

CHARTER  
OF THE  
**City of New Carrollton**

PRINCE GEORGE'S COUNTY, MARYLAND

*As enacted by Resolution 97-1  
Effective May 22, 1997*

(Reprinted November 2018)

The Department of Legislative Services  
General Assembly of Maryland  
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## NEW CARROLLTON

### Section C-1. Incorporation; general powers.

The residents of the City of New Carrollton, in Prince George's County, Maryland within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of the "City of New Carrollton," and by that name shall have perpetual succession, with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in a court of competent jurisdiction, to have and use a common Seal, to purchase and hold real and personal property for the benefit of said City and to enact and adopt ordinances, resolutions or bylaws necessary to exercise the authority of the City. The City of New Carrollton may also be referred to in this Charter and in the laws of the City as "the City". (Res. No. 14-03, 4-29-14.)

### Section C-2. Boundaries.

The courses and distances showing the exact corporate limits of the City shall be filed at all times with the Clerk of the Circuit Court of Prince George's County, the Commissioner of the Land Office, and the Director of the Maryland Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporate boundaries of the City shall be maintained on file in the office of the City Administrative Officer in a suitable book or place, property indexed and reasonably available for public inspection during normal business hours.

The corporate limits or boundaries of the City shall be as they existed immediately prior to the effective date of this section, subject to the rights, reservations, limitation and conditions as may be set forth in all prior resolutions of annexation and in the Charter of the City in effect immediately prior to the effective date of this section, and as may be hereafter amended. (Res. No. 02-04, 1-9-03; Res. No. 14-03, 4-29-14.)

### Section C-3. Government of the City.

A. *Election and terms of office.* The government of the City shall be vested in a Mayor and a Council of five (5) members, elected at large. On the first Monday in May of each even-numbered year, there shall be a general election as herein provided, at which a Mayor and two (2) Councilmembers shall be elected to two-year terms, except that in the year 2020 a Mayor and two Councilmembers will be elected to serve one three (3) year term. On the first Monday in May of each odd-numbered year through and including May 3, 2021, there shall be a general election as herein provided, at which three (3) Councilmembers shall be elected for two-year terms. Commencing with the 2023 City election, there shall be no more staggered terms and a Mayor and Council of five members shall be elected to two (2) year terms on the first Monday in May, 2023 and in every odd-numbered year thereafter.

B. *Tenure of elected officials; vacancies.*

(1) *Tenure of elected officials.* All elected officials provided for in this Charter shall assume the duties of their respective offices as soon after their appointment or election as

practicable and, unless they resign or are removed for cause, shall continue to serve until their successors are duly elected and installed. The term of each elected official shall begin with the first regular meeting of the Council following his or her election and shall continue until the first regular meeting of the Council following the election of his or her successor.

(2) *Mayor vacancy:* If a vacancy occurs in the office of the Mayor more than one hundred twenty (120) days before the next general election, the Mayor Pro-Tem shall serve as Mayor for a period not to exceed sixty (60) days, during which time a special election for the office of Mayor shall be held to determine a successor. If a vacancy occurs in the office of Mayor one hundred twenty (120) days or less from the next general election, the Mayor Pro-Tem shall serve as Mayor until a new Mayor is elected at such general election.

(3) *Councilmember vacancy:* If a vacancy occurs in the office of Councilmember, more than one hundred twenty (120) days before a general election, a special election shall be scheduled within sixty (60) days of the date of such vacancy to fill the position of Councilmember. If such vacancy occurs one hundred twenty (120) days or less before the next general election, the Councilmember shall not be replaced until the next general election.

(4) In the event of a special election for the position of Mayor or a Councilmember such persons elected at such special election shall be sworn in and installed at the first regular meeting of the City Council following such special election.

C. *Mayor: powers and duties.* The Mayor shall be the Chief Executive Officer of the City and the head of the administrative branch of the City government. As such, the Mayor shall be responsible for and direct the day-to-day operations of the City and shall supervise the activities of the various City officers and department heads. Immediately after his/her election, the Mayor shall appoint the following, which shall be subject to confirmation by the Council: the Chief of Police, the Director of Public Works, the City Administrative Officer, and such other heads of all offices, departments, and agencies of the City government as established by this Charter or by ordinance. All office, department and agency heads shall serve at the pleasure of the Mayor and may be removed by the Mayor. All subordinate officers and employees of the offices, departments and agencies of the City government shall be appointed and removed by the Mayor in accordance with rules and regulations in any personnel policies that may be adopted by the Council. The Mayor shall also have the power to hire a City Attorney, either an individual or a firm, with the approval of the Council. The City Attorney shall be an independent contractor of the City and not an employee.

The Mayor shall be responsible for enforcing the ordinances and carrying out the policies of the City. The Mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him or her by this Charter, by the ordinances of the City and by policy or directive of the Council. The Mayor shall be the Chief Financial Officer of the City. As such, the Mayor shall have complete supervision over the financial administration of the City government. The Mayor shall prepare or have prepared annually a budget and submit it to the Council as provided for in §C-64. The Mayor shall supervise the administration of the budget as adopted by Council. The Mayor shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded. He or she shall be

recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil process and by the Governor of the State of Maryland for the purpose of military law.



