

CHARTER

OF THE

# City of Frederick

FREDERICK COUNTY, MARYLAND

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# FREDERICK

## ARTICLE I Incorporation and General Government

### Section 1. Body corporate; name; general powers; continued existence.

The citizens of the City of Frederick, in Frederick County, Maryland, are hereby constituted a body corporate by the name of "The City of Frederick," and by that name shall have perpetual succession, sue and be sued, have and use a common seal which may be altered at pleasure, and have all powers and privileges incident to or that may attach to a municipal corporation. The repealing of the former Section 195 of Article 11 of the 1930 edition of the Code of Public Local Laws of Maryland, and the enactment of this new section, shall not be construed as terminating the existence of the corporation known as "The Mayor and Aldermen of Frederick," and creating a new corporation by the name of "The City of Frederick," but shall be construed as continuing the existence of the corporation known as "The Mayor and Aldermen of Frederick," and changing its name to that of "The City of Frederick." (Acts 1951, Ch. 539, § 1.)

### Section 2. Boundaries.

The corporate boundaries shall be described by a system of courses and distances based on the coordinate system established by the Bureau of Control and Surveys of the State of Maryland. An accurate written description of the current boundaries of the City shall be kept on permanent file in the Office of the City Engineer. (Acts 1951, Ch. 539, § 2; Acts 1953, Ch. 465, § 1; Reso. 4-18-63; Reso. 3-18-65; Reso. 3-30-65; Reso. 5-19-66; Reso. 5-18-67; Reso. 10-19-67; Reso. No. 2-71; Reso. No. 6-72; Reso. No. 7-72; Reso. No. 8-72; Reso. No. 5-73; Reso. No. 1-75; Reso. No. 6-80, 11-20-80; Reso. No. 14-81, 4-16-81; Reso. No. 1-82, 1-21-82; Reso. No. 6-83, 6-6-83; Reso. No. 8-84, 9-23-84; Reso. No. 9-84, 10-28-84; Reso. No. 11-84, 12-2-84; Reso. No. 5-85, 4-7-85; Reso. No. 6-85, 6-2-85; Reso. No. 7-85, 5-24-85.) (See note (a))

### Section 3. Exercise of powers within and outside corporate limits, exemption from County laws.

The city shall exercise its lawful powers within the corporate limits and in those areas annexed. The city may enact and enforce laws relating to its lands located in Frederick County outside the corporate limits. To the extent permitted by law, the city may provide municipal services outside the corporate limits. To the extent permitted by law, the city may exempt itself from County laws. (Acts 1951, Ch. 539, § 3; Res. No. 19-81, § 1, 5-14-81; Res. No. 21-83, 1-27-84.)

### Section 4. Law applies to annexed areas.

The City shall exercise all governmental powers in any area hereafter annexed to it which it exercises within the present limits of the city. All provisions of the Charter, Code, and

regulations of the City hereby shall be made applicable to all such annexed areas. (Acts 1951, Ch. 539, § 4; Res. No. 9-89, 9-29-89.)

Section 5. Repealed. (Acts 1951, Ch. 539, § 5; Res. No. 10-89, 9-29-89.)

Section 6. Form of government; elected officials; additional departments.

The City of Frederick shall be governed by a mayor and five (5) aldermen to be elected as hereinafter provided. In addition to the administrative departments provided for by this Charter, the board of aldermen may establish such additional administrative departments as it may deem necessary. (Acts 1951, Ch. 539, § 6; Res. No. 15-81, § 1, 4-16-81.)

## **ARTICLE II**

### **The Board of Aldermen**

Section 7. Legislative powers; election generally; term.

All legislative powers of the city shall be vested in a board of aldermen consisting of five (5) aldermen who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors are elected and qualified. Effective as of the term beginning in January 2006, the regular term of aldermen shall expire on the second Thursday in December of each regular city election year, at which time the newly elected board of aldermen shall take office. (Acts 1951, Ch. 539, § 7; Res. of 3-18-65; Res. No. 16-81, § 1, 4-16-81; Res. No. 05-4, 3-11-05.)

Section 8. Qualifications.

Aldermen shall have resided in Frederick for at least one year immediately preceding their election and shall have and maintain their principal place of residence or domicile, as defined by Maryland law, as amended from time to time, in the City of Frederick during their term. Aldermen shall be qualified registered voters of the city. (Acts 1951, Ch. 539, § 8.) (Res. No. 96-14, 11-1-96.)

Section 9. Salary.

Effective December 10, 2009, the salary for each member of the board of aldermen is twenty five thousand dollars (\$25,000) per year. Said salary shall be adjusted annually on July 1, beginning on July 1, 2010, in accordance with the Consumer Price Index ("CPI") for the Washington Metropolitan Region, as established in the March report, or the cost of living adjustment, if any, City employees receive, whichever is less. (Acts 1951, Ch. 539, § 9; Acts 1953, Ch. 496, § 1; Res. of 12-14-61; Res. of 5-5-66; Res. No. 2-73, § 1; Res. No. 4-77, § 1, 4-14-77; Res. No. 7-81, § 1, 3-5-81; Res. No. 12-84, § 1, 12-7-84; Res. No. 11-89, 9-29-89; Res. No. 93-5, 5-21-93; Res. No. 97-21, 6-6-97; Res. No. 97-29, 8-8-97; Res. No. 01-5, 3-23-01; Res. No. 05-36, 11-4-05; Res. No. 07-5, 4-6-07.)

**Section 9.1. Salary – July 1, 2005 through December 9, 2009.**

Effective July 1, 2005 through December 9, 2009, the salary for each member of the board of aldermen is thirteen thousand five hundred thirty-nine dollars (\$13,539) per year. Said salary shall be adjusted annually on July 1, beginning on July 1, 2006, in accordance with the Consumer Price Index (“CPI”) for the Washington Metropolitan Region, as established in the March report, or the cost of living adjustment, if any, city employees receive, whichever is less. (Res. No. 07-7, 4-20-07.)

**Section 10. Meetings.**

The board of aldermen shall meet in regular session on the first and third Thursdays of each month. The board may meet once in the months of June, July, August, September and December. Should a regular meeting coincide with a legal holiday or for other proper reason, the board may reset the regular meeting to some other date. The mayor, or a majority of the board of aldermen, may call special meetings as often as may be necessary. All regular and special meetings shall be open to the public as required pursuant to the Open Meetings Act, codified at Annotated Code of Maryland, State Government Article, Sections 10-501 through 10-512, as amended, who shall be given reasonable opportunity to be heard. (Acts 1951, Ch. 539, § 10; Res. No. 2-69, § 1; Res. No. 20-81, § 1, 5-14-81; Res. No. 97-1, 2-21-97; Res. No. 97-21, 6-6-7.)

**Section 11. Board to judge qualification of members.**

The board of aldermen shall be the judge of the election and qualifications of its members. (Acts 1951, Ch. 539, § 11.)

**Section 12. President and president pro tempore.**

The mayor shall serve as the president of the board of aldermen. He shall have no vote on any matter except when the board of aldermen is equally divided, in which case he shall cast the deciding vote. The board of aldermen shall elect a president pro tempore who shall preside at the meetings of the board of aldermen in the absence of the mayor. When directed by the mayor or in the event of the mayor’s incapacity, the president pro tempore shall serve as acting mayor. While presiding over the board of aldermen or serving as acting mayor, the president pro tempore shall retain his vote on the board of aldermen. (Acts 1951, Ch. 539, § 12; Res. No. 21-81, § 1, 5-14-81.)

**Section 13. Quorum; passage of ordinances generally.**

A majority of the board of aldermen shall constitute a quorum for the transaction of business, and no ordinance shall be approved or other action taken without a majority favorable vote of those present unless otherwise provided in this Charter. (Acts 1951, Ch. 539, § 13.)

Section 14. Rules and order of business; journal.

The board of aldermen shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon any question, resolution, or ordinance. The journal shall be open to public inspection. (Acts 1951, Ch. 539, § 14; Res. No. 12-89, 9-29-89.)

Section 15. Attendance of absent members; expulsion of members.

The board of aldermen may compel the attendance of absent members in such manner and under such penalties as may be provided by ordinance. The board of aldermen by a unanimous vote of the other members present may expel a member from a meeting for disorderly conduct or violation of its rules. (Acts 1951, Ch. 539, § 15; Res. No. 13-89, 9-29-89.)

Section 16. Repealed. (Acts 1951, Ch. 539, § 16; Res. No. 14-89, 9-29-89.)Section 17. Vacancies.

Vacancies in the board of aldermen shall be filled as herein provided. (Acts 1951, Ch. 539, § 17; Res. No. 15-89, 9-29-89.)

Section 18. Authority over offices, departments and agencies.

The board of aldermen, by ordinance, may create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter. The board of aldermen by ordinance may assign additional functions or duties to offices, departments, or agencies established by this Charter, but may not discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency. (Acts 1951, Ch. 539, § 18.)

Section 19. Authority to fix salaries.

The board of aldermen shall fix the salaries of all employees and appointees of the City of Frederick, including the salaries of all heads of offices, departments, or agencies, including the salary of the mayor and the aldermen for subsequent terms. (Acts 1951, Ch. 539, § 19; Res. No. 16-89, 9-29-89.)

Charter references – Salary of aldermen, § 9; salary of mayor, § 27.

Section 20. Ordinances – Method of passage generally.

All ordinances shall be in writing and may be passed by the board of aldermen at the meeting in which they are introduced. All ordinances shall be signed by the mayor as president of the board of aldermen and approved by him as mayor. (Acts 1951, Ch. 539, § 20; Res. No. 22-81, § 1, 5-14-81.)



Section 21. Ordinances – Effective date; veto by mayor.

All ordinances passed by the board of aldermen shall be promptly delivered by the board of aldermen to the mayor. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances to the legislative clerk within two (2) weeks after delivery to him with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four-fifths of the whole board of aldermen within thirty (30) days from the time of the return of the ordinance. (Acts 1951, Ch. 539, § 21; Res. No. 23–81, § 1, 5–14–81; Res. No. 17–89, 9–29–89.)

Section 22. Ordinances – Preservation.

