations as a misdemeanor or municipal infraction; penalty.
- 96. Effect of Charter on existing ordinances.
- 97. Severability.
- 98. Charter revision procedures; miscellaneous.

APPENDIX I

Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Establishment of Urban Renewal Agency.
- A1-104. Initiation of Project.
- A1-105. Preparation and Approval of Plan for Urban Renewal Project.
- A1-106. Disposal of Property in Urban Renewal Area.
- A1-107. Eminent Domain.
- A1-108. Encouragement of Private Enterprise.
- A1-109. General Obligation Bonds.
- A1-110. Revenue Bonds.
- A1-111. Review and Approval.
- A1-112. Separability.
- A1-113. Short Title.
- A1-114. Authority to Amend or Repeal.

BOWIE

(See note (7))

General Corporate Powers

Section 1. Incorporation; body corporate.

The inhabitants of the City of Bowie 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 Bowie” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of competent jurisdiction, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

Corporate Limits

Section 2. To be filed in certain places.

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 of Prince George’s County, the commissioner of the land office, and the [executive] director of the Maryland Department of Legislative Reference [Services]. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the city manager. All the officials named in this section are hereby directed to file or record all such information in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

The Council

Section 3. Composition; election; terms of office.

All legislative powers of the City shall be vested in a Council consisting of a Mayor and six Councilmembers. Such Councilmembers shall be elected as provided in this charter and shall hold office for a term of two years or until Councilmembers elected to succeed them take office. Except as provided in Section 35B, newly elected Councilmembers shall take office on the first Monday following an election. (Res. No. CAR-2-01, 1-22-02.)

Section 4. Qualifications of Councilmembers.

Each Councilmember shall be at least eighteen years of age, shall have resided in the City at least one (1) year immediately preceding the date of election, and shall be a qualified voter in the City and shall not have been convicted of a felony, or been convicted of, or entered a plea, leading to a conviction of a misdemeanor involving assault, battery, fraud, or a crime of moral turpitude. Each Councilmember shall be a resident of the Council District which the candidate

seeks to represent at the time of filing for candidacy and during the full term of office. (Res. No. 5-91, 9-24-91; Res. No. CAR-1-03, 2-5-04.)

Section 5. Salary.

A. This subsection shall be effective until June 30, 2006. The Councilmembers shall receive an annual salary of eight thousand two hundred dollars. Councilmembers' salaries shall not be increased during the term for which they are elected, except as provided below.

The salaries shall be increased each year based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for January 1999 (the base year), and the relative percentage increase shall be calculated. The salary increment shall be 75% of the relative percentage increase. No decrease in the prior year's salary shall be allowed, so if there is no CPI increase the prior year's salary shall continue in effect.

B. Effective November 14, 2005, the Councilmembers shall receive an annual salary of twelve thousand dollars. Councilmembers' salaries shall not be increased during the term for which they are elected, except as provided below.

The salaries shall be increased on July 1 of each year beginning in 2006, based on the consumer price index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for January, 2006 (the base year), and the relative percentage increase shall be calculated. The salary increment applied to the base year salary shall be one hundred percent (100%) of the relative percentage increase. No decrease in the prior year's salary shall be allowed, so if there is no CPI increase, the prior year's salary shall continue in effect. (Res. 4-85, 11-6-85; Res. No. 2-87, 8-11-87; Res. No. CAR-01-04, 1-4-05.)

Section 6. Meetings.

A. The Council shall have an organizational meeting on the first Monday in November following the election. At that meeting the Council shall establish regular meeting dates and times. Regular meetings shall not be less frequent than one each month. A notice shall be published at least once in a newspaper of general circulation in the City stating the date, time, and place of regular meetings. Special meetings shall be called by the City Manager upon the request of the Mayor or a majority of the members of the Council. Except as provided otherwise in the Charter, all meetings of the Council shall be open to the public, and the rules of the Council shall provide a reasonable opportunity for City residents to address the Council at regular and special meetings of the Council.

B. A member of the City Council or the mayor shall be deemed to have vacated his or her office where such member fails to attend three (3) consecutive meetings of the Council for reasons unrelated to the health of the member, military service or other reason acceptable to a majority of the Council. Meetings shall include regular or special meetings for which notice has been published or advertised work sessions of the Council. In the event of a vacancy, the vacancy shall be filed [filled] as set forth in Sections 11 and 35 of this charter.

C. The Council may meet in closed session or adjourn in open session to a closed session only to:

(1) Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or to consider any other personnel matter that affects one (1) or more specific individuals;

(2) Protect the privacy or reputation of individuals with respect to a matter that is not related to public business;

(3) Consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale;

(4) Consider a preliminary matter that concerns the proposal for a business or industrial organization to locate in the City;

(5) Consider the investment of public funds;

(6) Consider the marketing of public securities;

(7) Consult with counsel;

(8) Consult with staff, consultants, or other individuals about pending or potential litigation;

(9) Conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(10) Discuss public security if the Council determines that public discussion would constitute a risk to the public or to public security, including:

(a) The development of fire and police services and staff; and

(b) The development and implementation of emergency plans;

(11) Prepare, administer, or grade a scholastic, licensing, or qualifying examination;

(12) Conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(13) Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or

(14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the Council to participate in the competitive bidding or proposal process.

D. During closed sessions conducted under this section the Council may discuss or act upon only matters permitted under subsection (b) of this section. (Res. No. 2-86, 11-25-86; Res. No. CAR-3-03, 2-5-04; Res. No. CAR-01-05, 3-9-05.)

Section 7. Council to be judge of qualifications of its members.

The council shall be the judge of the election and of the qualifications, contained in sections 4 and 15, of its members.

Section 8. Chairperson.

The Mayor shall serve as Chairperson of the Council. The Mayor may take part in all discussions, and may vote on all matters coming before the Council. At the first Council Meeting following each Regular City Election, the Council shall elect a Mayor Pro-tem [Pro-Tem] to serve as Chairperson of the Council in the absence of the Mayor. The term of the Mayor Pro-Tem shall be until the next Regular City Election. In the event of the resignation of the Mayor Pro-Tem or if the Mayor Pro-Tem becomes the Mayor as provided for in Section 36(a) of this Charter, the Council shall elect a new Mayor Pro-Tem at its next Meeting to serve the balance of the term.

Section 9. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable recorded votes of a majority of the entire council.

Section 10. Procedure.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings, including a record of votes on final action on any question, resolution, or ordinance, and any other action if requested by any one member. The journal shall be open to public inspection during normal business hours at City Hall.

Section 11. Vacancies.

Vacancies in the council shall be filled as provided in section 36B of this Charter.

Section 12. Procedure for enacting ordinances.

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special Council meeting held not less than six (6) nor more than sixty (60) days after

the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected, or its consideration deferred to some specific future date. In cases of emergency determined by the council, the waiting prior requirement may be suspended by the unanimous vote of the members of the council who are present.