The Mayor shall have the power to veto ordinances passed by the Council as provided in §C-10 of this Charter. The Mayor shall exercise the same veto powers over any resolution in the same manner provided for the veto of ordinances. The Mayor shall provide to the Council such staff assistance and such information concerning the administrative branch of the government as the Council may require for the exercise of its legislative powers and duties. The Mayor or his or her representative shall attend all public meetings of the Council. The Mayor may recommend to the Council such measures for legislative action as he or she may deem to be in the best interests of the City. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as she or he deems proper for the public good and the welfare of the City. The Mayor shall receive such salary or compensation as the Council shall fix, except that no increase or decrease shall go into effect until approved by the voters at the next general election. The Mayor shall not hold any other office of the municipal corporation during his or her term of office. At the first meeting of each new Council, there shall be elected by the Council a member to be designated as Mayor Pro Tem. In case of the temporary absence of the Mayor (1) for a period of more than three (3) business days when the Mayor is unable to perform duties that cannot await his/her return or cannot be performed by telephone or other type of communication, or (2) due to the hospitalization or disability of the Mayor that would render him or her unable to perform the duties of the office, the Mayor Pro Tem shall act as Mayor during such absence but shall not have the authority to veto ordinances or appoint or remove appointees or employees, yet shall retain voting privileges and legislative powers and duties as conferred and found in the City Charter. If the hospitalization or disability of the Mayor extends beyond thirty (30) calendar days, then, in that event, the Mayor Pro-Tem shall have the authority to veto ordinances and appoint or remove employees throughout the term of the hospitalization or disability. When the Mayor Pro-Tem is acting as Mayor beyond the above referenced thirty-day period, the acting Mayor shall not retain voting privileges.

D. *Council: powers and duties.* The Council shall be the legislative body of the City and shall exercise such powers and perform such duties as are or may be conferred upon it by the General Assembly, by this Charter, and by all ordinances, resolutions and policies of the City consistent with the provisions of this Charter and not contrary to the Constitution and laws of the State of Maryland or the power of the Mayor. The members of the Council shall receive such salary or compensation as the Council shall fix, provided that any increase in salary or compensation voted by the Council shall not go into effect until approved by the voters at the next general election. At the first meeting of each new Council, the Council shall elect from among its members a Chairperson and a Vice Chairperson. The Chairperson of the Council will act as presiding officer during meetings of the Council, and will be responsible for approving the content of City Council meeting agendas. The Vice Chairperson of the Council will act in the capacity of Chairperson during the Chairperson's temporary absence. In the absence of the Chairperson and Vice Chairperson, a Councilmember other than the Mayor Pro Tem and Alternate Treasurer will act as presiding officer during meetings of the Council.

E. *Other officers.* Any appointed officer of the City may be required by the Council to file such bond as may be deemed necessary to guarantee the faithful performance of his or her duties. The Council shall designate one of its members as Alternate Treasurer, who shall perform all of the duties of the Treasurer in the event of the Treasurer's temporary absence or disability. The appointed officers of the City shall receive such compensation for the discharge of their duties

and such expense allowances as the Council may determine. If at any time the City Administrative Officer's position is vacant for any reason, the Mayor may appoint an Acting City Administrative Officer who shall not serve in the capacity of Acting City Administrative Officer for more than nine (9) months without confirmation by the Council. In the event the Council does not confirm a City Administrative Officer within the nine (9) month timeframe provided, the Acting City Administrative Officer shall continue as the Acting City Administrative Officer until such time as the Council confirms a City Administrative Officer provided that the Mayor recommends to the Council at least two people for the position of City Administrative Officer within the aforementioned nine (9) month timeframe.

F. *Oath of office.*

(1) Every Councilmember, the Chief of Police, the Director of Public Works, the City Administrative Officer, the Treasurer, the members of the Ethics Commission and the members of the City Board of Appeals shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation to be made before the Mayor, a signed copy to be filed and kept in the office of the City Administrative Officer:

"I, ....., swear (or affirm) that I will support the Constitution of the United States, 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, without partiality or prejudice, execute the office of ..... of the City of New Carrollton, according to the Constitution and laws of this State and the Charter of this City."

(2) The Mayor shall, before entering upon the duties of his or her office, take and subscribe to the same oath before the Clerk of the Circuit Court for Prince George's County, Maryland, or before one of his or her sworn deputies.

G. *Citizen advisory boards.* The Mayor or the Council may appoint, for designated periods, one (1) or more temporary boards of citizens of the City who shall assist in the consideration of City policies and programs, provided that the Council must approve of any public funds expended by such advisory boards in the execution of their charge.

H. *Definitions.* The terms "City," "municipality" or "municipal corporation," when used in this Charter, shall be synonymous and shall refer to the "City of New Carrollton." The terms "Mayor" and "Council," when used in this Charter, shall refer to the Mayor of the City of New Carrollton and to the City Council of the City of New Carrollton, respectively. (Res. 97-5, 3-12-98; Res. 98-02, 6-25-98; Res. No. 02-05, 1-9-03; Res. 13-03, 11-20-12; Res. 14-04, 4-29-14; Res. No. 19-01, 03-07-19.)

Section C-4. Qualifications of elected officials.

