

CHARTER

OF THE

City of District Heights

PRINCE GEORGE'S COUNTY, MARYLAND

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DISTRICT HEIGHTS

ARTICLE I General, Corporate Powers

Section 101. Corporate Name.

The inhabitants of the City of District Heights within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of “The City of District Heights” 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 law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

ARTICLE II Corporate Limits

Section 201. Corporate Boundaries.

The limits of the City of District Heights shall be as they existed immediately prior to the date of this Charter, subject to all rights, reservations, limitations, and conditions as may be set forth in all prior resolutions of annexation and in the Charter of the City in effect immediately prior to this Charter, and as may be hereafter amended as provided by law.

Section 202. Records and Description of Corporate Boundaries.

(a) The courses and distances showing the exact corporate limits of the City of District Heights shall be filed at all times with the Clerk of the Circuit Court for Prince George’s County and the Director of the Department of Legislative Reference of the Maryland General Assembly.

(b) A copy of the courses and distances describing the corporate boundaries shall be on file in the City offices and available for public inspection during normal business hours. A map showing the current corporate boundaries shall be maintained in the City office and shall be similarly available for public inspections.

ARTICLE III The Commission

Section 301. Number, Selection, Term.

All legislative powers of the City shall be vested in a Commission consisting of four Commissioners and a Mayor who shall be elected as hereinafter provided and who shall hold office for a term of four years or until their successors take office. The regular term of members of the Commission shall expire at 8:15 p.m. on the first Thursday following the election and qualification of their successors. Members of the Commission holding office at the time this Charter provision becomes effective shall continue to hold office for the term for which they were elected and until their successors take office under the provisions of this Charter. (Res. No. DH 06-02, 4-21-06.)

Section 302. Qualifications of the Mayor and Commissioners.

The Mayor and Commissioners shall have resided in the City at least two years, immediately preceding their election, shall be twenty-five (25) years of age, shall not have been convicted of a felony or a misdemeanor involving moral turpitude and shall be qualified voters of the City pursuant to Section 501 of this Charter. Commissioners shall reside in their respective wards.

Section 303. Salary of Commissioners.

Each Commissioner shall receive an annual salary which shall be as specified from time to time by an ordinance passed by the Commission in the regular course of its business; provided, however, that the salary specified at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. An ordinance making any change in the salary paid to the several Commissioners, either by way of increase or decrease, shall take effect only as to members of the Commission who shall be elected or reelected to office after the passage of such salary change.

Section 304. Salary of the Mayor.

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Commission in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which the Mayor was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding Mayor, and shall take effect only as to the next succeeding Mayor.

Section 305. Meetings of the Commission.

(a) *Open Sessions.* The Commission shall have the power to meet and adjourn from time to time as it shall deem proper, except that it shall meet at least once in every month, and on the first Thursday following an election of Commissioners for the purpose of organization.

Special meetings shall be called by the Mayor or at least three Commissioners. The rules of the Commission shall provide that residents of the City shall have a reasonable opportunity to be heard at any open meeting in regard to any municipal question.

(b) *Closed Sessions.* The Commission may meet in closed session or adjourn an open session to a closed session 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 any other personnel matter that affects one 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 of real property for a public purpose and matters directly related thereto;

(4) Consider the investment of public funds;

(5) Consider the marketing of public securities;

(6) Consult with legal counsel to obtain legal advice;

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

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

(9) Discuss public security if the council determines that public discussion would constitute a risk to the public or to public security, including the deployment of police services and staff and the development and implementation of emergency plans.[:]

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

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

(12) 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; or

(13) To discuss any other matter that under State law may be discussed in closed session.

(c) *Procedure for Closing Sessions.* Before the Commission meets in closed session, at least three members of the Commission must vote in favor of closing the session. The vote must be conducted and recorded in accordance with State law, and a written statement of the reason for closing the meeting must be made in accordance with State law. The Commission shall limit discussion in closed session to the topic stated as the reason for closing the meeting.

Section 306. Mayor to Preside and Vote in Commission.

The Mayor shall preside over the meetings of the Commission and may vote on all questions before the Commission. If the Mayor is absent from a meeting of the Commission the Vice Mayor shall preside over the meeting. If both the Mayor and Vice Mayor are absent from a meeting, the Commissioner with greatest seniority shall preside.

Section 307. Quorum.

Three members of the Commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of at least three members of the Commission.

Section 308. Procedure of the Commission.

The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection. The Commission shall elect one of its members Vice Mayor who shall have the authority to act as Mayor in case of the absence of the Mayor.

Section 309. Ordinances.

(a) Except as otherwise provided in this Charter, no ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commission held not less than six but no more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date.

(b) A copy of each ordinance introduced shall be posted outside the Clerk's office until approved or disapproved pursuant to this Charter.

(c) A notice of each hearing on an ordinance shall be posted outside the Clerk's office.