(b) Except as set forth in subsection (c), every ordinance shall become effective thirty (30) calendar days following its passage.

(c) (i) The annual budget ordinance shall take effect twenty (20) calendar days after passage.

(ii) The Council may, upon a two-thirds (2/3) vote of its members, provide that an emergency ordinance will take effect on a date earlier than thirty (30) days after its passage.

(iii) The Council may, upon a majority vote of its members, provide that an ordinance will take effect on a date later than thirty (30) days after its passage.

(d) A summary of every ordinance excepting emergency ordinances shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city. A summary of every ordinance, including emergency ordinances, shall be published at least once within ten (10) days after passage in a newspaper or newspapers having general circulation in the city. (Res. No. 1-90, 3-27-90)

Section 13. Public records.

All public records shall be filed by the city manager and shall be kept available for public inspection during regular business hours in accordance with State law and the retention schedule established by the city manager.

The Mayor

Section 14. Election; term of office.

The mayor shall be elected as provided in this Charter and shall hold office for a term of two years or until his successor is elected and sworn in. The newly elected mayor shall take office on the first Monday following an election. (Res. No. CAR-2-01, 1-22-02.)

Section 15. Qualifications.

The Mayor shall be at least eighteen years of age, shall have resided in the City for at least two years immediately preceding the date of election, shall be a qualified voter and shall not have been convicted of a felony or been convicted of, or entered a plea, leading to a conviction of a misdemeanor involving assault, battery, fraud or a crime of moral turpitude. The

Mayor shall maintain a permanent residence in the City during his term of office. (Res. No. CAR-2-02, 2-5-04.)

Section 16. Salary.

The Mayor's salary at the time of adoption of this Charter amendment is thirteen thousand two hundred dollars (\$13,200). The Mayor's salary specified in this Charter shall not be increased during the term for which he or she was elected, except as provided below.

The Mayor's salary shall be increased each year based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for January, 1999 (the base year), and the relative percentage increase shall be calculated. The salary increment shall be 75% of the relative percentage increase. No decrease in the prior year's salary shall be allowed, so if there is no CPI increase, the prior year's salary shall continue in effect. (Res. 5-85, 11-6-85; Res. No. 3-87, 8-11-87.)

Section 17. Powers and duties.

The mayor shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil process and by the governor for the purpose of military and emergency law. The Mayor shall have such other powers and perform such other duties as may be prescribed in this Charter or required of him by the council, if not inconsistent with this Charter.

Council Powers

Section 18. General Powers.

The council shall have the power to pass ordinances not contrary to the Constitution and laws of the State of Maryland for the protection and preservation of the city's property, rights, and privileges; for the preservation of peace and good order; for securing protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the city and visitors.

Section 18A. Express Powers.

In addition to the powers which have been or may be granted to it, the Council shall have the power to pass ordinances, resolutions and regulations and to take any other action necessary to achieve the specific purposes enumerated in the remaining subsections of this Section subject to any restrictions imposed by the public general laws of the State. These specific purposes include:

1. *ADVERTISING*: To provide for advertising for City purposes, and for printing and publishing statements having to do with the business of the City.

2. *AMUSEMENTS*: To provide in the interest of the public welfare for licensing, regulating, or restraining public amusements.

3. *ANIMALS*: To regulate the keeping of animals, domestic or otherwise, and to provide for the licensing and taxing of them; to provide for the disposition of homeless animals, of animals on which no license fee or taxes are paid, of vicious [vicious] animals and of impounded, unclaimed animals.

4. *APPROPRIATIONS*: To appropriate municipal funds for any lawful purpose.

5. *AUDITS*: To provide for the appointment of an auditor or accountant to audit the books and accounts of all City officers collecting, handling or disbursing funds belonging to the City.

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

7. *BUILDING REGULATIONS*: To make reasonable regulations concerning buildings and signs to be erected within the limits of the City, formulating a building code and the requirements for building permits.

8. *CEMETERIES*: To regulate or prohibit the interment of human bodies within the City and to regulate cemeteries.

9. *CODIFICATION OF ORDINANCES*: To provide for the codification of all ordinances.

10. *COMMUNITY SERVICES*: To provide, maintain, and operate selected community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of City residents.

11. *COOPERATIVE ACTIVITIES*: To make agreements with other municipalities, Counties, Districts, Bureaus, Agencies, Commissions and Governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

12. *CORPORATE NAME*: To change the corporate name of the City, provided that no such change shall affect any rights, duties or obligations held by the City, and also provided that such change shall first be submitted to and approved by the qualified voters of the City at a regular or special municipal election.

13. *CURFEW*: To prohibit the youth from being on the streets and public places at unreasonable hours of the night.

14. *DANGEROUS IMPROVEMENTS*: To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditional that the owner or

contractor will pay all damages resulting from such work which may be sustained by any persons or property.

15. *DEPARTMENT*: To create, change, and abolish offices, departments, or agencies, other than offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter. These shall not include the power to discontinue or assign to any other office, department or agency any functions or duty assign [assigned] by this Charter to a particular office, department or agency.

16. *EDUCATION*: To assist educational programs within the City.

17. *ELEVATORS*: To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

18. *ENVIRONMENTAL CONTROL*: To regulate the use of the environment.

19. *EXPLOSIVES, COMBUSTIBLES AND OTHER WEAPONS*: To control the use and handling of dangerous and explosive materials and to prevent the firing of any firearms or other explosive instruments.

20. *FINANCES*: To levy, assess and collect taxes; to expend municipal funds for public purposes; and to have general management and control of the finances of the City.

21. *FIRE*: To prevent and suppress fires, and to establish and maintain a fire department.

22. *FOOD*: To inspect and, if deemed unsafe, to require the condemnation of and to regulate the sale of any food products.

23. *FRANCHISES*: To grant and regulate franchises as provided by State law; to grant one (1) or more franchises for a community antenna system or other cable television system or telecommunication system that utilizes any public right-of-way, highway, street, road, land, alley, or bridge; to grant any other franchises which may be deemed advantageous and beneficial to the City; to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section. No franchise shall be granted for a period longer than fifty (50) years.

24. *GARBAGE AND TRASH*: To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require dirt, garbage, trash, liquids, ashes and other waste or other unwholesome materials to be removed to designated points and to provide for the proper disposal of such materials, or to require the occupants of the premises to place them conveniently for removal.

25. *GRANTS-IN-AID*: To accept gifts and grants of funds from Federal, State and County governments, or their agencies, or any bi-county agency, to expend the funds for any

lawful purpose; according to the conditions under which the gifts or grants were made; and to expend money necessary to the applications and qualifications for such grants.

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

27. *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 to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; and to inspect, regulate, and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health.

28. *INSPECTIONS*: To authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires and any other utility, carrier or device and drainage and sewage systems on private property, and to compel repairs if needed.

