

RESOLUTION 2024-04

A RESOLUTION TO AMEND AND REPLACE THE CITY OF BRUNSWICK MUNICIPAL CHARTER.

This resolution of the Mayor and Council of Brunswick is adopted pursuant to Article XI-E, Municipal Corporations, of the Constitution of Maryland; Title 4, Subtitle 3 of the Annotated Code of Maryland, Local Government; and the Charter of the City of Brunswick (the "City Charter") to amend and replace the City of Brunswick Charter.

Section 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BRUNSWICK, that the existing City of Brunswick municipal Charter be amended and a new Charter adopted, pursuant to Article XI-E, Municipal Corporations, of the Constitution of Maryland;

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is March 12, 2024 and that the Amendments as set forth on Exhibit A, attached hereto and incorporated herein, to the City Charter hereby proposed by this enactment shall be and become effective on May 1, 2024 unless a proper petition for referendum shall be filed as required by law;

Section 3. AND BE IT FURTHER RESOLVED that a complete and exact copy of this Resolution shall be posted at City Hall, 1 West Potomac Street, Brunswick, Maryland for forty (40) days after the date of adoption of this Resolution;

Section 4. AND BE IT FURTHER RESOLVED, that the Mayor shall cause a fair summary of this Resolution and the Charter to be published four (4) times at weekly intervals in the Frederick News Post, a newspaper of general circulation in the Brunswick area and Frederick County, Maryland, within a period of at least forty (40) days starting immediately after the date of adoption of this Resolution;

Section 5. AND BE IT FURTHER RESOLVED, that in accordance with Title 4, Subtitle 3 of the Annotated Code of Maryland, this Resolution shall become effective and observed as such, and shall replace the Charter of the Mayor and Council of Brunswick, fifty (50) days following its final passage and enactment, unless on or before forty (40) days after the final passage and enactment of this Resolution a proper petition for referendum pursuant to Title 4, Subtitle 3 of the Annotated Code of Maryland, be presented to the Mayor within said forty (40) day period.

READ AND PASSED this 12th day of March 2024.

ATTEST:

COUNCIL OF THE CITY OF BRUNSWICK



Julie Martorana
City Administrator

By: 

Name: Andy St. John
Title: Mayor Pro Tem

APPROVED this 12th day of March, 2024.

ATTEST:



Julie Martorana
City Administrator



Nathan Brown
Mayor

EXHIBIT A

Amendment 1 (Subject – “In General”): Delete existing [Article I. In General] in its entirety –

and replace with new “Article I. In General”; new “Article VIII. Public Ways and Sidewalks”; new “Article XI. City Property”; and new “Article XII. General Provisions”, all as set forth in Exhibit B.

Amendment 2 (Subject – “Elections”): Delete existing [Article II. Elections] in its entirety –

and replace with new “Article V. Registration, Nomination and Elections” as set forth in Exhibit B.

Amendment 3 (Subject – “Mayor”): Delete existing [Article III. Mayor] in its entirety –

and replace with new “Article III. Mayor” as set forth in Exhibit B.

Amendment 4 (Subject – “City Council”): Delete existing [Article IV. City Council] in its entirety –

and replace with new “Article II. City Council” as set forth in Exhibit B.

Amendment 5 (Subject – “City Officers and Commissions”): Delete existing [Article V. City Officers and Commissions] in its entirety –

and replace with new “Article VII. Personnel” as set forth in Exhibit B.

Amendment 6 (Subject – “Taxation”): Delete existing [Article VI. Taxation] in its entirety –

and replace with new “Article VI. Finance” as set forth in Exhibit B.

Amendment 7 (Subject – “Taxicabs”): Delete existing [Article VII. Taxicabs] in its entirety –

and replace with new “Article IV. General Powers” as set forth in Exhibit B.

Amendment 8 (Subject – “Waters and Sewers”): Delete existing [Article VIII. Waters and Sewers] in its entirety –

and replace with new “Article IX. Waters and Sewers” as set forth in Exhibit B.

Amendment 9 (Subject – “Special Assessments”): delete existing [Article X. Special Assessments] in its entirety –

and replace with new “Article X. Special Assessments” as set forth in Exhibit B.

Article I. General Corporate Powers

Section 101. Corporate Name.

This charter is the municipal corporation charter of the Mayor and Council of Brunswick, the corporate name of which is "Mayor and Council of Brunswick".

Section 102. Definitions.

The terms "city", "municipality", or "municipal corporation" in this charter shall be construed as synonymous.

Section 103. General powers.

The municipal corporation here established (or continued), under its corporate name, has 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 the common seal and to have perpetual succession, unless this charter and the corporate existence are legally abrogated.

Section 104. Description of corporate boundaries.

A description of the corporate boundaries of the City shall be on file at all times in City Hall.

Article II. City Council

Section 201. Number of Council Members; selection; term.