Ordinances, when passed and approved by the mayor or when passed over his veto, shall be permanently preserved. (Acts 1951, Ch. 539, § 22; Res. No. 30–81, § 1, 8–13–81.)

Section 22–A. Ordinances – Codification and public inspection.

The mayor and board of aldermen shall codify all of the ordinances of the city in permanent form. At least one copy of any codification or recodification adopted hereunder and at least one copy of every supplement thereto shall be kept in the office of the legislative clerk, and shall there be available for public inspection during normal business hours. (Res. of 5–19–66; Res. No. 31–81, § 1, 8–13–81; Res. No. 18–89, 9–29–89.)

Section 23. Repealed. (Acts 1951, Ch. 539, § 23; Res. No. 17–81, § 1, 4–16–81; Res. No. 19–89, 9–29–89.)

Section 24. General powers.

The board of aldermen shall have the power to pass all ordinances not contrary to the Constitution and laws 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 and for securing persons and property from violence, danger, or destruction; and for the protection of the health, comfort, and convenience of the residents of Frederick and visitors thereto and sojourners therein. (Acts 1951, Ch. 539, § 24.)

Section 24–A. Official Actions. (See note (12))

All actions approved by the Board of Aldermen at public session, and which are not otherwise addressed in the Charter, and which do not change the Charter or Code, shall be called Official Actions. Official Actions shall become effective immediately unless vetoed by the Mayor at that meeting. All Official Actions shall be recorded in the minutes of the Mayor and Board of Aldermen. (Res. No. 20–89, 9–29–89.)

## ARTICLE III

### The Mayor

#### Section 25. Election and term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified. Effective as of the term beginning in January 2006, the regular term of the mayor shall expire on the second Thursday in December of each regular city election year, when the newly elected mayor shall take office. (Acts 1951, Ch. 539, § 25; Res. of 3-18-65; Res. No. 18-81, § 1, 4-16-81; Res. No. 05-5, 3-11-05.)

#### Section 26. Qualifications.

The mayor must have been a legal resident of the City of Frederick for at least one (1) year immediately preceding his election and shall have and maintain his principal place of residence or domicile, as defined by Maryland law, as amended from time to time, in the City of Frederick during his term and must be a qualified registered voter of the city. (Acts 1951, Ch. 539, § 26.) (Res. No. 96-15, 11-1-96; Res. No. 05-19, 7-13-05.)

#### Section 27. Salary.

Effective July 1, 2005 through December 9, 2009, the Mayor's salary is sixty-seven thousand six hundred ninety-two dollars (\$67,692) per year. Effective December 10, 2009, the Mayor's salary is ninety thousand dollars (\$90,000) per year. The Mayor's salary shall be adjusted annually on July 1, in accordance with the Consumer Price Index ("CPI") for the Washington Metropolitan Region, as established in the March report, or the cost of living adjustment, if any, that The City of Frederick's employees receive, whichever is less. (Acts 1951, Ch. 539, § 27; Acts 1953, Ch. 496, § 1; Res. of 12-14-61; Res. of 5-5-66; Res. No. 3-73, § 1; Res. No. 5-77, § 1, 4-14-77; Res. No. 9-81, § 1, 3-19-81; Res. No. 13-84, § 1, 12-7-84; Res. No. 21-89, 9-29-89; Res. No. 93-6, 5-21-93; Res. No. 97-22, 6-6-97; Res. No. 97-30, 8-8-97; Res. No. 01-4, 3-23-01; Res. No. 05-32, 10-7-05; Res. No. 08-1, 3-7-08.)

#### Section 28. Powers and duties.

(a) *Generally.* The mayor shall see that the ordinances of the city are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the city government. The mayor shall be responsible for the administration of the city's affairs to the board of aldermen and to the voters of the city.

(b) *Annual report.* The mayor shall prepare or cause to be prepared and made public annually a report in the name of the government of the City of Frederick. This report shall deal not only with the financial conditions of the city, but also with the accomplishments of the city and its various agencies. This report shall be printed for such distribution as may be deemed advisable. Further, each year, the Mayor shall report to the Board of Aldermen concerning the

condition of municipal affairs, and make such recommendations as he deems proper for the public good and welfare of the City. (Res. No. 22-89, 9-29-89.)

(c) *Appointment, discharge of officers and employees.* The mayor, with the advice and consent of the board of aldermen, shall appoint the heads of all offices, departments, and agencies of the government of the City of Frederick as established by this Charter or by ordinance of the board of aldermen. All office, department, or agency heads so appointed shall serve at the pleasure of the mayor, but may be discharged only with the consent of a majority of the board of aldermen. All subordinate officers and employees of the offices, departments, and agencies shall be appointed by the head of the office, department, or agency concerned in accordance with the provisions of Article VI of this Charter. (Res. No. 23-89, 9-29-89.)

(d) *President of board of aldermen.* The mayor shall serve as president of the board of aldermen as provided in this Charter. (Res. No. 72-89, 11-17-89.)

(e) *Veto.* The mayor shall have the power to veto ordinances and resolutions and official orders passed by the board of aldermen as provided in the Charter. The mayor shall also have the power to veto orders and resolutions incurring any debt, or paying out, or in any way appropriating any money. (Res. No. 24-89, 9-29-89.)

(f) *Keeper of Seal.* The office of the mayor shall keep the common seal of the city and shall apply the seal on any document when required. (Res. No. 73-89, 11-17-89; Res. No. 06-17, 8-25-06.)

(g) *Supervision and control of finances.* The mayor shall have complete supervision over the financial administration of the city government. He shall prepare or have prepared annually a budget and submit it to the board of aldermen. He shall supervise the administration of the budget as adopted by the board of aldermen. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(h) *Supervision and control of purchases.* The mayor shall have supervision and control over the system of centralized purchasing established by this Charter for all the offices, departments, and agencies of the city government. (Acts 1951, Ch. 539, § 28.)

(i) *Creation of Committees, etc; Appointment of representatives to committees, etc.* The Mayor, with the advice and consent of the Board of Aldermen, may create and appoint whatever committees or advisory groups he deems necessary to advise in the administration of the City's affairs for the betterment of the community. The Mayor shall further have the authority to appoint liaison representatives to committees or community organizations, and he shall also have the authority to create and appoint advisory ad hoc committees to address changing community needs. (Res. No. 25-89, 9-29-89.)

Section 28–A. Executive assistant.

The Mayor, with the advice and consent of the Board of Aldermen, may appoint one or more persons, to serve as executive assistant to the Mayor. The executive assistant(s) shall perform such duties as may be required by the Mayor. (Res. No. 26–89, 9–29–89.)

Section 28–B. Administrative assistant.

The Mayor, with the advice and consent of the Board of Aldermen, may appoint some person, not a member of the Board of Aldermen, to serve as Administrative assistant to the Mayor. The Administrative assistant shall perform such duties as may be required by the Mayor. (Res. No. 27–89, 9–29–89.)

## ARTICLE IV Financial Department

Section 29. Repealed. (Res. No. 06–18, 8–25–06.)

Section 30. Reserved. (See note (19))

Section 31. Reserved. (See note (1))

Section 32. Reserved. (See note (20))

Section 33. Reserved. (See note (2))

Section 34. Repealed. (Res. No. 06–19, 8–25–06.)

Section 35. Repealed. (Res. No. 06–20, 8–25–06.)

Section 35–A. Reserved. (See note (3))

## ARTICLE V General Powers

Section 35–B. Powers of the City generally. (See note (13))

The City shall have all powers possible for a city to have under the Constitution and laws of the State of Maryland as fully and completely as though they were specifically enumerated in this Charter. (Res. No. 28–89, 9–29–89.)

Section 36. Enumeration.

The City of Frederick shall have the power:

(a) *Airport.* To acquire, purchase, hold, own[,] maintain, improve, and provide for the operation of a municipal airport. (Res. No. 29–89 and 30–89, 9–29–89.)

(b) *Art and Cultural Facilities.* To acquire, purchase, hold, own, maintain, and operate a public art or cultural center for the purpose of enriching the quality of life for citizens of the City. (Res. No. 31–89 and 32–89, 9–29–89.)

(c) *Buildings.* To make reasonable regulations in regard to buildings to be erected in the city, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to regulate and restrict the height, number of stories, and size of buildings and other structures, the size of yards, courts, and open spaces, and the location and use of buildings, structures, and land for trade, industry, or residence; to establish the distance buildings or any part thereof, fences, or walls shall be erected from inner curb of street line; to direct in what part of the city wooden buildings shall not be erected or constructed; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or taken down; to remove or cause to be removed houses or other structures that may be dangerous to persons passing along or over any of the public ways or sidewalks of the city.

(d) *Flood control.* To regulate the flood plains in the City; to open, widen, deepen, and straighten the channel of Carrol Creek so as to prevent any part of the City from being inundated by floods, and to purchase or condemn real estate for this purpose; to prevent obstructions of any kind from being placed in Carrol Creek. (Res. No. 33–89, 9–29–89.)

(e) *Repealed.* Repealed by Resolution adopted May 19, 1966.

(f) *Community services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the city.

(g) *Dogs.* To regulate the keeping of dogs in the city and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(h) Repealed. (Res. No. 34–89, 9–29–89.)

(i) *Festivals and Special Events.* To sponsor, sanction, support and/or stage festivals and special events within the limits of the City. (Res. No. 35–89 and 66–89, 9–29–89.)

(j) Repealed. (Res. No. 36–89, 9–29–89.)

(k) Repealed. (Res. No. 37–89, 9–29–89.)

(l) *Employee Benefit Programs.* The City, by ordinance, may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend the public monies of the City for such programs. (Res. No. 38-89 and 65-89, 9-29-89.)

(m) Repealed. (Res. No. 39-89, 9-29-89.)

(n) Repealed. (Res. No. 40-89, 9-29-89.)

(o) Repealed. (Res. No. 41-89, 9-29-89.)

(p) Repealed. (Res. No. 42-89, 9-29-89.)

(q) *Intergovernmental Relations.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions. (Res. No. 43-89 and 44-89, 9-29-89.)

(r) Repealed. (Res. No. 45-89, 9-29-89.)

(s) Repealed. (Res. No. 46-89, 9-29-89.)

(t) Repealed. (Res. No. 47-89, 9-29-89.)