29. *LICENSES AND PERMITS*: To exercise the licensing authority granted in the Business Regulations Article of the State Code and other provisions of law, subject to the limitations of Article 24 of the State Code, the Tax – General Article and the Tax – Property Article; to establish and collect reasonable fees and charges for all franchises, licenses, or permits issued by the City, or associated with the exercise by the City of any governmental or proprietary function.

30. *LIENS*: To provide that any valid charges, taxes, or assessments made against any real property by the City, within the City, shall be liens upon the property, to be collected as municipal taxes are collected.

31. *LIGHTS*: To provide for the lighting of the City; to regulate private lighting to prevent it from becoming a nuisance or disturbing the privacy of other citizens.

32. *MINOR PRIVILEGES*: To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railing, entrances, racks, posted handbills and advertisements, and display of goods, wares, and merchandise.

33. *NOISE*: To establish rules and regulations for the abatement of noise.

34. *NUISANCES*: To prevent or abate by appropriate ordinances all nuisances in the City which are so defined by common law, by this Charter, or by the laws of the State of Maryland, whether or not they are specifically listed in this Charter.

35. *OBSTRUCTIONS*: To remove all nuisances and obstructions from streets, lanes, alleys and adjoining lots, or other places within the City limits.

36. *PARKING FACILITIES*: To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots for off-street parking.

37. *PARKING METERS*: To install parking meters on the streets and public places of the City in such places as the Council determines and to prescribe rates and provisions for their use.

38. *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 City residents.

39. *POLICE*: To establish and maintain adequate police protection.

40. *PURCHASES THROUGH PURCHASING BUREAU*: To provide for the purchase of materials, supplies, and equipment through the Purchasing Bureau of the State Department of General Services whenever desirable.

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

42. *SEAL*: To make, have, use, and from time to time, alter, a common seal.

43. *SPECIAL ELECTIONS*: To provide for special elections for municipal purposes, at such times, and places as may be determined, subject to the provisions of this Charter.

44. *VEHICLES*: To regulate and license vehicles in a manner not in conflict with the licensing powers of the State of Maryland.

45. *ZONING*: To exercise the planning and zoning powers conferred upon municipal corporations generally or to the City specifically.

46. *SAVING CLAUSE*: The enumeration of powers in this section shall not be construed as limiting the powers of the City to the subjects mentioned.

Section 19. Manner of exercise.

The Council may enact all ordinances necessary to carry out the powers granted in this Charter. All powers of the city shall be exercised in the manner prescribed by this Charter, or, if the manner is not prescribed, in such manner as may be prescribed by ordinance.

Section 20. Fixing penalty for violations of ordinances.

To ensure the compliance with the ordinances of the city, the council shall have the power to provide that a violation shall be a misdemeanor or a municipal infraction, unless the violation is declared to be a felony or misdemeanor by State law. The Council shall have the power to affix penalties for the violation of an ordinance. The penalty for a misdemeanor shall not exceed a fine of one thousand dollars (\$1,000) per infraction and/or imprisonment for six (6) months. A penalty for a municipal infraction shall not exceed one thousand dollars (\$1,000) per infraction. The council may provide that a judgment or conviction for an offense shall not bar a subsequent enforcement procedure for a continuation of the same offense.

Voter Registration, Filing of Candidacy and Elections

Section 21. Qualification of voters.

Every person who is registered to vote with the Prince George's County Board of Elections and resides within the corporate limits of the City, shall be a qualified voter of the City and shall be entitled to vote in all City elections.

Section 22. Election districts (See notes (1), (2), and (5)).

A. For city election purposes, the City of Bowie is divided into four election districts, substantially equal in population. The council shall establish, by ordinance, the geographical area of the council districts.

B. The council shall reevaluate and reestablish the boundaries of the council districts, if necessary, to achieve substantial equality of population as soon as practicable following the publication of each decennial census of the population of the United States.

C. Any ordinance enacted by the City for purposes of establishing the council districts shall be effective forty-five (45) calendar days after enactment unless the ordinance is petitioned to referendum pursuant to paragraph D.

D. Any ordinance enacted pursuant to this section shall be subject to referendum provided that a proper petition signed by twenty percent (20%) of the registered voters within the city is filed with the city clerk within thirty (30) calendar days of the ordinance's date of adoption.

E. If a proper referendum petition is filed, the city council, by resolution, shall set the time and date for submission of the ordinance to city voters. The referendum shall be conducted by the City's Board of Elections in the same manner, as far as practicable, as regular city elections.

F. The council shall assign any geographical area annexed into the corporate limits of the City of Bowie to the appropriate council district. (Res. 1-85, 5-22-85; Res. No. 4-91, 9-24-91; Res. No. CAR-1-01, 11-7-01.)

Section 23. Board of elections.

There shall be a Board of Elections, consisting of nine members and four alternates who shall be appointed by the Council on the third Monday in November or as soon thereafter as practicable, of every even numbered year. The alternates shall be bound by all of the applicable provisions of this Charter and shall attend all meetings of the Board. If a member of the Board is absent or incapacitated for any reason, an alternate shall serve in that member's place until the absence or incapacity has ceased. The acting member shall have all the powers and authority, including the right to vote, and be subject to the duties imposed on a member of the Board of Elections. The terms of the members and alternates shall begin on the third Monday in November in the year in which they are appointed and shall expire on the third Monday in November of the second year following their appointment, but not until their successors have been appointed. Board members and alternates shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the City Council for the remainder of the unexpired term. Compensation for Board members and alternates shall be determined by the Council. (Res. No. 8-87, 2-9-88; Res. No. 2-91, 7-9-91; Res. No. CAR-01-05, 3-9-05; Res. No. CAR-1-08, 4-22-08.)

Section 24. Removal of election board members.

Any member of the board of elections may be removed for good cause by the council. Before removal, the board member to be removed shall be given a written copy of the charges against him or her. If the board member requests a public hearing within ten days after receiving a written copy of the charges, the council shall conduct a hearing.

Section 25. Duties of the board of elections.

The board of elections shall be in charge of the registration of voters and all city elections. The board may appoint election judges or other employees to assist it in its duties.

Section 26. Notice of elections.

The board of elections shall give at least two weeks notice of every city election by an advertisement published in at least one newspaper of general circulation in the city and by posting election notices in public places in the city.

Section 27. Voter registration.

The council shall provide by ordinance for registration procedures for those voters who wish to vote only in city elections. (Res. No. 1-89, 12-5-89.)

Section 28. Procedure for filing of candidacy.

Persons may seek elective office in the City by filing a certificate of candidacy and by the payment of a twenty-five dollar (\$25) filing fee with the board of elections or its designated agent at least thirty (30) calendar days prior to the date of election and by the observance of such other requirements as may be imposed by ordinance. The certificate of candidacy shall contain the following: (1) the office which the candidate is seeking, (2) the name and signature of the candidate, and (3) the council district in which the candidate resides. No person shall file for more than one elective public office or hold more than one elective public office at any one time.

