



District Heights, MD



General Provisions

GENERAL PROVISIONS

Section 1101. Oath of Office

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

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

Section 1102. Official Bonds

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

Section 1103. Prior Rights and Obligations

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hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 1104. Misdemeanors

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

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

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

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

Section 1105. Municipal Infractions.

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

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

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

Section 1106. Effect of Charter on Existing Ordinances

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

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

Section 1107. Referendum

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the Commission a petition is filed with the Clerk containing the signatures

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

Section 1108. Separability

If any section or any part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or any part of the section so held invalid shall appear.