

CHARTER

OF THE

City of Rockville

MONTGOMERY COUNTY, MARYLAND

*As enacted by Resolution No. 8-78
Effective April 17, 1978, as amended*

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ROCKVILLE

ARTICLE I

Incorporation; Corporate Limits

Section 1. City incorporated; general powers.

The inhabitants of the City of Rockville, Montgomery County, are a body corporate by the name of “The Mayor and Council of Rockville”, and by that name may have perpetual succession, sue and be sued, and have and use a common seal. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-1.)

Section 2. Boundaries.

The limits of said City shall be as they existed immediately prior to the effective date of this section, 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 the effective date of this section, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be maintained on file with the City Clerk. (Res. No. 8-78; Mont. Co. Code 1972, § 72-2.) (See note (1))

ARTICLE II

The Mayor and Council

Section 1. Number, Selection, Term, Qualification, and Payment.

a. All legislative powers of the City of Rockville shall be vested in a council consisting of a Mayor and four Councilmembers, who shall be elected as hereinafter provided in Article III, Section 5 and who shall hold office for a term of two years or until the succeeding Council takes office. Councilmembers holding office at the time this section becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office.

b. The Mayor and Councilmembers shall be registered voters and shall have resided in the city for at least one year immediately preceding their election.

c. A procedure for establishing the annual compensation of the Mayor and each of the four (4) Councilmembers shall be established by ordinance; provided, however, that the compensation specified at the time any member of the Council takes office shall not be changed during the period for which that member of the Council was elected. (Res. No. 8-78; Res. No. 7-77; Res. No. 10-76; Res. No. 55-63; Res. No. 24-60; Mont. Co. Code 1972, § 72-3; Res. No. 3-84, 3-13-84; Res. No. 10-87, 6-30-87; Res. No. 20-94, 1-17-95.)

Section 2. Meetings; Qualification of Members; Presiding Officer; Procedures.

a. The Council shall meet at some convenient public place in said City as often as may be necessary to discharge the duties of its office, not less, however, than once in every month. After its election, the newly elected Mayor and Council shall meet prior to December 1. All meetings, together with the agenda therefor, must be given reasonable public notice.

b. The Council shall be the judge of the election and qualification of its members.

c. The Mayor shall preside at all meetings of the Council and may take part in all discussions and shall participate, when present, in all votes of the Council. In the event of the absence of the Mayor at any meeting, the members of the Council shall elect one of their own members to preside during such absence, who shall, for the time being, be clothed with all the powers and authority of said Mayor. A majority of the members of the Council shall constitute a quorum for the transaction of business, and the Council shall pass rules and by-laws for its own government while in session.

d. The Council shall determine its own 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. No final action may be taken on any question, resolution, or ordinance except at open session.

e. No ordinance shall be passed at the meeting at which it is introduced. If, at the meeting at which an ordinance is introduced, two or more members of the Council so request, a public hearing shall be required as herein provided prior to action thereon. Public hearings on ordinances shall be held by the Council, when required, only after first having given public notice in a newspaper of general circulation in the City of Rockville once a week for two successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall generally summarize the contents of the proposed ordinance, and shall specify the time and place of the public hearing to be held thereon. Such public hearing shall be conducted by the Council, when required, under such procedures as it shall, in its discretion, establish. After the ordinance is introduced, it shall lay over for at least one week, after which it may be brought up for discussion, amendment, or final action, except in the case of an ordinance for which a public hearing is required, in which case it may not be brought up until after the required public hearing. The published agenda for the meeting at which final action takes place on any ordinance shall contain the descriptive title of the ordinance, and such description [descriptive] titles shall be published and permanently filed by the City Clerk and shall be kept available for public inspection. The provision that an ordinance may not be passed at the meeting at which it was introduced and the provision for inclusion of the descriptive title of the ordinance on the published agenda for the meeting of the Council may be suspended by the affirmative vote of four members of the Council. All ordinances passed by the Council shall become effective immediately unless otherwise specified. (Res. No. 8-78; Res. No. 42-70; Res. No. 24-60; Mont. Co. Code 1972, § 72-4; Res. No. 10-87, 6-30-87; Res. No. 2-01, 4-17-00.)

ARTICLE III

Registration, Nominations, and Elections

Section 1. Voters.

Every citizen of the City of Rockville residing therein and who is qualified to register as a voter at the next succeeding State or Congressional election and who is or shall be eighteen years of age on or before the date of any City election, and who is registered in accordance with the provisions of this Charter, shall be a qualified voter of the City. In addition to citizens of the City of Rockville, every member of the United States Uniformed Services and each spouse and child of such a member shall be a qualified voter of the City provided such person resides in the City of Rockville; would be qualified to register as a voter at the next succeeding State or Congressional election in the City if such person maintained his or her domicile in the City; is or shall be eighteen years of age on or before the date of any City election; and is registered in accordance with the provisions of this Charter. Every qualified voter of the City shall be entitled to vote at any or all City elections. (Res. No. 9-82; Res. No. 8-78; Res. No. 34-72; Res. No. 26-67; Res. No. 24-60; Mont. Co. Code 1972, § 72-5; Res. No. 11-87, 6-30-87.) (See note (2))

Section 2. Board of Supervisors of Elections; Members; Duties.

a. There shall be a Board of Supervisors of Elections, consisting of five members who shall be appointed by the Council. The terms of members of the Board shall begin on the first Monday in June and shall run for four years and until their successors are appointed and qualified. Notwithstanding the foregoing, the initial terms of two members appointed in 1991 shall be for one year or until their respective successors are appointed and qualified, and the initial term of three other members appointed in 1991 shall be for three years or until their respective successors are appointed and qualified, so that the terms of two members shall be staggered with respect to the terms of the other three members. Members of the Board shall be qualified voters of the City and shall not hold or be candidates for any elective office of the City during their term of office. Members of the Board shall, before entering upon the discharge of their duties, make oath in due form of law that they, severally, will fairly, faithfully and honestly perform their duties as members of the Board. The Board shall appoint one of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be as determined by the Council.

b. Any member of the Board of Supervisors of Elections may be removed for cause by the Council. Before removal, the member of the Board to be removed shall be given a written copy of the charges and shall, if requested by such member in writing, have a public hearing on them before the Council within ten days after receiving the written copy of the charges.

c. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all City elections. The Board may appoint election clerks or other employees to assist it in any of its duties, up to a total number as established by the Council.

d. The Board of Supervisors of Elections shall give at least one month's notice of every election, including places for voting, by an advertisement published at least four times during the period of such notice in at least one newspaper of general circulation in the City and by posting notice thereof during such period in some public place or places in the City. (Res. No. 8-78; Res. No. 17-71; Res. No. 24-60; Mont. Co. Code 1972, § 72-6; Res. No. 11-87, 6-30-87; Res. No. 9-91, 7-2-91.)

Section 3. Nominations.

No person's name shall be placed on the ballot as a candidate for any elective public office in the government of the City of Rockville unless such person shall be nominated by petition in conformity with the requirements herein. A candidate shall be deemed to have been nominated by petition when such candidate, or the authorized agent of such candidate, files at least sixty (60) calendar days preceding the general or special election at which election is sought, with the Board of Supervisors of Elections, a certificate signed by at least one hundred (100) qualified voters containing the name of the candidate, a statement of the office to which election is sought, a statement that the signers request that the name of the candidate be placed on the ballot, and any other additional information that shall be prescribed, from time to time, by the Board of Supervisors of Elections. Candidates for elective public office shall use the nominating petition form approved by the Board of Supervisors of Elections. (Res. No. 9-82; Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-8; Res. No. 11-87, 6-30-87; Res. No. 13-97, 8-5-97; Res. No. 3-01, 4-17-01.) (See note (3))

Section 4. Election of Mayor and Council.

On the last Monday in April in every even numbered year, the qualified voters of the City shall elect one person as Mayor and four persons as Councilmembers to serve for terms of two years or until the succeeding Council takes office. After the election to be held on April 30, 1984, the qualified voters of the City shall elect one person as Mayor and four persons as Councilmembers to serve for terms of two years on the next Tuesday after the first Monday in the month of November in every odd numbered year. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-9; Res. No. 2-84, 3-13-84.)