(d) Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Commission.

Section 310. Emergency Ordinances.

When the Commission deems that immediate action is necessary for the preservation of the public peace, health, safety or welfare, the Commission may enact an emergency ordinance by the affirmative vote of at least four members. Every emergency ordinance shall be plainly designated as such and shall contain a declaration stating that an emergency exists and describing the emergency in specific terms. An emergency ordinance may be enacted at the meeting at which it is introduced and shall become effective on the date specified in the ordinance. All emergency ordinances shall have a date of termination not to exceed one year after enactment.

Section 311. Notice of Enacted Ordinances.

A notice of each ordinance passed shall be posted in a public place or places and a summary of the ordinance published at least once in a publication of general circulation in the City.

Section 312. File of Enacted Ordinances.

Enacted ordinances shall be kept on file in the Clerk's office and shall be available for public inspection.

ARTICLE IV
General and Specific Powers

Section 401. General Powers.

In addition to all the powers granted to the Commission by this Charter or any other provision of law, the Commission may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.

Section 402. Specific Powers.

(a) The Commission shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State. The enumeration of ordinance-making powers in this section is not to be construed as limiting the powers of the City to the several subjects mentioned.

(b) The Commission shall have the following express ordinance-making powers.

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

(2) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) *Amusements.* To provide in the interest of the public welfare for licensing, regulation, or restraining theatrical or other public amusements.

(4) *Animals.* To regulate the keeping of dogs, cats and other animals in the City and to provide, wherever the County does not license or tax dogs, cats and other animals, for the licensing and taxing of the same; to provide for the disposition of homeless dogs, cats and other animals.

(5) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Commission.

(6) *Auctioneers.* To regulate the sale of all kinds of property at auction within the City and to license auctioneers.

(7) *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

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

(9) *Boards and Committees.* To appoint such boards and committees as may be necessary for the health, welfare, and safety of the citizens.

(10) *Bridges.* To erect and maintain bridges.

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

(12) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(13) *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

(14) *Community Services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City.

(15) *Cooperative Activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(16) *Curfew.* To prohibit people from being in the streets, lanes, alleys, or public places at certain times.

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

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

(19) *Elevators.* To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

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

(21) *Fees and Charges.* Subject to the limitations imposed by law, to establish and collect reasonable fees and charges:

a. For the franchise, licenses or permits authorized by law to be granted by a municipal corporation; or

b. Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

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

(23) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City.

(24) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.

(25) *Food.* To inspect food products and to require their condemnation, if unwholesome, and to regulate the sale of food products.

(26) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, and any others which may be deemed advantageous and beneficial to the City, subject, however, to Maryland law; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates, rules and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty (50) years.

(27) *Gambling.* To restrain and prohibit gambling within the City limits.

(28) *Garbage.* To prevent the deposit of any unwholesome substance on either private or public property, and to compel its removal to designated points; to require slop, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(29) *Grants-in-Aid.* To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose.

(30) *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 licenses for cause.

(31) *Health.* To protect and preserve the health of the City and its inhabitants; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the

powers and duties of the Secretary of Health and Mental Hygiene, the County Health Department, or any public general or local law relating to the subject of health.

(32) *House Numbers.* To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(33) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the City or to use the County jail for such purpose.

(34) *Licenses.* Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

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

(36) *Lights.* To provide for the lighting of the City.

(37) *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.

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

(39) *Noise.* To regulate or prohibit unreasonable noise.

(40) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the City of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.

(41) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other place within the limits of the City.

(42) *Parades.* To regulate the holding of meetings, processions and parades in City streets, parks or public places.

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

(44) *Parking Meters.* To install parking meters on the streets and public places of the City in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof.

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

(46) *Police Force.* To establish, operate, and maintain a police force for purposes of enforcing all laws of the City and State equally within the City limits and enforcing all laws.

(47) *Police Powers.* To pass all ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as may be necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, rights and happiness of the residents of the City and visitors thereto and sojourners therein.

(48) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the City and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the City.

(49) *Public Ways and Sidewalks.* To regulate the use of City streets, roads, alleys, and sidewalks, and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

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

(51) *Solicitors.* To regulate or license all solicitors and to regulate solicitation.

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

(53) *Taxicabs*. To license, tax and regulate public hackers, taxicab drivers, porters and all other persons pursuing like occupations.

(54) *Vehicles*. To regulate and license vehicles not subject to the licensing powers of the State of Maryland.

(55) *Voting Machines*. To purchase, lease, borrow, install, and maintain voting machines for use in City elections. (Res. No. DH 99-03, 6-16-99.)

Section 403. Exercise of Powers.

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

Section 404. Enforcement.

To ensure the observance of the ordinances of the City, the Commission shall have the power to provide that violation thereof shall be a misdemeanor or a municipal infraction and to affix thereto penalties that do not exceed the maximum penalties prescribed by law.

