

SENATE BILL 690

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2001 Regular Session
(11r2082)

ENROLLED BILL

-- Economic and Environmental Affairs/Commerce and Government Matters --

Introduced by **Senator Blount (Department of Legislative Services)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 417

1 AN ACT concerning

2 **Municipal Corporations - Charter Amendment Resolutions - Effectiveness**

3 FOR the purpose of repealing provisions of law that make the effectiveness of
4 municipal charter amendment resolutions, municipal annexation resolutions,
5 and other documents related to municipal charters contingent on their being
6 registered with the Department of Legislative Services; requiring certain
7 officials of a municipal corporation to send certain documents to the Department
8 of Legislative Services within a certain time period; altering the verification
9 requirements of a municipal corporation when responding to a certain annual
10 inquiry; making certain conforming changes; and relating generally to
11 municipal corporation charters.

12 BY repealing and reenacting, with amendments,
13 Article 23A - Corporations - Municipal
14 Section 9A to be under the amended subheading "Reposition of Municipal
15 Documents"; 17, 17A(e), 19(p), ~~19A(j)~~, 28, and 41
16 Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

2 *BY repealing and reenacting, without amendments,*

3 *Article 23A - Corporations - Municipal*

4 *Section 13(f), 16(c), 19(e) and (l), and 19A(j)*

5 *Annotated Code of Maryland*

6 *(1998 Replacement Volume and 2000 Supplement)*

7 *BY repealing and reenacting, without amendments,*

8 *Article - Courts and Judicial Proceedings*

9 *Section 10-201.1*

10 *Annotated Code of Maryland*

11 *(1998 Replacement Volume and 2000 Supplement)*

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 23A - Corporations - Municipal**

15 [Registration] REPOSITION of Municipal Documents

16 9A.

17 (a) Whenever the mayor and city council, by whatever name known, of any
18 municipal corporation in this State (as defined in § 9(a) of this article) causes, or is
19 required to cause any of the following documents to be created, implemented or
20 otherwise established, the respective documents shall be deposited with the
21 Department of Legislative Services, and in the manner, as prescribed by ~~subsection~~
22 ~~(b)~~ of this section.

23 (1) A code or compilation containing all or a portion of the municipal
24 charter, published or issued in printed, mimeographed or similar duplicated form; as
25 provided for in § 9(e) of this article.

26 (2) A charter amendment or amendments ordained or passed by the
27 legislative body of the municipal corporation, or as adopted by the vote on the
28 question at a public referendum; including (i) the complete text of it, (ii) the date of
29 the referendum election, if any, (iii) the number of votes cast for or against each
30 question containing the charter amendment or amendments, whether in the
31 legislative body or in a referendum, and (iv) the effective date of the charter
32 amendment or amendments; as provided for in § 17(f) of this article.

33 (3) A complete list of the measures which enact, amend, or repeal
34 sections in the municipal charter, identifying each charter section affected by number
35 and title; as provided for in § 17A(a), (b), and (c) of this article.

36 (4) A charter amendment, ordinance, referendum or any other device by
37 which the corporate boundaries of the municipality are enlarged or otherwise

1 changed; including (i) a copy of the complete text of it with a statement of the new
2 boundaries, (ii) the date of the referendum election, if any, (iii) the number of votes
3 cast for or against the annexation, whether in the legislative body or in a referendum,
4 and (iv) the effective date of the annexation; as provided for in § 19(p) of this article.

5 (5) A unified charter providing for the merger of two or more municipal
6 corporations; including (i) the complete text of it, (ii) the date of the referendum
7 election, if any, (iii) the number of votes cast for or against the adoption of the unified
8 charter, whether in the legislative bodies or in a referendum, and (iv) the effective
9 date of the unified charter; as provided for in § 19A(j) of this article.