At the time of taking office, each elected official of the City shall have attained the age of at least twenty-five (25) years, must be a citizen of the United States, a resident of the City of New Carrollton and a registered voter of the State of Maryland and of the City. Commencing with the 2015 City election, candidates for elected office must be a resident of the City of New Carrollton

for a minimum of one hundred eighty (180) days immediately preceding the filing deadline for candidacy. Each elected official shall retain, throughout their respective term of office, all of the qualifications necessary for their election or appointment, and the failure to retain all of such qualifications shall ipso facto cause a forfeiture of office, and the Council shall proceed forthwith to fill said vacancy. (Res. 14-05, 4-29-14; Res. No. 18-04, 3-8-18)

#### Section C-5. Board of Elections.

A. *Appointment and qualifications.* There shall be a Board of Elections consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council. Two (2) members shall be appointed at the first Council meeting in June of every even-numbered year, and one (1) member shall be appointed at the first Council meeting in June of every odd-numbered year. The terms of the members of the Board of Elections shall begin on the 15th day of June in the year in which they are appointed and shall run for two (2) years, or until their successor is appointed. Members of the Board of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their terms of office. The Board shall appoint one of its members as Chairperson. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. Any compensation of the members of the Board shall be determined by the Council.

B. *Duties.* The Board of Elections shall be in charge of the conduct of all City elections, as well as referendum matters, to the extent not inconsistent with State law. The City Clerk shall serve as Secretary to the Board. The Board of Elections shall appoint as many judges and clerks, who shall themselves be registered voters of the City, as may be required to conduct the election in such place as may be designated by the Mayor.

C. *Removal.* Any member of the Board of Elections may be removed for good cause by the Mayor with the approval of the Council. Before removal, the member of the Board of Elections to be removed shall be given a written statement of the charges against him or her and shall have a public hearing on said charges before the Council if he or she so requests within ten (10) days after receiving the written charges against him or her. (Res. No. 14-05, 4-29-14; Res. No. 18-04, 3-8-18)

#### Section C-6. Qualifications and registration of voters.

A. *Qualifications.* Every person who is a citizen of the United States, is at least eighteen (18) years of age on or before the day of the next general or special election, who has resided within the corporate limits of the City for at least thirty (30) days next preceding any City election, who is a resident of the City as of the time for the closing of registration next preceding any election, if registered, shall be entitled to vote at any or all City elections.

B. *Registration.* In accordance with the State Universal Registration Act, as contained in Md. Code Ann., Elections Article, §3-403, as amended, any person residing in the City who is registered with the Board of Supervisors of Elections of Prince George's County shall be deemed to be registered to vote in City elections.

C. *Removal.* The Board of Elections for Prince George's County shall maintain the registration lists in accordance with its usual procedures, including but not limited to removing names because of changes of address and cancellation of registration for failure to vote.

D. *Appeal.* Challenges to the registration of any individual not believed to be qualified to vote in City elections shall be filed with the Board of Elections of Prince George's County, Maryland, in accordance with said Board's procedures. (Res. No. 02-06, 1-9-03; Res. No. 14-05, 4-29-14; Res. No. 18-04, 3-8-18)

#### Section C-7. Elections.

A. *Conduct and procedure.* All elections to fill the office of Mayor and/or Councilmember shall be on a nonpartisan basis, shall be by secret ballot and shall be held on the first Monday in May of every year in which there is an election, except a special election as provided in §C-3B (2), which may be held on any day as determined by the City Council. The City Council may adopt by ordinance any procedures and regulations consistent with the provisions of this Charter and with the applicable laws of the State of Maryland necessary to provide for the orderly conduct of municipal elections, including but not limited to provisions for absentee ballots and for write-in candidacies. No person shall be allowed to vote in any City election except those persons whose names shall appear upon the City voter registration list. The Council shall regulate, by ordinance, the hours during which the polls shall be kept open. The Board of Elections shall conduct such elections, canvass the ballots and certify the results in the manner prescribed by the City Charter and/or City Code, except that the Board of Elections shall, within twenty-four (24) hours after each election, deliver into the hands of the Mayor one (1) certificate or return of the result of the canvass of the ballots as cast in the election, together with the tally sheet, and shall deliver another certificate or return of the result of said canvass, together with the other tally sheet, into the hands of the Mayor Pro Tem. When paper ballots are used, the Board of Elections shall deliver the ballot box containing the ballots, properly sealed, to the City Clerk, in person, who shall retain the same for six (6) months. The results of the election shall be received by the Council from the Mayor at the first regular meeting of the Council following the election. The Council shall determine all cases arising from the results of the elections, except as otherwise may be provided, and any voter who feels he or she has been aggrieved by any ruling as to the eligibility of his or her right to vote may file an appeal to the Circuit Court for Prince George's County, Maryland, and the same shall be determined by said Court. The provisions of this section shall apply to all annual general elections and to any special election conducted as provided elsewhere in this Charter, and to referendum petitions as provided for elsewhere in this Charter.

B. *Nomination of candidates.* Any qualified person desiring to run for any elective office of the City shall file with the Board of Elections, a nominating petition containing the valid signatures of at least ten (10) persons who are qualified voters of the City of New Carrollton. Nominating petitions may be filed with the City Clerk in any election year commencing the third Tuesday of February, however, such petitions shall be filed no later than 5:00 p.m. of the last business day of the month of March. If the aforementioned day is a legal holiday, then the nominating petition shall be submitted on the next business day. Each person signing a nominating petition shall indicate thereon both his or her name and his or her residence address. A nominating

petition may be withdrawn by submission of a written statement, signed by the candidate, any time prior to the filing deadline for candidacy. The Board of Elections shall be authorized to delete from a ballot the name of a candidate if a candidate dies or withdraws or becomes disqualified for any reason.

C. *Notice of election.* The Board of Elections shall give notice of every election day by an advertisement published in at least one (1) publication within the City once between thirty (30) and forty (40) days prior to the election date and by posting notice of such election day in some public place or places within the City. The Board of Elections shall also cause to be published in at least one (1) publication within the City a second notice of election containing the names of all candidates for elective office once between three (3) and ten (10) days prior to the election date.