All legislative powers of the City are vested in a Council consisting of six (6) Council Members who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until the succeeding Council takes office. Council Members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this charter.

Section 202. Qualifications of Council Members.

Council Members shall have been a resident who resided in the City for at least one (1) calendar year immediately preceding their election and shall be qualified voters of the City as described in Section 501 of this Charter. Each shall be at least twenty-one (21) years of age and a citizen of the United States.

Section 203. Salary of Council Members.

Each Council Member shall receive an annual salary which shall be equal for all Council Members and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council Member takes office shall not be changed during the period for which that Council Member was

elected. The ordinance making any change in the salary paid to the several Council Members, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

Section 204. Meetings of Council.

The members-elect of the City Council shall meet on the second Tuesday in August succeeding their election and shall take before the Mayor the oath of office required by this Charter, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings and all meeting agendas shall be set and called by the Mayor; or the Mayor pro-tempore in the Mayor's absence; or as requested by a majority of the members of the Council. When the request is made by a majority of the members of the Council, it shall be made in writing and signed by those members. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that members of the public shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. In addition to setting and calling all meetings as described above, the Mayor shall preside over all meetings of the Council; the Mayor may debate all questions before the Council and, in case of a tie vote, except in passage of ordinances, the Mayor shall decide the same.

Section 205. Council to be judge of qualifications of its members.

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

Section 206. Mayor Pro Tempore.

The City Council shall elect one of their number pro tempore to serve at the pleasure of the Council until their successor is elected no less than following each non-special election, who, in the absence of the Mayor, shall be clothed with all the powers and authority of the Mayor.

Section 207. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the affirmative vote of four (4) members.

Section 208. Rules and order of business.

The Council shall determine its own rules and order of business. It shall keep minutes 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 minutes shall be open to public inspection.

Section 209. Removal of a Council Member.

If the Member fails to exercise the duty of office, or becomes disqualified for the office, the Council by a five-sixths vote of its membership may adopt a resolution declaring the office of the Council Member to be vacant. Any such vacancy shall be filled pursuant to Section 513 of this Charter.

Section 210. Passage of ordinances; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor 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. In cases of emergency/special meeting or special ordinance, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four (4) members of the Council. Every ordinance, unless it be passed as an emergency/special meeting ordinance, shall become effective immediately following approval by the Mayor or passage by the Council over the Mayor's veto, or unless otherwise stated. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 211. Veto.

The Mayor shall have the power to veto any action, resolution or ordinance which shall in any way whatsoever effect the interest and welfare of the City of Brunswick. Such order, resolution or ordinance when passed by the Council, shall be sent to the Mayor for the Mayor's approval. The Mayor may return the same with approval or disapproval written thereon and signed by the Mayor to the meeting minutes at which it was passed, or the Mayor may have until the next regular meeting to return the same. If returned with the Mayor's disapproval, it shall be not become a law unless subsequently at the meeting to which it was returned, or at the next regular meeting thereafter, it be passed by the unanimous vote of all the Council Members present and entitled to vote. If not returned at all to the next regular meeting of the Council, it shall become a law notwithstanding the Mayor's failure to approve.

Section 212. File of ordinances and resolutions.

Ordinances and resolutions shall be permanently filed and codified by the City and shall be kept available for public inspection.

Article III. Mayor

Section 301. Selection and term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until a successor is elected and qualified. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until a successor takes office under the provisions of this Charter.

Section 302. Qualifications.

The Mayor shall have been a resident who resided in the City for at least one (1) year immediately preceding their election and must be a qualified voter of the City as described in Section 501 of this Charter. The Mayor shall be at least twenty-one (21) years of age and a citizen of the United States.

Section 303. Salary.

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business. No change shall be made in the salary for any Mayor during the term for which they were 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 304. Powers and duties.

A. Generally. The Mayor shall see that the ordinances of the City are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the City government.

B. Appointments, vacancies, and removal of employees and heads of offices, departments, and agencies.

1. Upon the vacancy of any director, department head, agency head or equivalent position, the Mayor shall select a replacement, which shall be subject to the confirmation of the Council.

2. The Mayor, with the confirmation of the Council, shall appoint individuals to serve as (a) City Administrator; (b) Assistant City Administrator; and (c) Chief of Police. These individuals shall serve in such positions at the pleasure of the Mayor.

3. All director, department head, agency head, or equivalent position, and all subordinate positions of those offices, departments, and agencies shall be selected and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.

4. The confirmation of the Council constitutes a majority of all of the members present at the meeting, and shall be no later than the next regular Council meeting after its receipt of the Mayor's nominations for the respective positions. If the Council fails to confirm the Mayor's nominations by its next regular meeting, then the nomination shall be considered effective and confirmed, without the need for any further action. If the Council by the timely required vote rejects a nominee, then the Mayor shall name a different nominee for the position, subject to the confirmation of the Council.