(u) Repealed. (Res. No. 48-89, 9-29-89.)

(v) Repealed. (Res. No. 49-89, 9-29-89.)

(w) Repealed. (Res. No. 50-89, 9-29-89.)

(x) Repealed. (Res. No. 51-89, 9-29-89.)

(y) Repealed. (Res. No. 52-89, 9-29-89.)

(z) Repealed. (Res. No. 53-89, 9-29-89.)

(a.1) *Public utilities.* To establish, own, control, operate, maintain, manage, or regulate any one or more of the following named utilities: public markets, a water supply system, an electric light and power plant and/or system, a gas plant and/or system, and a sewage disposal system, to purchase or condemn, as hereinafter provided, any property whatsoever in fee or otherwise, for the purpose of establishing, owning, controlling, operating, maintaining, or managing any such public utility, and such purpose shall be deemed to be a public improvement as defined in this Charter. (Res. No. 54-89, 9-29-89.)

(b.1) Repealed. (Res. No. 55-89, 9-29-89.)

(c.1) Repealed. (Res. No. 56–89, 9–29–89.)

(d.1) Repealed. (Res. No. 57–89, 9–29–89.)

(e.1) Repealed. (Res. No. 58–89, 9–29–89.)

(f.1) Repealed. (Res. No. 59–89, 9–29–89.)

(g.1) Repealed. (Res. No. 61–89, 9–29–89.)

(h.1) Repealed. (Res. No. 62–89, 9–29–89.)

(i.1) Repealed. (Res. No. 63–89, 9–29–89.)

(j.1) Repealed. (Res. No. 64–89, 9–29–89.)

(k.1) *Transportation systems.* To acquire, purchase, lease, hold, own, maintain, and operate public transportation systems. (Acts 1951, Ch. 539, § 36; Res. No. 5–76, § 1, 12–9–76; Res. No. 60–89, 9–29–89.)

(l.1) *Loans.* To create and maintain a fund from which loans may be made to any legal entity for the purchase and/or improvement of real estate within the corporate limits of the city. The board of aldermen shall establish appropriate regulations and shall approve all loans made from said fund. (Res. No. 4–84, 4–20–84.)

Section 37. Repealed. (Acts 1951, Ch. 539, § 37; Res. No. 67–89, 9–29–89.)

Section 38. Enforcement of ordinances; penalties for violation of ordinances.

The board of aldermen may pass such ordinances not contrary to the Constitution and the laws of Maryland as it deems necessary to assure the good government of the city, to protect and preserve the city’s rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, convenience and safety of the citizens. The board of aldermen may provide that such ordinances shall be enforced by civil remedy and/or by fines and incarceration or such other penalties or remedies as are permitted by the laws of this state. (Acts 1951, Ch. 539, § 38; Acts 1953, Ch. 496, § 1; Res. No. 25–81, § 1, 5–14–81; Res. No. 68–89, 9–29–89.)

Section 39. Repealed. (Acts 1951, Ch. 539, § 39; Res. No. 69–89, 9–29–89.)

**ARTICLE VI**  
**Registrations, Nominations and Elections**  
 (See note (16))

Section 42. Repealed. (Acts 1951, Ch. 539, § 42; Res. No. 08–7, 4–11–08.)

Section 43. Repealed. (Acts 1951, Ch. 539, § 43; Res. No. 08–8, 4–11–08.)

Section 44. Repealed. (Acts 1951, Ch. 539, § 44; Res. No. 08–9, 4–11–08.)

Section 45. Repealed. (Acts 1951, Ch. 539, § 45; Res. No. 08–10, 4–11–08.)

Section 46. Repealed. (Acts 1951, Ch. 539, § 46; Res. No. 08–11, 4–11–08.)

Section 58. Reserved. (See note (4))

Section 65. Reserved. (See note (5))

## **ARTICLE VII**

### **Finance**

Section 76. Financial supervision.

The mayor shall have complete supervision over the financial administration of the city government. The mayor may delegate, under his supervision, any of the financial powers and duties granted him by this Charter. He shall receive any assistance he requests with regard to financial matters from any city officer or employee. (Acts 1951, Ch. 539, § 76.)

Section 77. Expenditures to be authorized by board of aldermen.

No public money may be expended without having been appropriated by the board of aldermen. (Acts 1951, Ch. 539, § 77.)

Section 78. Fiscal year.

The city shall operate on an annual budget. The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the tax year, the budget year, and the accounting year. (Acts 1951, Ch. 539, § 78; Reso. 9–5–63.)

Section 79. Budget – Estimates used for preparation.

The mayor, on such date as the board of aldermen may require, but at least thirty–two days before the beginning of any fiscal year, shall submit to the board of aldermen a budget and an explanatory budget message, for that purpose, at such date as he shall determine, the mayor, with the assistance of such city officers and employees as he requests, shall obtain from the head of each office, department, and agency (a) estimates of revenue and expenditures for the next fiscal year, detailed by organization units and character and object of expenditure; (b) such other supporting data as he may request; and (c) an estimate of all capital projects pending or which such office, department, or agency head believes should be undertaken (i) within the budget year



and (ii) within the five next succeeding years. In preparing the budget, the mayor shall review the estimates, shall hold hearings thereon with the head or other representative of the office, department, or agency concerned, and may revise the estimates as he deems advisable. (Acts 1951, Ch. 539, § 79.)

Section 80. Same – Message by mayor to board of aldermen.

The budget message submitted by the mayor to the board of aldermen shall explain the budget, shall contain an outline of the proposed financial policies of the city for the budget year, and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. It shall include a statement of pending capital projects of a capital program for the next five fiscal years. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the mayor shall believe useful to the board of aldermen. (Acts 1951, Ch. 539, § 80.)

Section 81. Same – Contents generally.

The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

- (a) A general summary.
- (b) Detailed estimates of all anticipated revenues applicable to proposed expenditures.
- (c) All proposed expenditures. The total of the anticipated revenues shall equal the total of the proposed expenditures. (Acts 1951, Ch. 539, § 81.)

Section 82. Same – Classification of revenues.

Anticipated revenues shall be classified as “surplus,” “miscellaneous revenues,” and “amount to be raised by property tax.” Miscellaneous revenues shall be subclassified by sources. (Acts 1951, Ch. 539, § 82.)

Section 83. Same – Items to appear opposite items of anticipated revenues.

In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually received during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year, and the amount actually received to the time of preparing the budget plus receipts for the remainder of the fiscal year estimated as accurately as may be. (Acts 1951, Ch. 539, § 83.)

Section 84. Same – Status of public utilities to appear in separate section.

The anticipated revenues and proposed expenditures and anticipated surplus of water and sewer operations and any other public utilities owned or operated by the city shall be stated in a separate section of the budget. (Acts 1951, Ch. 539, § 84.)

Section 85. Same – Enumeration of proposed expenditures.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, or, in the absence of such provision, by regulations established by ordinance. Separate provision shall be included in the budget for at least:

- (a) Interest, amortization, and redemption charges on the public debt for which the faith and credit of the city is pledged.
- (b) Other statutory expenditures.
- (c) The payment of all judgments.
- (d) An amount equal to the deficit for operations of water and sewer and other public utilities during the last completed fiscal year, separately stated for each utility which appears in a separate section of the budget.
- (e) Administration, operation, and maintenance of each office, department, or agency of the city itemized by character and object of expenditure.
- (f) Contingent expense in an amount of not more than three per cent of the total proposed expenditures.
- (g) Expenditures proposed for capital projects. (Acts 1951, Ch. 539, § 85.)

Section 86. Same – Items to appear opposite proposed expenditures.

In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year, and the amount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be. (Acts 1951, Ch. 539, § 86.)

Section 87. Same – Summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of revenue and kinds of expenditures, in such forms as to present to the taxpayers a simple and clear picture of the detailed estimates of the budget. (Acts 1951, Ch. 539, § 87.)

**Section 88. Same – Public record.**

The budget and budget message and all supporting schedules shall be a public record in the office of the Chief Financial Officer, open to public inspection by anyone. (Acts 1951, Ch. 539, § 88; Res. No. 98–11, 7–24–98.)

**Section 89. Same – Public hearing.**

At the meeting of the board of aldermen at which the budget and budget message are submitted, the board of aldermen shall determine the place and time of a meeting, regular or special, at which the budget will be considered and at which any interested person may be heard concerning the budget. The board of aldermen shall give at least ten days notice of said meeting by an advertisement in one or more newspapers of general circulation in the city. (Acts 1951, Ch. 539, § 89.)

**Section 90. Same – Public stand by city officials, etc.**

No director or head of any office, department, or agency shall take any public stand on the items of the proposed budget except when called before the hearings of the board of aldermen on the budget. Appearances of directors or heads of any office, department, or agency at budget hearings may be requested by the mayor, the board of aldermen, or any alderman. (Acts 1951, Ch. 539, § 90.)

**Section 91. Same – Change of items by board of aldermen.**

The board of aldermen may insert new items or may increase or decrease the items of the budget. Where the board of aldermen shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures. (Acts 1951, Ch. 539, § 91.)

**Section 92. Same – Method of adoption.**

The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total membership of the board of aldermen shall be necessary for adoption. (Acts 1951, Ch. 539, § 92.)

**Section 93. Same – Final adoption date.**

The budget for the new fiscal year shall be finally adopted not later than the twenty-eighth day of June. Should the board of aldermen take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the board of aldermen. (Acts 1951, Ch. 539, § 93; Reso. 9–5–63.)

Section 94. Same – Disposition of certified copies.

A copy of the budget as finally adopted shall be certified by the Mayor and filed in the office of the legislative clerk. The budget so certified shall be printed, mimeographed, or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments, and agencies. (Acts 1951, Ch. 539, § 94; Res. No. 98–12, 7–24–98; Res. No. 06–21, 8–25–06.)

Section 95. Same – Establishment of appropriations.

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 therein named. (Acts 1951, Ch. 539, § 95.)

Section 96. Departmental, etc., allotments.