D. *Candidates elected.* At each election in which a Mayor is to be elected, the candidate for Mayor receiving the highest number of votes cast at the election shall be declared duly elected to the office of Mayor. At the election held during every even-numbered year through and including the May 2020 election, the two (2) candidates for Councilmember receiving the highest number of votes cast at the election shall be declared duly elected to the office of Councilmember, and at the election held during every odd-numbered year through and including the May 2021 election, the three (3) candidates for Councilmember receiving the highest number of votes cast at the election shall be declared duly elected to the office of Councilmember. Commencing with the May 2023 City election, the five (5) candidates for the office of Councilmember with the highest number of votes in an election shall be declared elected as the City Council. In the event of a special election to fill a vacancy on the Council, the candidate or candidates for Councilmember receiving the highest number of votes cast at the election shall be declared elected to complete the unexpired term(s) of office of Councilmember. In the event that vacancies on the Council would require that one (1) or more additional Councilmembers be elected at an election to a one-year term to maintain a full five-Member Council, the candidate or candidates for Councilmember receiving the next-highest number of votes cast at the election, after those candidates elected to the regular two-year terms on the Council, shall be declared elected to the office of Councilmember for remainder of the term or terms. In the event of a tie vote for any office, a runoff election between the tied candidates shall be conducted on the fourth Tuesday following the date of the election in which the tie vote occurred. (Res. No. 14-05, 4-29-14; Res. No. 18-04, 3-8-18; Res. No. 19-01, 03-07-19)

#### Section C-8. Council meetings.

The Council shall meet in City Hall or some other place of convenience in the City on the third Wednesday of each month, which meeting shall be referred to herein as the “regular meeting of the Council”, and at such other times as may be required to conduct the business of the City. Three (3) Councilmembers present at any meeting shall constitute a quorum for the transaction of business. The Council shall adopt rules and regulations consistent with the provisions of this Charter for its own government while in session. (Res. No. 02-07, 1-9-03; Res. No. 14-03, 4-29-14.)

Section C-9. Treasurer's and City Administrative Officer's duties.

A. *Treasurer's duties.* The Treasurer of the City shall review all bills and City expenditures, including payroll, to assure that budget appropriations are not exceeded. The Treasurer shall disburse City funds, except City payroll checks, by check duly signed by him or her as Treasurer and countersigned by the Mayor. The Treasurer shall also do such other things as may be required elsewhere in this Charter. The Treasurer shall assist the City Administrative Officer and the City's Auditor in the preparation of a complete financial report of the accounts of the City as required.

B. *City Administrative Officer's duties.* The City Administrative Officer shall assist the Mayor in the administration of the day to day management of City employees and City affairs as assigned under this Charter or by direction of the Mayor. Under the authority and supervision of the Mayor, the City Administrative Officer shall have the authority and shall be required to:

(1) Maintain the City accounting system in such form as the Council may require, not contrary to State law.

(2) Have custody of all public moneys belonging to or under the control of the City, except for funds under the control of any trustees, and have custody of all bonds and notes of the City.

(3) Disburse City funds by checks duly signed by him or her for City payroll. The Mayor or the Mayor's designee may sign payroll checks if the City Administrative Officer is unavailable for any reason.

(4) Ensure that all taxable property within the City is assessed for taxation.

(5) Collect all taxes, special assessments, license fees, liens and all other revenues of the City for whose collection the City is responsible, and receive any funds receivable by the City.

(6) Invest City funds in excess of those required of the immediate needs of the City. Such investment shall be in the best interest of the City.

(7) Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the City Council. (Res. 97-5, 3-12-98; Res. 02-08, 1-9-03; Res. 14-04, 4-29-14.)

Section C-10. General powers of Council.

A. *Exercise of Powers.* For the purposes of carrying out the powers granted in this Charter, the Council shall pass all necessary ordinances and resolutions pursuant to such manner as may be prescribed by this Charter, ordinance or by the public general laws of Maryland.

B. *Ordinances: adoption and amendment.* Any proposed ordinance or proposed amendment to an existing ordinance shall be introduced at a public meeting of the City Council

and, except as herein provided, shall immediately be tabled by the Council and shall not be eligible for adoption until the next regularly scheduled public Council meeting. At a subsequent Council meeting, the proposed ordinance may be adopted by a majority vote of the Council. The Mayor shall not have voting privileges. The Council may, by a four-fifths vote, declare any proposed ordinance or any proposed amendment to an ordinance to be an “emergency ordinance” and shall



thereupon be authorized to introduce and enact such ordinance or amendment at a single meeting. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over his or her veto by the Council.

C. *Veto.* All ordinances passed by the Council shall be delivered by the City Administrative Officer to the Mayor for his or her approval or veto the day after the meeting at which it was adopted. If the Mayor approves any ordinance, he or she shall sign it. If the Mayor vetoes any ordinance, he or she shall not sign it. The Mayor shall return all ordinances to the City Administrative Officer within five (5) business days after delivery to him or her (including the day of delivery and the day of return) with his or her approval or veto. Any ordinance approved by the Mayor shall be law. An ordinance vetoed by the Mayor shall be returned to the City Administrative Officer with a message stating the reasons for his or her disapproval. Upon receipt of any ordinance disapproved by the Mayor, within two (2) business days the City Administrative Officer shall deliver the ordinance and accompanying message stating the reason for the Mayor's disapproval to the Chairman of the Council. Any vetoed ordinance shall not become law unless subsequently passed by a favorable vote of four-fifths of the whole Council within thirty-five (35) calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within the aforementioned time period it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by the Mayor.