5. Vacancies for specific positions. When certain positions become vacant, the Mayor may appoint individuals to serve in a temporary capacity not to exceed six (6) months until a qualified successor can be found. No appointee shall serve in a temporary capacity under this Section longer than six (6) months, unless approved by the Council.

C. Reports and recommendations to Council. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as the Mayor deems proper for the public good and the welfare of the City.

D. Veto. The Mayor shall have the power to veto any action, resolution or ordinance which shall in any way whatsoever affect the interest and welfare of the City of Brunswick. Such order, resolution or ordinance, when passed by the Council, shall be sent to the Mayor for their approval. The Mayor may return the same with approval or disapproval written thereon and signed by the Mayor to the meeting at which it was passed or the Mayor may have until the next regular meeting to return the same. If returned with the Mayor's disapproval, it shall not become a law unless subsequently at the meeting to which it was returned, or at the next regular meeting thereafter, it be passed by the unanimous vote of all Council Members present and entitled to vote. If not returned at all to the next regular meeting of the Council, it shall become a law notwithstanding the Mayor's failure to approve. The Mayor shall have the power to veto ordinances passed by the Council as provided in Section 211.

E. Supervision of financial administration of government. The Mayor shall have complete supervision over the financial administration of the City government. The Mayor shall prepare or have prepared annually budgets for general, enterprise and capital expenditures and submit it to the Council. The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

F. Other powers and duties. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of the Mayor by the Council, not inconsistent with this Charter. The Mayor shall preside at all meetings of the Council; the Mayor may debate all questions before the Council and, in case of a tie vote, except in passage of ordinances, the Mayor shall decide the same.

G. The concurrence of the Mayor with a majority of the Council shall be necessary for the transaction of corporate business and contracts made by the City of Brunswick, but it shall not be necessary to note in the minutes the approval of the Mayor of each transaction therein stated or acted upon by the Council. Corrected and approved minutes of each meeting of the Council shall be presented to the Mayor. The Mayor shall sign their name to such minutes to signify the Mayor's approval of all the matters and transactions therein recorded, and the Mayor shall note their disapproval at the foot of the minutes. The Mayor's disapproval shall be an effective veto of the action so disapproved of, unless such veto is overruled by the unanimous vote of the Council present and entitled to vote.

H. The Mayor may suspend or remove from office, subject to review and final action by the Council, any official appointed by the Mayor and Council of Brunswick for any neglect or duty or improper conduct of office.

Section 305. Removal of Mayor.

If the Mayor fails to exercise the duty of office, or becomes disqualified for the office, the Council by a five-sixths vote of its membership may adopt a resolution declaring the office of the Mayor to be vacant. Any such vacancy shall be filled pursuant to Section 513 of this Charter.

Article IV. General Powers.

Section 401. Powers of Council enumerated.

A. General Powers. 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 and visitors in the City.

B. Specific Powers. The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.

1. Advertising. To provide advertising for the benefit of the City.
2. Aisles and doors. To regulate and prevent the obstruction of aisles in public halls, houses of worship 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 municipal moneys 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. Band. To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

7. 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.
8. Bridges. To erect and maintain bridges.
9. 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 them; 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.
10. Cemeteries. To regulate or prohibit the internment of bodies within the municipality and to regulate cemeteries.
11. Codification of ordinances. To provide for the codification of all ordinances.
12. Community service. 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.
13. 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.
14. Curfew. To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
15. Dangerous improvements. 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.
16. 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.
17. Dogs. To regulate the keeping of dogs in the City and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

18. Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
19. Explosives or combustibles. 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.
20. Filth. To compel the occupant of any premises, building, or outhouse situated in the City, if it 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 the property, making it collectible by taxes or against the occupant or occupants.
21. 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.
22. 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 fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.
23. Food. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.
24. 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 to the limitations and provisions of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.
25. 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.
26. 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 funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.
27. 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 any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the City or to their welfare or happiness.

28. *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 Maryland Secretary of Health and Mental Hygiene, the Frederick County Health Department, or any public general or local law relating to the subject of health.
29. *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.
30. *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the City or to use the county jail for such purpose.
31. *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.
32. *Liens.* To provide that any valid charges, taxes, or assessments made against any real property within the City shall be liens upon the property, to be collected as municipal taxes are collected.
33. *Lights.* To provide for the lighting of the City.
34. *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.
35. *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.
36. *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.

37. Noise. To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns, and any other unreasonable production of sound.
38. 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 they be herein specifically named or not (including but not limited to all nuisances or obstructions in or upon the sidewalks, streets, highways, lanes or alleys, drains or watercourses or in or upon any lot adjacent thereto); 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.
39. 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.
40. 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.
41. Parking meters. To install parking meters on the streets and public places of the City in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the City.
42. 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.
43. Police force. To establish, operate, and maintain a police force. All City police, within the municipality, shall have the powers and authority of constables in this State.
44. 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 of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.
45. Property. To acquire by conveyance, purchase, bequest, devise, gift, or condemnation and finance 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 lease, convey and finance 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.
46. Quarantine. To establish quarantine regulations in the interest of the public health.