Section 29. Election of mayor.

On the first Tuesday after the first Monday in April in every even-numbered year through the election in 2002 and thereafter on the first Tuesday after the first Monday in November in every odd-numbered year beginning in 2005, one person shall be elected at large to serve as Mayor. (Res. No. CAR-2-03, 1-22-02.)

Section 30. Election of councilmembers.

On the first Tuesday after the first Monday in April in every even-numbered year through the election in 2002 and thereafter on the first Tuesday after the first Monday in November in every odd-numbered year beginning in 2005, four persons respectively from Council Districts 1, 2, 3, and 4 shall be elected by the duly qualified and registered voters of said district and two persons from any council district shall be elected at large. (Res. No. 6-91, 9-24-91; Res. No. CAR-1-01, 11-7-01; Res. No. CAR-2-01, 1-22-02.)

Section 31. Conduct of elections.A. *Nonpartisan elections.*

All municipal elections in the City shall be conducted on a nonpartisan basis, and no ballot shall carry any party affiliation. It shall be the duty of the Board of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines in each council district. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the Charter, arranged in alphabetical order by office with no other designation of any kind. The polls shall be open from 7:00 a.m. to 8:00 p.m. on election days or longer if the Council requires it.

B. *Absentee ballots.*

Any qualified voter registered to vote in a City election is entitled to vote in the City election by absentee ballot. The Council shall establish by ordinance procedures for voting by absentee ballot.

Section 32. Special elections.

All special city elections shall be conducted by the board of elections in the same manner and with the same personnel, as far as practicable, as regular city elections.

Section 32A. Recall.

Registered voters may file a petition with the city clerk for the recall of any councilmember or mayor with six (6) or more months remaining in his or her term. A special recall election shall be held if twenty-five percent (25%) of the registered voters, within the district of the affected councilmember or within the city for councilmembers elected at large or the mayor, have signed the petition within thirty (30) days of its filing. Registered voters are those persons qualified to vote in the general city election as certified by the Board of Elections. The special recall election shall take place within thirty (30) days of certification of the petition. (Res. No. CAR-4-03, 2-5-04.)

Section 33. Counting votes; declaring results.

After the closing of the polls, the board of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the city manager who shall cause the results to be recorded in the minutes of the council. The candidate for mayor with the highest number of votes shall be declared elected as mayor. The candidate for councilmember for each council district with the highest number of votes shall be declared elected as councilmember.

Section 34. Preservation of ballots.

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

Section 35. Vacancies.

(a) If a vacancy in the office of mayor occurs less than fifteen (15) months prior to the next election, the mayor pro tem shall become mayor until the next regular election, and the council vacancy thus created shall be filled as provided in this Charter. If the mayoral vacancy occurs fifteen (15) months or more prior to the next regular election, the council shall call a special election to be held not less than sixty (60) nor more than ninety (90) days following the occurrence of the vacancy. The mayor pro tem shall act as mayor until the special election. The person elected at the special election shall serve until the next regular election.

(b) If a vacancy on the council occurs less than fifteen (15) months prior to the next regular election, the council shall appoint a person qualified in accordance with section 4, and who resides in the election district in which the vacancy occurred, to fill such vacancy until the next regular election. The appointment shall require the favorable votes of a majority of the remaining councilmembers. The vote shall be recorded in the council minutes.

If the vacancy occurs fifteen (15) months or more prior to the next regular election, the council shall call a special election to be held not less than sixty (60) nor more than ninety (90) days following the occurrence of the vacancy. The person elected at the special election shall serve until the next regular election.

Section 36. Power of council to regulate elections, etc.

The council shall have the power to provide by ordinance in every respect not covered by this Charter or State or county law for the conduct of voter registration, filing for office, city elections procedures, including the prevention of fraud, and for a recount of ballots in case of doubt or fraud.

Section 37. Violations of election laws.

Any person who (a) fails to perform any duty required of him or her under the provisions of this subtitle or any election ordinances, (b) wilfully or corruptly violates any of the provisions of this subtitle or any election ordinances, or (c) wilfully or corruptly does anything which will tend to affect fraudulently any voter registration, filing for office, or city election, shall be 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 be removed from such office or employment.

City Manager

Section 38. Appointment and removal.

There shall be a city manager appointed by the Council. He or she shall serve at the pleasure of the Council and his or her compensation shall be determined by the Council. The city manager may be removed by a majority vote of the entire Council; but, that removal shall not become effective until at least thirty (30) days after written notice of removal is issued. The Council shall appoint or designate an acting city manager if the city manager's position is vacant or if the city manager is unable to serve. (Res. No. 2-89, 12-9-89.)

Section 39. Powers and duties.

The city manager shall have the authority to and shall be required to:

- (1) Be the chief executive officer of the city and see that its ordinances are faithfully executed, and be the head of the administrative branch of the city government;
- (2) Appoint and remove all subordinate officers and employees of the city in accordance with the rules and regulations of any merit system adopted by the council;
- (3) Make an annual report to the council and to the public on the condition of municipal affairs;

- (4) Make recommendations to the council for the public good and welfare of the city;
- (5) Be the chief financial officer of the city. The financial powers of the city, except as otherwise provided for in this Charter, shall be exercised by the city manager;
- (6) Prepare an annual budget to be submitted to the council;
- (7) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded;
- (8) Maintain a general accounting system for the city in the form required by the council but not contrary to state law;
- (9) Submit at the end of each fiscal year and at such other times as the council may require a complete financial report to the council;
- (10) Ascertain that all taxable property within the city is assessed for taxation;
- (11) Collect all taxes, special assessments, license fees, liens, and all other revenues including utility revenues of the city and all other revenues for whose collection the city is responsible, and receive any funds receivable by the city;
- (12) Have custody of all public moneys, belonging to or under control of the city, except for funds in the control of any set of trustees, and have custody of all bonds and notes of the city;
- (13) Arrange for taking minutes of all council meetings and keeping a full and accurate account of the proceedings of the council;
- (14) Do such other things as the council may require or as may be required elsewhere in this Charter; and
- (15) Delegate any of the duties as listed in this section to the assistant city manager, as needed. (Res. No. 2–89, 12–9–89.)

Section 40. Bond.

The city manager shall provide a bond with such corporate surety and in such amount as the council by ordinance may require.

Finance

Section 41. Fiscal year; tax year.

The City shall operate on an annual budget. The fiscal year of the City shall begin on the first day of each July and end on the last day of June in the next year. The fiscal year shall constitute the budget year and the accounting year.

Section 42. Duty to prepare budget, etc.

The City Manager shall submit a budget to the Council between the tenth and fifteenth of April each 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 proposed expenditures. The budget and all other financial records of the City shall be open to inspection by anyone at anytime during normal city office business hours.

Section 43. Capital Improvements Program.