D. *Ordinances: enforcement.* The style of all ordinances enacted by the Council shall be "Be it enacted and ordained by the City Council of New Carrollton," and all suits at law for the violation thereof shall be instituted in the name of the City of New Carrollton, against offending parties, and all fines recovered in such suits at law for the breach of any ordinance of the corporation and any fine imposed by any judicial officer for violation of such ordinances shall be collected by said judicial officer and paid over to the Director of Finance and Accounting of the City within one (1) month after collection of the same.

E. *Ordinances: certified copies.* A copy of any ordinance or record of the City of New Carrollton, certified by its City Administrative Officer or City Clerk, under its Seal, to be a true copy and the whole of such ordinance or record, shall be received in all courts as presumptive legal evidence of the facts therein stated.

F. *Ordinances: penalties.*

(1) To ensure compliance with the ordinances of the City, the Council shall have the power to provide that a violation shall be a misdemeanor or a municipal infraction, unless the violation is declared to be a felony or misdemeanor by State law. The Council shall have the power to affix penalties of a fine for the violation of an ordinance. The penalty for a misdemeanor shall not exceed the amount of a fine authorized by State law per infraction and/or imprisonment as provided for by State law. A penalty for a municipal infraction shall not exceed that amount authorized by State law per infraction. The Council may provide that a judgment or conviction for

an offense shall not bar a subsequent enforcement procedure for a continuation of the same offense subsequent to the first or any succeeding conviction.

(2) The Council may also provide that violations of any ordinances or resolutions shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this subsection, a municipal infraction is a civil offense. A fine not to exceed that authorized by State law may be imposed for each conviction of a municipal infraction. Each day a violation continues shall constitute a separate offense. (Res. 02-09, 1-9-03; Res. 13-04, 11-20-12; Res. 14-04, 4-29-14.)

#### Section C-11. Enumeration of powers of the City.

A. The Council shall have all the powers specified for exercise by municipalities or necessarily implied therefrom as granted under the Constitution and laws of the State of Maryland and the United States of America, together with any and all powers inherent in the creation of municipalities. Furthermore the Council shall have the power to pass 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, and welfare of the residents of and visitors in the City.

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

C. *Saving Clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the City to the subjects mentioned and is in addition to any other powers that the City may have under and by virtue of the general public laws of Maryland. (Res. 02-10, 1-23-03; Res. 13-05, 11-20-12; Res. No. 14-03, 4-29-14.)

#### Section C-12. Taxes and assessments.

A. *Tax rate.* All real property and all tangible personal property within the corporate limits of the City or personal property which may have a situs within the City limits by reason of the residence of the owner therein is subject to taxation for municipal purposes, and the assessment valuation used shall be the same as that for State and County taxes. Household furniture, not held or employed for purposes of profit or in connection with any business, profession or occupation shall not be subject to municipal taxation. The Council shall have full power and authority to levy annually, upon all real property and tangible personal property, shares of stock in domestic corporations, operating property of railroads and contract carriers, operating property of public utilities, stock in business of manufacturing or commercial business which shall include inventory, manufacturing property, franchises of the City and all other property authorized by law subject to assessment and tax for State and County purposes, such taxes and at such rates as may be

necessary, in its judgment, to meet the anticipated expenses of the next succeeding fiscal year. From the effective date of the annual 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.

B. *Tax bills.* Whenever the Council shall levy a tax, the City shall prepare a listing of all persons, partnerships, firms or corporations charged therewith and shall indicate thereon the respective sums to be collected from the same. The City shall promptly render to each such person, partnership, firm or corporation a statement or tax bill showing the amount due by them.

C. *Collections.* All taxes levied under this section shall be a lien on any and all property of the person, partnership, firm or corporation against whom said taxes are levied. The Council shall by ordinance or resolution provide for the systematic and orderly collection of taxes consistent with the applicable provisions of the Tax–Property Article and the Tax–General Article of the Annotated Code of Maryland and the Code of Public Local Laws of Maryland, entitled “Prince George’s County.”

D. *Tax sales.* The Director of Finance and Accounting of the City of New Carrollton, upon receiving notice from the appropriate official of Prince George’s County, as is provided for in the Annotated Code of Maryland, and not later than thirty (30) days after receipt of said notice, shall certify to the appropriate official of Prince George’s County a statement of all taxes due the City of New Carrollton, and the payment of said taxes shall be enforced in accordance with the provisions of § 14–801 et seq. of the Tax – Property Article of the Annotated Code of Maryland, relating to tax sales generally. The payment of said taxes may also be enforced in any other manner as is now or may be provided by law.

E. *Assessments.* The Council is hereby authorized, empowered and directed to adopt and use as and for the assessment of property within the corporate limits of the City the assessment in force in the same fiscal year for County tax purposes in Prince George’s County. The adoption and use of said County tax assessment by the Council shall be treated and considered in all respects as its own valuation and basis of assessed property in the City subject to taxation for municipal purposes. (Res. 02–11, 1–23–03; Res. No. 07–01, 3–6–08; Res. No. 14–06, 4–29–14.)

#### Section C–13. Shared funds.

The City of New Carrollton shall receive its share or proportion of all public moneys. (Res. No. 02–12, 1–23–03.)

#### Section C–14. Budget and finance.

A. *Fiscal year.* 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. Such fiscal year shall constitute the tax year, the budget year and the accounting year.

