



**Charter for the  
City of District Heights  
Prince George's County, Maryland  
1999 Edition**



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THE CITY OF DISTRICT HEIGHTS  
PRINCE GEORGE'S COUNTY, MARYLAND**

**JUNE 1999**

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**ARTICLE I**

**GENERAL, CORPORATE POWERS**

**Section 101. Corporate Name**

The inhabitants of the City of District Heights within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of "the City of District Heights" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

## **ARTICLE II**

### **CORPORATE LIMITS**

#### **Section 201. Corporate Boundaries**

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

#### **Section 202. Records and Description of Corporate Boundaries**

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

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

## **ARTICLE III**

### **THE COMMISSION**

#### **Section 301. Number, Selection, Term**

All legislative powers of the City shall be vested in a Commission consisting of four Commissioners and a Mayor who shall be elected as hereinafter provided and who shall hold office for a term of three years or until their successors take office. The regular term of members of the Commission shall expire at 8:15 p.m. on the first Thursday following the election and qualification of their successors. Members of the Commission holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until their successors take office under the provisions of this Charter.

#### **Section 302. Qualifications of the Mayor and Commissioners**

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

#### **Section 303. Salary of Commissioners**

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

#### **Section 304. Salary of the Mayor**

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

succeeding Mayor, and shall take effect only as to the next succeeding Mayor.

Section 305. Meetings of the Commission

(a) Open Sessions. The Commission shall have the power to meet and adjourn from time to time as it shall deem proper, except that it shall meet at least once in every month, and on the first Thursday following an election of Commissioners for the purpose of organization. Special meetings shall be called by the Mayor or at least three Commissioners. The rules of the Commission shall provide that residents of the City shall have a reasonable opportunity to be heard at any open meeting in regard to any municipal question.

(b) Closed Sessions. The Commission may meet in closed session or adjourn an open session to a closed session to:

- (1) Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees or officials over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;
- (2) Protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- (3) Consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) Consider the investment of public funds;
- (5) Consider the marketing of public securities;
- (6) Consult with legal counsel to obtain legal advice;
- (7) Consult with staff, consultants or other individuals about pending or potential litigation;
- (8) Conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (9) Discuss public security if the council determines that public discussion would constitute a risk to the public or to public security, including the deployment of police services and staff and the development and implementation of emergency plans.

- (10) Conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (11) Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (12) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the council to participate in the competitive bidding or proposal process; or
- (13) To discuss any other matter that under State law may be discussed in closed session.

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

#### Section 306. Mayor to Preside and Vote in Commission

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

#### Section 307. Quorum

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

#### Section 308. Procedure of the Commission

The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any

one member. The journal shall be open to public inspection. The Commission shall elect one of its members Vice Mayor who shall have the authority to act as Mayor in case of the absence of the Mayor.

#### Section 309. Ordinances

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

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

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

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

#### Section 310. Emergency Ordinances

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

#### Section 311. Notice of Enacted Ordinances

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

Section 312. File of Enacted Ordinances

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

## **ARTICLE IV**

### **GENERAL AND SPECIFIC POWERS**

#### **Section 401. General Powers**

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

#### **Section 402. Specific Powers**

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

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

- (1) Advertising. To provide for advertising for the purposes of the City, for printing and publishing statements as to the business of the City.
- (2) Aisles. To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.
- (3) Amusements. To provide in the interest of the public welfare for licensing, regulation, or restraining theatrical or other public amusements.
- (4) Animals. To regulate the keeping of dogs, cats and other animals in the City and to provide, wherever the County does not license or tax dogs, cats and other animals, for the licensing and taxing of the same; to provide for the disposition of homeless dogs, cats and other animals.
- (5) Appropriations. To appropriate municipal monies for any purpose within the powers of the Commission.

- (6) Auctioneers. To regulate the sale of all kinds of property at auction within the City and to license auctioneers.
- (7) Band. To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.
- (8) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, the placing of signs, bills and posters of every kind and description on any building, fence, post, wallboard, pole, or other place within the City.
- (9) Boards and Committees. To appoint such boards and committees as may be necessary for the health, welfare, and safety of the citizens.
- (10) Bridges. To erect and maintain bridges.
- (11) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the City, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.
- (12) Cemeteries. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- (13) Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.
- (14) Community Services. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City.
- (15) Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.
- (16) Curfew. To prohibit people from being in the streets, lanes,

alleys, or public places at certain times.

- (17) **Dangerous Conditions.** To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- (18) **Departments.** To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.
- (19) **Elevators.** To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
- (20) **Explosives.** To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.
- (21) **Fees and Charges.** Subject to the limitations imposed by law, to establish and collect reasonable fees and charges:
- a. For the franchise, licenses or permits authorized by law to be granted by a municipal corporation; or
  - b. Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.
- (22) **Filth.** To compel the occupant of any premises or building in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.
- (23) **Finances.** To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the

City.