10 (6) A charter providing for the creation of a new municipal corporation;
11 including (i) the complete text of it, (ii) the date of the referendum election, (iii) the
12 number of votes cast for and against the question of incorporation, under the charter,
13 and (iv) the effective date of the charter; as provided for in § 27(a) of this article.

14 (7) A charter amendment providing for the entire repeal of the charter of
15 a municipal corporation, ordained or passed by the legislative body of the municipal
16 corporation, or as adopted by the vote on the question at a public referendum;
17 including (i) the complete text of it, (ii) the date of the referendum election, if any, (iii)
18 the number of votes cast for or against the charter amendment, whether in the
19 legislative body or in a referendum, and (iv) the effective date of the charter
20 amendment; as provided for in § 41 of this article.

21 (8) In addition to the document and referenda enumerated elsewhere in
22 this subsection, a statement on the results of any referendum on any proposed charter
23 amendment held during the year, and any referendum pending, actually or
24 potentially, but not yet held, at the end of the year; as provided for in § 17A(d) of this
25 article.

26 (b) The mayor or other chief executive officer, by whatever name known, of
27 each municipal corporation shall send, or cause to be sent, separately by mail, bearing
28 a postmark from the United States Postal Service, one copy of each of the documents,
29 as appropriate, enumerated in subsection (a) of this section to the Department of
30 Legislative Services.

31 [(c) Unless the penalty for failure to comply with the provisions of this subtitle
32 is contained elsewhere in this article, a document or other material required to be
33 filed by this article is not effective, and may not be applied or considered as in effect,
34 unless and until it has been registered as provided by this subtitle.]

35 (C) THE MAYOR OR OTHER CHIEF EXECUTIVE OFFICER, BY WHATEVER NAME
36 KNOWN, OF EACH MUNICIPAL CORPORATION SHALL SEND TO THE DEPARTMENT OF
37 LEGISLATIVE SERVICES:

38 (1) A CHARTER AMENDMENT RESOLUTION WITHIN 10 DAYS AFTER THE
39 RESOLUTION BECOMES EFFECTIVE UNDER § 13(F) OR § 16(C) OF THIS ARTICLE; OR

40 (2) AN ANNEXATION RESOLUTION WITHIN 10 DAYS AFTER THE
41 RESOLUTION BECOMES EFFECTIVE UNDER § 19(E) OR (L) OF THIS ARTICLE.

1 13.

2 (f) The amendment or amendments so proposed by the legislative body of the
3 municipal corporation shall become and be considered a part of the municipal charter,
4 according to the terms of the amendment or amendments, in all respects to be effective
5 and observed as such, upon the fiftieth day after being so ordained or passed, unless
6 on or before the fortieth day after being so ordained or passed there shall be presented
7 to the legislative body of the municipal corporation, or mailed to it by certified mail,
8 return receipt requested, bearing a postmark from the United States Postal Service, a
9 petition meeting the requirements of this section.

10 16.

11 (c) If a majority of those who vote on any question so submitted to the voters of
12 the municipal corporation shall cast their votes in favor of the proposed charter
13 amendment or amendments, the mayor or other chief executive officer of the municipal
14 corporation shall so proclaim publicly within ten days after receiving a certification of
15 the votes from the officials conducting the referendum; and on the thirtieth day
16 following the public proclamation the proposed charter amendment or amendments
17 shall become a part of the charter of the municipal corporation, according to its terms,
18 in all respects to be effective and observed as such. If less than a majority of those who
19 vote on any such question shall cast their votes in favor of the proposed charter
20 amendment or amendments, the mayor or other chief executive officer likewise shall so
21 proclaim, adding to his proclamation the statement that the proposed charter
22 amendment or amendments contained in said question are null and void and of no
23 effect whatsoever.

24 17.