(a) The city manager shall prepare and submit to the council a six year Capital Improvement Program between the tenth (10th) and fifteenth (15th) of April each year. (See Note (3)).

(b) The Capital Improvement Program shall include:

- 1) A clear summary of its contents.
- 2) A list of all capital improvements proposed for the next six (6) fiscal years; and
- 3) Cost estimates, funding sources and recommended time schedules for each of the capital projects.

(c) The Capital Improvements Program shall be revised and extended each year as the then current portion is adopted as part of the operating budget.

(d) The council shall hold public hearings and adopt the Capital Improvements Program as submitted or amended at the same time as to the adoption of the operating budget.

(e) The city manager shall include in the proposed operating budget those capital projects adopted by the council for the ensuing fiscal year. (Res. 2-83, 6-21-83; Res. No. 1-87, 5-26-87.)

Section 44. Adoption of budget.

Before adopting the budget, and after providing two weeks notice in a newspaper or newspapers having general circulation in the city, the council shall hold a public hearing. The council may insert new items and may increase or decrease items in the budget submitted by the city manager. If the council increases total proposed expenditures in the budget, it shall also increase the total anticipated revenues in an amount at least equal to total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of a majority of the council shall be necessary for adoption.

Section 45. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the amounts stated as proposed expenditures shall be appropriated to the objects and purposes stated in the budget.

Section 46. Transfer of funds.

Any transfer of funds between appropriations proposed by the city manager must be approved by the council before becoming effective.

Section 47. Expenditures in excess of appropriations forbidden.

During any budget year, no officer or employee shall 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 amounts appropriated for or transferred to that general classification of expenditure. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section, 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 does this section preclude the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when the contract is permitted by law.

Section 48. Lapse of unexpended appropriations.

All appropriations that have not been expended or lawfully encumbered shall lapse at the end of the budget year. Any unexpended and unencumbered funds shall be considered a surplus and shall be included among the anticipated revenues for the next succeeding budget year.

Section 49. Manner of issuing checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the director of finance, upon approval of a voucher by the city manager.

Section 50. Taxable property.

All real property and all tangible personal property within the corporate limits of the city or personal property which may have a situs within the city limits by reason of the residence of the owner, shall be subject to taxation for municipal purposes, and the assessment valuation used shall be the same as that for state and county taxes. Household furniture not held or employed for purposes of profit or in connection with any business, profession, or occupation shall not be subject to municipal taxation.

Section 50A. Partial tax levy.

A. *One-quarter year taxes.* Any real property completed during the period after January 1 through March 31 in any year, or otherwise first added to the tax rolls during that period, is subject to the payment of property taxes for the three (3) months beginning April 1 and ending on the next succeeding June 30. The taxes for these three (3) months shall be computed by using the assessed valuation of the property at one-fourth the current tax rate, and taxes imposed for these three (3) months shall be due and payable as of the specified day of April 1, or as of the day a tax bill was mailed or made available, whichever is later. No interest or penalties may be charged or collected on any taxes covered by this subsection until at least thirty (30) days after the bill for the taxes has been mailed or made available. From and after July 1, all such taxes shall be overdue and in arrears.

B. *One-half year taxes.* Any real property completed during the period after July 1 in any year and through January 1 in the next year, or otherwise first added to the tax rolls during that period, is subject to payment of property taxes for the six (6) months beginning on that January 1 and ending on the next June 30. The taxes for these six (6) months shall be computed by using the assessed valuation of the property at one-half the current annual tax rate of the city. Taxes imposed for these six (6) months are due and payable as of the specified day of January 1 or as of the day a tax bill was mailed or made available, whichever is later. No interest or penalties may be charged or collected on any taxes covered by this subsection until at least thirty (30) days after the bill for the taxes has been mailed or made available. From and after April 1 all such taxes are overdue and in arrears.

C. *Three-quarter year taxes.* Any real property completed during the period after July 1 through September 30 in any year, or otherwise first added to the tax rolls during that period, is subject to the payment of property taxes for the nine (9) months beginning on October 1 and ending on the next June 30. The taxes for these nine (9) months shall be computed by using the assessed valuation of the property at three-fourths the current annual tax rate. Taxes imposed for these nine (9) months shall be due and payable as of the specified day of October 1 or as of the day a tax bill was mailed or made available, whichever is later. No interest or penalties may be charged or collected on any taxes covered by this subsection until at least thirty (30) days after the bill for the taxes has been mailed or made available. From and after January 1, all such taxes shall be overdue and in arrears. (Res. 3-83, 7-26-83.)

Section 51. Tax levy—Determination of amount.

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

Section 52. Tax Levy—Notice.

Immediately after the levy is made by the council in each year, the city manager or other authorized agent shall provide a bill or account of taxes due in the manner provided by law. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which overdue taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay all levied property taxes on the dates established by this Charter. The city may authorize Prince George's County, Maryland, to act as its agent for the purpose of notification and collection.

Section 53. Due date of taxes; date unpaid taxes are delinquent, etc.

(a) *Full year levy.* The taxes provided for in Section 51 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.

(b) *Partial year levy.* Partial year levies shall be due as provided in Section 50A of this Charter, and shall be overdue and in arrears as provided in the same Section.

(c) *Interest.* All taxes overdue and in arrears shall bear interest at the rate provided by State law for each month or fraction of a month until paid.

(d) *Penalties.* All taxes which are overdue and in arrears shall bear a penalty at the rate provided by State law or set by the Council by ordinance. (Res. 4-83, 7-26-83; Res. No. 5-87, 12-22-87.)

Section 54. Sale of tax delinquent property.

A list of all property on which city taxes have not been paid and which are in arrears as provided by section 53 of this Charter shall be turned over by the city manager to the county official responsible for the sale of tax delinquent property as provided in state law. If necessary, all property listed shall be sold for taxes by this county official in the manner prescribed by state law.

Section 55. Disposition of fees received by city officers and employees.

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

Section 56. Annual audit of city accounts.

The financial books and accounts of the city shall be audited annually by an independent certified public accountant selected by the council.

Section 57. Tax anticipation borrowing.

During any fiscal year the city shall have the power to borrow in anticipation of collection of that year's property taxes or taxes to be levied in the next succeeding tax year and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Tax anticipation notes or other evidence of indebtedness shall be first liens upon the proceeds of such taxes and shall be matured and paid not later than the end of the subsequent fiscal year or eighteen (18) months from the date of issuance, whichever comes first. No tax anticipation or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the city to exceed seventy-five percent (75%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued, tax anticipation borrowing for the subsequent year, shall not cause total tax anticipation indebtedness to exceed twenty-five percent (25%) of the anticipated property tax levy for the next fiscal year. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 58. Authority for borrowing.

(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 or notes in the manner prescribed in section 58(b).

(b) (1) The City's bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale at public sale after solicitation of competitive bids, as determined by the ordinance authorizing the issuance of the bonds or notes.