47. 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.

48. Sidewalks. To regulate the use of sidewalks and all structures in, under, or above them; 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.

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

50. Taxicabs. To license, tax, and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

51. Vehicles. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

52. Voting machines. To purchase, lease, borrow, install, and maintain voting machines for use in City elections.

53. Zoning. To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in the Annotated Code of Maryland, subject to the limitations and provisions of said article.

54. Saving clause. The enumeration of powers in this section is not to be construed as limiting the powers of the City to the several subjects mentioned.

Section 402. Exercise of powers.

For the purpose of carrying out the powers granted in this Charter, the Council may pass all necessary ordinances and resolutions. 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 or resolution.

Section 403. Enforcement of ordinances.

To assure the observance of the ordinances of the City, the Council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding the maximum allowable by State law or imprisonment for not exceeding thirty (30) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter has the right of appeal within ten (10) days to the Circuit Court for Frederick County, MD. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall

not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Article V. Registration, Nomination and Elections.

Section 501. Qualifications of voters.

Individuals who reside within the corporate limits of the City of Brunswick shall be qualified to vote at any municipal election if they are qualified to vote and are registered as qualified voters pursuant to the laws of the State of Maryland.

Section 502. Board of Supervisors of elections.

There shall be a Board of Supervisors of elections, consisting of three (3) members who shall be appointed by the Mayor with the confirmation of the Council. Members of the Board of Supervisors of elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as president. Vacancies on the Board shall be filled by the Mayor with the confirmation of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

Section 503. Same - Removal of members.

Any member of the Board of Supervisors of elections may be removed for cause by unanimous vote of the Council, if in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of elections to be removed shall be given a written copy of the charges against them and shall have a public hearing on them before the Council if they so request within ten (10) days after receiving the written copy of the charges.

Section 504. Same - Duties.

The Board of Supervisors of elections shall generally supervise the conduct of the system of registration and all elections in accordance with the provisions of this Charter, the Code of Ordinances, and the other ordinances of the City.

Section 505 Registration.

Registration with the Board of Supervisors of Elections of Frederick County, Maryland, by a voter who resides in the City of Brunswick, shall be deemed registration for elections in the City of Brunswick. An individual who wishes to register to vote shall register with the Board of Supervisors of Elections of Frederick County.

Section 506. Appeal from action of Board of Supervisors of elections; election results; tie votes.

If any person is aggrieved by the action of the Board of Supervisors of elections in refusing to register or in striking off the name of any person, or by any other action he may appeal to the Circuit Court for Frederick County, Maryland within the time allowed for such appeals. Any other appeal related to election results are to the Circuit Court for Frederick County, Maryland.

A. Tie votes. In case of a tie vote in any election for Mayor, members of the Council or any proposition or question submitted to the voters, another election shall be held within thirty (30) days thereafter pursuant to the provisions of this Charter in regard to elections.

Section 507. Filing certificate of nomination.

Persons may be nominated by petition for elective office in the City as established by ordinance of the Council. No person shall file for nomination to more than one (1) elective City public office or hold more than one (1) elective City public office at any one time.

Section 508. Primary election; nonpartisan basis.

The City of Brunswick does not conduct Primary Elections. Candidates for the named offices are nominated by petition, for the general election. Elections shall be on a nonpartisan basis. The name of each qualified candidate shall be arranged alphabetically (or as otherwise determined by County procedures), with no party designation of any kind, and include when warranted special petitions or referendums to be decided by vote.

Section 509. Election of Mayor and Council Members.

A. On the first Tuesday in August in the year 1956 there shall have been selected by the qualified voters of the City of Brunswick a Mayor who shall have certain qualifications as hereinafter prescribed, and who shall hold office for a term of four years or until his successor is duly elected and qualified.

B. There shall have also been selected on the first Tuesday in August in the year 1956 and on the first Tuesday in August every four (4) years thereafter, by the qualified voters of the City of Brunswick, three (3) Council Members who shall have certain qualifications as hereinafter prescribed, and who shall hold office for a term of four (4) years, or until their successors are duly elected and qualified.

C. There shall also have been selected on the first Tuesday in August in the year 1958 and on the first Tuesday in August every four (4) years thereafter, by the qualified voters of the City of Brunswick, three (3) Council Members who shall have certain qualifications as hereinafter prescribed, and who shall hold office for a term of four (4) years, or until their successors are duly elected and qualified.

Section 510. Conduct of elections generally.

The Council may by ordinance provide for other details not herein enumerated for the conduct of elections. In every election, whether a regular election or special election, the polls shall be opened at eight o'clock A.M. and closed at eight o'clock P.M., Eastern Standard Time. The use of voting machines and ballot boxes is hereby authorized for all regular and special municipal elections in the City.

Section 511. Special elections.

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 general City elections.