Section 5. Vacancies in Offices of Mayor and Council.

a. In case of a vacancy on the Council by reason of death, resignation, removal from the City, or otherwise not occurring within the last twelve (12) months of the term, the vacancy shall be filled by special election as provided by ordinance. In case of a vacancy on the Council for any of the aforesaid reasons, occurring within the last twelve (12) months of the term, the Mayor and Council shall elect, by the favorable votes of a majority of the remaining members of the Mayor and Council, some qualified person to fill such vacancy for the unexpired term. The results of any such vote shall be recorded in the minutes of the Mayor and the Council.

b. In case of a vacancy in the office of Mayor not occurring within the last twelve (12) months of the term by reason of death, resignation, removal from the City, or otherwise, the vacancy shall be filled by special election as provided by ordinance. In case of a vacancy in the

office of the Mayor for any of the aforesaid reasons, occurring within the last twelve (12) months of the term, the Council shall elect, by unanimous vote, some qualified person, including an incumbent Councilmember, to fill the vacancy for the remainder of the unexpired term. In the event the Council has not elected a new Mayor, by unanimous vote, within fourteen (14) days of the creation of the vacancy, the Council shall appoint a new Mayor, who is qualified for the office, in accordance with the following order of succession:

1. The Councilmember with the highest vote total in the last election; or
2. The Councilmember with the most seniority on the Council, however, if more than one councilmember shares the most seniority, the councilmember receiving the highest number of votes in the most recent election shall be deemed to be most senior for the purposes of this provision.

If none of the officials in the foregoing list are willing or able to serve as Mayor, then the members of the Council shall elect some qualified person as Mayor by majority vote for the remainder of the unexpired term. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-12; Res. No. 2-84, 3-13-84; Res. No. 29-85, 12-3-85; Res. No. 11-87, 6-30-87; Res. No. 11-03, 7-1-03.)

Section 6. Recall Elections; Recall of the Mayor or a Councilmember.

a. The Mayor or Councilmember may be removed by the qualified electors of the City. The procedure to effect the removal of such persons from office shall be as set forth hereinafter.

b. A petition signed by persons qualified to vote in City elections equal in number to at least thirty percent (30%) of the average number of ballots cast in the last three City elections, rounded up to the nearest multiple of fifty (50), shall be addressed to the Council and filed with the City Clerk. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. The circulator of each such paper shall make affidavit before an officer competent to administer oaths, that the statements contained therein are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with endorsements thereon of the names and addresses of three persons designated as filing said petition.

c. Within ten days from the filing of said petition the City Clerk shall ascertain by examination thereof and of the registration books, whether the petition is signed by the required number of qualified voters, and shall attach thereto a certificate showing the result of such examination. If the certificate shows the petition to be insufficient, the Clerk shall promptly notify, in writing, one or more of the persons designated on the petition as filing the same and the petition may be amended at any time within ten days from the date of the Clerk's notification. The Clerk shall, within ten days after such amendment, make like examination of the amended petition and attach thereto a certificate of the result. If still insufficient or if no amendment is

made, the Clerk shall return the petition to one of the persons designated thereon, as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

d. If the petitions or amended petitions shall be found by the City Clerk to be sufficient, the same shall be submitted with the Clerk's certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on the date fixed by them not less than thirty nor more than forty-five days from the date of the City Clerk's certificate that a sufficient petition [petition] was filed; provided, however, that if any other municipal election is to occur within sixty days from the date of the City Clerk's certificate, the Council may, at its discretion, postpone the holding of the recall election to the date of such other municipal election.

e. There shall be printed on the official ballot, as to every person whose recall is to be voted on, the words, "shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" Following such question shall be the words "Yes" and "No", on separate lines, with a blank space at the right of each, in which the voter shall indicate his or her vote for or against such recall.

f. Any person whose recall is sought shall continue in office until a certification of the results of a recall election by the Board of Supervisors of Elections showing that such person has been recalled is received by the City Clerk at which time such person's term in office shall thereupon terminate.

g. No recall petition shall be filed against any person until such person has actually held such office for at least two months, unless a different time is provided by ordinance; provided, that second or further recall petitions for the same person shall require signatures of qualified voters equal to at least forty-five (45) percent of the average number of ballots cast in the last three City elections, rounded up to the nearest multiple of fifty (50).

h. Any person who has been removed from office by recall, or who has resigned from such office while recall proceedings were pending against him or her, shall not be appointed to any elective office within one year after such removal by recall or resignation.

i. Any vacancy created by the recall of an elected officer shall be filled in the manner set forth in Section 5 of this Article III.

j. Except as specifically provided herein all recall elections shall be conducted in a manner conforming with other City elections to the extent practical. (Res. No. 8-85, 4-30-85; Res. No. 11-03, 7-1-03.)

Section 7. Regulation and Control.

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

remain in force and effect until repealed or amended by the Council but only as to such provisions as are not inconsistent with the provisions of this Article. (Res. No. 8-78; Res. No. 24-60 (See note (4)); Mont. Co. Code 1972, § 72-13; Res. No. 11-87, 6-30-87.)

ARTICLE IV General Powers

Section 1. Powers of Council Enumerated.

a. The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein.

b. The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(1) *Advertising* – To provide for municipal advertising, for the printing and publication of statements of the receipts and expenditures of the municipality, and the publication and codification of all laws, ordinances, resolutions, or regulations adopted by or affecting the municipality.

(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, regulating, or restraining theatrical or other public amusements.

(4) *Appropriations* – To appropriate and expend municipal monies for any purpose within the powers of the Council.

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

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

(7) *Band* – To establish, maintain and support a municipal band or musical organization.

(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, billboard, pole, or other place within the City.

(9) *Bridges* – To erect and maintain bridges.

(10) *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.

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

(12) *Codification* – To provide for the codification of this Charter and all laws, ordinances, and regulations which have been or may hereafter be passed.

(13) *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.

(14) *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.

(15) *Corporate name* – To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipality, and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

(16) *Curfew* – To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(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) *Disorderly houses* – To suppress bawdy houses, disorderly houses and houses of ill fame.

(20) *Dogs* – To regulate the keeping of dogs in the City and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

(22) *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.

(23) *Filth* – To compel the occupant of any premises, building or outhouse situated in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants, to authorize such work 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.

(24) *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.

(25) *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 plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.

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

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

(28) *Gambling* – To restrain and prohibit gambling.

(29) *Garbage* – To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops,

garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(30) *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, agreeably to the conditions under which the gifts or grants were made.

(31) *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.

(32) *Health* – To appoint a board of health, and to define and regulate its powers and duties; to establish quarantine regulations, and to authorize the removal or confinement of persons having infectious or contagious diseases; to prevent and remove nuisances; to prevent the introduction of contagious diseases into the municipality; to regulate the places of manufacturing soap, fertilizer, and other noxious things; to regulate slaughterhouses, packing houses and all places where offensive trades may be carried on; to regulate places which cause or may cause unsanitary conditions, or conditions detrimental to health.

(33) *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.

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

(35) *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.

(36) *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.

(37) *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.

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

(39) *Livestock* – To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(41) *Merit system* – To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or public general or public local laws of the State, and to request and avail themselves of the facilities of the State for the administration of such merit system without unnecessary expense.

(42) *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.

(43) *Noise* – To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(44) *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 specially named or not; to regulate, to prohibit, to control the location of or to require the removal from the City of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection, the City may regulate, prohibit, control the location of, or require the removal from the City of such things as stockyards, slaughter– houses [slaughterhouses], cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

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

(46) *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.

(47) *Parking meters* – To install parking meters on the streets and public places of the City in such places as it shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State must first be approved by the State.

(48) *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.

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

(50) *Police force* – To establish, operate and maintain a police force. All City police officers shall, within the municipality, have the powers and authority of constables in this State.

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

(52) *Property* – To acquire by conveyance, purchase or gift, real or leasable property for any public purpose; 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 [the] public use, after having given at least twenty days public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the City.

(53) *Quarantine* – To establish quarantine regulations in the interest of the public health.

(54) *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.

(55) *Salaries* – To fix the salary or compensation of all municipal officers and employees.

(56) *Seal* – To make, have and use, and from time to time, alter, a common seal.

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

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

(59) *Taxicabs* – To license, tax and regulate public hackers, taxicab drivers, and other persons driving commercial vehicles and their assistants and all other persons pursuing like occupations.

(60) *Vehicles* – To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(61) *Voting machines* – To purchase, lease, borrow, install, and maintain voting machines for use in City elections.

(62) *Zoning* – To exercise such powers as to planning and zoning, as are conferred upon the City by the Annotated Code of Maryland, or other applicable authority.

(63) *Saving clause* – The Council may exercise any power or perform any function which is not denied to it by the Constitution of Maryland, this Charter, or by a public general law duly passed by the General Assembly of Maryland so long as the power or function relates to the incorporation, organization, government, or affairs of the municipal corporation. (Res. No. 8–78; Res. No. 58–67; Res. No. 18–67; Res. No. 24–60; Mont. Co. Code 1972, § 72–14.) (See note (5))

Section 2. Exercise of Powers.