Before the beginning of the budget year, the head of each office, department, or agency shall submit to the mayor, when required by him, a work program for the year, which shall show the requested allotments of the appropriations for such office, department, or agency by quarterly (three-month) periods, for the entire budget year. The mayor shall review the requested allotments in the light of the work program of the office, department, or agency concerned and may revise such allotments before approving the same. An approved allotment may be revised during the budget year by the mayor after consultation with the director or head of the office, department, or agency concerned. At the end of the fiscal year the sum of the four quarterly allotments made by the mayor shall not be greater than one hundred per cent nor less than ninety per cent of the total appropriation as made by the board of aldermen, unless unusual circumstances warrant otherwise. The term appropriation as here used shall include any supplemental, deficiency, or emergency appropriations and any transfers of funds authorized by state law or by this Charter. (Acts 1951, Ch. 539, § 96.)

Section 97. Issuance and signing of checks.

All checks issued in payment of salaries and other municipal obligations shall be issued and signed personally or in facsimile by the director of finance and shall be countersigned by the Mayor. In the case of the absence or incapacity of the director of finance, checks shall be issued and signed by the budget manager. In the case of the absence or incapacity of the Mayor, checks shall be countersigned by the president pro tem of the Board of Aldermen. (Acts 1951, Ch. 539, § 97; Res. 3–7–57; Res. No. 6–82, 12–10–82; Res. No. 98–13, 7–24–98; Res. No. 06–22, 8–25–06.)

Section 98. Disbursements.

No disbursing officer of the City of Frederick shall authorize any expenditure under an appropriation of the board of aldermen except as covered by such quarterly allotment or upon the specific authorization of the mayor. (Acts 1951, Ch. 539, § 98.)

**Section 99. Transfer of funds.**

The mayor may at any time transfer any unencumbered appropriation balance or any portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the mayor and within the last three months of the budget year, the board of aldermen may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another. (Acts 1951, Ch. 539, § 99.)

**Section 100. Contingency fund.**

The contingency fund authorized by section 85 (f) of this Charter shall be under the control of the mayor and the board of aldermen. Money from this fund may be allocated by the mayor to the various offices, departments, or agencies as he deems advisable, or he may authorize its expenditure for public purposes not anticipated at the time of budget adoption. (Acts 1951, Ch. 539, § 100.)

**Section 101. Over-expenditures prohibited.**

No office, department, or agency shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Charter. (Acts 1951, Ch. 539, § 101.)

**Section 102. Contracts and capital improvements.**

Nothing in section 101 shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, or the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Acts 1951, Ch. 539, § 102.)

**Section 103. Lapse of appropriations.**

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be included in the next year's budget as surplus. (Acts 1951, Ch. 539, § 103.)

**Section 104. Disposition of fees.**

All public fees received by any officer or employee shall belong to the city government and shall be paid to the city treasurer. (Acts 1951, Ch. 539, § 104.)

**Section 105. Audit.**

The financial books and accounts of the city shall be audited as of the thirtieth day of June in each year by a competent person or persons appointed by the board of aldermen. The audit shall be presented to the board of aldermen and to the mayor within one hundred twenty

(120) days of the first day of July. The board of aldermen or the mayor may order an audit of the financial books and accounts of the city by a competent person appointed by it or him at any time it or he may deem it proper so to do. (Acts 1951, Ch. 539, § 105; Reso. 9-5-63; Res. No. 3-76, § 1, 5-6-76.)

Section 106. Disposition of public utility revenues.

All revenues from water and sewer operations and from any other public utilities operated by the city shall be put into a separate fund to be used for current operating expenses of these utilities, replacement and extension of facilities, and payment of interest and principal on bonds issued for these purposes. If these revenues are not sufficient, the deficit must be made up from the general funds of the city. If these revenues exceed the amounts needed for the above purposes, the surplus may be used for the general governmental purposes of the city. (Acts 1951, Ch. 539, § 106.)

Section 107. Taxing power.

The City of Frederick shall have the power to levy annually on the assessable property in said city and collect such taxes as in its judgment may be necessary to pay all the debts, obligations, and expenses of the city government which have been or may hereafter be lawfully incurred. From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

As a part of its taxing power the City of Frederick shall have the power to levy and to collect a general assessment on all real property in Frederick to pay for the construction and/or maintenance of water mains, sewer mains, public ways, sidewalks, curbs, gutters, and storm water sewers. This general assessment need not be on the basis of assessed valuation of the property but may be on any equitable basis determined by the board of aldermen. (Acts 1951, Ch. 539, § 107.)

Section 108. Taxable property – Generally.

All real and tangible personal property within the limits of the City of Frederick, or which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment for said purpose shall be the same as that for state and county taxes; provided, that no authority is given by this section to impose taxes on any property which is now or may hereafter be exempt from taxes by any special or general act of the General Assembly of Maryland. (Acts 1951, Ch. 539, § 108.)

Section 108-A. Reserved. (See note (6))

Section 109. Same – Agricultural property.

The City of Frederick by action of the board of aldermen may exempt from taxation all agricultural property within the city or may levy a lower tax rate thereon than is levied on other

property within the city. For the purposes of this section, agricultural property shall include all unimproved land used exclusively for agricultural purposes, all barns, stables, and similar improvements located thereon, and all farming implements and stock used in connection therewith. Nothing in this section shall be deemed to permit the exemption from taxation or the levying of a lower tax rate on any dwellings or improvements other than those mentioned above and the land on which these are erected and the curtilage and garden used in connection therewith. (Acts 1951, Ch. 539, § 109.)

Section 110. Same – Industrial property.

To encourage industrial expansion and development in the City of Frederick, the board of aldermen by a general ordinance is authorized to exempt from taxation for municipal purposes the buildings and equipment owned and operated by any manufacturing company or association within the corporate limits of the city. Any exemption from taxation under the provisions of this section shall be extended to all manufacturing companies and associations within the city engaged in the branch of manufacturing which will benefit by any such exemption. (Acts 1951, Ch. 539, § 110.)

Section 111. Tax year and due date; penalty and collection of overdue taxes; discounts.

The tax year shall be from July 1 through June 30. The taxes provided for in section 107 of this Charter shall be due on the first day of July of each year. The board of aldermen may establish by resolution discounts for payment prior to October of each year. The taxes shall bear interest at a rate as established by resolution of the Mayor and Board of Alderman for each month or fraction of a month thereafter until paid. All taxes not paid and in arrears after the first day of the following March shall be collected as provided by law. (Acts 1951, Ch. 539, § 111; Reso. of 7-18-63; Res. No. 2-77, § 1, 3-3-77; Res. No. 10-83, § 1, 6-24-83; Res. No. 9-88, 6-10-88.)

Section 111-A. One-half year taxes.

Improvements to real property completed during the period after July 1 in any year and through January 1 in the next succeeding year or otherwise first added to the tax rolls during this period are subject to the payment of property taxes for the six (6) months beginning on that January 1 and ending the next succeeding June 30. The taxes for these six (6) months shall be computed by using the assessed valuation of the property at one-half (1/2) the current tax rate. The taxes levied hereby shall be due and payable on January 1 or as of the day a tax bill therefor was or reasonably should have been received or available, whichever is later. The Board of Aldermen may establish by resolution discounts for payment prior to the first day of April. The taxes shall bear interest at a rate established by resolution of the Board of Aldermen for each month or fraction of a month thereafter until paid. This tax, if not paid after the first day of the following July, shall be collected as provided by law. (Reso. 5-7-59, § 1; Reso. 9-5-63; Res. No. 3-77, § 1, 3-3-77; Res. No. 08-52, 4-25-08.)

Section 111–B. Tax credit for aged taxpayers.

A tax credit of thirty dollars shall be given to any person over the age of sixty–five years, who has been a bona fide resident of the City of Frederick for the preceding five years and whose total gross income is twelve hundred dollars or less per year from all sources, and who has legal or beneficial title to real property situated in the City of Frederick, and makes such property his or her permanent home. If said taxable real estate is owned as tenants by the entirety, only one such credit shall be allowed; and such credit shall be allowed only if the combined gross income of said tenants by the entirety does not exceed twelve hundred dollars for any one year. Such credit shall be allowed if either one or both of said tenants are sixty–five years of age or more; however, only one such credit shall be allowed on any real estate taxable hereunder.

Every person claiming the credit authorized herein shall first make application to the board of aldermen of the City of Frederick, or their designated agent, in writing, setting forth thereon his, her or their name, age, place of residence, total gross income from all sources for the next preceding calendar year, total consecutive years of residence in the city immediately preceding the date of application and the source of ownership of the residential property for which the exemption is claimed as herein provided. The application shall be accompanied by an affidavit of the applicant, certifying to the truth of the contents of the application, and the application shall be submitted to the board of aldermen, or their designated agent, at least twenty–one calendar days before the date of finality for real property taxes in the city of the year for which the exemption, if granted hereunder, would apply. The board of aldermen, or their designated agent, shall consider each of the applications and shall approve or disapprove the same prior to the date of finality. (Reso. 1–9–64.)

Section 111–C. Property tax credits.

The City of Frederick shall grant from city taxation only, real property on which improvements are made to existing structures within and controlled by any historic district in Frederick City so as to encourage improvement and reconstruction of those properties located within those areas, all to be done according to the following schedule:

a. The property shall be exempt from real estate taxation to the extent of one hundred percent of the increase in assessed valuation of the property attributable to the reconstruction and improvement. This exemption shall occur in the first and second taxable years in which the improved structure is subject to taxation.

b. For the third taxable year in which the improved structure is subject to taxation, the exemption shall be to the extent of eighty percent of the increase in assessed valuation of the property attributable to the reconstruction.

c. For the fourth taxable year in which the improved structure is subject to taxation, the exemption shall be to the extent of sixty percent of the increase in assessed valuation of the property attributable to that reconstruction.



d. For the fifth taxable year in which the improved structure is subject to taxation, the exemption shall be to the extent of forty percent of the increase in assessed valuation of the property attributable to that reconstruction.

e. Thereafter no exemption for the purposes of this subsection shall be allowed. (Reso. No. 4-74, § 1.)

Section 111-D. Property tax credit – Golden Mile.