- (24) **Fire.** To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.
- (25) **Food.** To inspect food products and to require their condemnation, if unwholesome, and to regulate the sale of food products.
- (26) **Franchises.** To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, and any others which may be deemed advantageous and beneficial to the City, subject, however, to Maryland law; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates, rules and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty (50) years.
- (27) **Gambling.** To restrain and prohibit gambling within the City limits.
- (28) **Garbage.** To prevent the deposit of any unwholesome substance on either private or public property, and to compel its removal to designated points; to require slop, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.
- (29) **Grants-in-Aid.** To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose.
- (30) **Hawkers.** To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all

other persons selling any articles on the streets of the City, and to revoke such licenses for cause.

- (31) **Health.** To protect and preserve the health of the City and its inhabitants; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the County Health Department, or any public general or local law relating to the subject of health.
- (32) **House Numbers.** To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.
- (33) **Jail.** To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the City or to use the County jail for such purpose.
- (34) **Licenses.** Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (35) **Liens.** To provide that any valid charges, taxes or assessments made against any real property within the City shall be liens upon such property, to be collected as municipal taxes are collected.
- (36) **Lights.** To provide for the lighting of the City.
- (37) **Markets.** To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.
- (38) **Minor Privileges.** To regulate or prevent the use of public

ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

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

promotion of the health, safety, comfort, convenience, welfare, rights and happiness of the residents of the City and visitors thereto and sojourners therein.

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

#### Section 403. Exercise of Powers

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Commission may pass all

necessary ordinances. All the powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 404. Enforcement

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

## **ARTICLE V**

### **REGISTRATION, NOMINATIONS, AND ELECTIONS**

#### **Section 501. Voters**

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

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

#### **Section 502. Absentee Voting**

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

#### **Section 503. Board of Supervisors of Elections**

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

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

recorded.

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

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

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

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

#### Section 504. Notice of Elections:

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

#### Section 505. Registration

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

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

### Section 506. Appeals

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

### Section 507. Nominations

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

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

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

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

### Section 508. Election of Mayor and Commissioners

- (a) The City shall be divided into two wards. On the first

Monday in May 1997 and in every third year thereafter the qualified voters of both wards in the City shall elect one person to serve as Mayor and one person from each ward to serve as Commissioner from their ward.

(b) On the first Monday in May 1998 and in every third year thereafter the qualified voters of each ward of the City shall elect one person from each ward to serve as Commissioner from their ward.

(c) In every election for Commissioners only the qualified voters of the ward who the candidate will represent may vote. The Mayor shall run at large. If in any election year the first Monday in May is a legal holiday, then the election shall take place on the following day that is not a legal holiday.

#### Section 509. Election Wards

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

#### Section 510. Conduct of Elections

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

#### Section 511. Special Elections

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

(b) In the event a special election is required pursuant to

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

#### Section 512. Vote Count

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

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

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

#### Section 513. Preservation of Ballots

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

#### Section 514. Recall of Elected Officials

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

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

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

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

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

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

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

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

#### Section 515. Vacancies in Elective Office

(a) Existence of Vacancy. A vacancy on the Commission shall

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

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

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

#### Section 516. Regulation and Control

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

## ARTICLE VI

### FINANCE

#### Section 601. Treasurer

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

#### Section 602. Powers and Duties of Treasurer

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

- (a) Prepare an annual budget to be submitted to the Commission.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the City in such form as the Commission may require.
- (d) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.
- (e) Ascertain that all taxable property within the City is assessed for taxation.
- (f) Arrange for collection of all taxes, special assessments, license fees, liens, and any other revenues (including utility revenues) of the City, and any other revenues for whose collection the City is responsible.
- (g) Have custody of all public monies, belonging to or under the control of the City, except as to funds in the control of any set of Trustees, and have custody of all bonds and notes of the City.
- (h) Maintain a general ledger.
- (i) Maintain all City checkbooks.
- (j) Prepare and present to the Commission a monthly Treasurer's report.

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

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

(m) Do such other things in relation to the fiscal or financial affairs of the City as the Commission may require or as may be required elsewhere in this Charter.