ARTICLE V
Registration, Nominations, and Elections

Section 501. Voters.

Every person who meets all the following requirements may vote in City elections:

- (a) is a citizen of the United States,
- (b) is at least eighteen (18) years of age,
- (c) has resided within the corporate limits of the City for thirty (30) days immediately preceding the City election, and
- (d) is registered to vote in accordance with the provisions of State and County law and this Charter.

Section 502. Absentee Voting.

Any qualified voter registered to vote in the elections of the City of District Heights is entitled to vote by absentee ballot. The Commission shall enact by ordinance the procedures by which a qualified voter may cast an absentee ballot.

Section 503. Board of Supervisors of Elections.

(a) *Appointment.* The Mayor, upon the advice and consent of the Commission, shall appoint three persons who shall constitute the Board of Supervisors of Elections and one (1) substitute member who shall act as a member of such Board in the absence of any one of the regular members and while so acting shall exercise the same authority and fulfill the same duties as a regular member. The members of said Board and the substitute member thereof shall be qualified registered voters of the City for at least one (1) year prior to their appointment, shall be at least twenty-five (25) years of age at the time of their appointment and shall not hold or be a candidate for any elective public office nor serve as an election judge during their tenure.

All appointments shall be for three-year terms with one term beginning each January 1st and expiring December 31st three years hence. The term of appointment of the substitute member shall expire on December 31, 1997, and every third year thereafter. Before entering upon the duties of their office, each member of the Board and the substitute member thereof shall take and subscribe the oath prescribed in Article 1, Section 9 of the Maryland Constitution, to be administered by the Mayor and duly recorded.

(b) *Chair.* Within twenty (20) days from the appointment of a new member, the Board shall meet and select a Chair from among its members.

(c) *Compensation.* Compensation to be paid to the members of the Board shall be determined by the Commission.

(d) *Duties.* The Board of Supervisors of Elections shall be in charge of receiving nominations, certifying candidates, conducting all City elections, and certifying election results. The Board may appoint election clerks or other employees to assist in its duties. The Board shall appoint judges of elections. It shall be the further duty of the Board to formulate election procedures, subject to the approval of the Commission. The Board shall keep minutes of all of its official proceedings.

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

Section 504. Notice of Elections.

At least fourteen (14) days but no more than twenty (20) days prior to each City election, the Board of Supervisors of Elections shall provide notice of the upcoming election at least once a week for two weeks in a newspaper of general circulation within the City’s corporate limits.

Section 505. Registration.

(a) Registration by the Prince George’s County Board of Elections shall be deemed registration for City elections, provided that the person so registered meets the voter qualifications enumerated in this Charter. The District Heights Board of Supervisors of Elections shall accept the list of registered voters provided by the Prince George’s County Board of Elections as a valid registration list for the City.

(b) No person shall be entitled to vote in a City election unless he or she is duly registered to vote at least thirty (30) days prior to that election.

Section 506. Appeals.

If any persons shall feel aggrieved by any action of the Board of Supervisors of Elections, such person may appeal to the Commission or to the Circuit Court for the County. Any decision or action of the Commission upon such appeals may be appealed to the Circuit Court for Prince George’s County within thirty (30) days of the decision or action of the Commission.

Section 507. Nominations.

(a) *Filing of Requests for Certification.* Persons shall be nominated for Commissioner in the City by filing a request for certification of nomination signed by five registered voters in the City who shall reside in the ward which the candidate wishes to represent. Persons shall be nominated for Mayor in the City by filing a request for certification of nomination signed by ten (10) registered voters in the City. Such request for certification shall contain the following:

- (1) the office for which the candidate is seeking the nomination,
- (2) the name of the candidate,
- (3) a statement that the signers of the request for certification are registered voters, and
- (4) a statement that the signers support the nomination of the named candidate.

The request for certification shall be filed with the Clerk of the City or the Chair of the Board of Supervisors of Elections at least thirty (30) calendar days prior to the election. No person shall file for nomination for more than one elective City public office at one time.

(b) *Certification.* The Board of Supervisors of Elections shall determine whether the request for certification meets all of the requirements provided in subsection (a) of this section and whether the candidate meets the qualifications of the office for which he or she has been nominated. The Board of Supervisors of Elections shall certify all qualified nominees as candidates for the City general election at least twenty-five (25) days prior to the date set for such election.

Section 508. Election of Mayor and Commissioners.

(a) The City shall be divided into two wards. On the first Monday in May 2006 and in every fourth year thereafter the qualified voters of both wards in the City shall elect one person to serve as Mayor and one person from each ward to serve as Commissioner from their ward.

(b) On the first Monday in May 2007 and in every fourth year thereafter the qualified voters of each ward of the City shall elect one person from each ward to serve as Commissioner from their ward.

