

HOUSE BILL 627

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2001 Regular Session
11r0738
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By: **Delegate Wood (Department of Legislative Services)**

Introduced and read first time: February 7, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

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; making certain
7 conforming changes; and relating generally to municipal corporation charters.

8 BY repealing and reenacting, with amendments,
9 Article 23A - Corporations - Municipal
10 Section 9A to be under the amended subheading "Reposition of Municipal
11 Documents"; 17, 19(p), 19A(j), 28, and 41
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

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

16 **Article 23A - Corporations - Municipal**

17 [Registration] REPOSITION of Municipal Documents

18 9A.

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

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

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

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

11 (4) A charter amendment, ordinance, referendum or any other device by
12 which the corporate boundaries of the municipality are enlarged or otherwise
13 changed; including (i) a copy of the complete text of it with a statement of the new
14 boundaries, (ii) the date of the referendum election, if any, (iii) the number of votes
15 cast for or against the annexation, whether in the legislative body or in a referendum,
16 and (iv) the effective date of the annexation; as provided for in § 19(p) of this article.

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

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

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

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

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

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

5 17.

6 (a) In any proposal to amend an existing charter of a municipal corporation,
7 the new matter, if any, to be added to the charter shall be indicated by being
8 underscored or in italics or typed or printed completely in capital letters and all
9 matter to be eliminated from the existing charter, if any, shall be indicated in its
10 proper place by enclosing such matter in double parentheses or in boldface brackets.
11 Where the subject matter consists of an entirely new section or sections the words of
12 such new section or sections shall also be underscored or in italics or typed or printed
13 completely in capital letters or contain some marginal or other notation to that effect.
14 When the purpose of any proposal is to repeal in entirety any section or sections of the
15 existing charter, the matter intended to be repealed need not be written out in full
16 and enclosed in either double parentheses or boldface brackets.

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

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

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

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

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

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

1 19.

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

12 19A.

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

18 28.

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

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

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

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

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

36 41.

37 An entire repeal of the charter of a municipal corporation, and the termination
38 of the existence of the municipal corporation, may be accomplished as generally
39 provided above in the subheading "Charter Amendments". The resolution of the

1 legislative body of the municipal corporation or the petition of 20 percent or more of
2 the qualified voters need not contain the text of the charter which it is proposed to
3 repeal, but may simply state the fact of the proposed repeal. The posting and
4 publication of the proposed repeal also may simply state that fact, as may the
5 [registration of] SUBMISSION OF INFORMATION ABOUT a favorable vote thereon with
6 the Department of Legislative Services, as provided in [§ 9A] § 9A(B) of this article.
7 From and after the time that the charter stands repealed it no longer may be included
8 in any subsequent edition or printing of the code of public local laws of the county or
9 State.

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