25 (a) In any proposal to amend an existing charter of a municipal corporation,
26 the new matter, if any, to be added to the charter shall be indicated by being
27 underscored or in italics or typed or printed completely in capital letters and all
28 matter to be eliminated from the existing charter, if any, shall be indicated in its
29 proper place by enclosing such matter in double parentheses or in boldface brackets.
30 Where the subject matter consists of an entirely new section or sections the words of
31 such new section or sections shall also be underscored or in italics or typed or printed
32 completely in capital letters or contain some marginal or other notation to that effect.
33 When the purpose of any proposal is to repeal in entirety any section or sections of the
34 existing charter, the matter intended to be repealed need not be written out in full
35 and enclosed in either double parentheses or boldface brackets.

36 (b) The resolution to amend a charter shall identify the source of the existing
37 section or sections, citing the code or other publication or amendment in which
38 appears the most recent text of the section or sections to be amended.

39 (c) Amendments to the charter of any municipal corporation shall be in a
40 consecutively numbered series.

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

4 (e) A proposal to amend a charter, whether initiated by the legislative body of
5 the municipal corporation or by a petition of qualified voters of the municipal
6 corporation, may not be rescinded after its adoption by the legislative body or after its
7 formal submission in a petition, in any manner other than that of another charter
8 amendment.

9 (f) At the time a charter amendment or amendments become effective by
10 reason of having been ordained or passed by the legislative body of the municipal
11 corporation, or at the time of making public proclamation as to the vote on any
12 question containing a proposed charter amendment or amendments which have been
13 adopted, the mayor or other chief executive officer of the municipal corporation shall
14 send the information concerning the charter amendment or amendments to the
15 Department of Legislative Services as provided in § 9A of this article.

16 [(g) The charter amendment or amendments are not effective and shall not be
17 applied or considered as if effective, unless and until it or they have been registered as
18 required in subsection (f) of this section.]

19 17A.

20 (e) At the end of each calendar year the Department of Legislative Services
21 shall address an inquiry to each municipal corporation inquiring whether or not
22 during that calendar year or its latest fiscal year it has enacted, amended or repealed
23 any portion of its municipal charter. The municipal corporation shall promptly answer
24 the inquiry and shall verify, BY A SIGNED AND NOTARIZED STATEMENT, that copies of
25 all such enactments, amendments, or repeals have already been sent to the
26 Department.

27 19.

28 (e) Following the public hearing, the legislative body may proceed to enact the
29 resolution, in accordance with the usual requirements and practices applicable to its
30 legislative enactments. The resolution shall not become effective until at least forty-five
31 (45) days following its final enactment.

32 (l) If only one petition for a referendum is filed and if a majority of the persons
33 voting on the question in that referendum shall vote in favor of the proposal for change,
34 the change shall become effective as proposed on the fourteenth day following the
35 referendum. If two petitions for referendum are filed, the votes cast for the two
36 referenda shall be tabulated separately, so as to show individually the tabulation of
37 votes cast in the municipal corporation and in the area to be annexed. If in both
38 tabulations, each being reckoned separately, a majority of the persons voting on the
39 question shall vote in favor of the proposal for change, the change shall become
40 effective as proposed on the fourteenth day following the referendum. In the event there
41 are two referenda, unless there is such a favorable majority in both tabulations,

1 reckoned separately, the proposal for change shall be void and of no further effect
2 whatsoever.

3 (p) The chief executive and administrative officer of a municipal corporation
4 which has enlarged its corporate boundaries under the provisions of this section shall
5 promptly [register] SEND THE ~~INFORMATION ABOUT~~ ANNEXATION RESOLUTION
6 WITH the new boundaries [with] TO the clerk or similar official ~~thereof~~, [with] TO
7 the clerk of the court in the county or counties in which the municipal corporation is
8 located, [with] TO the Department of Legislative Services as provided in § 9A of this
9 article, and for those municipalities lying within the regional district, [with] TO the
10 Maryland-National Capital Park and Planning Commission. Each such official shall
11 hold the [registration of] ~~INFORMATION ABOUT~~ ANNEXATION RESOLUTION WITH
12 THE NEW boundaries on record and shall make it available for public inspection
13 during all normal business hours.