B. *Annual budget.* The City shall operate on an annual budget. The Mayor, shall submit an operating and a capital budget on such date as the Council by ordinance determines.

This 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.

C. *Budget adoption.* Before adopting the budget, the Council shall hold a public hearing thereon after publishing notice of said public hearing in at least one (1) publication of general circulation within the City. The Council may insert new items or may increase or decrease the items of the budget. If the Council increases the total proposed expenditures, it shall also increase the total anticipated revenues to an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

D. *Appropriations.* No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Any transfer of funds between appropriations for different purposes must be approved by the Council before becoming effective. 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 revenues for the current budget year or be designated for other purposes as specified by the City Council.

E. *Audit.* The Council shall provide for the financial books and accounts of the City to be audited annually as required by the Annotated Code of Maryland, or at such other times as the Council may require. The Council shall appoint the auditor.

F. *Financial statement.* At least thirty (30) days before each general election, and before each special election at which there is a ballot question pertaining to the expenditure or borrowing of public moneys, the Mayor shall have prepared in a form appropriate and made available in a suitable place or places for inspection by the taxpayers of the City a detailed statement of the financial condition of the City, including receipts and expenditures of all kinds whatsoever since the last general election. (Res. 97-5, 3-12-98; Res. 02-13, 1-23-03; Res. 14-06, 4-29-14.)

#### Section C-15. Benefit assessments.

A. *Authority.* The City shall have the power to assess against the abutting property for special benefits conferred upon that property, and to collect from the owners thereof in the form of special assessments upon the property, any part or all of the cost of the design, installation and/or construction and/or paving of streets or public rights-of-way, sidewalks, curbs and gutters, drainage systems and other permanent municipal improvements as it may determine to be necessary for the public benefit and for the benefit of the owners of said abutting land. Such costs shall include the direct construction costs of the project, including engineering costs, 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 administrative expense incurred to levy and collect the assessment and any other item of cost which

may reasonably be attributed to the project. The City shall have the authority to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. All benefit assessments so levied shall be subject to the provisions of this section. In no case shall the Council levy an assessment to recover the cost of normal repairs or maintenance to existing streets, sidewalks, curbs and gutters, drainage facilities or other similar improvements. Before levying any benefit assessment as provided herein, the Council must obtain, in writing, the approval of the owners of more than fifty percent (50%) of the abutting property against which the assessment is to be made.

B. *Notice of proposed assessment.* When the Council has determined to propose an assessment for an improvement, the Administrative Officer shall notify, in writing, all owners of property against which the assessment is proposed to be levied, stating a time and place for a public hearing to be conducted thereon. Said notice may be mailed to the last known address of the owner. Said notice shall state the nature and extent of the proposed project, the estimated cost of the project, the portion of the cost to be assessed to the property owner, the number of installments in which the assessment may be paid and the rate of interest the assessment will bear. Notice of said public hearing shall also be advertised in at least one (1) publication of general circulation within the City at least five (5) days before the date of the hearing. The City Administrative Officer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. Following the public hearing, and upon obtaining the written approval of the owners of more than fifty percent (50%) of the assessable property, the Council, in its discretion, may vote to proceed with the project and to levy the assessment. Any person feeling aggrieved by the levying of an assessment under the provisions of this assessment shall have the right to appeal to the Circuit Court for Prince George's County within ten (10) days after the levying of said assessment by the Council.

C. *Levying of assessments.* All assessments levied under the provisions of this section shall be by ordinance of the City Council and shall be a lien on the property assessed, to be collected in the same manner as is provided for the collection of real property taxes. The assessment against each abutting parcel shall be for a share of the total cost of the assessable improvement equal to the proportion thereof that the number of feet in said parcel abutting on such improvement bears to the total assessable frontage on the part of the street or area so improved, or shall be on such other equitable basis as determined by the Council. The principal of such assessment shall be payable in twenty (20) equal semiannual installments from the date of the assessment, and at the time of the payment of each of the installments there shall also be due and payable the interest on such installment and on the balance of the principal then unpaid. The rate of interest shall be as determined by the Council in levying the assessment, and it shall not exceed the rate of interest stated in the notice of the proposed assessment mailed to the owners of assessable property as provided in this section.

D. *Collection.* All assessments shall be billed and collected by the Director of Finance and Accounting, who shall be charged with the custody of all proceeds therefrom. All collections shall be maintained in a separate fund in the accounts of the City. No part of the proceeds collected may be used except to liquidate the notes, bonds or other evidences of indebtedness and to pay the interest thereon which may have been issued to finance the improvements for which the assessment

was levied. When such notes, bonds or other evidences of indebtedness have been paid in full, any remaining balance in the special assessment fund may be used for general municipal purposes as directed by the Council. (Res. No. 14-06, 4-29-14.)

Section C-16. Borrowing authority and limits; approval.

(A) The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this section.

(B) All general obligation bonds, notes or other evidences of indebtedness issued under the provisions of this section shall be authorized by an ordinance that shall contain: (1) a statement of the maximum aggregate principal amount of such obligations to be issued; (2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (3) a pledge of the security for such obligations and, if applicable, a statement that such obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and (4) a requirement that, subject to the provisions of subsection (D) below, prior to the issuance of any such obligations, the Council shall adopt a resolution in accordance with the provisions of subsection (C) below.