(c) In every election for Commissioners only the qualified voters of the ward who the candidate will represent may vote. The Mayor shall run at large. If in any election year the first Monday in May is a legal holiday, then the election shall take place on the following day that is not a legal holiday. (Res. No. DH 06-03, 4-21-06.)

Section 509. Election Wards.

The two wards of the City shall be divided by a line following Rochelle Avenue south to Elmhurst Street; east on Elmhurst Street to Edfeldt Drive; south on Edfeldt Drive to Foster Street; west on Foster Street to Driver Place; south on Driver Place to Gateway Blvd.; east on Gateway Blvd. to Marbury Drive; south on Marbury Drive to Kipling Parkway; east on Kipling Parkway to the City limits. The entire area of the City lying east and north of this line shall constitute the First Ward. The entire area lying west and south of this line shall constitute the Second Ward.

Section 510. Conduct of Elections.

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 10:00 a.m. to 8:00 p.m. on election days or for longer hours if the Commission deems it necessary.

Section 511. Special Elections.

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

(b) In the event a special election is required pursuant to Section 512 of this Charter, said special election shall be held thirty (30) days after the general election unless the thirtieth (30th) day falls on a Saturday, Sunday, or legal holiday, in which case the special election shall be held on the following day.

Section 512. Vote Count.

(a) *Certification of Results.* Within eighteen (18) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk of the City who shall record the results in the minutes of the Commission.

(b) *Determination of Results.* The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate for Commissioner in each ward with the highest number of votes in the general election shall be declared elected as Commissioner. Write-in votes and absentee ballots shall be counted.

(c) *Tie Votes.* In the event of a tie between any candidates for an elected seat, in which the tie has a bearing on who shall be declared elected, those candidates shall participate in a special election pursuant to Section 511 of this Charter.

Section 513. Preservation of Ballots.

The Board of Supervisors of Elections shall be responsible for preserving all ballots used in any City election for at least six months from the date of the election.

Section 514. Recall of Elected Officials.

The Mayor or a Commissioner may be recalled and removed from office in accordance with the following procedure:

(a) In the case of the Mayor, a petition signed by at least thirty percent (30%) of the qualified voters of the City or, in the case of a Commissioner, a petition signed by at least thirty percent (30%) of the qualified voters of the official's ward shall be presented to the Mayor and Commissioners at a regularly scheduled meeting of the Commission. The petition shall state the desire of the signatories to have the named City official subjected to a vote of the electorate to determine whether the official shall be reaffirmed in office or removed. In the case of the Mayor, the vote of the full City electorate shall apply. In the case of a Commissioner, the vote of the ward electorate shall apply. The petition shall state specifically the reason(s) for recall of the

Mayor or, as the case may be, a Commissioner. A petition shall name only one City official subject to recall.

(b) Each qualified voter signing said petition shall sign his or her name and the date. A petition shall be considered initiated on the date that the first voter signature is obtained. Under each signature shall be typed or printed each petitioner's name and address and the ward in which he or she votes in City elections. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and witnessed each individual whose name appears thereon sign the same in his or her presence.

(c) Upon receipt of said petition, the Commission shall forthwith refer the petition to the City's Board of Election Supervisors for verification of the appropriate number of qualified voters' signatures, as well as the corresponding addresses and wards. The Board of Election Supervisors shall return said petition with its written findings as to qualified voters' signatures, addresses, and wards to the Commission at the Commission's next regularly scheduled meeting; and at its meeting, if the petition is authenticated, the Mayor and Commission shall announce a date that is within thirty (30) days hence on which a special election will be held in order to allow, in the case of a Mayor, all qualified voters of the City to vote on the petition and, in the case of a Commissioner, all qualified voters of his or her ward to vote on the petition.

(d) The voting ballot will contain the official's name and the choice to "reaffirm" or "remove." In order for the official to be removed, a majority of those voting must vote to "remove."

(e) A petition to recall the Mayor or any Commissioner may not be initiated before such person has served in office for at least six months of his or her current term, nor may a recall petition be submitted to the Commission after such person has served in office for eighteen (18) months of his or her current term.

(f) The voting shall be conducted in the same manner as prescribed herein for regular City elections; and, if the election results in a majority vote to remove, the position shall become vacant immediately and shall be filled as prescribed in Section 515 of this Charter.

Section 515. Vacancies in Elective Office.

(a) *Existence of Vacancy.* A vacancy on the Commission shall exist upon the death, resignation, or recall of a member. In addition, a vacancy on the Commission shall exist in the case of removal of a member under the provisions of subsection (b) of this section or if the member ceases to reside within the boundaries of the area that member represents.

(b) *Removal of Commission Members.* If the Mayor or a Commissioner fails to exercise the duties of the office for a period of ninety (90) consecutive days, the Commission may, by the affirmative vote of four members, declare a vacancy on the Commission.