14 19A.

15 (j) Within 60 days after the unified charter is adopted by the legislative
16 bodies of the unifying municipal corporations or by a referendum election, the
17 legislative bodies of the unifying municipal corporations shall jointly send the
18 information concerning the charter adopted by the unified municipal corporation to
19 the Department of Legislative Services, as provided in ~~§ 9A~~ § 9A(B) of this article.

20 28.

21 (a) At the time of making public proclamation as to the vote on the question of
22 incorporation under the proposed charter, the county governing body shall send the
23 information concerning the charter adopted by the municipal corporation to the
24 Department of Legislative Services, as provided in ~~§ 9A~~ § 9A(B) of this article for
25 municipal officials.

26 (b) A proposal to incorporate a municipal corporation and to adopt a charter
27 may not be rescinded after its formal submission, in any manner other than that of a
28 formal charter repeal as provided in the subheading "Repeal of Charter" in this
29 subtitle.

30 [(c) The charter is not effective and shall not be applied or considered as if
31 effective unless and until it has been registered as required in this section.]

32 [(d)] (C) The charter is included in the requirements of § 17A of this subtitle,
33 including its printing and indexing in the laws enacted by the General Assembly.

34 [(e)] (D) The exact text of the charter of the municipal corporation, adopted
35 under the provisions of this subtitle and as amended from time to time, shall
36 thereafter be included in any edition or codification of the charter of the municipal
37 corporation.

1 41.

2 An entire repeal of the charter of a municipal corporation, and the termination
 3 of the existence of the municipal corporation, may be accomplished as generally
 4 provided above in the subheading "Charter Amendments". The resolution of the
 5 legislative body of the municipal corporation or the petition of 20 percent or more of
 6 the qualified voters need not contain the text of the charter which it is proposed to
 7 repeal, but may simply state the fact of the proposed repeal. The posting and
 8 publication of the proposed repeal also may simply state that fact, as may the
 9 [registration of] ~~SUBMISSION OF INFORMATION ABOUT~~ THE CHARTER AMENDMENT
 10 RESOLUTION REFLECTING a favorable vote ~~thereon~~ with the Department of
 11 Legislative Services, as provided in ~~§§ 9A-§ 9A(B)~~ of this article. From and after the
 12 time that the charter stands repealed it no longer may be included in any subsequent
 13 edition or printing of the code of public local laws of the county or State.

14 Article - Courts and Judicial Proceedings

15 10-201.1.

16 (a) The Public Local Laws of Maryland - Compilation of Municipal Charters
 17 that is prepared and published by the Department of Legislative Services is adopted
 18 and made evidence of the portion of the Public Local Laws of the State of Maryland
 19 that contains the charters of all the municipal corporations in the State. It shall be
 20 considered as evidence of the law in all courts of the State and by all public offices and
 21 officers of the State and its political subdivisions.

22 (b) A replacement edition of the Public Local Laws of Maryland - Compilation
 23 of Municipal Charters that is prepared and published by the Department of Legislative
 24 Services is adopted and made evidence of the portion of the Public Local Laws of the
 25 State of Maryland that contains the charters of all the municipal corporations in the
 26 State at the time of publication. It shall be considered as evidence of the law in all
 27 courts of the State and by all public offices and officers of the State and its political
 28 subdivisions.

29 (c) Any supplemental page to the Public Local Laws of Maryland -
 30 Compilation of Municipal Charters that is prepared and published by the Department
 31 of Legislative Services is adopted and made evidence of the portion of the Public Local
 32 Laws of the State of Maryland that contains the charters of all the municipal
 33 corporations in the State which are supplementary or in addition to the laws in the
 34 compilation. It shall be considered as evidence of the law in all courts of the State and
 35 by all public offices and officers of the State and its political subdivisions.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 37 June 1, 2001.