#### Section 603. Bond of Treasurer

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

#### Section 604. Fiscal Year

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

#### Section 605. Budget

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

#### Section 606. Budget Adoption

Before adopting the proposed budget the Commission shall hold a public hearing. Public notice of the hearing shall be published not fewer than two times on weekly intervals in a newspaper of general circulation within the City's corporate limits. At any time after the public hearing, the Commission may adopt the budget with or without amendment. The Commission is not required to provide public notice or conduct additional public hearings in the event that the proposed budget is amended after the public hearing. In amending the budget, the Commission may insert new items or may increase or decrease the items of the budget. Where the Commission shall increase the total proposed expenditures it

or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

#### Section 610. Appropriations Lapse After One Year

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

#### Section 611. Checks

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

#### Section 612. Taxable Property

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

#### Section 613. Tax Levy

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

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

#### Section 614. Taxes Constitute Lien

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

Section 615. When Taxes are Overdue

The taxes provided for in Section 613 of this Charter shall be due and payable as provided in the Tax-Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears and shall be subject to additional penalties as authorized by State Law. Any interest rates or penalties to be imposed by the City of District Heights shall be established by the Commission by ordinance. All taxes not paid in arrears one year after the date on which they are due and payable shall be collected as provided in Section 616.

Section 616. Sale of Tax Delinquent Property

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

Section 617. Fees

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

Section 618. Audit

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

Section 619. Tax Anticipation Borrowing

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

the issuance and sale of tax anticipation notes.

Section 620. Authority to Borrow Money

(a) General Obligation Bonds. The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds. The power and obligation of the City to pay any and all general obligation bonds, notes, or other evidences of indebtedness issued by it under this authority shall be unlimited and the City shall levy ad valorem taxes upon all the taxable property of the City for the payment of such bonds, notes, or other evidences of indebtedness and interests thereon, without limitation of amount. Except as otherwise provided, the faith and credit of the City is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the general obligation bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

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

Section 621. Previous Issues

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

Section 622. Purchasing and Contracts

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

## **ARTICLE VII**

### **PERSONNEL**

#### **Section 701. City Manager**

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

#### **Section 702. Clerk to the Commission**

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

#### **Section 703. City Treasurer**

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

#### **Section 704. City Attorney**

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

time.

Section 705. City Engineer

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

Section 706. Authority to Employ Personnel

The Commission shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the City government.

Section 707. Appointments

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

Section 708. Merit System

The City may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Commission shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligibility lists, a classification plan, a compensation plan, a probation period, an appeal procedure for employees who are disciplined, and vacation and sick leave regulations.

Section 709. Unclassified and Classified Service

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

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

- (1) The Mayor, the Commission and persons appointed to fill vacancies in these positions.
- (2) The City Manager, the City Clerk, the City Treasurer, the City Attorney, and the City Engineer.
- (3) The heads of all offices, departments, and agencies and members of City boards and commissions.
- (4) Part-time, temporary, and unpaid offices and positions.

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

#### Section 710. Public Ethics

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

#### Section 711. Retirement System

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

#### Section 712. Compensation of Employees

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

#### Section 713. Employee Benefit Programs

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

## **ARTICLE VIII**

### **PUBLIC WAYS AND SIDEWALKS**

#### **Section 801. Definition of Public Ways**

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

#### **Section 802. Control of Public Ways**

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

#### **Section 803. Public Ways: Powers**

The City shall have the power:

(a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any City public ways or part thereof, bridges, curbs, and gutters.

(b) To grade, lay out, construct, open, extend, and make new City public ways.

(c) To grade, straighten, widen, alter, improve, or close up any existing City public way or part thereof.

(d) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.

(e) To construct, reconstruct, maintain, and repair bridges.

(f) To name City public ways.

(g) To construct, operate, and maintain a storm water drainage system and storm water sewers.

(h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

**ARTICLE IX**

**SPECIAL ASSESSMENTS**

**Section 901. Special Assessments: Power**

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

**Section 902. Procedure**

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

## **ARTICLE I**

### **CITY PROPERTY**

#### **Section 1001. Acquisition, Possession, and Disposal**

The City may acquire real, personal, or mixed property within the corporate limits of the City for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the City. All municipal property, funds, and franchises of every kind belonging to or in the possession of the City (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

#### **Section 1002. Condemnation**

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

#### **Section 1003. City Buildings**

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

#### **Section 1004. Protection of City Property**

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

**ARTICLE XI**

**GENERAL PROVISIONS**

**Section 1101. Oath of Office**

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

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

**Section 1102. Official Bonds**

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

**Section 1103. Prior Rights and Obligations**

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

Section 1104. Misdemeanors

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

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

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

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

Section 1105. Municipal Infractions.

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

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

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

Section 1106. Effect of Charter on Existing Ordinances

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

(b) All ordinances, resolutions, rules, and regulations in

effect in the City at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict.

#### Section 1107. Referendum

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

#### Section 1108. Separability

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