(c) *Filling of Vacancies.* In case of a vacancy on the Commission for any reason, the Commission shall appoint some qualified person to fill such vacancy for the remainder of the unexpired term. In case of a vacancy in the office of Mayor for any reason, the Commission shall appoint some qualified person to fill the vacancy for the remainder of the unexpired term. An individual who has been recalled may not be reappointed to fill the vacancy created by the individual's recall. Any vacancies on the Commission or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Commission. The results of any such vote shall be recorded in the minutes of the Commission.

Section 516. Regulation and Control.

The Commission shall have the power to the extent provided by law and not specifically covered by the provisions of this Charter to promulgate by ordinance rules regarding registration and nominations for City office. The City shall also have the power, to the extent provided by law and not specifically covered by the provisions of this Charter, to promulgate rules governing City elections and the ordering of a recount, if it is believed that the election results are either inaccurate or were the result of fraud.

ARTICLE VI

Finance

Section 601. Treasurer.

The Treasurer shall be the chief financial officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Commission.

Section 602. Powers and Duties of Treasurer.

Under the supervision of the Commission, the Treasurer shall have authority and shall:

- (a) Prepare an annual budget to be submitted to the Commission.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the City in such form as the Commission may require.
- (d) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.
- (e) Ascertain that all taxable property within the City is assessed for taxation.

(f) Arrange for collection of all taxes, special assessments, license fees, liens, and any other revenues (including utility revenues) of the City, and any other revenues for whose collection the City is responsible.

(g) Have custody of all public monies, belonging to or under the control of the City, except as to funds in the control of any set of Trustees, and have custody of all bonds and notes of the City.

(h) Maintain a general ledger.

(i) Maintain all City checkbooks.

(j) Prepare and present to the Commission a monthly Treasurer's report.

(k) Coordinate the annual City audit by an independent auditor.

(l) Invest excess funds in a manner authorized by Maryland law and approved by the Mayor.

(m) Do such other things in relation to the fiscal or financial affairs of the City as the Commission may require or as may be required elsewhere in this Charter. (Res. No. DH 99-05, 6-16-99.)

Section 603. Bond of Treasurer.

The Treasurer shall be bonded with a corporate surety in such amount as the Commission may require by ordinance.

Section 604. Fiscal Year.

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

Section 605. Budget.

The Treasurer, on such date as the Commission shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a proposed budget to the Commission. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The proposed budget is a public record and is open to public inspection during normal business hours in the Office of the Treasurer.

Section 606. Budget Adoption.

Before adopting the proposed budget the Commission shall hold a public hearing. Public notice of the hearing shall be published not fewer than two times on weekly intervals in a newspaper of general circulation within the City's corporate limits. At any time after the public hearing, the Commission may adopt the budget with or without amendment. The Commission is not required to provide public notice or conduct additional public hearings in the event that the proposed budget is amended after the public hearing. In amending the budget, the Commission may insert new items or may increase or decrease the items of the budget. Where the Commission shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the entire Commission shall be necessary for adoption. The budget shall become effective on July 1 or when it is adopted, whichever is later. If no budget is adopted by July 1, the budget of the prior fiscal year shall become effective on July 1 of the new budget year.

Section 607. Appropriations.

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

Section 608. Amendments After Adoption of Budget.

(a) *Supplemental Appropriations.* If during the fiscal year the Treasurer certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Commission may make supplemental appropriations for the year up to the amount of such excess.

(b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the Commission may make emergency appropriations by emergency ordinance in accordance with the provisions of Section 310 of this Charter.

(c) *Transfer of Funds.* Any transfer of funds between major appropriations for different purposes must be approved by the Commission before becoming effective.

(d) *Procedure.* A two-thirds vote of the entire Commission shall be required for the authorization of supplemental and emergency appropriations or transfer of funds.

Section 609. Over-expenditure Forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. 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 the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 610. Appropriations Lapse After One Year.

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

Section 611. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer and shall be counter-signed by the Mayor or, in the Mayor's absence, by the Vice Mayor.

Section 612. Taxable Property.

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

Section 613. Tax Levy.

(a) *Rate.* The Commission annually may levy such taxes upon assessable real and personal property within the corporate limits as it deems necessary and shall set the tax rates by resolution prior to adoption of the annual budget.

(b) *Notice.* Immediately after the levy is made by the Commission in each year, the Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City.

Section 614. Taxes Constitute Lien.

All taxes levied under Section 613 of this Charter shall be a lien on any and all property of the person, corporation, or entity against whom they are levied.

Section 615. When Taxes are Overdue.

The taxes provided for in Section 613 of this Charter shall be due and payable as provided in the Tax – Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears as provided in that article. Taxes shall bear interest while in arrears and shall be subject to additional penalties

as authorized by State law. Any interest rates or penalties to be imposed by the City of District Heights shall be established by the Commission by ordinance. All taxes not paid in arrears one year after the date on which they are due and payable shall be collected as provided in Section 616. (Res. No. DH 99-04, 6-16-99.)