For the purpose of carrying out the powers granted in this Charter or elsewhere, the Council may pass all necessary ordinances. All the powers of the City shall be exercised in the manner prescribed by this Charter or other applicable law, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (Res. No. 8–78; Res. No. 24–60; Mont. Co. Code 1972, § 72–15.)

Section 3. Enforcement of Ordinances.

To insure the observance of the ordinances of the City, the Council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not exceeding ninety days, or both such fine and imprisonment. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. The City, in addition to other remedies, may institute any appropriate civil action or proceeding to prevent, restrain, correct or abate violations of municipal ordinances. (Res. No. 8–78; Res. No. 24–60; Mont. Co. Code 1972, § 72–16.) (See note (6))

ARTICLE V
Amendment of Charter

Section 1. Initiation.

An amendment of this Charter may be initiated by the Council or by a petition of qualified voters of the City of Rockville. (Res. No. 8–78; Res. No. 59–67 (See note (7)); Mont. Co. Code 1972, § 72–17.)

Section 2. Initiation by the Council.

a. The Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this section, is ordained or passed as in the usual course of considering resolutions in the government of the Council by a majority of all the persons elected to the Council.

b. In conformity with a requirement imposed upon the General Assembly by Article 3, § 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

c. In conformity with a requirement imposed upon the General Assembly by Article 3, § 29 of the Constitution of Maryland, every Charter amendment adopted by the Council shall embrace but one subject, and that shall be described in its title. Prior to the passage of any resolution which proposes an amendment or amendments to the Charter, a public hearing thereon shall be held by the Council, public notice of which shall be given in a newspaper of general circulation in the City of Rockville once a week for two successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall state the title of the Charter amendment and shall specify the time and place of the public hearing to be held thereon. The public hearing shall be conducted by the Council under such procedures as it shall, in its discretion establish.

d. The Mayor shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted at City Hall or another main municipal building or public place for a period of at least forty days following its adoption.

e. A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Rockville not less than four times, at weekly intervals within a period of at least forty days after the adoption of the resolution containing the proposed amendment or amendments.

f. The amendment or amendments so proposed by the Council shall become and be considered a part of the Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth day after being so ordained or passed, unless on or before the fortieth day after being so ordained or passed there shall be presented to the Council, or mailed to it by registered mail, a petition meeting the requirements of this section.

g. The petition shall be signed by twenty per centum or more of the persons who are qualified to vote in municipal general elections of the City of Rockville and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the City. Each person signing the petition shall indicate thereon such person's name and residence address.

Upon receiving the petition for a referendum, the Council is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition as of no effect if it is signed by fewer than twenty per centum of the persons who are qualified to vote in municipal general elections.

h. If the petition for a referendum complies with the requirements of this section, the Council shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Rockville. This may be at either the next regular general election or at a special election, in the discretion of the Council. In the event a special election is designated, it shall be held within a period of not less than forty days nor more than sixty days after the final passage of the resolution providing for the referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines when the question is submitted to the voters of the City. (Res. No. 8-78; Res. No. 25-70; Res. No. 59-67; Mont. Co. Code 1972, § 72-18.) (See note (8))

Section 3. Initiation by Petition.

a. Twenty per centum or more of the persons who are qualified to vote in municipal general elections in the City of Rockville may initiate a proposed amendment or amendments to the Charter, by a petition presented to the Council. The petition shall contain the complete and exact wording of the proposed amendment or amendments, and the proposed amendment or amendments shall be prepared in conformity with the several requirements contained in subsections b and c of Section 2 of this Article. Each person signing it shall indicate thereon such person's name and residence address. Upon receiving the petition, the Council is directed to verify that any person who signed it is qualified to vote in municipal general elections, and shall consider the petition as of no effect if it is signed by fewer than twenty per centum of the persons who are qualified to vote in municipal general elections. If the petition complies with the requirements of this section, the Council shall by resolution, passed as in its normal legislative procedure, and not later than sixty days after the petition shall have been presented to it, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Rockville. This may be at either the next regular municipal general election or at a special election, in the discretion of the Council. In the event a special election is designated, it shall be within a period of not less than forty days nor more than sixty days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting machines when the question is submitted to the voters of the City.

b. Provided, however, that if the Council shall approve the amendment or amendments provided for in the petition presented to it under subsection a above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by the Council and in compliance with the provisions of Section 2 of this Article. (Res. No. 8-78; Res. No. 59-67; Mont. Co. Code 1972, § 72-19.) (See note (9))

Section 4. Posting and Publication.

The Mayor shall give notice by posting and publication of any submission of a proposed Charter amendment to the voters thereof. For not less than four weeks immediately preceding the election at which the question is to be submitted a complete and exact copy of the wording of the proposed Charter amendment or amendments shall be posted at City Hall or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Notice of the election, together with a fair summary of the proposed amendment or amendments, shall be published in a newspaper of general circulation in the City of Rockville, not less than once in each of the four weeks immediately preceding the election. (Res. No. 8-78; Res. No. 59-67; Mont. Co. Code 1972, § 72-20.)

Section 5. Referendum.

a. On the day and during the hours specified for any referendum, the proposed Charter amendment or amendments shall be submitted to the qualified voters of the City. The official or officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far as relevant to the referendum election on the proposed Charter amendment or amendments. It is the intent of this section that the referendum election shall be conducted generally according to the procedures and practices observed for regular City elections, except as specifically or necessarily modified by the provisions of the section. The wording specified by the Council in the resolution providing for a referendum on the Charter amendment or amendments, shall be placed on the ballots or voting machines used at the referendum election. The expenses of the referendum election shall be defrayed by the City.

b. The official or officials charged with the duty to arrange for and conduct the referendum, promptly following the closing of the polls, shall tally the results thereof, and shall forthwith certify the results of the referendum to the Mayor.

c. If a majority of those who vote on any question so submitted to the voters of the City shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim publicly within ten days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed Charter amendment or amendments shall become a part of the Charter of the City of Rockville, according to its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim, adding to the proclamation the statement that the proposed Charter amendment or amendments contained in said question are null and void and of no effect whatsoever. (Res. No. 8-78; Res. No. 59-67; Mont. Co. Code 1972, § 72-21.)

Section 6. Form and Registration of Amendment.

a. In any proposal to amend an existing Charter of the City, the new matter, if any, to be added to the Charter shall be indicated by being underscored or in italics and all matter to be eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing

such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections the words of such new section or sections shall also be underscored or in italics or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in its entirety any section or sections of the existing Charter, the matter intended to be repealed need not be written out in full and enclosed in either double parentheses or boldface brackets.

b. The resolution to amend the Charter shall identify the source of the existing section or sections, citing the code or other publication or amendment in which appears the most recent text of the section or sections to be amended.

c. Amendments to the Charter shall be in a consecutively numbered series.

d. The resolution to amend the Charter shall provide specifically (and not simply by implication) for the repeal of any section or sections of the existing Charter which are inconsistent with the amended section or sections.

e. A proposal to amend the Charter, whether initiated by the Council or by a petition of qualified voters of the City, may not be rescinded after its adoption by the Council or after its formal submission in a petition, in any manner other than that of another Charter amendment.

f. At the time a Charter amendment or amendments become effective by reason of having been ordained or passed by the Council, or at the time of making a public proclamation as to the vote on any question containing a proposed Charter amendment or amendments which have been adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland and to the Department of Legislative Reference [Services] the following information concerning the Charter amendment or amendments: (1) The complete text thereof, (2) the date of the referendum election, if any, (3) the number of votes cast for and against each question containing the Charter amendment or amendments, whether in the Council or in a referendum, and (4) the effective date of the Charter amendment or amendments.

g. The Charter amendment or amendments are not effective and shall not be applied or considered as if effective, unless and until it or they have been registered as required in subsection f of this section. (Res. No. 8-78; Res. No. 59-67; Mont. Co. Code 1972, § 72-22.) (See note (10))

Section 7. Codification of Amendments.

The exact text of any amendment or amendments to the Charter adopted as in this Article specified, shall thereafter be included in any subsequent edition or codification of the Charter of the City, until altered, modified or repealed by a subsequent amendment or amendments to the Charter. (Res. No. 8-78; Res. No. 59-67; Mont. Co. Code 1972, § 72-23.)