(C) Prior to issuing any such obligations identified in subsection (B) above, the Council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for); (3) the date or dates and amount or amounts of maturity, which may be in any denomination and which may be in serial and/or term maturities or otherwise payable in installments; (4) the manner of selling such obligations, which may be either by solicitation of competitive bids at public sale after publication or dissemination of the notice of sale or a summary thereof or by private (negotiated) sale without advertisement or solicitation of competitive bids; (5) the price or prices of such obligations, which may be at, above or below par value; (6) any desired provisions relating to the redemption or put of such obligations prior to maturity (which may be at, above or below par value), and the manner of publishing or otherwise giving notice of such redemption or put; (7) the manner of executing and sealing such obligations, which may be by facsimile; (8) any documents pursuant to which such obligations are to be issued or secured, including, without limitation, agreements with banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for such obligations and for securing any tender option granted to the holders thereof; and (9) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the Council may determine necessary or desirable, including, without limitation, whether such obligations shall be sold for cash or other valuable consideration or further specifying the purposes for which such obligations are to be expended (within the limitations set forth in the applicable ordinance). By resolution the Council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (C). A resolution adopted pursuant to this subsection (C) may be introduced and adopted at a single session of the Council and shall become effective immediately upon adoption or upon the date specified in such resolution.

(D) The Council may, at its option, determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (C) above by ordinance instead of by resolution.

(E) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the public sale of municipal obligations by competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the City and/or in a generally recognized financial journal such as The Bond Buyer, or any notice of sale, rather than being published in full or summary form, may be made available solely via the Internet or by other electronic means and/or by any other then-commercially reasonable manner for the sale of municipal obligations, all as determined by the Council by resolution or ordinance in accordance with the provisions of subsection (C) or subsection (D) above, as applicable. To the extent the Council determines to publish the notice of sale in full or summary form, any such publication need only be made once at least seven (7) days before the initial date fixed for sale.

(F) The power conferred on the City under this section shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the City by Maryland, City or federal law, and the City may authorize, issue and secure any such general obligation debt in conformity with this section and/or any other applicable law. (Res. No. 14-06, 4-29-14.)

#### Section C-17.

Reserved. (Res. 14-06, 4-29-14.)

#### Section C-18. Purchasing and contracts.

The Mayor shall be responsible for all purchases made by or on behalf of the City. The Council shall, by ordinance, provide procedures for the purchase of all supplies, materials, equipment, contractual services and capital improvements for the City. All purchases shall be made as provided for in the City purchasing policies adopted by the City Council by ordinance, provided that emergency purchases and purchases for which competitive bids cannot be obtained may be made without regard to competitive bidding procedure. (Res. 97-5, 3-12-98; Res. 02-15, 1-23-03; Res. 14-06, 4-29-14.)

#### Section C-19. Referenda.

A. *Petition: annexation resolution.* At any time within the forty-five-day period following the final enactment of an annexation resolution, (1) a number of persons equal to not less than twenty per centum (20%) of the registered voters who are residents in the area to be annexed (2) at least 20% of the qualified voters of the City and/or (3) the governing body of the county in which the City is located, by at least a 2/3 majority vote, may, in writing, petition the Mayor and City Administrative Officer of the City for a referendum on the resolution. Upon the

presentation of a petition by the residents of the area to be annexed or the qualified voters of the City, the City Administrative Officer shall cause to be made a verification of the signatures thereon and shall ascertain that the persons signing the petition represent at least twenty per centum (20%) of either the registered voters who are residents in the area to be annexed or the qualified voters of the City, depending on the petition reviewed. Upon verifying that the requirements of this subsection and Division II “Municipalities”, Title 4 “In General”, Subtitle 4 “Annexation” of the Local Government Article of the Annotated Code of Maryland have been complied with, the officer shall by proclamation suspend the effectiveness of the resolution, contingent upon the results of the referendum. Upon presentation of a petition by the governing body of Prince George’s County, the City Administrative Officer shall verify compliance with the requirements of Division II “Municipalities”, Title 4 “In General”, Subtitle 4 “Annexation” of the Local Government Article of the Annotated Code of Maryland, and upon verifying compliance the Mayor, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum. The Council shall have the annexation resolution or the part thereof requested for referendum submitted to a referendum in accordance with the provisions of Division II “Municipalities”, Title 4 “In General”, Subtitle 4 “Annexation” of the Local Government Article of the Annotated Code of Maryland and the Council shall have the authority to enact ordinances to provide for conducting and tabulating the results of such a referendum.

B. *Petition: Charter amendment resolution.* A Charter amendment or amendments proposed by the City Council of the City shall become and be considered a part of the City Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the 50th day after being so ordained or passed, unless on or before the 40th day after being so ordained or passed there shall be presented to the City Council of the City, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of this subsection and the Local Government Article of the Annotated Code of Maryland. The petition shall be signed by twenty per centum (20%) or more of the qualified voters for general elections of the City and shall request that the proposed amendment or amendments be submitted to referendum of the qualified voters of the City. Petitions for referendum of a Charter amendment resolution shall be handled in accordance with the applicable provisions of the Local Government Article of the Annotated Code of Maryland, as amended.