Section 616. Sale of Tax Delinquent Property.

A list of all property on which the City taxes have not been paid and which are in arrears as provided by Section 615 of this Charter shall be turned over to Prince George's County as provided for by State law. All property listed thereon shall if necessary be sold for taxes in the manner prescribed by State law.

Section 617. Fees.

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 618. Audit.

The financial books and accounts of the City shall be audited annually.

Section 619. Tax Anticipation Borrowing.

During the first six months of any fiscal year, the City shall have the power to borrow in anticipation of the collection of the property taxes levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than eighteen (18) months after they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the City to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 620. Authority to Borrow Money.

(a) *General Obligation Bonds.* The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds. The power and obligation of the City to pay any and all general obligation bonds, notes, or other evidences of indebtedness issued by it under this authority shall be unlimited and 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 interests thereon, without limitation of amount. Except as otherwise provided, the faith and credit of the City is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this

Charter, whether or not such pledge be stated in the general obligation bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

(b) *Revenue Bonds.* The City shall have the power to issue revenue bonds for one or more revenue-producing projects that serve a proper public purpose. Prior to issuance of revenue bonds, the Commission shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the City shall not be pledged for the payment of revenue bonds.

Section 621. Previous Issues.

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

Section 622. Purchasing and Contracts.

The Commission shall provide by ordinance for rules and regulations regarding the use of competitive bidding for City purchases and contracts including the level of expenditures below which competitive bids are not required.

ARTICLE VII Personnel

Section 701. City Manager.

The Commission of the City of District Heights may appoint a City Manager who shall serve at the pleasure of the Commission. The compensation of the City Manager shall be determined by the Commission. The City Manager shall be responsible for the day to day operations of the City government and shall be responsible for carrying out the policies determined and approved by the Commission. The City Manager shall attend Commission meetings and may take part in the discussion, but he or she shall not have a vote. The City Manager shall perform such other duties as may be prescribed by this Charter or required by the Commission, not inconsistent with this Charter.

Section 702. Clerk to the Commission.

The Commission shall appoint a City Clerk who shall serve as Clerk to the Commission. The Clerk shall serve at the pleasure of the Commission, and the compensation of the Clerk shall be determined by the Commission. The Clerk shall attend meetings of the Commission and keep a full and accurate account of the proceedings of the Commission. The Clerk shall serve as custodian of all official City records. He or she shall keep such other records and perform such other duties as may be required by this Charter or the Commission.

Section 703. City Treasurer.

The Commission shall appoint a City Treasurer who shall be the chief financial officer of the City and who shall perform the duties described in Article VI of this Charter. The Treasurer shall serve at the pleasure of the Commission, and the compensation of the Treasurer shall be determined by the Commission.

Section 704. City Attorney.

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

Section 705. City Engineer.

The Commission may appoint a City Engineer. The City shall have the power to employ such other engineering consultants as it deems necessary from time to time. The Engineer shall serve at the pleasure of the Commission, and the compensation of the Engineer shall be determined by the Commission.

Section 706. Authority to Employ Personnel.

The Commission 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 other State law and to operate the City government.

Section 707. Appointments.

The Commission shall appoint the heads of all offices, departments, and agencies of the City government including offices, departments, and agencies not specifically described in this Charter. All office, department, and agency heads shall serve at the pleasure of the Commission unless otherwise provided in this Charter. All subordinate officers and employees of the City government shall be hired and removed by the Commission in accordance with the rules and regulations of any merit system which may be adopted by the Commission, to the extent those rules and regulations are applicable to the subordinate officer or employee.

Section 708. Merit System.

The City may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Commission shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations

may provide for competitive examinations, the use of eligibility lists, a classification plan, a compensation plan, a probation period, an appeal procedure for employees who are disciplined, and vacation and sick leave regulations.

Section 709. Unclassified and Classified Service.

(a) The civil service of the City shall be divided into the unclassified and classified service.

(b) The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The Mayor, the Commission and persons appointed to fill vacancies in these positions.

(2) The City Manager, the City Clerk, the City Treasurer, the City Attorney, and the City Engineer.

(3) The heads of all offices, departments, and agencies and members of City boards and commissions.

(4) Part-time, temporary, and unpaid offices and positions.

(c) The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulation which may be adopted.

Section 710. Public Ethics.

Pursuant to State law, the Commission shall adopt by ordinance a Code of Ethics for City officials and procedures for enforcement.

Section 711. Retirement System.

The City shall have the power to include its officers and employees within any retirement system or pension system and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the City.

Section 712. Compensation of Employees.

The compensation of all officers and employees of the City shall be set from time to time by an ordinance passed by the Commission.