ARTICLE VI The City Manager

Section 1. Qualifications, Appointment and Removal.

a. There shall be a City Manager who shall be head of the administrative branch of the City government. The City Manager shall be appointed by the Council solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office, and shall serve at such compensation as the Council may determine. The City Manager need not be a resident of the City or State prior to appointment to the office, but shall reside within the City while serving in the office.

b. The City Manager may be removed by the Council by a majority vote of all its members. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-24.)

Section 2. Powers and Duties.

The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, shall have power and shall be required to:

1. Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office;

2. Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;

3. Perform such other duties as may be prescribed by ordinance, or required of such office by the Mayor and Council, not inconsistent with this Charter. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-25.)

Section 3. Absence of City Manager.

During any temporary absence or disability, the City Manager may designate by letter filed with the City Clerk a qualified administrative officer of the City to perform the duties of the office. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the office until the return or cessation of disability of the City Manager. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-26.)

ARTICLE VII

Finance

Section 1. Fiscal Year.

The fiscal year of the City shall begin the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-27.) (See note (11))

Section 2. Budget.

The City Manager, at least one month before the beginning of each fiscal year, shall submit a recommended budget to the Council. Such budget shall provide a financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year.

After at least one public hearing on the recommended budget, the Council shall adopt a final budget for the year. Such final budget may contain new items, eliminate proposed items, or increase or decrease the same. The budget shall be adopted in the form of an ordinance, which, by its terms, shall appropriate anticipated revenues to the designated expenditure items. The Council shall have the power to amend the budget ordinance at any time during the fiscal year. Transfers of funds between budget ordinance items may be authorized by resolution of the Council at any time, subject to any restrictions contained in the budget ordinance. (Res. No. 8-78; Res. No. 46-67; Res. No. 24-60; Mont. Co. Code 1972, § 72-28.)

Section 3. Over-expenditures forbidden.

Neither the Council, nor any 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, in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-29.)

Section 4. Lapse of Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-30; Res. No. 1-84, 3-13-84.)

Section 5. Taxable Property.

Taxes shall be levied upon all taxable property located within the corporate limits of the City of Rockville. All such taxes shall constitute a lawful obligation to the Mayor and Council of Rockville and, as to real property, shall constitute a lien against the property on which they are levied. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-31.) (See note (12))

Section 6. Annual Levy.

As soon as may be practicable after the adoption of the budget ordinance, and after the ascertainment of the assessed valuation of property subject to taxation, but not later than the thirtieth day of June of each year, the Council shall, by ordinance, levy upon all taxable property such rate or rates of tax as shall be determined by the Council to be necessary to provide a balanced budget for the fiscal year next ensuing. The City Manager shall collect all such taxes as the same become due. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-32.) (See note (13))

Section 7. One-half Year, Three-quarter Year, and One-quarter Year Levies.

All improvements which become substantially completed between July first and September thirtieth in any year shall be subject to taxation in such year at three-fourths of the regular tax rate levied for City purposes for such year. All improvements which become substantially completed between October first and December thirty-first in any year shall be subject to taxation in such year at one-half of the regular tax rate levied for City purposes for such year. All improvements which become substantially completed between January 1 and March 31 in any year, shall be subject to taxation in such year at one-quarter of the regular tax rate levied for City purposes for such year. The Mayor and Council may also impose such other periodic tax levies as may be authorized by state law. In the case of buildings under construction, the term "substantially completed" shall mean when the building is under roof, plastered (or ceiled) and trimmed. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-33; Res. No. 22-89, 9-26-89.) (See note (14))

Section 8. When Taxes Due and Payable; Interest; penalty.

All City taxes shall be due and payable as provided by State law. Overdue taxes shall be subject to interest and penalties as provided by State law or by City ordinance or resolution. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-34; Res. No. 22-89, 9-26-89.)

Section 9. Fees.

All fees received by officials or employees of the City government in their official capacities shall belong to the City government and be accounted for to the City. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-35.)

Section 10. Audit.

The financial books and accounts of the City shall be audited annually by a Certified Public Accountant. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-36.) (See note (15))

Section 11. Borrowing Money.

a. The Mayor and Council of Rockville shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its bonds or notes, including tax anticipation notes and bond anticipation notes, in the manner and on the conditions hereinafter prescribed. The word "bonds" as used herein shall be interpreted to include notes.

b. All such bonds shall be authorized by ordinance of the Council, which ordinance shall contain the following:

(1) A statement of the public purpose for which the proceeds of such bonds are to be expended.

(2) The complete form of said bonds, which shall include the place or places and time or times of payment thereof, the rate or rates of interest payable thereon, or space for the insertion of such rate or rates of interest upon the determination thereof, the titles of the officials whose signatures shall be affixed to or imprinted thereon, the authority for the issuance thereof, and the taxes and any special revenues from which the principal of and interest on said bonds will be payable.

(3) The form of the notice soliciting bids for the purchase of said bonds which shall set forth the date, place and time for receiving and opening bids and a brief description of the purpose or purposes for which said bonds are to be issued, a brief description of the denominations, maturities, terms and conditions of said bonds, a statement of the rate or rates of interest to be borne by said bonds or the manner of determining the same, a precise statement of the manner in which the best offer for said bonds will be determined and a reference to the resolution authorizing the same. Said notice of sale may also require prospective purchasers to submit bids on specified forms, may require such prospective purchasers to accompany their bids with good faith deposits in specified amounts, may make appropriate provisions for approval of the legality of such bonds, and may contain a financial statement of the Mayor and Council of Rockville. The foregoing provisions which may be included in such notice of sale may also be separately set forth in a circular or official statement.

(4) Specific provision for the appropriation and disposal of the proceeds of sale of said bonds and a specific provision for the payment of the principal thereof and the interest thereon, which such provision shall also specify the source or sources of such payment. Such ordinance may contain such other provisions, not inconsistent with this section, as the Council may deem appropriate or desirable, including authority to make such modifications in the forms adopted by such ordinance as will not alter the substance of such forms.

- c. An ordinance so authorizing any such bonds may also provide:
- (1) That the principal of and interest on said bonds shall be payable at one or more banks or trust companies which may be either within or without the State.
 - (2) That the official signatures and seals to be affixed to any such bonds or the coupons, if any, attached thereto, except one such official signature which shall be manually affixed, shall be imprinted on said bonds or coupons in facsimile.
 - (3) That any such bonds shall be redeemable in whole or in part at the option of the Council at any time prior to the respective maturities thereof at such price or prices, either at or above the par value of such bonds as the Council may prescribe in the enabling ordinance, provided that any such bonds shall contain a statement of such redemption provisions and provided further that such enabling ordinance shall make provision for due and proper prior published notice of any such redemption.
 - (4) That any such issue of bonds shall be in varying denominations and shall be in coupon form, registerable as to principal only, or in fully registered form, or both, provided that if both forms are authorized, the same shall be interchangeable.
 - (5) That, in the event any official whose signature shall appear on any such bonds shall cease to be such official prior to the delivery of such bonds or, in the event any such official whose signature shall appear on any such bonds shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations in accordance with their terms.
 - (6) That the taxes or other revenues, or both, from which the principal of or interest on any such bonds are expressly made payable, may be paid in whole or in part to a bank or trust company designated by the Council, for administering and disbursement pursuant to a trust instrument between the Mayor and Council of Rockville and such bank or trust company.
- d. The Mayor and Council of Rockville may in accordance with the procedure set forth in this section issue and sell bonds payable as to principal and interest solely from the revenues of one or more revenue-producing projects of the City, which bonds shall not constitute an indebtedness to which the full faith and credit or taxing power of the City are pledged.
- e. The Mayor and Council of Rockville shall not authorize the issuance of any tax anticipation notes maturing later than eighteen (18) months from their respective dates of issue, nor the issuance of any general obligation or revenue bonds maturing later than forty (40) years from their respective dates of issue.
- f. The Mayor and Council of Rockville in its discretion may sell any bonds, whose issuance is authorized by this section, by private negotiation, provided (i) the City receives the written opinion of a financial advisor (an individual firm or corporation having a nation-wide

and favorable repute for skill and experience in such matters) appointed by the Council to the effect that the terms of such sale are fair and consistent with then current market conditions, and (ii) in the event such bonds have been publicly offered, such bonds shall not be sold by private negotiation within a period of sixty (60) days following the rejection of bids received at a public offering on terms less favorable to the City than any of the competitive bids received at such public offering. Whether such bonds are sold upon competitive bids or by such private sale, the sale may be for less than the par or face value of such bonds.