Section 512. Preservation of ballots.

All ballots used in any City election shall be preserved for at least six (6) months from the date of the election.

Section 513. Vacancies.

In case of a vacancy on the Council for any reason, by unanimous vote the Council shall elect a qualified person to fill the vacancy for the unexpired term. Should a unanimous decision not be reached, a special election shall be held in accordance with this Charter and any ordinances governing the special election process. In case of a vacancy in the office of Mayor for any reason, a special election shall be held in accordance with this Charter and any ordinances governing the special election process. The results of any such vote shall be recorded in the minutes of the Council.

Section 514. Regulation and control by Council.

The Council has 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.

Section 515. Penalties.

Any person who (1) fails to perform any duty required of them under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or City election, is guilty of a misdemeanor. Any officer or employee of the City who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

Section 516. Recall of elective officers – Generally.

The holder of any elective office in the City of Brunswick may be removed at any time after the date of their election by the electors qualified to vote for a successor of such incumbent. The procedure to the removal of an incumbent of an elective office shall be as follows: In case of the Mayor, a petition signed by electors entitled to vote for a successor to the incumbent Mayor sought to be removed equal in number to at least twenty-five percent (25%) of the entire vote for all candidates for the office of Mayor cast at the last preceding general municipal election, and, in case of a Council Member, a petition signed by electors entitled to vote for a successor to the incumbent Council Member sought to be removed equal in number to at least twenty-five percent (25%) of the total voters casting ballots for one or more Council Members at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Administrator, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is a genuine signature of the person whose name it purports to be. Within ten (10) days from the date of filing such petition, the City Administrator shall examine and from the voters registered ascertain whether or not the petition is signed by the requisite number of qualified electors. If necessary, the Mayor and Council shall allow him extra help for that purpose. The City Administrator shall attach to such petition their certificate showing the result of such examination. If by the City Administrator's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of such certificate. The City Administrator shall, within ten (10) days after such amendment, make like examination of the amended petition. If the City Administrator's certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the City Administrator shall submit the same to the Mayor and Council without delay. If the petition shall be found to be sufficient, the Mayor and Council shall order and fix a date for holding the election, not less than thirty (30) days or more than forty (40) days from the date of the City Administrator's certificate to the Mayor and Council that a sufficient petition is filed. The Mayor and Council shall make or cause to be made publication of notice and all arrangements for holding such election. The same shall be conducted, returned and the result thereof declared, in all respects as are other City general or special elections. So far as applicable, except as otherwise provided in this Charter, nominations under this section shall be made as provided under Section 507 by filing with the City Administrator at least ten (10) days prior to such special election, a statement of candidacy, accompanied by a petition signed by electors entitled to vote at such special election equal in number to at least ten percent (10%) of the entire vote for all candidates for the office of Mayor at the last preceding general municipal election. The ballot to be used at such special election shall be as far as practicable in the same general form as the ballot to be used at a general election.

The successor of any officer removed by recall shall hold office during the unexpired term of the removed officer. Any person sought to be removed may be a candidate to succeed themselves, and, unless they request otherwise in writing, the City Administrator shall place their name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other

person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of their successor. In case the party who receives the highest number of votes should fail to qualify within ten (10) days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, the incumbent shall continue in office. The method of removal shall be cumulative and additional to the methods heretofore provided by law.

Section 517. Advisory referenda.

A. By passage of a resolution at least ninety (90) calendar days preceding any general election, the Mayor and Council may direct that an advisory referendum of City voters may be undertaken on the questions set forth in such resolution.

B. Upon 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 (3) City elections (not including special elections), rounded up to the nearest multiple of 50, submitted to the City at least ninety (90) calendar days preceding any general election, an advisory referendum shall be undertaken on the questions set forth in the petition.

The results of such referendum shall be advisory only and shall not be binding upon the Mayor and Council. Upon the passage of any such resolution or verification of a petition, it shall be the duty of the Board of Supervisors of elections to place such questions on all City ballots. The City shall verify the status of the signatures of any referendum petition as City voters and the fact that the petition was not substantively altered after it was signed, prior to placing the question(s) on the ballots.

Article VI. Finance

Section 601. City Administrator.

The City Administrator shall be the chief financial officer of the City. The financial powers of the City, except as otherwise provided by this Charter, or ordinances or policies adopted by resolution, shall be exercised by the City Administrator under the direct supervision of the Mayor.

Section 602. Same - Powers and duties.

Under the supervision of the Mayor, the City Administrator shall have authority and shall be required to:

A. Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.

B. Administer and be responsible for the disbursement of all moneys 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 Council may require, not contrary to State law.
- D. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the Mayor.
- E. Ascertain that all taxable property within the City is assessed for taxation.
- F. Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the City, and all other revenues for whose collection the City is responsible, and receive any funds receivable by the City.
- G. Have custody of all public moneys 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. Do such other things in relation to the fiscal or financial affairs of the City as the Mayor or the Council may require or as may be required elsewhere in this Charter.