(2) (a) Any public sale of the City's bonds or notes may be held only after one (1) or more insertions of a notice of the sale in either a newspaper of general circulation in Prince George's County or a publication having a circulation primarily among the investment and financial community.

(b) The first insertion of the notice of sale shall be published at least ten (10) days before the date fixed for the sale.

(3) (a) Bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes, as provided in the authorizing ordinance.

(b) The ordinance that authorizes the bonds or notes may provide for prior redemption of the bonds or notes.

(c) Bonds or notes of the City may be issued, sold, and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing ordinance.

(4) City bonds or notes may be issued for either cash or other valuable consideration.

(5) The official signatures and seals affixed to any City bonds or notes may be imprinted in facsimile.

(6) The City may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for securing any tender option granted to holders.

Section 59. 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. The city shall levy ad valorem taxes upon all the taxable property of the city for the payment of such bonds, notes, or other evidences of indebtedness and their interest, without limitation of amount. 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, 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.

Section 60. Validity of bonds, etc., issued prior to effective date of Charter.

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, binding and of full force and effect as if fully set forth in this Charter.

Section 61. Purchasing and contracting.

(a) All purchases and contracts for the city government shall be made by the city manager. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all city purchases and contracts.

(b) *Competitive bidding requirements.*

(1) All expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than ten thousand dollars (\$10,000) shall be made by written contract. The City Manager shall advertise for sealed bids, in the manner prescribed by ordinance, for all such written contracts. The contract shall be awarded to the

bidder who submits the lowest possible bid with consideration of factors such as the lowest price, quality of work or goods, ability to deliver goods or complete work promptly, and the bidder's demonstration of overall qualifications and assurances to provide or maintain the equipment or services for which the bid is submitted. All such written contracts shall be approved by the Council before becoming effective and may be protected by such bonds, penalties and conditions as the City may require. The City Manager may reject all bids and readvertise.

(2) The City at any time in its discretion may employ its own employees for the construction or reconstruction of public improvements without advertising for or receiving bids.

(3) The Council by a two-thirds vote may waive bidding requirements of this subsection for good cause shown.

(4) All contracts involving professional services including but not limited to accounting, architecture, auditing, engineering, law, planning, and surveying need not be on a bid basis but may be negotiated by the City Manager or the Council or both. The City Manager shall advertise the intention to negotiate for such professional services prior to making any contract in excess of ten thousand dollars (\$10,000). (Res. 1-83, 4-13-83; Res. 2-85, 8-20-85; Res. 7-87, 1-26-88.)

Section 62. Cooperative bidding.

In the event the State of Maryland, Prince George's County, the Metropolitan Washington Council of Governments, or one (1) of its member governments, or the U.S. Communities Government Purchasing Alliance, or any other local government of the State of Maryland or association of Maryland local governments, provided that such local government or association has adopted procurement regulations that are comparable to those enacted by the City, has conducted a bid and awarded a contract authorizing local governments to purchase a bid item at the bid price, the City manager may, without soliciting bids, purchase the item in question at the bid price from the successful bidder, if the City Manager determines that the bid price is competitive. The City Manager shall, at least seven days prior to purchasing a service or goods pursuant to this subsection, inform the Council of the intention to make such a purchase. No such single purchase shall exceed \$100,000 without a waiver by the Council of the bidding process for good cause shown. (Res. No. CAR-1-02, 10-23-02.)

Personnel

Section 63. City attorney.

The council may appoint a city attorney. The city attorney shall be a member of the bar of the Maryland Court of Appeals. The city attorney shall be the legal adviser of the city and shall perform such duties in this capacity as may be required by the council or city manager. The compensation for this position shall be determined by the council. The city shall have the power to employ such legal consultants as it deems necessary from time to time.

Section 64. Employment authority.

The city shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the city government. No mayor or councilmember may be employed in any capacity by the city until he or she has been out of office for two years.

Section 65. Merit system.

The city may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. The council shall have the power to adopt rules and regulations governing the operation of a merit system as it deems desirable or necessary. These rules and regulations may provide for competitive examinations, use of eligible lists, classification plan, compensation plan, probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave.

Section 66. Dual office holding prohibited.

No person shall hold more than one city office or position of profit at any one time. For the purposes of this section, city office or position shall mean all elective, appointive and classified positions of the city.

Section 67. Retirement system.

The city shall have the power to include its officers and employees not including persons under contract or retainer within any retirement system or pension system for which they are admissible, and to pay the employer's share of the cost out of the city's general funds. Councilmembers may participate in any city retirement or pension plan for which they are eligible and which require no matching contribution of city funds. (Res. No. CAR-2-02, 1-21-03.)

Section 68. Compensation.

The compensation [compensation] of all officers and employees of the city, not including the mayor and councilmembers, shall be set from time to time by ordinance passed by the council.

Section 69. Employee benefit programs.

The city is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its councilmembers, officers and employees. Public monies of the city may be expended for such programs for its officers and employees only. (Res. No. 1-91, 7-9-91.)

Public Ways and Sidewalks

Section 70. “Public ways”—Defined.

The term “public ways” as used in this Charter shall include, but is not limited to all streets, avenues, roads, highways, public thoroughfares, lanes, alleys and paths within the corporate limits of the city.

Section 71. Control of public ways.

The city shall have control of all public ways in the city except those under the jurisdiction of the Maryland State Highway Administration or Prince George’s County. Subject to the laws 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.

Section 72. City’s powers as to public ways enumerated.

The city shall have the power:

- (a) To establish, regulate and change from time to time the grade line, width, and construction materials of any city public way or part thereof, bridges, curbs, and gutters.
- (b) To grade, lay out, construct, open, extend and make new city public ways.
- (c) To grade, straighten, widen, alter, improve, or close up any existing city public way or part thereof.
- (d) To pave, surface, repave, or resurface any city public way or part thereof.
- (e) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any city public way or part thereof.
- (f) To construct, reconstruct, maintain, and repair bridges.
- (g) To name city public ways.
- (h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 73. City’s powers with respect to sidewalks.

The city shall have the power:

(a) To 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) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on city property along any public way or part thereof.

(c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions, and

(d) To 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 collectible in the same manner as city taxes or by suit at law.

Water and Sewer

Section 74. Powers of the city.

(a) The city shall have the power to plan, construct, erect, purchase, lease, operate, and maintain water systems and water plants, sanitary sewerage systems and sewage treatment plants, and storm water drainage systems.

(b) The city shall have the power to issue bonds, to be paid from revenues earned from such system or systems.

(c) The city shall have the power, in the event of lease or rental of such systems, to provide for payment on such lease or rental charges by the execution and delivery of "anticipated revenue" certificates, payment on such certificates to be from revenues derived from the operation of such systems.

(d) The city shall have the power to borrow money upon the faith of "anticipated revenue" certificates for the purpose of operating any water or sewerage system until such time as revenues from such water and sewerage systems becomes sufficient to defray the costs of operation.