g. The Mayor and Council of Rockville shall have the power to convey or assign its property (including, without limitation, mortgaging or creating any security interest therein) as additional or sole security for the payment of its obligations (whether general obligations, limited or special obligations, obligations payable only from designated sources or funds, or any other forms of obligations) incurred to finance (whether directly or by reimbursement of City funds previously expended for such purpose) the (1) acquisition of the property so conveyed or assigned, (2) the construction of any public facilities on such property, (3) the development of such property including (without limitation) grading, road construction, and installation of water, sewers, and other utilities, to provide sites for industrial and commercial expansion and (4) any combination of (1), (2), and (3), provided, however, that (i) such property was or is to be acquired for a public purpose, including (without limitation) recreational facilities or the development of sites to promote industrial or commercial expansion, and (ii) the procedure prescribed by this section to authorize the borrowing of money shall be followed, and (iii) the ordinance authorizing such conveyance or assignment shall be adopted after a public hearing thereon held not less than ten (10) days after the first publication of notice of such hearing in a newspaper of general circulation in the City of Rockville.

h. Annually the Director of Finance, or any assistant thereto, shall cremate or burn all of said bonds and coupons which have been redeemed and paid by the Mayor and Council of Rockville and returned to the said Director of Finance up to the close of the last preceding fiscal year. Appropriate cremation certificates, attested to by the Clerk–Treasurer and the Director of Finance, showing the amount of bonds and coupons so destroyed, shall be entered upon the records of the Director of Finance and copies shall be filed with the Clerk–Treasurer.

i. Nothing contained in this section shall be deemed or construed to impair the terms and conditions of any bonds or other obligations of the City of Rockville issued prior to the effective date of this section.

j. The authority conferred by this section shall be in addition to other applicable authority, including the provisions of public general laws of the State of Maryland, and the Mayor and Council of Rockville shall be entitled to exercise all of the powers therein contained, notwithstanding the provisions of this section. (Res. No. 8–78; Res. No. 39–72; Res. No. 19–69; Res. No. 48–67; Res. No. 47–67; Res. No. 24–60; Mont. Co. Code 1972, § 72–37.) (See note (16))

Section 12. Temporary Loans.

The Mayor and Council of Rockville, whenever, in its opinion, it is necessary for carrying out the municipal purposes of the City of Rockville, shall have the power to borrow from time to time upon the credit of said corporation such sum or sums as in its opinion may be necessary for such purposes, but the aggregate amount of such sums borrowed under the authority of this section shall at no time exceed one million dollars (\$1,000,000). In case money is so borrowed, it shall issue the promissory note or notes, or certificate or certificates of indebtedness of said corporation therefor, to be executed by the Mayor and the Clerk of Rockville under the seal of said corporation thereto affixed as evidence or evidences of indebtedness for said sum or sums so borrowed; and the sum or sums so borrowed and interest thereon shall be repaid from time to time as funds shall become available for that purpose from the funds of said City. (Res. No. 8-78; Res. No. 51-67; Res. No. 74-64; Res. No. 24-60; Mont. Co. Code 1972, § 72-38.) (See note (17))

Section 13. Purchasing and Contracts.

All purchases and contracts for the City government shall be made by the City Manager, or the Manager's authorized designee. The Council shall provide by ordinance for rules and regulations regarding purchases and contracts for the City. (Res. No. 8-83, 3-22-83; Res. No. 9-79; Res. No. 8-78; Res. No. 35-67; Res. No. 14-66; Res. No. 22-65; Res. No. 24-60; Mont. Co. Code 1972, § 72-39.)

ARTICLE VIII Personnel

Section 1. Clerk to the Council.

The Council may appoint a Clerk, who shall also be Treasurer, and shall serve at its pleasure and at such compensation as it shall determine. The Clerk shall attend all meetings of the Council, keep a full and accurate account of its proceedings, and shall keep such other records and perform such other duties as may be required by this Charter or by the Council. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-40.) (See note (19))

Section 2. City Attorney.

The Council may appoint a City Attorney who shall serve at its pleasure and at such compensation as it shall determine. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the City and shall perform such duties in this connection as may be required by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-41.)

Section 3. Authority to Employ Personnel.

The Council 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 authority and to operate the City government. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-42.)

Section 4. Merit System.

The Council may provide by ordinance for appointments and promotions in the classified civil service on the basis of merit and fitness. To carry out this purpose, the Council 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 eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The City may request and avail itself of the facilities of the State for the administration of its merit system, as provided in State law. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-43; Res. No. 23-87, 12-1-87.) (See note (20))

Section 5.a. *Civil Service Divided into Non-Merit and Merit Services.*

The Civil Service of the City shall be divided into non-merit and merit, which shall also be known as the classified civil service.

b. *Non-Merit Service.*

The non-merit service shall be established by ordinance of the Mayor and Council and may include the following offices and positions:

1. Heads of all departments;
2. The Administrative Assistant to the City Manager;
3. Assistant City Manager;
4. Any new position authorized and approved by the Mayor and Council; and
5. Part-time, temporary and unpaid offices and positions.

c. *The Merit Service.*

The merit service shall comprise all positions except those placed in the non-merit service by resolution of the Mayor and Council or those appointed positions which are established by the Charter of the City of Rockville. All offices and positions included in the

merit service shall be subject to any merit system rules and regulations which may be adopted. (Res. No. 23-87, 12-1-87; Res. No. 18-89, 8-29-89.)

Section 6. Prohibitions.

a. No person in the classified civil service of the City or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of sex, race, religion or political affiliation or any other factors not related to ability to perform the work. No person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified civil service of the City shall continue in such position after becoming a candidate for nomination or election to any City public office; no person seeking appointment to or promotion in the classified civil service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with the appointment, proposed appointment, promotion, or proposed promotion of such person; no officer or employee of the City shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party involved in City elections or for any political purpose related to City elections or City political issues from any person holding a position in the classified civil service of the City. No person holding a position in the classified civil service of the City shall take any part in the management, affairs, or political campaign of any political party involved in City elections or candidate for City public office.

b. Any person who singly or with others wilfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the City service, and shall, if an officer or employee of the City, immediately forfeit said office or position. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-44; Res. No. 4-884, 3-13-84; Res. No. 23-87, 12-1-87.) (See note (21))

Section 7. Retirement System.

The City shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the City. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-45; Res. No. 23-87, 12-1-87.)

Section 8. Compensation of Employees.

A salary schedule for all classified positions shall be set from time to time by the Council. The Council shall establish a uniform schedule of reimbursement for travel and other expenses for the classified civil service. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-46; Res. No. 23-87, 12-1-87.) (See note (22))

Section 9. Employee Benefit Program.

The City is authorized and empowered to provide for and 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. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-47; Res. No. 23-87, 12-1-87.)

ARTICLE IX

Public Ways and Sidewalks

Section 1. Definition of Public Ways.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, viaducts, lanes and alleys. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-48.)

Section 2. 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 State. 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. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-49.)

Section 3. Powers as to Public Ways.

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 way or part thereof, bridges, curbs, and gutters.
- b. To grade, lay out, construct, open, extend, and make new City public ways.
- c. To grade, straighten, widen, alter, improve, or close up any existing City public way or part thereof.
- d. To pave, surface, repave, or resurface any City public way or part thereof.
- e. To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- f. To construct, reconstruct, maintain, and repair bridges.
- g. To name City public ways.

h. To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-50.)

Section 4. Powers as to Sidewalks.

The City shall have the power:

a. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.

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

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

d. To require and order the owner of any property abutting on any public way in the City to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-51.)

ARTICLE X Water and Sewers

Section 1. Mayor and Council designated Water and Sewer Board; Power to Construct Facilities, etc.

The Mayor and Council of Rockville is hereby designated the Water and Sewer Board for Rockville. As such Board it is authorized and empowered to construct, operate and maintain a water system and water plant, a sanitary sewerage system and a sewage treatment plant, a storm water drainage system and storm water sewers; to construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems; to have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof; and to do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. It is hereby vested with all the rights and powers necessary for the introduction of water into and the distribution thereof throughout said City and for the collection and disposal of sewage and storm waters. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-52.) (See note (23))

Section 2. Additional Powers.

The Board shall have full control over the said water, sewage, and storm water systems, with authority to employ or designate such officials, superintendents, employees, or agents as may be necessary or proper to carry on the same, and to purchase all supplies and materials needed in constructing, operating, maintaining, or conducting the same, and also to provide rules and regulations for the construction, operation and maintenance of said systems. The Board is further authorized and directed to make suitable provisions for the protection of the property in said City from fire [by] providing a suitable number of fire plugs or public hydrants properly adapted to that purpose and conveniently situated for use. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-53.)

Section 3. Title to Property; Purchase and Condemnation of Property.