The City of Frederick shall grant exemptions from the increase in city real estate taxation which is attributable to rehabilitation of real property located within the commercial corridor known as the Golden Mile so as to encourage capital reinvestment and revitalization of existing facilities in the Golden Mile District, all to be done in accordance with the following Program guidelines:

a) The eligible properties shall be located with the Golden Mile Tax Credit District, defined as all properties zoned B-3, B-1, and B-0 as of the adoption date of this resolution and which are located along West Patrick Street (Route 40), Baughmans Lane, and Hillcrest Drive between Route 15 and Bowers Road.

b) The property tax credit shall run for not longer than seven (7) years in which the rehabilitated property is subject to taxation.

c) The property shall be exempt from the City real estate taxation based on the increase in assessed valuation of the property attributable to rehabilitation as defined below:

1) The exemption schedules are based on the gross value of the rehabilitation.

2) Projects which begin construction in 2003 shall use the following exemption schedule:

2003 Exemption Schedule

Exemption rates based on Rehabilitation Values

Years	< \$1.0 million	\$1.0 to \$4.0 million	> \$4.0 million
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	100%	100%	100%
5	75%	100%	100%
6	50%	66%	100%
7	25%	33%	50%
8	0% Exempt	0% Exempt	0% Exempt

3) Projects which begin construction in subsequent years (2004+) shall use the following exemption schedule:

2004+ Exemption Schedule

Exemption rates based on Rehabilitation Values

Years	< \$1.0 million	\$1.0 to \$4.0 million	> \$4.0 million
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	75%	100%
6	40%	50%	66%
7	20%	25%	33%
8	0% Exempt	0% Exempt	0% Exempt

4) All property owners seeking to use property tax credits provided herein shall provide pedestrian and vehicular connections to adjacent commercial properties. The City of Frederick Planning Department shall coordinate pedestrian and vehicular connection among properties.

5) The Golden Mile Property Tax Credit Program shall end on December 31, 2010 and no new projects after that date shall be accepted into the Program. Any projects already accepted into the Program shall continue to receive tax credits as specified in c)(2) and c)(3) above. (Res. No. 03-8, 4-11-03.)

Section 111-E. Property Tax Credit – Downtown Frederick Arts & Entertainment District.  
(See note (22))

The Downtown Frederick Arts & Entertainment District incorporates the following three programs: Property Tax Credit, an Admissions and Amusement Tax Exemption and a State Income Tax Subtraction Modification.

a. *Property Tax Credit:* The City of Frederick shall grant exemptions from the increase in city real estate taxation which is attributable to rehabilitation of real property located within the area known as the Downtown Frederick Arts & Entertainment District so as to encourage capital reinvestment and revitalization of existing facilities in the Downtown Frederick Arts & Entertainment District, all to be done in accordance with the following Program guidelines:

1. The eligible properties shall be located within the Downtown Frederick Arts & Entertainment District, as set forth on the following map.

2. The property tax credit shall run for not longer than seven (7) years in which the rehabilitated property is subject to taxation.

3. The property shall be exempt from the City real estate taxation based on the increase in assessed valuation of the property attributable to rehabilitation as defined below:

(a.) Eligible properties shall be located within the designated Downtown Frederick Arts & Entertainment District boundaries.

(b.) Only that portion of the property rehabilitated for a certified arts and/or entertainment use shall be exempt.

(c.) The exemption schedules are based on the gross value of the rehabilitation.

(d.) Projects which begin construction in FY04 (July 1, 2003 – June 30, 2004) shall use the following exemption schedule:

FY04 EXEMPTION SCHEDULE

Years	Exemption rates based on Rehabilitation Values
1	100%
2	100%
3	100%
4	100%
5	100%
6	66%
7	33%
8+	0% Exempt

(e.) Projects which begin construction in subsequent years (FY05+) shall use the following exemption schedule:

FY05+ EXEMPTION SCHEDULE

Years	Exemption rates based on Rehabilitation Values
1	100%
2	100%
3	100%
4	100%
5	75%
6	50%
7	25%
8+	0% Exempt

(f.) The Downtown Frederick Arts & Entertainment District City property tax credit shall end on June 30, 2013 and no new projects after that date shall be accepted into the program [Program]. Any projects already accepted into the Program shall continue to receive tax credits as specified in c)5) above.

b. *Admissions and Amusement Tax Exemption:* The City of Frederick will exempt businesses offering certified arts and/or entertainment activities within the Downtown Frederick Arts & Entertainment District from the Admissions and Amusement Tax through June 30, 2013.

c. *State Income Tax Subtraction Modification:* The City of Frederick endorses the State Income Tax Subtraction Modification as defined by the State of Maryland. (Res. No. 03-44, 9-5-03.)

#### Section 111-F. Property Tax Credit – Vacant Commercial Structures.

The City of Frederick shall grant exemptions from the increase in city real estate taxation, which is attributable to rehabilitation of real property so as to encourage capital reinvestment and revitalization of existing structures and occupancy of vacant commercial properties, all to be done in accordance with the following Program guidelines:

- a) The property on which the structure is located shall be zoned for commercial use.
- b) An individual stand-alone commercial structure not in a shopping center and located on a single-parcel of land shall be fully vacant.
- c) A multiple-tenant shopping center on a single-parcel of land shall have not less than 25% of the gross leasable square footage vacant.
- d) The structure of [or] the portion of a structure within a shopping center shall have been vacant and actively list [listed] for lease or sale at fair market value with a commercial broker for a period of not less than 18 months.
- e) Only rehabilitation of existing structures is eligible. New construction is not eligible.
- f) The structure must have been constructed before the year 2000.
- g) The property tax credit shall run for not longer than seven (7) years in which the rehabilitated property is subject to taxation.
- h) The property shall be exempt from the City real estate taxation based on the increase in assessed valuation of the property attributable to rehabilitation as defined below:
  - 1) The exemption schedules are based on the gross value of the rehabilitation.

2) Projects which begin construction [construction] in 2004 shall use the following exemption schedule:

2004 EXEMPTION SCHEDULE

Exemption rates based on Rehabilitation Values

Years	< \$1.0 million	\$1.0 to \$4.0 million	> \$4.0 million
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	100%	100%	100%
5	75%	100%	100%
6	50%	66%	100%
7	25%	33%	50%
8	0% Exempt	0% Exempt	0% Exempt

3) Projects which begin construction in subsequent years (2005+) shall use the following exemption schedule:

2005+ EXEMPTION SCHEDULE

Exemption rates based on Rehabilitation Values

Years	< \$1.0 million	\$1.0 to \$4.0 million	> \$4.0 million
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	75%	100%
6	40%	50%	66%
7	20%	25%	33%
8	0% Exempt	0% Exempt	0% Exempt

4) All property owners seeking to use property tax credits provided herein shall provide pedestrian and vehicular connections to adjacent commercial properties unless determined to be not feasible by The City of Frederick Planning Department. The City of Frederick Planning Department shall coordinate pedestrian and vehicular connection among properties.

5) The Vacant Commercial Structures Tax Credit shall end on December 31, 2009 and no new projects after that date shall be accepted into the Program. Any projects already accepted into the Program shall continue to receive tax credits as specified in h)(2) and h)(3) above. (Res. No. 04-21, 10-8-04.)

Section 112. Tax bills.

Immediately after the levy is made by the Board of Aldermen in each year, the director of finance shall give notice of the making of the levy in one or more newspapers of general circulation in the city. He shall make out and mail to each taxpayer or his agent a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date from which they will bear interest. In case the owner or his agent cannot be found, the director of finance shall attach the bill or account to a piece of the real property, or deliver it to the servant or bailee in custody of the personal property so assessed. He shall keep a copy of the bill or account with a memorandum thereon of the date of mailing, delivering, or posting on the property, as the case may be, of such bill, and such memorandum shall be prima facie evidence of such mailing, delivering, or posting. (Acts 1951, Ch. 539, § 112; Res. No. 98-14, 7-24-98; Res. No. 06-23, 8-25-06.)

Section 113. Sale of tax delinquent property.

A list of all property on which the city taxes have not been paid and are in arrears as provided in section 111 of this Charter shall be turned over to the official of Frederick County responsible for the sale of tax delinquent property by the director of finance as provided in state law. All property listed thereon shall be sold by this county official in the manner prescribed by state law. The Treasurer of The City of Frederick shall accept only cash, cashier's check, certified check or money order for payment of delinquent taxes after the thirty day notice of sale has been mailed to the property owners whose taxes are in arrears. (Reso. No. 3-74, § 1; Res. No. 98-15, 7-24-98; Res. No. 06-24, 8-25-06.)

Section 114. Authority to borrow money and issue and sell bonds.

The City of Frederick shall have the power to borrow on the faith and credit of the city from time to time as may be deemed necessary for the general welfare of the city and its general corporate purposes. The city may issue and sell bonds for such indebtedness in accordance with the provisions of section 115 of this Charter or with state law. (Acts 1951, Ch. 539, § 114.)

Section 115. Regulations concerning the issuance and sale of bonds.

Except as otherwise specified under the provisions of this Charter:

(a) The total amount of bonds issued under the authority of this Charter, when added to bonds outstanding less the amounts in any sinking funds for the redemption of bonds outstanding shall not exceed eight per cent of the total assessed value of all taxable property in the city. Bonds heretofore or hereafter issued for the purpose of financing and paying for the construction, operation, maintenance and repair of the water supply and treatment facilities and the sewage collection and treatment facilities shall not be included in the calculation of the total amount of bonds issued under the authority of this Charter.

(b) All proposed bond issues issued under the provisions of this Charter shall be approved by the board of aldermen.

(c) Bonds may be either coupon or registered bonds. All bonds shall be issued in serial form or in such other form providing for amortization of the bonds as the mayor and board of aldermen shall determine in the ordinance or resolution authorizing the bonds. They shall be issued in such denominations, at such rates of interest, and for such a period of time as the board of aldermen may decide. The rate or rates of interest payable on such bonds may include variable rate or rates of interest and the method of determining such rate or rates shall be determined by the board of aldermen. The city may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of and security for bonds and for the purpose of securing any tender option that may be granted to holders of bonds. Nothing in this Charter shall prevent the city from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

(d) All bonds shall be signed by the mayor and attested by the director of finance and the seal of the city shall be attached thereto.

(e) When signed and attested, the bonds shall be delivered to the director of finance, who shall be responsible for their safe-keeping until sold.