Section 713. Employee Benefit Programs.

The City is authorized and empowered to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the City for such programs. Such programs shall be enacted by ordinance.

ARTICLE VIII
Public Ways and Sidewalks

Section 801. Definition of Public Ways.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 802. Control of Public Ways.

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

Section 803. Public Ways: Powers.

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 City public ways 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 install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- (e) To construct, reconstruct, maintain, and repair bridges.
- (f) To name City public ways.
- (g) To construct, operate, and maintain a storm water drainage system and storm water sewers.
- (h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 804. Sidewalks: Powers.

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 a sidewalk 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 obstruction.

(d) To require and order the owner of any property abutting on any public way in the City to perform any project authorized by this section at the owner's expense according to reasonable plans and specifications. If such an order is issued and, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law.

ARTICLE IX

Special Assessments

Section 901. Special Assessments: Power.

The City shall have the power to levy and collect taxes in the form of special assessments upon a property in a limited and determinable area for special benefits conferred upon such property.

Section 902. Procedure.

The procedure for assessing a special assessment, wherever authorized in this Charter, shall be established by the Commission by ordinance.

ARTICLE X

City Property

Section 1001. Acquisition, Possession, and Disposal.

The City may acquire real, personal, or mixed property within the corporate limits of the City for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise

and may sell, lease, or otherwise dispose of any property belonging to the City. All municipal property, funds, and franchises of every kind belonging to or in the possession of the City (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

Section 1002. Condemnation.

The City shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the City, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the City shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by State law.

Section 1003. City Buildings.

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

Section 1004. Protection of City Property.

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

**ARTICLE XI
General Provisions**

Section 1101. Oath of Office.

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

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

Section 1102. Official Bonds.

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

Section 1103. Prior Rights and Obligations.

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

Section 1104. Misdemeanors.

(a) Unless otherwise explicitly provided, a violation of a City ordinance shall be a misdemeanor.

(b) Every act or omission which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the Circuit Court for Prince George's County by a fine or imprisonment or both, not to exceed the maximum misdemeanor penalty prescribed by State law.

(c) A party found guilty of a misdemeanor shall have the right to appeal to the extent provided for by State law.

(d) Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1105. Municipal Infractions.

(a) The Commission may declare that a violation of a City ordinance shall be a municipal infraction, unless that violation is declared to be a felony by State law or other ordinance, and affix penalties thereto not to exceed the maximum penalty for a municipal infraction prescribed by State law. For the purposes of this Charter, a municipal infraction is a civil offense.

(b) Any person receiving a citation for a municipal infraction may choose to stand trial for the infraction in a manner prescribed by State law.

- (c) Each day a violation continues shall constitute a separate offense.

Section 1106. 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 repealed to the extent of such conflict.

Section 1107. Referendum.

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the Commission a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the City and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the City for their approval or disapproval, the Commission shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the City at the next regular City election or, in the Commission's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 620 (a), levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Sections 901 and 902. The provisions of this section shall be self-executing, but the Commission may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 1108. Separability.

If any section or any part of a 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 any part of the section so held invalid shall appear.

APPENDIX I

Urban Renewal Authority for Slum Clearance

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent that they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the City of District Heights, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area where dwellings predominate that, 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.
- (h) “Urban renewal area” means a slum area or a blighted area or a combination of them that the municipality designates as appropriate for an urban renewal project.
- (i) “Urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate whatever 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.
- (j) “Urban renewal project” means 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 of them in accordance with an urban renewal plan. These undertakings and activities may include:
- (1) acquisition of a slum area or a blighted area or portion of them;

- (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 the urban renewal objectives of this appendix 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.

Section A1-102. Powers.

- (a) The municipality may undertake and carry out urban renewal projects.
- (b) These projects shall be limited to:
 - (1) slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
 - (2) acquiring in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
 - (3) selling, leasing, conveying, transferring, or otherwise disposing of any of the 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.
- (c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers that are granted by this appendix to the municipality by exercising the power of eminent domain may not 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 the compensation.

(d) All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of these purposes or in connection with the exercise of any of the powers granted by this appendix is declared to be needed or taken for public uses and purposes.

(e) Any or all of the activities authorized pursuant to this appendix 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 of them.

Section A1-103. Additional powers.