The title to said plants and systems, and all lands, estates, waterways, conduit pipes, buildings, structures, machinery and all other parts thereof whatever, and all property belonging and pertaining thereto shall, when completed or acquired vest in the Mayor and Council of Rockville. The Mayor and Council of Rockville is hereby authorized and empowered to acquire by purchase, gift, bequest, devise, lease, or by condemnation in accordance with the procedure provided in the Annotated Code of Maryland, any land, or property situated wholly or partly in said City of Rockville or Montgomery County, or any interest, franchise, easement, rights or privileges therein which may be required for the purpose of constructing, establishing and maintaining said plants and systems or extensions thereof. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-54.)

Section 4. Water and Sewer Bonds.

The Mayor and Council of Rockville is authorized and empowered to borrow money in such amounts and from time to time as may be necessary to carry out the powers set forth in this Article and to evidence such borrowing by the issue and sale of its bonds as authorized and in the manner prescribed by Article VII, Section 11 of the Charter of Rockville, or as may be otherwise permitted by law. Nothing contained in this section shall be deemed or construed to impair the terms and conditions of any bonds, notes or other obligations of the City issued prior to the effective date of this section. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-55.)

Section 5. Annual Levy for Maintenance; Service Charges.

The Mayor and Council of Rockville is hereby empowered to provide by ordinance for raising sufficient annual revenue to provide for the construction, maintenance, operation and repair of its said water, sewerage and storm water drainage plants and systems. In addition to its power to levy an ad valorem tax on the assessable property within the corporate limits of said City, it shall have the power to charge and collect such service rates, water rents, ready to serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. If, after being billed, such charges are unpaid within thirty (30) days, the service may be discontinued. All such charges shall be a lien on the property served by said systems, collectible

in the same manner as annual municipal taxes or by suit at law. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-56.)

Section 6. Adjustment; Removal of Private Facilities; Enforcement; Penalties.

All individuals and corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, over or under the streets, alleys, highways or any public way in the City, which shall block or impede the progress of water, sewerage, and storm water drainage systems, when in progress of construction and establishment, shall, upon reasonable notice from the Water and Sewer Board, properly so shift, adjust, accommodate or remove the same at their own cost and expense, as to meet fully the exigencies occasioning such notice; and if any such individual or corporation shall refuse, neglect or fail, after such reasonable notice, to discharge any duty imposed by this section, said individual or corporation shall, in addition to but not in substitution for any other remedy or remedies that the Water and Sewer Board may have in the premises, be subject to a fine of one hundred dollars (\$100.00) for each and every offense, and also to an additional fine of fifty dollars (\$50.00) per day for every day that said refusal, neglect or failure shall continue; said fines to be collected as other fines in the City of Rockville are collected. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-57.)

Section 7. Placing Public Service Structures.

Any public service corporation, company, or individual, before beginning any construction of, or placing of, or changing the location of any main, conduit, pipe, or other structure in the public ways of the City, shall submit plans to the Water and Sewer Board and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Board or officers acting on its authority. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Board may order it removed. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-58.)

Section 8. Compelling Connections, etc.

The Council shall have power to pass, and to enforce by suitable penalties, such ordinances as may be found necessary to protect the water, sewerage and storm water drainage plants and systems hereinbefore mentioned and to require the connection of all houses, buildings and other structures within the present or future corporate limits of the City of Rockville with the water and sanitary sewer mains constructed or to be constructed and generally to pass and enforce all ordinances which it may deem proper for the health and cleanliness of the City. The Board shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Board, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The Board may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains, and privies be abandoned, filled, removed or left in such a way as

not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed by the Board. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-59.)

Section 9. Charges.

The Mayor and Council of Rockville may make a reasonable charge for each connection made to the City's water or sewer mains. This charge shall be uniform throughout the City, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-60.)

Section 10. Changes in Plumbing, etc., to Prevent Waste or Improper Use.

In order to prevent any leakage or waste of water or other improper use of the City's water system or sewage disposal system, the Board may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-61.)

Section 11. Private Systems.

The Council may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Council. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-62.)

Section 12. Extensions Beyond Boundaries.

The Mayor and Council of Rockville shall have the power to extend its water or sewerage system beyond the City limits. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-63.) (See note (24))

Section 13. Right of Entry.

Any employee or agent of the Mayor and Council of Rockville or said Board, while in the necessary pursuit of official duties with regard to the water or sewage disposal systems operated by the said Board, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and, after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the City or in the County served by the City's water or sewage disposal system. Any restraint or hindrance offered to such

entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-64.)

Section 14. Pollution of Water Supply.

No person shall do anything which will discolor, pollute, or attempt to pollute any water used or to be used in the City water supply system. Any violation of the provisions of this section shall be a misdemeanor. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-65.)

Section 15. Contracts.

The Mayor and Council of Rockville, if it deems advisable, may contract with any party or parties or any Federal, State or other governmental agency, inside or outside of the City, to obtain or to furnish water or to provide for the collection or removal of sewage. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-66.)

Section 16. Special Assessments.

The Mayor and Council of Rockville shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, storm water sewers, curbs and gutters, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The authority to levy and collect such assessments shall be carried out in accordance with the procedures established for the making of similar assessments for other public improvements by the Mayor and Council of Rockville and shall include the authority to provide for the financing of said projects in the same manner and subject to the same restrictions. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-67.)

ARTICLE XI

Special Assessments

Section 1. Streets, Sidewalks, etc.; Water and Sewers; Special Assessments, Borrowing Money, etc.

a. The Council is authorized and empowered whenever in its judgment, the public health, safety, welfare, comfort, or convenience requires it, to grade, construct, reconstruct, pave, provide street lighting, landscaping, or other public amenities, for or otherwise improve any street, sidewalk, alley, curb, curb and gutter, public highway, or any public right-of-way or property, or parts thereof, at such time and to such extent and of such materials and in such manner as shall be provided by ordinance and to purchase, contract to purchase, lay or contract to lay water mains and truck and lateral sewers in said City and to pay the costs of all such work and assess said cost, or any part thereof, against the abutting property and any other properties benefited thereby as hereinafter provided in this section. For the purposes of this section, the

term “water mains” shall include fire hydrants, meters, valves and connections and all other service equipment. The foregoing action may be initiated by the Council on its own motion without the filing of a petition by property owners hereinafter provided for.

b. Whenever a petition in writing, duly signed by the owners of at least twenty per cent of the front footage of all the property abutting upon or to be benefited by any such proposed public improvement, shall be filed with the Council praying for the construction of any public improvement herein mentioned, the Council shall, after having given the notice prescribed in the following subsection, hold a public hearing upon the matter of such petition, and shall, as soon thereafter as may be convenient, render its decision thereon granting or denying the said application, as in its judgment the public health, safety, welfare, comfort, or convenience may require; provided, however, that in case the Council shall grant such petition, it shall thereupon proceed in all respects in the manner and in the form hereinafter provided in this section.

c. Before entering upon the construction of any work or improvement specified herein, the Council shall by ordinance designate the location, extent and kind of work or improvement proposed to be done or made, the kind of materials to be used, the estimated cost of the improvement and the real property which will be specially benefited thereby and which it is proposed to assess to pay all or any part of the cost thereof, and shall fix a time and place when and where the owner or owners of the property to be so assessed therefor can be heard in reference thereto. Notice of such hearing, embodying the substance of said ordinance, shall be served upon the owners of said properties by mailing a copy thereof to their last known post office address of record and by publishing said notice two times in some newspaper of general circulation in said City, the last publication to be not less than three days before said hearing.

d. If after the hearing the Council shall be of the opinion that the public health, safety, welfare, comfort, or convenience requires the work or improvement proposed to be done or made, it shall provide by ordinance for the same and may charge the expense thereof or any part of such expense against the property which it shall find to be specially benefited thereby according to the front foot rule of apportionment or some other equitable basis as may be determined by it; and the Council shall include as a part of the cost of said work to be assessed against the benefited property the cost of said work embraced in street intersections and exemptions on corner lots or irregular shaped lots, the actual interest charges covering the term of indebtedness on the certificates issued for such public work and a reasonable percentage for advertising, clerical work and other miscellaneous expenses in connection with said work, and the items above stated are hereby declared to be a part of the cost of said public work. The Council shall also provide in said ordinance the time and terms upon which payment of said assessments for said work and improvements shall be made by said property owners, the rate of interest, if any, that shall be charged upon deferred payments and shall provide penalties for failure to pay any deferred payment when due. The ordinance may temporarily exempt certain properties from the assessment, in whole or in part, until a date certain and/or the occasion of a specific event or change in circumstances, provided that such exemption is made pursuant to legislation duly adopted by the Council which shall provide for, among other things, certain criteria and/or standards for properties entitled to an exemption. An assessment made pursuant to this Article shall be a lien upon the property against which it is charged superior to all other liens from the date of the approval of such assessment by the Council. Any person aggrieved by the

levy of a special assessment in accordance with the provisions of this Article may appeal the same to the Circuit Court for Montgomery County. Such appeal shall be taken according to the Maryland Rules set forth in Title 7. Appeals of the decision or judgment of the Circuit Court may be taken to the Court of [of] Special Appeals and Court of Appeals as prescribed by the Maryland Rules.