(f) The director of finance shall sell bonds either by sealed bids after giving two weeks notice in one or more newspapers of general circulation in The City of Frederick, and in such other publications as the board of aldermen may decide, or by negotiation at private sale without solicitation of competitive bids, as provided by ordinance or resolution of the board of aldermen. The sale of all bonds shall be carried on under such rules and regulations as the board of aldermen may prescribe. No bonds shall be sold by sealed bids or private sale except at prices approved by the board of aldermen, which prices may be at, above or below par. (Acts 1951, Ch. 539, § 115; Acts 1953, Ch. 496, § 1; Res. No. 7-82, 10-21-82; Res. No. 7-84, 9-28-84; Res. No. 10-85, 6-21-85; Res. No. 8-87, 8-28-87; Res. No. 98-16, 7-24-98; Res. No. 06-25, 8-25-06.)

#### Section 116. Short term borrowing.

The City of Frederick shall have the power to borrow on a short term basis any sum or sums not to exceed in the aggregate two hundred thousand dollars and to issue notes or other evidences of indebtedness for such borrowing. This money may be expended for any municipal purpose. The notes or other evidences of indebtedness shall be sold as provided by the board of aldermen. All notes or other evidences of indebtedness issued under the provisions of this section shall be paid from the taxes levied for the general purposes of the city. Levying or collecting any special tax for the payment of these notes or other evidences of indebtedness is expressly prohibited. The notes or other evidences of indebtedness issued under the provisions of this section need not be submitted to a vote of the qualified voters of the city and they shall not be deemed to be included under the eight per cent bond limit established by this Charter. (Acts 1951, Ch. 539, § 116; Reso. 5-5-66.)

Section 117. Evidences of indebtedness issued prior to this Charter.

All bonds, notes, or other evidences of indebtedness issued by the City of Frederick previous to the effective date of this Charter, and all ordinances passed concerning them, are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Acts 1951, Ch. 539, § 117.)

Section 118. Evidences of indebtedness to be tax exempt.

All bonds, notes, or other evidences of indebtedness issued and sold by the City of Frederick under the authority of this Charter shall be exempt from all state, county, and municipal taxes in Maryland. (Acts 1951, Ch. 539, § 118.)

Section 119. Repealed. (Res. No. 06–26, 8–25–06.)

Section 120. Competitive bidding.

Before the purchasing agent makes any purchase of or contract for supplies, materials, or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations as the Board of Aldermen may provide; provided, however, competitive bids shall not be required for purchases of fifteen thousand dollars (\$15,000.00) or less. (Acts 1951, Ch. 539, § 120; Res. No. 98–18, 7–24–98.)

Section 121. Accounting control.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department, or agency whose appropriation will be charged. No contract or order shall be issued to any vendor unless and until the purchasing agent ascertains that there is to the credit of such office, department, or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. (Acts 1951, Ch. 539, § 121; Res. No. 98–19, 7–24–98.)

**ARTICLE VIII**  
**Chief Legal Services Officer**

Section 122. Repealed. (Res. No. 06–27, 8–25–06.)

Section 123. Repealed. (Res. No. 06–28, 8–25–06.)

Section 124. Repealed (Res. No. 06–29, 8–25–06.)

Section 124–A. Repealed. (Res. No. 06–30, 8–25–06.)



## ARTICLE IX Human Resources

(Res. No. 00–13, 7–7–00.)

Section 124–B. Authority to employ personnel. (See note (14))

The City of Frederick may employ such persons as it deems necessary to execute the powers and duties provided by this Charter or State law and to operate the City government. (Res. No. 84–89, 11–17–89; Res. No. 08–64, 6–20–08.)

Section 125. Policies and Procedures.

The Board of Aldermen may, by resolution, adopt policies and procedures governing matters of personnel administration, including but not limited to a merit system, employee rules of conduct, compensation and benefits, hiring procedures, and separation from employment. (Acts 1951, Ch. 539, § 125; Res. No. 85–89, 11–17–89; Res. No. 08–65, 6–20–08.)

Section 126. Repealed. (Res. No. 06–31, 8–25–06.)

Section 127. Personnel Board – Appointment; composition; qualifications; term; vacancies; removal.

(a) There is hereby established a Personnel Board comprised of three regular members and one alternate member. Each member is appointed by the Mayor, with the advice and consent of the Board of Aldermen. Each member must be a registered voter in the state of Maryland. Each member must (i) be a resident of The City of Frederick; (ii) own property in The City of Frederick; (iii) operate a business in The City of Frederick; or (iv) have a primary place of employment in The City of Frederick. A member may not hold any public elected office and may not hold any other City of Frederick position. The Mayor, with the advice and consent of the Board of Aldermen, may designate one of the members of the Personnel Board as chairman.

(b) Each member of the Personnel Board will be appointed for a term of six years, and the three terms will be staggered so one term expires every two years. The Mayor, with the advice and consent of the Board of Aldermen, shall fill any vacancy for the remainder of the applicable term. A member of the Personnel Board may be removed by the Mayor, with the advice and consent of the Board of Aldermen, after a hearing, for misfeasance, malfeasance, or nonfeasance in office. (Acts 1951, Ch. 539, § 127; Res. No. 89–89, 11–17–89; Res. No. 94–11, 12–23–94; Res. No. 08–66, 6–20–08.)

Section 128. Repealed. (Acts 1951, Ch. 539, § 128; Res. No. 92–89, 11–17–89; Res. No. 08–66, 6–20–08.)

Section 129. Personnel Board – Duties.

(a) The Personnel Board shall hear any appeals made by any full-time employee who is suspended, demoted, or discharged, in accordance with Section 135 of this Charter.

(b) The Personnel Board may provide advice to the Mayor and Board of Aldermen on issues concerning personnel administration and may perform other duties concerning personnel administration as directed by the Mayor and Board of Aldermen. (Acts 1951, Ch. 539, § 129; Res. No. 90–89, 11–17–89; Res. No. 06–58, 8–25–06; Res. No. 08–67, 6–20–08.)

Section 130. Repealed. (Acts 1951, Ch. 539, § 130; Res. 3–7–57; Res. No. 1–70, § 1; Res. No. 86–89, 11–17–89; Res. No. 97–4, 2–21–97; Res. No. 98–27, 7–24–98; Res. No. 08–68, 6–20–08.)

Section 131. Repealed. (Acts 1951, Ch. 539, § 131; Res. No. 93–89, 11–17–89.)

Section 132. Repealed. (Acts 1951, Ch. 539, § 132; Res. No. 94–89, 11–17–89.)

Section 133. Probation.

Every full-time and regular part-time City employee, except for elected officials or employees appointed by the Mayor, serves on probation for a period of six months after the employee's first day of City employment. During probation, the employee's supervisor may discipline or remove an employee at the supervisor's sole discretion. An employee who is disciplined or removed during the employee's six-month probationary period may appeal the supervisor's action in accordance with Section 136 of this Charter. Sections 134 and 135 of this Charter do not apply to probationary employees. (Acts 1951, Ch. 539, § 133; Res. No. 95–89, 11–17–89; Res. No. 08–69, 6–20–08.)

Section 134. Suspension, demotion or discharge.

(a) This section applies to full-time and regular part-time City employees, except for elected officials or employees appointed by the Mayor.

(b) A supervisor may suspend, demote, or discharge an employee in accordance with the personnel policies and procedures adopted by the Board of Aldermen.

(c) Prior to suspension, demotion or discharge, the supervisor shall notify the employee in writing of the reason for the action to be taken and the date upon which the action will take effect. The written notice must include a statement that the employee has the right to appeal the action of the supervisor pursuant to this Charter. (Res. No. 97–5, 2–21–97; Res. No. 08–70, 6–20–08.)

Section 135. Appeals to the Personnel Board.

(a) The section applies to full-time City employees, except for elected officials or employees appointed by the Mayor.

(b) An employee may appeal a suspension, demotion or discharge to the Personnel Board in writing within thirty (30) days after the date of the written notice sent by the supervisor to the employee in accordance with Section 134 of this Charter. An appeal does not stay the imposition of disciplinary action by the supervisor.

(c) The Personnel Board shall set a hearing and shall notify the employee in writing before the hearing date. The notice shall also inform the employee of the employee's right to (i) be represented by any person of the employee's choosing at the hearing, with the exception of a City supervisor or manager within the employee's chain of command; (ii) cross-examine witnesses; and (iii) testify and present other evidence.

(d) The Personnel Board may affirm or reverse the supervisor's decision to impose disciplinary action upon the employee. If the Personnel Board affirms the supervisor's decision, the Personnel Board may modify the penalty imposed by the supervisor.

(e) At the conclusion of the hearing, the Personnel Board shall adopt a written opinion, including its findings and recommendations, and promptly deliver a copy of the opinion to the Mayor and Board of Aldermen for final decision. The employee may appeal the final decision of the Mayor and Board of Alderman within 30 days to the Circuit Court of Frederick County pursuant to the Maryland Rules governing judicial review of administrative agency actions. (Acts 1951, Ch. 539, § 135; Res. No. 97-89, 11-19-89; Res. No. 08-71, 6-20-08.)

Section 136. Appeals to Circuit Court.

Probationary employees, employees appointed by the Mayor, and regular part-time employees may appeal a suspension, demotion, or discharge to the Circuit Court for Frederick County. (Res. No. 08-72, 6-20-08.)

Section 137. Retirement.

The Mayor and Board of Aldermen may, by resolution, establish such retirement benefits as they deem appropriate. (Acts 1951, Ch. 539, § 137; Res. No. 88-89, 11-17-89; Res. No. 08-73, 6-20-08.)

Section 137-A. Repealed. (Res. No. 1-70, § 2; Res. No. 98-89, 11-17-89.)

Section 137-B. Repealed. (Res. No. 5-74, § 1; Res. No. 8-77, § 1, 5-5-77; Res. No. 08-74, 6-20-08.)

Section 138. Prohibited actions; penalties; exceptions.

(a) (1) No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work.

(2) No person shall wilfully or corruptly commit or attempt to commit any fraud which prevents the impartial execution of such personnel provisions or of the rules and regulations made thereunder.