C. *Petition: ordinances.* If, before the expiration of twenty (20) calendar days following approval of an ordinance, a petition is filed with the City Board of Elections containing the signatures of not less than eight per centum (8%) of the qualified voters of the City and requesting that the ordinance or resolution, or any part thereof, be submitted to a vote of the qualified voters of the City for their approval or disapproval, the Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the City at the next regular City election or, in the Council’s discretion, at a special election occurring before the next regular election. A petition must be submitted to the City Attorney to be approved by him/her in order for the petition to be valid. The City Attorney shall have three (3) business days to approve the petition. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the registered voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of

such petition. If the question of approval or disapproval of any ordinance, or any part thereof, has not been submitted to the registered voters within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by the majority of the registered voters voting on the question at the election. Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

D. *Petition: form.* Each person signing a petition shall indicate thereon both his or her name and residence address. Each person signing the petition shall also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. A petition may consist of several pages, but each page shall contain a request that the resolution or ordinance be submitted on referendum to the voters of the City and shall also consist of the complete text or an accurate and fair summary of the ordinance, annexation resolution, Charter amendment resolution or other resolution petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Board of Elections is directed to verify that it has been signed by the required number of qualified voters. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others. If the petition fails to contain the required number of valid signatures, as determined by the Board of Elections, the petitioners may submit, as an amendment to their original petition, the additional number of valid signatures to meet the requirements of this subsection but within the aforementioned time.

E. *Petition: applicability.* The provisions of this subsection shall not apply to any ordinance, or part thereof, levying property taxes for the payment of indebtedness, but the provisions of this subsection shall apply to any ordinance, or part thereof, levying benefit assessment charges.

F. *Effect of petition.* Any ordinance or resolution, or the part thereof requested for referendum, shall be suspended following the receipt of such petition until and unless found to be invalid or approved at the election thereon by a majority of the qualified voters voting on the question; provided, however, that for ordinances the total number of votes cast in any special election shall equal at least twenty-five percent (25%) of the total number of votes cast in the last municipal general election. In the case where fewer than twenty-five percent (25%) of the votes in the previous municipal election are cast, then the ordinance or resolution shall be considered approved and valid and the suspension of its effectiveness shall end. Any ordinance or resolution, or part thereof, disapproved by the voters shall stand repealed.

G. *Advisory referendums.* The Council, for its guidance, may provide for advisory referendum questions at a regular or a special municipal election. (Res. 02-16, 1-23-03; Res. 14-05, 4-29-14; Res. No. 18-04, 3-8-18)

Section C–20. Recall of elected officials.

A. *Application.* The holder of any elected office of the City shall be subject to recall for failure to perform the duties of his or her office as such duties are set forth in this Charter.

B. *Petition.* If a petition signed by not less than twenty–five percent (25%) of the qualified registered voters of the City shall be presented to the Board of Elections setting forth that the officeholder in question has failed to perform the duties of his or her office and specifying the instances of such failure and requesting an election to vote upon the recall of the officeholder, the Board of Elections shall immediately pass upon the legal sufficiency thereof and shall verify that the petition has been signed by the required number of qualified registered voters. Each person signing the petition shall indicate thereon their name and residence address. The Council shall consider the petition as of no effect if it is signed by fewer than twenty–five percent (25%) of the persons who are qualified to vote in municipal elections. A minor variation in the signature of a petition between his or her signature on a petition and that on the City voter registration records shall not invalidate the signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

C. *Effect of petition.* If the Board of Elections shall determine that the petition meets all the requirements of this section, the Council shall, by resolution, specify the day and the hours for a special election to be held, not more than forty–five (45) calendar days from the date said resolution is adopted. The resolution shall specify the exact wording of the question which is to appear on the ballot. The ballot question shall include the name of the officeholder in question and the office which he or she holds and shall request a “yes” or a “no” vote as to his or her removal from that office. The ballot question shall not specify, or in any way refer to or imply, the reasons for which removal is being sought.

D. *Results of election.* If a majority of the voters in the special election vote in favor of recalling the officeholder in question, upon certification of the results of the election by the Board of Elections to the Council, said office shall thereupon be declared vacant by the Council and shall be filled by the Council in the manner prescribed by this Charter; provided, however, that if the total number of votes cast in the special election does not equal at least twenty percent (20%) of the total number of registered voters, then the results of the election shall be considered to have no effect. (Res. No. 97–05, 3–12–98; Res. 14–05, 4–29–14; Res. No. 18–04, 3–8–18)

Section C–21. Code of Ethics.

The Council shall adopt a Code of Ethics applying to all persons in the service of the City, such code to be on file for public inspection in the offices of the City, and shall be reviewed every three (3) years by the Board of Ethics. (Res. No. 18–04, 3–8–18)

Section C–22. Legislative intent.

Notwithstanding any other evidence of the legislative intent of the Council regarding this Charter, it is hereby declared to be the legislative intent that if any provisions of this Charter or the application thereof to any person or circumstances is held invalid by any court of competent

jurisdiction, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby. (Res. No. 14-03, 4-29-14; Res. No. 18-04, 3-8-18).

## NOTES

(1) Resolution 02–03, effective December 26, 2002, amended the City Charter to make nonsubstantive revisions to capitalization and gender.

(2) Resolution 14–03, effective April 29, 2014, amended sections C–1, C–2, C–8, C–11, and C–23 to make substantive revisions to matters relating to the operation of the City government.

(3) Resolution 14–04, effective April 29, 2014, amended sections C–3, C–9, and C–10 to make substantive revisions to matters relating to the powers and duties of elected and appointed officials.

(4) Resolution 14–05, effective April 29, 2014, amended sections C–4, C–5, C–6, C–7, C–19, and C–21 to make substantive revisions to matters relating to terms of office and elections.

(5) Resolution 14–06, effective April 29, 2014, amended sections C–12, C–14, C–15, C–16, C–17, and C–18 to make substantive revisions to matters relating to City finances.