e. In the event that provision shall be made for the payment of the assessment aforesaid in installments, upon a failure to pay any one or more of said installments when the same shall become due, the whole amount thereof and of such assessment shall immediately become due and payable. All assessments levied hereunder whenever the same shall become overdue according to the terms of the ordinance providing therefor, or by reason of the nonpayment of any installment thereof, may be collected by action in equity to be brought in the county in which the land so assessed is situated or in the same manner as general taxes due said City are now or may hereafter be collected, and any sale made for the nonpayment of such assessment and any deed made pursuant to such sale shall be entitled to all the presumptions as to validity that now or may hereafter attach to sales and deeds made for default in payment of general taxes due said City; and when any real property assessed as herein provided for shall become liable to sale for any other assessment of tax whatsoever, then the assessment levied under this section shall become immediately due and payable, and the property against which they are levied may be sold therefor together with accrued interest thereon and costs to day of sale. If any sale made hereunder shall be set aside for failure to comply with the terms hereof, that fact shall not bar the right of said City to collect said assessment and enforce the lien thereof by equitable suit as aforesaid.

f. Any person or persons desiring the construction of any public work authorized under the provisions of this section may petition the Council in writing therefor; and if all the abutting property affected is represented in said petition and the petitioners agree therein to a waiver of legal requirements hereunder the Council may direct the construction of said work without compliance with said legal requirements and may assess the cost thereof in accordance herewith as though all legal requirements had been complied with; and said construction and assessments are hereby declared to be legal and valid as in this section provided.

g. To carry out the provisions of this section, the said Council may borrow such sums from time to time as may be needed to make such improvements pursuant to the authority set forth in Section 11 of Article VII of this Charter. Any obligations so incurred shall be general obligations of the City of Rockville and shall be payable first from the special assessments levied under the provisions of this section; and, in the event of any deficiency occurring in the amount received from said special assessment, the Council shall, and it is hereby directed to, make up such deficiency from the proceeds of ad valorem taxes which the Mayor and Council of Rockville shall levy upon all property within the present or future corporate limits of the City subject to assessments for full municipal taxation, without any limitation as to rate or amount.

h. If it be necessary, in the judgment of the Council to reconstruct any public improvement or to make permanent repairs thereto, such reconstruction or repairs may be authorized and directed by the Council under the provisions of this section and all or any part of the cost thereof assessed in accordance herewith. This section shall be applicable to any existing

public work. In addition, the Council is authorized to adopt legislation establishing the procedures whereby periodic, continuing, and on-going repairs and maintenance of a public improvement may be specially assessed. (Res. No. 30-93; Res. No. 7-83; Res. No. 39-78; Res. No. 8-78; Res. No. 42-71; Res. No. 60-69; Res. No. 25-66; Res. No. 80-65; Res. No. 24-60; Mont. Co. Code 1972, § 72-68.) (See note (25))

ARTICLE XII

City Property

Section 1. Acquisition, Possession and Disposal.

The City may acquire real, personal, or mixed property within or without 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 section becomes effective are vested in the City, subject to the terms and conditions thereof. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-69.)

Section 2. 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 or without 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 in the Annotated Code of Maryland. (Res. No. 8-78; Res. No. 23-63; Res. No. 24-60; Mont. Co. Code 1972, § 72-70.)

Section 3. City Buildings.

The City shall have the power to acquire, to obtain by lease or rent, to purchase, construct, reconstruct, repair, alter, operate, and maintain all buildings and structures it deems necessary for the operation of the City government. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-71.)

Section 4. 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. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-72.)

ARTICLE XIII

Repealed. See Appendix I.

ARTICLE XIV General Provisions

Section 1. Oath of Office.

a. Before entering upon the duties of their offices, the Mayor and each Councilmember 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 the 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. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-86.)

Section 2. Official Bonds.

The Clerk and such other officers or employees of the City as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-87.)

Section 3. Service Charges; Garbage and Trash Collection.

The Council is authorized and empowered to levy and collect a service charge or fee for collections of garbage, trash, ashes and debris within the corporate limits of the City. The said charge or fee shall be fixed at a uniform amount for each separate household, and in the case of commercial or industrial establishments the Council may fix the said charge or fee according to a reasonable classification thereof. Any such fee or charge shall be levied and collected at intervals to be set by the Council, and, except as otherwise provided in this section, shall be levied and collected in all respects as the regular tax funds of the Mayor and Council of Rockville, and such charge or fee shall be a lien on the property served. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-88.)

Section 4. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction in the District Court

of Maryland for Montgomery County or in the Circuit Court for Montgomery County by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for six months in the County jail, or both, in the discretion of the Court. The party aggrieved shall have the right of appeal provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res. No. 29-93; Res. No. 8-78; Res. No. 11-76; Res. No. 24-60; Mont. Co. Code 1972, § 72-89.)

Section 5. Prior Rights and Obligations.

All right, title, and interest held by the City or any other person or corporation at the time this Charter or any amendment thereto is adopted, in and to any lien acquired under any prior law, are hereby preserved for the holder in all respects, as if said Charter or amendment had not been adopted, together with all rights and remedies in relation thereto. This Charter or any amendment thereto shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time said Charter or amendment 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 said Charter or amendment shall be instituted, proceeded with, and prosecuted to final determination and judgment as if said Charter or amendment had not become effective. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-90.)

Section 6. Effect of Charter on Existing Ordinances.

All ordinances, resolutions, rules, and regulations in effect in the City at the time this Charter or any amendment thereto becomes effective which are not in conflict with the provisions of said Charter or amendment, shall remain in effect until changed or repealed. All ordinances, resolutions, rules, [and] regulations in effect in the City at the time this Charter or any amendment thereto becomes effective which are in conflict with the provisions of said Charter or amendment be and the same hereby are repealed to the extent of such conflict. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-91.)

Section 7. Effect of Other Laws.

The power and authority conferred by this Charter shall be in addition to other applicable authority, including the provisions of the Annotated Code of Maryland, and the Mayor and Council of Rockville shall be entitled to exercise all of the powers therein conferred, notwithstanding any of the provisions of this Charter. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-92.)

Section 8. Separability.

If any section or part of a section of this Charter or any amendment thereto shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of said Charter or amendment nor the context in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably

connected in meaning and effect with the section or part of a section to which such holding shall directly apply. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-93.)

Section 9. Nonforfeiture Provision.

Neglect or nonuse shall not work a forfeiture of this Charter. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-94.)

Section 10. Public Buildings Exempted from Taxation; Annual Payment from County for Street Maintenance, etc.

The public buildings and other County property in said City shall not be subject to taxation, and shall continue to the uses to which the same are now allotted; the judges of the several courts shall continue to hold their courts in the courthouse as heretofore; the County Executive, County Council, Board of Education, justices of the peace, sheriff, constables and all other State and County officers shall have, hold and exercise their offices in said City as heretofore, except as qualified by the other sections of this Article, and Montgomery County shall on or before the first day of January in each and every year, pay over to the Mayor and Council of Rockville, that proportion of the entire County levy for the repair of roads which the total real property assessed within the limits of the City of Rockville bears to the whole amount of assessed property in Montgomery County, so that the Mayor and Council of Rockville may receive and disburse for the maintenance of the streets of said City the amount levied upon the real property within the corporate limits of the City of Rockville for the repair of roads by Montgomery County. (Res. No. 8-78; Res. No. 24-60; Mont. Co. Code 1972, § 72-95.)

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Note (26))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include—
- (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this 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.

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

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall substantially conform to the master plan of the municipality as a whole, and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

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

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

(j) “Municipality” shall mean the Mayor and Council of Rockville, a municipal corporation of this State.

Section A1-102. Powers.

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

section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(a) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) 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 (3) 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 for such purposes;

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

(c) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

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

(e) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

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

(g) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

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

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

Section A1-103. Establishment of Urban Renewal Agency.

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

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

(b) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix; and

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

Section A1-104. Initiation of Project.