(3) No person seeking appointment to or promotion in the classified service of the city shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

(4) No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the city.

(5) All employees of the City, including both the classified and unclassified service, shall have the same rights to engage in political activity as are afforded to any state employee. This right to engage in political activity shall not apply while the employee is on the job during working hours or when the employee is otherwise acting as an agent of or on behalf of the City or acting in his or her official capacity.

(b) Any person who by himself or with others wilfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment for a term not exceeding ninety days, or both by such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment or employment in a position in the city service, and shall, if he is an employee of the city, immediately forfeit the office or position he holds. (Acts 1951, Ch. 539, § 138; Res. No. 87-89, 11-17-89; Res. No. 97-6, 2-21-97.)

Section 138-A. Legal defense of officials and employees.

The City of Frederick will provide for legal defense of its officials and employees when they are parties to suits arising from the lawful performance of their official duties. The defense may be rendered by the Legal Department or by other counsel authorized by the Board of Aldermen. The Board of Aldermen may appropriate funds to provide for outside legal counsel, including the costs of insurance policies or other programs offering such protection. (Reso. 3-7-57; Res. No. 99-89, 11-17-89; Res. No. 06-32, 8-25-06; Res. No. 08-75, 6-20-08.)

Section 138–B. Collective Bargaining.

The City may provide by ordinance for collective bargaining for all City employees, in appropriate units, of wages, hours and other terms and conditions of employment. (Res. No. 91–24, 1–31–92.)

**ARTICLE X**  
**Department of Public Works**

Section 139. Repealed. (Res. No. 06–33, 8–25–06.)

Section 140. Reserved. (Acts 1951, Ch. 539, § 140; Res. No. 98–30, 7–24–98.)

**ARTICLE XI**  
**Public Ways and Sidewalks**

Section 141. Definition of public ways.

The term “public ways,” as used in this Charter, shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Acts 1951, Ch. 539, § 141.)

Section 142. General control of city over public ways.

The City of Frederick shall have charge of all the public ways in the city except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and to this Charter, the City of Frederick may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the city. (Acts 1951, Ch. 539, § 142.)

Section 143. Powers of city in connection with public ways.

The City of Frederick shall have the power:

- (a) To establish and change from time to time the grade lines, width, and construction materials of any city public way or part thereof.
- (b) To grade, lay out, open, extend, and make new city public ways.
- (c) To grade, straighten, widen, alter, improve, or close up any existing city public way or part thereof.
- (d) To pave, surface, repave, or resurface any city public way or part thereof.
- (e) To construct, maintain, and repair bridges.

(f) To name city public ways and to number houses and lots.

(g) To assess the cost, in whole or in part, of any projects under (b), (c) and (d) of this section on the abutting property in the manner provided in section 168 of this Charter. (Acts 1951, Ch. 539, § 143.)

Section 144. Construction, etc., of sidewalks, curbs and gutters – By city.

The City of Frederick shall have the power:

(a) To establish and change from time to time the grade lines, width, and construction materials of any sidewalk or gutter or part thereof.

(b) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter the sidewalks along any public way or part thereof.

(c) To install, repair, and maintain curbs and/or gutters along any public way or part thereof.

(d) To assess the cost of any projects under this section on the abutting property in the manner provided in section 168 of this Charter. (Acts 1951, Ch. 539, § 144.)

Section 145. Same – By abutting property owners; failure to obey notice.

The City of Frederick shall have the power to require and order the owner of any property abutting on any public way in the city to perform any projects mentioned in section 144 of this Charter at the owner's expense according to reasonable plans and specifications established by the department of public works. If, after due notice and hearing, the owner fails to comply with the order within a reasonable time, the city may do the work and the expense shall be a lien on the property and shall be collectible in the same manner as are city taxes or by suit at law. (Acts 1951, Ch. 539, § 145.)

Section 146. Clearing sidewalks by abutting property owners; failure to clear.

The City of Frederick shall have the power to require that the owners of property abutting on any sidewalk keep the sidewalk free of ice, snow, and other obstructions at the owner's expense. If any property owner fails to do this, he may be deemed guilty of a misdemeanor and in addition thereto the city may do the work and the expense shall be a lien on the property and shall be collectible in the same manner as are city taxes or by suit at law. (Acts 1951, Ch. 539, § 146.)

Section 147. Power of city to purchase or condemn property for projects under this article.

For the purpose of carrying out any of the work or projects provided for in this article, the city shall have the power to purchase or condemn any property it deems necessary as hereinafter provided. Any of the projects shall be considered as public improvements within the meaning of section 174 of this Charter. Any condemnation proceedings shall be carried on in accordance with section 174 of this Charter. (Acts 1951, Ch. 539, § 147.)

Section 148. Unauthorized changes, etc.

No city public way, sidewalk, curb, or gutter shall be graded or the grade changed, nor shall any other work be done except in accordance with plans approved by the department of public works. Any person violating the provisions of this section shall be guilty of a misdemeanor and in addition may be required to restore the public way, sidewalk, curb, or gutter to its original condition at his own expense. (Acts 1951, Ch. 539, § 148.)

Section 149. Construction contracts.

The city engineer shall advertise for sealed bids for any construction on city public ways, sidewalks, curbs, gutters, or other projects undertaken under the provisions of this article. Bids may be asked for the work as a whole or in parts. The contract shall be let to the lowest responsible bidder, and all contracts shall be approved by the board of aldermen. If the city engineer feels that all the bids are unreasonable, he may readvertise or may do the work by day labor. The city in its discretion may employ its own forces for construction without advertising for or receiving bids. (Acts 1951, Ch. 539, § 149.)

Section 150. Authority to issue bonds for projects under this article.

The City of Frederick shall have the power to issue bonds in accordance with the provisions of section 115 of this Charter to finance work on city public ways, sidewalks, curbs, gutters, or other projects undertaken under the provisions of this article. (Acts 1951, Ch. 539, § 150.)

## **ARTICLE XII**

### **Water, Sewers, and Miscellaneous Public Works**

Section 151. Powers of city generally.

The City of Frederick shall have the power:

- (a) To operate the water system and waterworks of the city.
- (b) To construct and operate a sanitary sewerage system, a sewage treatment plant, and storm water sewers.

- (c) To construct and operate a refuse collection and disposal system.
- (d) To operate and maintain an electric light plant and electrical distribution system.
- (e) To construct and operate public markets and airports.
- (f) To install and maintain fire plugs wherever it deems them necessary.
- (g) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above systems, plants, and improvements.
- (h) To have surveys, plans, specifications, and estimates made for any of the above plants, systems, or improvements or parts thereof or the extensions thereof.
- (i) To do such things and make such rules and regulations as it deems necessary for the efficient operation and maintenance of the above plants, systems, and improvements.
- (j) To assess the costs, in whole or in part, of any projects under (a), (b), (g) and (h) of this section on the abutting property in the manner provided in section 167. (Acts 1951, Ch. 539, § 151.)

Section 152. Frederick Water Company.

The rights, property, franchises, and privileges granted by this state to the president and directors of the Frederick Water Company are vested in the City of Frederick. (Acts 1951, Ch. 539, § 152.)

Section 153. Construction, operation, etc., of city utilities, etc., under supervision of department of public works; compliance with zoning, etc., ordinance.

The construction, operation, maintenance, and repair of the city's water supply system, water plant, sanitary sewerage system, sewage treatment plant, storm water sewers, refuse collection and disposal system, electric light plant, electric power plant, electrical distribution system, public markets, fire plugs, airport, and all other matters pertaining thereto as provided in this Charter shall be under the direction and supervision of the department of public works. In this connection the department of public works shall comply with all planning and zoning ordinances of the city. (Acts 1951, Ch. 539, § 153.)

Section 154. Construction contracts.

The city engineer shall advertise for sealed bids for any construction undertaken under section 151(a), (b), (c), (d), (e), (f), or (g). Bids may be asked for the work as a whole or in parts. The contract shall be let to the lowest responsible bidder, and all contracts shall be approved by the board of aldermen. If the city engineer feels that all the bids are unreasonable, he may readvertise or may do the work by day labor. The city in its discretion may employ and use its own forces to carry out any of the above construction. (Acts 1951, Ch. 539, § 154.)



Section 155. Placing or changing the location of pipes, conduits, etc.; unauthorized pipes, conduits, etc.

Any public service corporation, company, or individual, before beginning any construction or placing or changing the location of any main, conduit, pipe, or other structure in the public ways of the city, shall submit plans to the city engineer and obtain his written approval. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the department of public works may order it removed. (Acts 1951, Ch. 539, § 155.)

Section 156. Interference with city utilities.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures in, on, or over any public way in Frederick City or Frederick County which impede the establishment, construction, or operation of any city sewer or water main or any other city-owned utility shall, upon reasonable notice, remove or adjust the obstructions to the satisfaction of the city engineer. If necessary to carry out the section, the city may use its condemnation powers provided in section 174 to remove the obstructions. (Acts 1951, Ch. 539, § 156.)

Section 157. Authority of city to install and repair pipes, etc., in, on or over county ways.

The city may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. The city need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the county public way in a condition not inferior to that existing before. (Acts 1951, Ch. 539, § 157.)

Section 158. Acquisition of property.

The City of Frederick shall have the power to acquire by gift, purchase, lease, or condemnation any land, improvements, rights of way, sources of water, or other property of any kind or interest therein or franchise connected therewith within Frederick County, either in fee or as an easement, for the purpose of establishing, operating, extending, or maintaining the water system, sanitary sewerage system, sewage treatment plant, storm water sewers, or refuse collection and disposal system provided for in this Charter. Any condemnation proceedings under this section shall be carried on in accordance with the provisions of section 174 of this Charter, and the activities mentioned in this section shall be considered as public improvement within the meaning of section 174 of this Charter. (Acts 1951, Ch. 539, § 158.)

Section 159. Connections with water and sewer mains; abandonment of cesspools, wells, etc.