Section 603. Fiscal year.

The City shall operate on an annual budget. The fiscal year of the City shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 604. Budget.

The Mayor, at least thirty-two (32) days before the beginning of the City's fiscal year, shall submit an annual budget to the Council. 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 budget shall be a public record in the office of the City Administrator, open to public inspection.

Section 605. Same - Adoption.

Before adopting the annual budget the Council shall hold a public hearing. The annual budget shall be prepared and adopted in the form of a special ordinance. A favorable vote of at least a majority of the total membership of the Council is necessary for adoption.

Section 606. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the annual budget, the several amounts stated therein as proposed expenditures

shall be and become appropriated to the several objects and purposes named therein. The Council may, from time to time, establish a procurement policy.

Section 607. Transfer of funds.

Any transfer of funds between major appropriations as described in the City's Procurement Policy for different purposes by the Mayor must be approved by the Council before becoming effective.

Section 608. Over Expenditures forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this Charter is null and void. Nothing in this section contained, however, prevents 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 the contract is made, when the contract is permitted by law.

Section 609. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not 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 next succeeding budget year.

Section 610. Taxable property.

All real property and all tangible personal property within the corporate limits of the City, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and 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 any act of the State General Assembly.

Section 611. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section 612. Notice of tax levy.

Immediately after the levy is made by the Council in each year, the City Administrator shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City. The City Administrator shall make out and mail or deliver in person to each

taxpayer or their agent at their last known address a bill or account of the taxes due from them. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on the taxpayer's property.

A. Authority of the City Generally. The Mayor and Council are hereby authorized to use the State and county assessment on all real and personal property of any person or business within the corporate limits of the City which is subject to such assessment for State and county taxes. They shall have the power to levy and collect taxes on all real property of any person or business in the City. They shall have the power to levy and collect on any assessable business personal property in the City, at a rate or rates set by the Council from time to time on each One Hundred Dollars (\$100.00) of assessable personal property. They shall also levy and collect the taxes required to meet the interest and redeem at maturity all bonds legally issued.

B. The Mayor and Council may exempt hospitals, charitable institutions, and manufacturers from municipal taxation by ordinance. The Mayor and Council may, in their discretion, by general ordinance, exempt from any or all municipal taxes or other municipal charges any or all of the taxable real or personal property, in whole or in part, of any hospitals or charitable institutions located within the corporate limits of the City, but any ordinance, resolution, or contract which exempts any such property for a period longer than five (5) years shall be absolutely void in all respects whatsoever. The Mayor and Council, in their discretion, may by general ordinance exempt, in whole or in part, stock in business, tools, implements, and the like, and/or raw materials in the possession of a person or business engaged in the business of manufacturing in the City from any personal property tax levied in accordance thereunder. The Mayor and Council, in their discretion whenever it seems expedient for the encouragement of growth and development of manufacturers and manufacturing in the City, upon the sworn application of any person or business actually engaged in the business of manufacturing in the City before the annual revision of the tax list, may abate, in whole or in part, taxes for any one (1) year on any assessable business real or personal property which may be levied for City purposes.

Section 613. 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 this Charter shall be turned over by the City Administrator to the official of the county responsible for the sale of tax-delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by State law.

Section 614. Fees.

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

Section 615. Audit.

The financial books and accounts of the City shall be audited annually as required by the Annotated Code of Maryland.

Section 616. Tax anticipation borrowing; sale of municipal bonds or notes.A. Authority to borrow.

1. During the first six (6) months of any fiscal year, the City may borrow in anticipation of the collection of the property tax imposed for that fiscal year, and may issue tax anticipation notes or other instruments of indebtedness as evidence of such borrowing.
2. Such tax anticipation notes or other instruments of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) months after the beginning of the fiscal year in which they are issued.
3. No tax anticipation notes or other instruments 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 imposed for the fiscal year in which the notes or other instruments of indebtedness are issued.
4. All tax anticipation notes or other instruments of indebtedness shall be authorized by ordinance before being issued.
5. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

B. Public sale; notice of sale; price; issuance for cash or other valuable consideration; signatures and seals; marketing agreements.

1. Municipal bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids, as determined by the resolution or ordinance authorizing the issuance of the bonds or notes.
2. (i) Any public sale of municipal bonds or notes may be held only after one (1) or more insertions of a notice of the sale in either a newspaper of general circulation in the City or a publication having a circulation primarily among the investment and financial community. (ii) The first insertion of the notice of sale shall be published at least ten (10) days before the date fixed for the sale.
3. (i) Municipal bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes, as provided in the authorizing resolution or ordinance. (ii) The resolution or ordinance that authorizes the municipal bonds or notes may provide for prior redemption of the bonds or notes.

(iii) Municipal bonds or notes may be issued, sold, and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing resolution or ordinance.

