



# District Heights, MD



## General and Specific Powers

### GENERAL AND SPECIFIC POWERS

#### Section 401. General Powers

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

#### Section 402. Specific Powers

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

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

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

**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.

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

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

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

**Auctioneers.** To regulate the sale of all kinds of property at auction within the City and to

license auctioneers.

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

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

Boards and Committees. To appoint such boards and committees as may be necessary to the health, welfare, and safety of the citizens.

- Bridges. To erect and maintain bridges.
- 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.
- Cemeteries. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.
- 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.
- 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.
- Curfew. To prohibit people from being in the streets, lanes, alleys, or public places at certain times.
- 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.
- 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.

- Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
- 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.
- Fees and Charges. Subject to the limitations imposed by law, to establish and collect reasonable fees and charges:
  - a. For the franchise, licenses or permits authorized by law to be granted by a municipal corporation; or
  - b. Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.
- Filth. To compel the occupant of any premises or building in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.
- 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.
- Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire\_hazardous buildings and structures permanently or until the conditions of City fire\_hazard regulations are met; to install and maintain fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.
- Food. To inspect food products and to require their condemnation, if unwholesome, and to regulate the sale of food products.
- Franchises. To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, and any others which may be deemed advantageous and beneficial to the City, subject, however, to Maryland law; to grant one or more exclusive or non\_exclusive franchises for a community antenna system or other cable television system

that utilizes any public right\_of\_way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates, rules and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty (50) years.

- Gambling. To restrain and prohibit gambling within the City limits.
- Garbage. To prevent the deposit of any unwholesome substance on either private or public property, and to compel its removal to designated points; to require slop, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.
- 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.
- 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.
- Health. To protect and preserve the health of the City and its inhabitants; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the County Health Department, or any public general or local law relating to the subject of health.
- 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.
- 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.
- 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.
- 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.

- Lights. To provide for the lighting of the City.
- Markets. To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.
- 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.
- Noise. To regulate or prohibit unreasonable noise.
- Nuisances. To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the City of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.
- Obstructions. To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other place within the limits of the City.
- Parades. To regulate the holding of meetings, processions and parades in City streets, parks or public places.
- 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.
- Parking Meters. To install parking meters on the streets and public places of the City in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof.
- 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.
- Police Force. To establish, operate, and maintain a police force for purposes of enforcing all laws of the City and State equally within the City limits and enforcing all laws.
- Police Powers. To pass all ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as may be necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience,

welfare, rights and happiness of the residents of the City and visitors thereto and sojourners therein.

- ‡ Property. To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the City and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the City.
- ‡ Public Ways and Sidewalks. To regulate the use of City streets, roads, alleys, and sidewalks, and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.
- ‡ 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.
- ‡ Solicitors. To regulate or license all solicitors and to regulate solicitation.
- ‡ Sweepings. To regulate or prevent the throwing or depositing of sweepings, dust, offal, garbage, paper, handbills, dirty liquids, ashes, or other unwholesome materials into any public way or onto any public or private property in the City.
- ‡ Taxicabs. To license, tax and regulate public hackers, taxicab drivers, porters and all other persons pursuing like occupations.
- ‡ Vehicles. To regulate and license vehicles not subject to the licensing powers of the State of Maryland.
- ‡ Voting Machines. To purchase, lease, borrow, install, and maintain voting machines for use in City elections.

#### Section 403. Exercise of Powers

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

#### Section 404. Enforcement

To ensure the observance of the ordinances of the City, the Commission shall have the power to provide that violation thereof shall be a misdemeanor or a municipal infraction and

to affix thereto penalties that do not exceed the maximum penalties prescribed by law.