The municipality has the following additional powers. These powers are declared to be necessary and proper to carry into full force and effect the specific powers granted in this appendix and to fully accomplish the purposes and objects contemplated by the provisions of this section to:

(1) 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 those plans. These plans may include, but are not 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 to apply for, accept, and utilize grants of funds from the federal government or other governmental entity for those purposes;

(2) 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 those persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government;

(3) appropriate whatever funds and make whatever expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited to:

(i) the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition, removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction,

reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

(ii) levying taxes and assessments for those purposes;

(iii) borrowing money and to applying for and accepting 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 giving whatever security as may be required for this financial assistance; and

(iv) investing any urban renewal funds held in reserves or sinking funds or any of these funds not required for immediate disbursement in property or securities that are legal investments for other municipal funds;

(4) (i) hold, improve, clear, or prepare for redevelopment any property acquired in connection with urban renewal projects;

(ii) mortgage, pledge, hypothecate, or otherwise encumber that property; and

(iii) insure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) 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 agreements with other public bodies or agencies (these 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 whatever conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

(6) 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) 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; and to make exceptions from building regulations;

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

(9) exercise all or any part or combination of the powers granted in this appendix.

Section A1-104. Establishment of urban renewal agency.

(a) A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines the action to be in the public interest, elect to have the powers exercised by a separate public body or agency.

(b) In the event the legislative body makes that determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix.

(c) The ordinance shall include provisions establishing the number of members of the public body or agency, the manner of their appointment and removal, and the terms of the members and their compensation.

(d) The ordinance may include whatever additional provisions relating to the organization of the public body or agency as may be necessary.

(e) In the event the legislative body enacts this ordinance, all of the powers by this appendix granted to the municipality, from the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

Section A1-105. Powers withheld from the agency.

The agency may not:

(1) pass a resolution to initiate an urban renewal project pursuant to Sections A1-102 and A1-103 of this appendix;

(2) issue general obligation bonds pursuant to Section A1-111 of this appendix; or

(3) appropriate funds or levy taxes and assessments pursuant to Section A1-103(3) of this appendix.

Section A1-106. Initiation of project.

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

(1) finds that one or more slum or blighted areas exist in the municipality;

(2) locates and defines the slum or blighted area; and

(3) finds that the rehabilitation, redevelopment, or a combination of them, of the area or areas, is necessary and in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

Section A1-107. Preparation and approval of plan for urban renewal project.

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. Prior to its approval of an urban renewal project, the municipality shall submit the 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 60 days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within the 60 days, then without the 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 of it 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 the 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 or natural persons who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to the families or natural persons;

(2) the urban renewal plan conforms substantially 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. If modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon whatever approval of the owner, lessee, or successor in interest as the municipality considers advisable. In any event, it shall be subject to whatever 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 change substantially the urban renewal plan as approved previously by the municipality, the modification shall be approved formally 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 of it, the plan or modification shall be considered to be in full force and effect for

the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

Section A1-108. Disposal of property in urban renewal area.

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at 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 the 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 the plan for the prevention of the recurrence of slum or blighted areas. In any instrument or conveyance to a private purchaser or lessee, the municipality may provide that the private purchaser or lessee may not sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until the private purchaser or lessee has completed the construction of any or all improvements that the private purchaser or lessee is obligated to construct on the property. In accordance with the provisions of the urban renewal plan, real property acquired by the municipality that is to be transferred shall be transferred as rapidly as feasible in the public interest. Any contract for the transfer and the urban renewal plan (or whatever part or parts of the contract or plan as the municipality determines) may be recorded in the land records of the county in which the municipality is situated in a manner so as to afford actual or constructive notice of it.

(b) The municipality may operate temporarily 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) of this section, for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

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

Section A1–109. Eminent domain.

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

Section A1–110. Encouragement of private enterprise.

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

Section A1–111. General obligation bonds.

For the purpose of financing and carrying out 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 authorization of general obligation bonds by the municipality, and also within limitations determined by the municipality.

Section A1–112. Revenue bonds.

(a) In addition to the authority conferred by § A1–111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The 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 the undertaking and carrying out of urban renewal projects under this appendix. However, payment of the 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 urban renewal project, or any part of a project, 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 the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in §§ 9, 10, and 11 of Article 31 (Debt – Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and shall:

- (1) bear a date or dates;
- (2) mature at a time or times;
- (3) bear interest at a rate or rates;
- (4) be in a denomination or denominations;
- (5) be in a form either with or without coupon or registered;
- (6) carry a conversion or registration privilege;
- (7) have a rank or priority;
- (8) be executed in a manner;
- (9) be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) be secured in a manner; and
- (11) have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may not be sold to the federal government at private sale at less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may not be sold at private sale at less than par at an interest cost to the municipality which does not 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 cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it

has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively 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, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. However, the 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 the bonds or other obligations, moneys in an amount that (together with any other moneys committed irrevocably to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity on the bonds or other obligations. The moneys under the terms of the agreement shall be required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. This section authorizes any persons or public or private political subdivisions and officers to use any funds owned or controlled by them for the purchase of any bonds or other obligations. With regard to legal investments, this section may not be construed to relieve any person of any duty of exercising reasonable care in selecting securities.

Section A1-113. Short title.

This appendix shall be known and may be cited as the District Heights 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) 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 District Heights in Chapter 413 of the Acts of the General Assembly of 1999.

