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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2001

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CHAPTER \_\_\_\_\_

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  
17 (1998 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article 23A - Corporations - Municipal  
20 Section 13(f), 16(c), and 19(e) and (l)  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 2000 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - Courts and Judicial Proceedings

1 Section 10-201.1  
2 Annotated Code of Maryland  
3 (1998 Replacement Volume and 2000 Supplement)

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

6 **Article 23A - Corporations - Municipal**

7 [Registration] REPOSITION of Municipal Documents

8 9A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 13.

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

1 16.

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

15 17.

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

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

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

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

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

40 (f) At the time a charter amendment or amendments become effective by  
41 reason of having been ordained or passed by the legislative body of the municipal  
42 corporation, or at the time of making public proclamation as to the vote on any

1 question containing a proposed charter amendment or amendments which have been  
 2 adopted, the mayor or other chief executive officer of the municipal corporation shall  
 3 send the information concerning the charter amendment or amendments to the  
 4 Department of Legislative Services as provided in § 9A of this article.

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

8 17A.

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

16 19.

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

21 (l) If only one petition for a referendum is filed and if a majority of the  
 22 persons voting on the question in that referendum shall vote in favor of the proposal  
 23 for change, the change shall become effective as proposed on the fourteenth day  
 24 following the referendum. If two petitions for referendum are filed, the votes cast for  
 25 the two referenda shall be tabulated separately, so as to show individually the  
 26 tabulation of votes cast in the municipal corporation and in the area to be annexed. If  
 27 in both tabulations, each being reckoned separately, a majority of the persons voting  
 28 on the question shall vote in favor of the proposal for change, the change shall become  
 29 effective as proposed on the fourteenth day following the referendum. In the event  
 30 there are two referenda, unless there is such a favorable majority in both tabulations,  
 31 reckoned separately, the proposal for change shall be void and of no further effect  
 32 whatsoever.

33 (p) The chief executive and administrative officer of a municipal corporation  
 34 which has enlarged its corporate boundaries under the provisions of this section shall  
 35 promptly [register] ~~SEND THE INFORMATION ABOUT ANNEXATION RESOLUTIONS~~  
 36 ~~WITH~~ the new boundaries [with] TO the clerk or similar official ~~thereof~~, [with] TO  
 37 the clerk of the court in the county or counties in which the municipal corporation is  
 38 located, [with] TO the Department of Legislative Services as provided in § 9A of this  
 39 article, and for those municipalities lying within the regional district, [with] TO the  
 40 Maryland-National Capital Park and Planning Commission. Each such official shall  
 41 hold the [registration of] ~~INFORMATION ABOUT ANNEXATION RESOLUTION WITH~~

1 THE NEW boundaries on record and shall make it available for public inspection  
2 during all normal business hours.

3 19A.

4 (j) Within 60 days after the unified charter is adopted by the legislative  
5 bodies of the unifying municipal corporations or by a referendum election, the  
6 legislative bodies of the unifying municipal corporations shall jointly send the  
7 information concerning the charter adopted by the unified municipal corporation to  
8 the Department of Legislative Services, as provided in ~~{§ 9A} § 9A(B)~~ of this article.

9 28.

10 (a) At the time of making public proclamation as to the vote on the question of  
11 incorporation under the proposed charter, the county governing body shall send the  
12 information concerning the charter adopted by the municipal corporation to the  
13 Department of Legislative Services, as provided in ~~{§ 9A} § 9A(B)~~ of this article for  
14 municipal officials.

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

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

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

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

27 41.

28 An entire repeal of the charter of a municipal corporation, and the termination  
29 of the existence of the municipal corporation, may be accomplished as generally  
30 provided above in the subheading "Charter Amendments". The resolution of the  
31 legislative body of the municipal corporation or the petition of 20 percent or more of  
32 the qualified voters need not contain the text of the charter which it is proposed to  
33 repeal, but may simply state the fact of the proposed repeal. The posting and  
34 publication of the proposed repeal also may simply state that fact, as may the  
35 [registration of] SUBMISSION OF INFORMATION ABOUT THE CHARTER AMENDMENT  
36 RESOLUTION REFLECTING a favorable vote ~~thereon~~ with the Department of  
37 Legislative Services, as provided in ~~{§ 9A} § 9A(B)~~ of this article. From and after the  
38 time that the charter stands repealed it no longer may be included in any subsequent  
39 edition or printing of the code of public local laws of the county or State.

1 **Article - Courts and Judicial Proceedings**

2 10-201.1.

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

9 (b) A replacement edition of the Public Local Laws of Maryland - Compilation  
10 of Municipal Charters that is prepared and published by the Department of  
11 Legislative Services is adopted and made evidence of the portion of the Public Local  
12 Laws of the State of Maryland that contains the charters of all the municipal  
13 corporations in the State at the time of publication. It shall be considered as evidence  
14 of the law in all courts of the State and by all public offices and officers of the State  
15 and its political subdivisions.

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

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