(e) Any obligations arising from the lease or rental by the city of any water or sewerage system shall be paid solely from income derived from operation of such systems. General funds or credit of the city shall in no way be pledged to the payment of such obligations.

Section 75. Approval of plans by city prerequisite to construction, etc., of mains, conduit, etc.

(a) Any public service corporation, company, or individual, before beginning any construction of placing of or changing the location of any main, conduit, pipe, or other structure

in the public ways of the city shall submit plans to the city, obtain written approval and be subject to limitations and conditions as may be imposed by the city.

(b) Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the city may order it removed.

Section 76. Obstructing sewers and water mains.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the city or in the county which impede the establishment, construction, or operation of any city sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the city. If necessary to carry out the provisions of this section, the city may use condemnation powers provided in section 91. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 77. Right of entry of city upon county public ways.

The city may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other projects necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the city need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing prior to the city's work.

Section 78. Sewers and water mains; Connections required, etc.

The city shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the city, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. If it considers existing fixtures unsatisfactory, the city may require that satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to endanger public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 79. Sewers and water mains; Connection charge.

The city may impose a charge, the amount to be determined by the council, for each connection made to city water or sewer mains. This charge shall be uniform throughout the city but may be changed from year to year. Arrangements for payment of this charge shall be made before the connection is made.

Section 80. Sewers and water mains; Improper uses.

In order to prevent any leakage or waste of water or other improper use of the city's water or sewage disposal systems, the city may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 81. Private water, sewerage, etc.

The city may provide by ordinance that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise. The city may mandate that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely public comfort and health. Any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the city. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 82. Extensions of city water or sewerage system beyond city limits.

The city shall have the power to extend its water or sewerage systems beyond the city limits.

Section 83. Right of entry by city employees.

Any employee or agent of the city while in the necessary conduct of official duties with the water or sewage disposal systems operated by the city, shall have the right of entry, to access water or sewer installations on any premises and in any building in the city or county served by the city's water or sewage disposal systems. Entry shall be provided at all reasonable hours after reasonable advance notice to the owner, tenant or person in possession, and upon proper identification of the city employee or agent. Any restraint or hinderance [hinderance] to such entry by any owner, tenant, person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor.

Section 84. Pollution of water prohibited.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the city water supply system. Any violation of the provisions of this section shall be a misdemeanor.

Section 85. Water contracts.

If it deems it advisable, the city may contract with any party or parties, inside or outside the city to obtain water or to provide for the removal of sewage.

Section 86. Charges for water, etc., service.

(a) The city shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. 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.

(b) These charges are to be billed and collected by the city manager. If bills are unpaid for a forty-five (45) day period service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as city taxes or by suit at law.

Special Assessments

Section 87. Powers generally.

The city shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the design, acquisition, establishment, equipping, improvement, extension, operation, alteration, or maintenance of a ride sharing or bus system; by the installation or construction of water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include its direct cost, 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. (Res. No. 4-87, 8-11-87.)

Section 88. Procedure.

Generally the procedure for special assessments shall be as follows:

(a) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the council.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the city outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five percent (25%) of the assessed value of the property after giving effect to the benefit accruing from the project or improvements for which assessed.

(c) 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.

(d) 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 manager 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. A copy of such notice shall be sent by certified or registered mail to the owner of record of each parcel of property proposed to be assessed and to the persons in whose name the property is assessed for taxation. A copy of the notice shall be published at least once in a newspaper of general circulation in the city. The city manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. 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 manager 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.

(e) 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 Prince George's County within ten days after the levying of any assessment by the council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty 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 a rate to be determined by the council.

(g) All special assessment installments shall be 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.

(h) All special assessments shall be billed and collected by the city manager. (Res. No. 6-87, 12-8-87; Res. No. 2-90, 7-24-90.)

Special Taxing Districts

Section 89. Establishment, taxes, administration.

(a) *Authority and purpose.* Pursuant to Article 23A, § 44 of the Maryland Annotated Code, the city of Bowie may establish special taxing districts for the following purposes: (1) financing the design, construction, establishment, extension, alteration or acquisition of adequate storm drainage systems; (2) financing the design, acquisition, establishment, improvement, extension, operation or alteration of public parking facilities or pedestrian malls; (3) financing the design [design,] acquisition, erection, construction, improvement and maintenance of street

and area lighting; (4) financing the activities of commercial management authorities; and (5) financing the design, acquisition, establishment, equipping, improvement, extension, operation, alteration or maintenance of public bus or ride sharing systems. The city may levy on all real and personal property, within the districts, an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or obligations of the city issued for these purposes as the principal and interest become due, and to pay the costs of operating and maintaining these facilities.

(b) *Contents of ordinance.* A special taxing district shall be established by ordinance of the city council. The ordinance shall include the following: findings on the special benefits to be conferred upon the property within the proposed district; establishment of the special taxing district within a described area for a declared purpose; authorization to levy an annual ad valorem tax within the district for the purposes described; description of the project, systems, facilities, services, programs or activities to be undertaken by or on behalf of the district, and the manner of determining and apportioning costs to the districts.

(c) *Hearing and notice.* A public hearing shall be held on the proposed adoption of the ordinance. Not less than ten (10) nor more than thirty (30) days prior to the hearing, the city manager shall send by first class mail a notice of the hearing to the owners or [of] record of all property within the proposed district, and to all persons in whose name the property is assessed. The city manager shall also publish a copy of the notice, at least once, in a newspaper of general circulation in the city. The notice shall include: the date, time and place of the hearing, identification of the area to be included in the district, purpose of the district, description of the facilities or programs to be provided within the district, and the ad valorem tax to be levied within the district to pay the costs of the facilities or programs. The city manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings.

(d) *Administration.* The council may provide by ordinance or resolution for the administration of special taxing districts, including the authority to issue regulations, to enter into contracts for the provision of materials, facilities and services and to coordinate and share programs and funds with the city of other districts for the benefit of the affected districts.

(e) *Annual budget.* The council shall adopt an annual budget for the district which shall include the costs of paying the principal and interest on obligations incurred for the district as they become due; the costs of designing, constructing, acquiring, establishing, extending, altering, operating and maintaining district facilities, including land acquisition costs, the costs of administrative, professional or support services provided by the city, and any other item of cost which may reasonably be attributed to the district. The budget for the district shall be considered and adopted in accordance with the procedures and requirements for the adoption of the city's annual budget. The council may adopt the budget for the district as part of the city's annual budget process.

(f) *Tax Levy.* An ad valorem tax shall be established and levied annually on all the property within the district at a rate sufficient to provide adequate annual revenues to pay the

budgeted costs of the district. All special district taxes shall be maintained separately from the general revenues of the city and shall be applied for the benefit of the district; provided, however, that facilities, programs and funds may be coordinated and shared among two or more districts for the benefit of the affected districts.