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

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

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

The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body, or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project and the plan therefor. The municipality shall hold a public hearing on an urban renewal project and the plan therefor after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) the prospective urban renewal area, or any part thereof, is in fact a slum or blighted area; (2) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (3) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (4) 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.

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

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

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

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

(b) The municipality may dispose of real property in an urban renewal area, 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 the United States of America or the State of Maryland, or any department or agency thereof, or to any private, public or quasi-public corporation, partnership, association, person or other legal entity, for development or redevelopment, including but not limited to, the comprehensive renovation or rehabilitation thereof without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in Montgomery County, Maryland, which notice shall set forth the names of the prospective transferees and the total land price. The municipality may execute and deliver

contracts, deeds, leases and other instruments and take all steps necessary to effectuate any transfer in an urban renewal area.

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

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned. (Ch. 700, 1967.)

Section A1-107. 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 A1-108. Encouragement of Private Enterprise.

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

Section A1-109. General Obligation Bonds.

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

Section A1-110. Parking.

For the purpose of financing the design, construction, establishment, extension, alteration, operation or acquisition of public parking facilities in connection with an urban renewal project, the municipality is authorized to create within its corporate limits special taxing districts for such purposes and to levy on all real and personal property subject to ordinary city taxes located within said special taxing districts an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or other obligations of such municipality issued for such purposes as the said principal and interest may become due. All such taxes shall be levied in the same manner, upon the same assessments, for the same

period or periods and as of the same date or dates of finality as are now or may hereafter be prescribed for ordinary city taxes. (Ch. 646, 1963.)

Section A1-111. Revenue Bonds.

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

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

(2) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

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

municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

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

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

(6) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities. (Ch. 241, 1975.)

Section A1-112. Separability.

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

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Rockville 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) Prior to enactment of Res. No. 8–78, the specific boundaries of the City were set forth in the Charter. Res. No. 8–78 deleted 100 pages of boundary description and adopted in lieu thereof Art. I, Sec. 2 as set forth above.

For annexation procedures see Md. Ann. Code (1957), Art., 23A Sec. 19.

The grant to a municipal corporation of the power to annex is permissive only and not mandatory; and the municipality, as a prerequisite to granting annexation, may impose reasonable conditions for the public good and welfare. *Mayor and Council of Rockville v. Brookeville Turnpike Construction Co.*, 246 Md. 117, 228 A.2d. 263 (1967) Md. Ann. Code (1957), Art. 23A, Sec. 9(c) provides that no municipality annexing land may, for five years following annexation, rezone the land so as to permit a land use substantially different from the land use specified in the current and duly adopted master plan of the county or agency having planning and zoning jurisdiction over the land prior to annexation. See *Md. National-Capital Park and Planning Commission v. Mayor and Council of Rockville*, 272 Md. 550, 325 A.2d 748 (1974).

(2) Additional provisions relating to City elections are contained in Chapter 4 of the “Laws of Rockville.”

(3) The 1960 general revision of Rockville’s Charter (Res. No. 24–60), contained in Article III, Sec. 3 provisions relating to registration, transfer of records and appeals. These provisions were amended by Res. No. 9–69 (which dealt with removal of names from voters lists) and subsequently deleted entirely by Res. No. 16–75. Res. No. 8–78 renumbered the sections in Article III of the Charter to reflect the deletion.

(4) The 1960 general revision of Rockville’s Charter (Res. No. 24–60) contained in Article III, Sec. 6 provisions relating to the conduct of elections, special elections, vote counting and preservation of ballots. Res. No. 18–69 added to the Charter a new section relating to absentee voting, which was later amended by Res. No. 45–71. Both sections were subsequently deleted by Res. No. 16–75. Res. No. 8–78 renumbered the sections in Article III of the Charter to reflect the deletions. Comparable provisions may now be found in Chapter 4 of the “Laws of Rockville.”

(5) The Council has all those powers conferred upon it by this Charter as well as those powers conferred upon it by Md. Ann. Code (1957), Art. 23A and other public general laws adopted by the General Assembly.

Article XII of the Charter as contained in Res. No. 24–60 consisted of detailed provisions on zoning. Res. No. 8–71 deleted those detailed provisions and adopted in lieu thereof the following:

“The Mayor and Council of Rockville are hereby authorized to exercise all powers granted to it pursuant to Article 66B of the Annotated Code of Maryland.”

Res. No. 8–78 deleted entirely the foregoing zoning article of the Charter as being superfluous in light of the zoning authority granted the City under subsection b.(62) of this section.

Res. No. 58–67 added subsection b.(63).

(6) Res. No. 8–78 increased the maximum prison–term from 30 days to 90 days so as to conform this section to Article XIV, Section 4 which was similarly amended by Res. No. 11–76. Chapter 735 of the 1978 Laws of Maryland amended Md. Ann. Code (1957), Art. 23A by increasing the maximum fine allowed to be imposed for a misdemeanor from \$100.00 to \$500.00 and authorizing municipalities to declare violations of municipal ordinance to be “municipal infractions.” This additional authority is granted the City directly by amended Article 23A and no amendment to the City Charter reflecting this new authority is legally required.

(7) The bulk of this Article was adopted by Res. No. 59–67 and is substantially similar to the provisions concerning amendments to Charters of municipal corporations set forth in Md. Ann. Code (1957), Art. 23A, Sections 11–18.

(8) Res. No. 25–70 added to subsection c. the last three sentences beginning with “Prior to the passage...” Res. No. 8–78 deleted from subsection d. language referring to the provisions of Article 23B of the Annotated Code of Maryland as is presently contained in Md. Ann. Code (1957), Article 23A, Section 13(d).

(9) Res. No. 8–78 deleted references to Article 23B of the Annotated Code of Maryland as are presently contained in Md. Ann. Code (1957), Article 23A, Section 15.

(10) Res. No. 8–78 deleted from section f.(1) references to Article 23B of the Annotated Code of Maryland.

(11) For State law as to fiscal year of all cities, see Md. Ann. Code (1957) Art. 81, Section 29A.

(12) For State law as to tax sales, see Md. Ann. Code (1957), Art. 81 Sections 70 through 123C.

(13) For State definition of “city taxes” see Md. Ann. Code (1957), Article 81, Section 2(14).

(14) For State law as to semiannual levies, see Md. Ann. Code (1957), Article 81, Section 31.

(15) For State law requiring annual audits see Md. Ann. Code (1957), Article 19, Section 40. See generally Md. Ann. Code (1957), Article 19, Sections 35 through 41 for State law requiring municipalities to have a uniform system of accounts and financial reporting.

(16) See generally Md. Ann. Code (1957), Article 31 for State provisions concerning municipal debts, bonds, securities, etc.

(17) Res. No. 74–64 raised the temporary loan limit from \$100,000 to \$500,000, and Res. No. 51–67 raised the limit from \$500,000 to \$1,000,000.

(18) Repealed by Res. No. 7–83.

(19) Additional personnel regulations are contained in Chapter 3 of the “Laws of Rockville”, and conflict of interest provisions governing City employees are contained in Chapter 15 of the “Laws of Rockville.” Police officers are governed by the “Law Enforcement Officer’s Bill of Rights” Md. Ann. Code (1957), Article 27 Sections 727 through 741.

(20) See Md. Ann. Code (1957), Article 64A, Section 39.

(21) Res. No. 8–78 increased the maximum prison term from 30 days to 90 days so as to conform this section to Article 14, Section 4 of this Charter which was similarly amended by Res. No. 11–76.

(22) The City is subject to an order directing it to deduct certain amounts per week from the salary of an employee found to be the father of an illegitimate child and directing payment of such sum to the mother of the child. *Mayor and Council of Rockville vs. Randolph*, 267 Md. 56, 296 A.2d. 574 (1972).

(23) See generally Md. Ann. Code (1957), Article 43, Sections 387 through 427 for State law relating to municipal water and sewer systems.

(24) The City cannot be compelled to extend sewer and water service to property located outside its corporate limits and not located in an area where the City has already been supplying water or sewerage service. *Mayor and Council of Rockville vs. Goldberg*, 257 Md. 563, 264 A.2d. 113 (1970).

(25) Res. No. 39–78 was adopted subsequent to the general revision of Res. No. 8–78, effective December 26, 1978, and repealed provisions concerning the special assessment of corner and irregularly shaped lots.

(26) 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 Rockville in Chapter 826 of the Acts of the General Assembly of 1961.

Further changes to this power were made by Chapter 646 of the Acts of 1963, Chapter 700 of the Acts of 1967, and Chapter 241 of the Acts of 1975.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of Rockville appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XIII of this Charter.