4. Municipal bonds or notes may be issued for either cash or other valuable consideration.

5. The official signatures and seals affixed to any municipal bonds or notes may be imprinted in facsimile.

6. The City may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for securing any tendered option granted to holders.

Section 617. Payment of indebtedness.

The power and obligation of the City to pay any and all bonds, notes, or other instruments of indebtedness issued by it under the authority of this Charter 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 instruments of indebtedness and interest thereon, without limitation of amount. The faith and credit of the City is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other instruments of indebtedness issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other instruments of indebtedness, or in the ordinance authorizing their issuance.

Section 618. Previous issues.

All bonds, notes, or other instruments of indebtedness validly issued by the City previous to the effective date 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 619. Purchasing and contracts.

The Council may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all City purchases and contracts. When applicable, the City Administrator shall advertise for sealed bids, in such manner as may be prescribed by ordinance or resolution, for all such written contracts. All such written contracts shall be approved by the Council before becoming effective. The City Administrator may reject all bids and readvertise. The City at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the City may require.

A. No person, elected and qualified as Mayor or Council Member or any person holding any office by election, appointment or otherwise under the provisions of this Charter shall,

during the term of their office, enter into any contract to which the City, Mayor and/or Council is a party.

Article VII. Personnel

Section 701. City Administrator.

There may be a City Administrator appointed by the Mayor with the confirmation of the Council. The City Administrator shall be responsible for the general operation and management of the City government and shall be the chief administrative and personnel officer. The City Administrator shall assist the Mayor in the preparation of the annual budget and shall be responsible for any and all other duties specifically assigned by the Mayor.

Section 702. Clerk to Council.

An individual properly designated shall serve as clerk to the Council. They shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. They shall keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 703. City attorney.

The Mayor with the confirmation of the Council may contract with or appoint a City attorney. The City attorney shall be a member of the bar of the Supreme Court of Maryland. The City attorney is the legal adviser of the City and shall perform such duties in this connection as may be required by the Council or the Mayor. The Mayor and Council has the power to employ such legal consultants as it deems necessary from time to time.

Section 704. Authority to employ personnel.

The City may 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.

Section 705. Merit system authorized.

The City may provide by ordinance or resolution for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Council may 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 Mayor and Council may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section 706. Prohibitions and penalties.

A. *Prohibitions.* If a merit system is adopted, no person in the classified service of the City or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of their race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability and genetic information or any other factors not related to ability to perform the work; no person shall willfully 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 service of the City shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified 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 his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the City.

Section 707. Retirement system.

The City may 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.

Section 708. Classification and compensation of employees.

The classification and compensation of all officers and employees of the City shall be set from time to time by resolution passed by the Council, subject to the restrictions imposed upon establishing the salaries of the Council Members and Mayor.

Section 709. Employee benefit programs.

The City by ordinance may provide for or participate in benefit or welfare programs for its officers and employees, and may expend public moneys of the City for such programs.

Article VIII. Public Ways and SidewalksSection 801. Definition of public ways.

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

Section 802. Control of public ways.

The City has control of all public ways in the City except those that are under the jurisdiction of the State Highway Administration. 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. Powers of City as to public ways.

The City may:

- A. 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. Grade, lay out, construct, open, extend, and make new City public ways.
- C. Grade, straighten, widen, alter, improve, abandon or close up any existing City public way or part thereof.
- D. Pave, surface, repave, or resurface any City public way or part thereof.
- E. Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- F. Construct, reconstruct, maintain, and repair bridges.
- G. Name City public ways.
- H. Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
- I. Grant permits or licenses to use City right of way (e.g., for outdoor dining of restaurant).

Section 804. Powers of City as to sidewalks.

The City may:

- A. 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. Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on City property along any public way or part thereof.

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

D. 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.

Article IX. Water and Sewers

Section 901. Powers of City.

The City may:

A. Construct, operate, and maintain water supply systems, water plants, and sanitary sewerage systems, including sewage treatment plants.

B. Construct, operate, and maintain a storm water drainage system and storm water sewers.

C. Inspect, reconstruct, enlarge, alter, repair, improve, or dispose of the aforementioned plants and systems, including all parts, installations, and structures.

D. Commission surveys, plans, specifications, and estimates for any plants, systems, or extensions thereof.

E. Impose fees, charges, and assessments related to the construction, operation, use, and maintenance of these systems.

F. Require and regulate submission of plans and specifications for construction, providing approvals as deemed necessary.

G. Enact ordinances or resolutions to regulate management, protection, and use of the water and sewer systems.

H. Engage in any act or procedure authorized by the State of Maryland for efficient operation and maintenance.

Section 902. Authorization of work by the City.

Prior to the commencement of any work, individuals, firms, corporations, or entities shall submit plans for approval to construct or modify mains, conduits, pipes, or other structures within public ways and obtain written approval upon such conditions and subject to such limitations as may be imposed by the City. Any individual, firm, corporation, or entity violating the provisions of this section is 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 City may order it removed.