(g) *Tax collection.* Special district taxes shall be levied in the same manner, upon the same assessments, for the same periods, and upon the same dates of finality as are or may hereafter be prescribed by State law for municipal taxes on real property. The taxes shall be deemed delinquent, be subject to interest and penalty in the same manner and to the same extent, and may be collected or enforced in the same manner as real property taxes annually assessed by the city. (Res. No. 6-87, 12-22-87; Res. No. 2-90, 7-24-90; Res. No. 3-91, 10-24-91.)

City Property

Section 90. Acquisition, possession, and disposal.

The city may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease, or otherwise dispose of, to the city's advantage, 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.

Section 91. 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 State law applicable to the city shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by State law. The city shall not initiate a condemnation petition without a public hearing by the council if the property owner or property owners concerned request a public hearing.

General Provisions

Section 92. Oath of office.

(a) Before entering upon the duties of their offices, the mayor, councilmembers, the city manager, members of the board 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), 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.”

(b) The mayor shall take and subscribe this oath or affirmation before the clerk of the circuit court for the county or before one of the clerk’s sworn deputies. All other persons taking and subscribing the oath shall do so before the mayor.

Section 93. Official bonds.

The city manager 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 recognized corporate surety as may be required by the council. The premiums on such bonds shall be paid by the city.

Section 94. Prior rights and obligations.

All rights, 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 [with] all related rights and remedies. 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.

Section 95. Violations as a misdemeanor or municipal infraction; penalty.

Every act or omission which by ordinance is made a misdemeanor or municipal infraction under the authority of this Charter, unless otherwise provided shall be punishable as provided by the ordinance. The misdemeanant shall have the right to appeal as provided by State law. (Res. No. 1–82, 8–25–82.) (Res. No. 1, 5–10–88.) (See note (4))

Section 96. Effect of Charter on existing ordinances.

(a) 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.

(b) 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 are hereby repealed to the extent of such conflict.

Section 97. Severability.

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 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 the court's holding shall directly apply.

Section 98. Charter revision procedures; miscellaneous.

This Charter of the City of Bowie, Maryland, has been adopted pursuant to the authority granted under Article XI–E of the Constitution of the State of Maryland. This Charter contains the general corporate powers of the City and grants the Bowie City Council the power to pass all ordinances not contrary to the United States Constitution or the Maryland Constitution for the preservation of peace and the promotion of the health, safety, convenience and welfare of the City residents and visitors.

Amendments to the Charter can be made by the Council or by residents only pursuant to Article XI–E of the Constitution and laws of the State of Maryland. As set forth in State Law, a Charter amendment shall be ordained or passed in the usual course of considering resolutions in the City. City procedures require a public hearing on a Charter amendment. A fair summary of the amending proposed by the Council must be posted in the municipal building and published in a newspaper at least four times at weekly intervals within a period of forty (40) days after the adoption of the amendment by the Council. The Charter amendment will become effective fifty (50) days after enactment unless a proper petition for referendum signed by twenty percent (20%) of the registered voters, is presented to the Council within forty (40) days after its enactment. The referendum election shall take place at the next regular municipal election or at a special election at the direction of the Council.

A Charter amendment proposed by the residents must be presented to the Council in the format of a Charter amendment petition. This petition must be signed by twenty percent (20%) of the registered voters qualified to vote in a general City election. The requisite number of signatures must be verified by the Council. If signed by less than twenty percent (20%) of the registered voters, the petition shall have no effect. If a valid petition is submitted, the Council has the option of adopting the proposed amendment in legislative session or submitting it to referendum. If the Council chooses to enact the amendment, it proceeds in the same manner as for a legislatively sponsored amendment. If the Council chooses to submit the proposed amendment to referendum election, the Council shall set the date and time of the referendum election by resolution within sixty (60) days from the date it was presented with the Charter amendment petition. The election may be at the next scheduled regular election or at a special election which shall be within a period of not less than forty (40) days nor more than sixty (60) days of the passage of the resolution. The Mayor or City Manager is responsible for the posting and publication of a Charter amendment.

Copies of the City's laws and Charter are available to residents in the municipal building. Additionally, Maryland law requires the City to provide copies of its laws and amendments, including Charter amendments, to the Department of Legislative Reference [Services] as they are enacted. The City must also prepare an update of its laws on an annual basis which update should include all Charter amendments which have been enacted. (Article 23A, Subsection 17D, Annotated Code of Maryland). The Department of Legislative Reference [Services] compiles

municipal charters into a single document which is available as a public document both at the Department and at libraries. Additionally, the Department is required to forward these documents to the State Archives for permanent storage and retention at least once a year.

Additional questions relating to the Charter amendment process may be directed to the City Manager's office (301) 262-6200.

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Note (6))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include –
- (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this subheading in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the City of Bowie, a municipal corporation in the State of Maryland.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted area; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which

are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban

renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; provided the same shall be approved by the Maryland–National Capital Park and Planning Commission, and to make exceptions from city and town building regulations, but not county building regulations unless the same shall be approved by the county building inspector or his equivalent;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) to exercise all or any part or combination of powers herein granted.

Section A1–103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1–109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–102(3) of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved

by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private

redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this subheading shall be in accordance with the procedure provided in the Real Property Article of the Code.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1–110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1–109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Section [Sections] 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carrying such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond, or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the municipality known as Bowie shall not conflict with, and must conform to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

Section A1-112. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Bowie Urban Renewal Authority for Slum Clearance Act.

Section A1-114. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

- (1) The newly created districts consist of the following sections:
 - (1) District one. Huntington, Rockledge, Whitehall, Chapel Forge, and Victoria Heights.
 - (2) District two. Glen Ridge, Meadowbrook, Idlewild, Yorktown and Overbrook.
 - (3) District three. Long Ridge, Northview, Tulip Grove, Somerset.
 - (4) District four. Buckingham, Kenilworth and Foxhill.
 - (5) District five. Heather Hills, Amber Meadows, Pointer Ridge.
 - (6) District six. The City of Bowie at Large.
- (2) Charter Amendment No. 9, effective March 4, 1969, established six election districts and fixed their boundaries.
- (3) Resolution No. 1–87, effective May 26, 1987 included the extraneous language “and correcting a title”. That phrase has not been added to § 43A(a) since the proper symbology was not used and the phrase had no logical meaning in the context of § 43A(a).
- (4) Resolution No. 1, effective May 10, 1988 referred to outdated language in § 95. Comparable changes were made to the most current version of the law.
- (5) Resolution No. 4–91, effective September 24, 1991, changed the boundaries of the six election districts.
- (6) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Bowie in Chapter 904 of the Acts of the General Assembly of 1965.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of Bowie appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.
- (7) Res. CAR–1–1999, effective 1–04–00, amended the city charter to correct certain administrative, procedural, and grammatical errors and irregularities and to bring the charter into conformity with current requirements of State law.