Section 903. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the City or in the county which impede the establishment, construction, or operation of any City sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the City. If necessary to carry out the provisions of this section, the City may use its condemnation powers provided herein. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 904. Entering on county public ways.

The City may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the City need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 905. Connections.

The City 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 City, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The City 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. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 906. Same.— Charge.

The City may make a charge, the amount to be determined by the Council, for each connection made to the City's water or sewer mains. This charge shall be uniform throughout the City, but may be changed by the Council from year to year. Arrangements for the payment of this charge shall be made with the City before the connection is made.

Section 907. 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 City may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 908. Private systems.

The City by ordinance may 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 City. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 909. Extensions beyond boundaries.

The City shall have the authority, but shall not be obligated, to extend its water system or its sewer system beyond the corporate limits of the City. The City, 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 sewerage or solid waste.

Section 910. Acquisition of Property.

The City shall have the authority to acquire by conveyance, gift, purchase, bequest, devise, lease or condemnation any land, improvements, rights of way, sources of water or other property of any kind or interest, either in fee or as an easement, for the purpose of establishing, operating, extending or maintaining the water system, water plant, sanitary sewerage system, sewerage treatment plant or storm water sewers. Any condemnation proceedings shall be brought and conducted in accordance with the laws of the State of Maryland.

Section 911. Right of entry.

Any employee or agent of the City, while in the necessary pursuit of their official duties with regard to the water or sewage disposal systems operated by the City, has a 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 the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section 912. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the City water supply system. Any violation of the provisions of this section is a misdemeanor.

Section 913. Contracts for service.

The City, if it deems it advisable, may contract with any party or parties, inside or outside the City, to obtain water or to provide for the removal of sewage.

Section 914. Charges.

The City may 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. These charges are to be billed and collected by the City Administrator, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as City taxes or by suit at law.

Section 915. Exception.

The provisions of this subheading shall not extend to any City located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subheading, as to the particular powers included in the authorization.

Article X. Special AssessmentsSection 1001. Power of City to levy special assessments.

The City may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the City, and any other item of cost which may reasonably be attributed to the project.

Section 1002. Procedure.

A. Provided. The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

B. Assessment of cost. The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the Council.

C. Amount. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the City and

outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five percent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

D. Uniformity of rates. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

E. Levy of charges; public hearing; notice. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The City Administrator shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the City. The City Administrator shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the City Administrator shall have completed publication and service of notice as provided in this section. Following the hearing the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

F. Right to appeal. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Frederick County, Maryland within ten (10) days after the levying of any assessment by the Council.

G. Payments; interest. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

H. When due; lien on property; collection. All special assessment installments are overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as City taxes or by suit at law.

I. City Administrator. All special assessments shall be billed and collected by the City Administrator.

Article XI. City Property

Section 1101. 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 conveyance, purchase, gift, bequest, devise, lease, condemnation, or otherwise and may finance, 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 1102. Condemnation; Eminent Domain.

The Mayor and Council are authorized to acquire, by purchase from the owner thereof, any real or leasehold estate, improved or unimproved, right of way easement, water right or watercourse which they may deem expedient or necessary to purchase and hold for the purpose of building sewers and drains, for the purpose of constructing and operating a general sewerage and drainage system of the City or for the purpose of carrying out or exercising any of the privileges and powers granted the Mayor and Council by law. If the Mayor and Council cannot agree with the owners or if any of them are absent from the state, or unknown or without legal capacity to contract by reason of infancy, coverture, insanity or otherwise, it shall be lawful for the Mayor and Council to acquire by condemnation any such real or leasehold estate, improved or unimproved, right of way, easement, water right or watercourse in the same manner and by the same proceedings as are provided for condemnation established in Title 12 of the Real Property Article of the Annotated Code of Maryland and Title 12, Chapter 200 of the Maryland Rules of Civil Procedure.

Section 1103. City buildings.

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

Section 1104. Protection of City property.

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

Article XII. General Provisions

Section 1201. Oath of office.

A. Oath required. Before entering upon the duties of their offices, the Mayor, the Council Members, the City Administrator, 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 to 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. *Before whom taken and subscribed.* The Mayor shall take and subscribe to this oath or affirmation before the clerk of the Circuit Court for Frederick County, Maryland or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the Mayor.

Section 1202. Official bonds.

The City Administrator 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.

Section 1203. Prior rights and obligations.

All right, title, and interest held by the City or any other person or corporation at the time this Charter is adopted, 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 1204. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable by fines and/or imprisonment, not to exceed the statutory maximums as authorized in Title 6 of the Local Government Article of the Maryland Annotated Code. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1205. Effect of Charter on existing ordinances.

A. *Ordinances, etc., not in conflict with Charter; remain in effect.* 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. Ordinances, etc., in conflict with Charter repealed. 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 1206. Separability.

If any section or part of section of this Charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.