The City of Frederick shall provide a connection, for such charge or fee as the board of aldermen may decide, with water mains, sanitary sewer mains, and storm water sewer mains for all property abutting on any public way in which a sanitary sewer, storm sewer, or water main is laid. When any water main, sanitary sewer, or storm water sewer is declared ready for operation by the department of public works, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The city engineer may require that, if existing fixtures are unsatisfactory, satisfactory ones be installed and may require, in cooperation with public health officials, that all cesspools, sink-drains, and privies be abandoned and left in such a way as not to injure public health. All wells found to be polluted or a menace to health shall be abandoned and closed. Any violation of the provisions of this section shall be a misdemeanor. (Acts 1951, Ch. 539, § 159.)

Section 160. Right of entry by department of public works employees; interference with such employees.

Any employee or agent of the department of public works, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the city, shall have the right of entry at all reasonable hours and after reasonable advance notice to the owner, tenant, or person in possession, upon any private premises and into any building in the city or in those portions of Frederick County served by the city's water or sewerage disposal systems. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession or the agent of any of them, shall be a misdemeanor. (Acts 1951, Ch. 539, § 160.)

Section 161. Extension of water and sewer systems beyond city limits.

The City of Frederick shall have the power to extend its water or sewerage systems beyond the city limits. (Acts 1951, Ch. 539, § 161.)

Section 162. Construction of private sewers, drains, etc.

No water supply, sewerage, or storm water drainage system, and no water mains, sewers, or drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, without the written consent of and under rules prescribed by the department of public works. Any violation of the provisions of this section shall be a misdemeanor. (Acts 1951, Ch. 539, § 162.)

Section 163. Pollution, etc., of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the city water supply system. Any violation of the provisions of this section shall be a misdemeanor. (Acts 1951, Ch. 539, § 163.)

Section 164. Financing construction, repair, operation of city utilities, etc.

For the purpose of financing and paying for the construction, operation, maintenance, and repair of the water supply system, water plant, sanitary sewerage system, sewage treatment plant, storm water sewers, refuse collection and disposal system, city airport, and other improvements provided for under the provisions of this article, the City of Frederick shall have the power:

(a) To issue bonds in accordance with the provisions of section 115 of this Charter; the bonds heretofore or hereafter issued for the purpose of financing and paying for the construction, operation, maintenance and repair of the water supply system and water plant not to be included in the calculation of the total amount of bonds issued under the authority contained in section 115 of this Charter.

(b) To assess the cost of water, sewer, or storm water mains or any part thereof on the property abutting on the water, sewer, and storm water mains in accordance with section 168 of this Charter.

(c) To charge and collect such service rates, water rents, or other charges as may be necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the city treasurer and, if water bills are uncollected within thirty days, the water may be turned off. All charges shall be a lien on the property, collectible in the same manner as city taxes or by suit at law. (Acts 1951, Ch. 539, § 164; Acts 1953, Ch. 496, § 1.)

Section 165. Public lighting.

The City of Frederick shall have the power to use electricity generated by its electric light plant to light the streets and public buildings of the city and for other municipal purposes. The use of the city's electric light plant, when used only for municipal purposes shall not be subject to the rules and regulations of the public service commission of Maryland. The city may contract with any party or parties for the lighting of the public ways and public buildings of the city and for electricity for any other municipal purpose. Any such contract shall run for a period of not longer than ten years and shall be subject to the approval of the public service commission of Maryland. (Acts 1951, Ch. 539, § 165.)

Section 166. Electricity for private use.

The City of Frederick shall have the power to sell electricity generated by any electric light plant owned or operated by it to private consumers of any kind within the police limits of the city. Before selling electricity to any private consumers, the city must obtain the approval of the public service commission of Maryland and must comply with all rules and regulations of the public service commission of Maryland. The rates and charges for electricity and the operation and administration of the lighting plant and distribution system when used to sell electricity to private consumers shall be subject to the approval, rules, and regulations of the public service commission of Maryland in the same manner as are private electrical corporations in Maryland. (Acts 1951, Ch. 539, § 166.)

## ARTICLE XIII

### Special Assessment Procedure

#### Section 166–A. Powers of city generally. (See note (7))

The City of Frederick shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the construction or installation of water mains, sewer mains, public ways, sidewalks, curbs, gutters, and storm water sewers, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. (Acts 1951, Ch. 539, § 166–A.)

#### Section 167. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

(a) *Basis.* The cost of the work being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the board of aldermen.

(b) *Amount of assessment.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the city and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty–five per cent of the fair cash market value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(c) *Rates.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(d) *Ratification of charge; notice.* Before any charge is levied, it shall be ratified by the board of aldermen. The board of aldermen shall cause notice to be given stating the nature of the proposed project or improvement and the place and time at which all persons interested, or their agents or attorneys, may appear before the board of aldermen and be heard concerning the proposed special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property assessed, and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the city. A certificate of publication and mailing of copies of the notice shall be deemed compliance with the provisions of this subsection. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the completion of publication and service of notice as provided in this section.

(e) *Right of appeal.* Any interested person feeling aggrieved by the ratification of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for Frederick County within ten days after the final ratification of any assessment by the board of aldermen.

(f) *Charges become lien.* All charges remaining unpaid after a reasonable period, to be determined by the board of aldermen, shall become liens on the property and shall be collectible as are other city taxes or by suit at law.

(g) *Manner of paying.* Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the board of aldermen may decide.

(h) *Collector.* All special assessments levied under this section shall be billed and collected by the city treasurer. (Acts 1951, Ch. 539, § 167.)

## **ARTICLE XIV**

### **Parks and Public Property**

#### Section 168. Power and authority generally in connection with public property.

The City of Frederick shall have the power to acquire, hold, and dispose of property, real, personal, or mixed, within or without the boundaries of the city for any public or municipal purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise. The City of Frederick may receive in trust and control for any general corporate purpose of such trust all money and other property which may have been or shall be bestowed upon it by will, deed, or any other form of gift or conveyance in trust for any general corporate purpose, or in aid of the indigent poor, or for the general purpose of education, or for charitable purposes of any description within the city. All city property, franchises, and funds of every kind now belonging to or in the possession of the mayor and aldermen of Frederick are hereby vested in the City of Frederick. (Acts 1951, Ch. 539, § 168.)

#### Section 169. Authority of city in connection with parks, playgrounds, etc.

The City of Frederick shall have the power to construct, operate, maintain, and purchase equipment for any parks, playgrounds, or other recreational areas which it feels will promote the pleasure, welfare, comfort, and health of the residents of the City of Frederick. (Acts 1951, Ch. 539, § 169.)

#### Section 170. Authority of city in connection with buildings, etc.

The City of Frederick shall have the power to construct, operate, maintain, and purchase equipment for any buildings and structures it deems necessary for the operation of the city's government. (Acts 1951, Ch. 539, § 170.)

Section 171. Duties of department of public works.

All the parks, playgrounds, recreational areas, public buildings, and public property of the city shall be constructed and maintained by or under the supervision of the department of public works. In this connection the department of public works shall comply with all planning and zoning ordinances and regulations of the city. (Acts 1951, Ch. 539, § 171.)

Section 172. Acquisition and disposal.

The City of Frederick may acquire, by gift, purchase or otherwise, any real or personal property and any interest, franchise, easement or privilege therein, including (without limitation) stock of a corporation, land and buildings or other improvements, in its discretion as it deems necessary for any public or municipal purpose, and may sell, lease, mortgage, or otherwise dispose of any property belonging to the city in its discretions [discretion] it deems necessary for any public or municipal purpose, to any private, public or other corporation, partnership, association, person or other entity, and may take any and all actions and enter into any and all agreements in its discretion as it deems necessary or desirable in order to accomplish such purposes. The city may assume any mortgage, lease or other obligation in connection with any such acquisition and may finance any such acquisition by the issuance of bonds pursuant to Section 114 and Section 115 of this Charter, which bonds may be sold or issued in exchange for cash, the property being acquired, or the stock of the corporation owning or having an interest in such property or for such other consideration as may be determined by the ordinance or resolution of the board of aldermen authorizing such bonds. Any obligation represented by any mortgage, installment sales, conditional sales, lease purchase or other financing agreement for the acquisition of such property shall constitute a borrowing and bonds within the meaning of Section 114 and Section 115 of this Charter if so provided by ordinance or resolution of the board of aldermen. In the event that any bonds are issued in exchange for any consideration other than cash, the value of such consideration shall be determined on such basis as the board of aldermen determine in their discretion and such determination of value shall be conclusive for the purposes of this section and Sections 114 and 115 of this Charter, including for the purpose of calculating the limitation provided in Section 115 of this Charter on the amount of bonds which may be issued by the city. (Acts 1951, Ch. 539, § 172; Res. No. 7-87, 8-28-87.)

Section 173. Condemnation.

The City of Frederick shall have the power to condemn any property, right, or interest belonging to any person, persons, corporation, or corporations for the purpose of making any public improvement. The manner of procedure in case of any condemnation proceeding shall be that established in article 33A of the Annotated Code of Maryland, title "Eminent Domain." By way of enumeration and not limitation, public improvements shall be construed to include sewers, drains, disposal plants, water systems, waterworks, water and water courses, rights of way, public ways, sidewalks, public parks and playgrounds, markets, airports, and parking lots. (Acts 1951, Ch. 539, § 173.)

Section 174. Authority of city to protect city property.

The City of Frederick shall have the power to take all measures it deems necessary to protect the buildings and all other property of the city. (Acts 1951, Ch. 539, § 174.)

## **ARTICLE XV**

### **Planning and Zoning**

Section 175. General purposes.

In accordance with the provisions of this article, the City of Frederick shall have the power to plan and zone the city with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city. Among other things, this planning and zoning authority may be used to promote the health, safety, morals, order, convenience, prosperity, and general welfare of the city; to provide good civic design and arrangement; to promote the wise and efficient expenditure of public funds; to make adequate provisions for traffic; to secure safety from fire, panic, and other dangers; to prevent the overcrowding of land and to avoid undue concentration of population; to provide adequate light and air; and to make adequate provision for public utilities, water, sewage disposal, parks, and other public requirements. (Acts 1951, Ch. 539, § 175; Reso. No. 3-69, § 2.)

Section 176. Planning commission – Composition; appointment; term; removal; compensation.

There shall be a planning commission which shall consist of five members, namely, a member of the board of aldermen, and four persons, all residents of the City of Frederick, who shall be appointed by the Mayor with the advice and consent of the board of aldermen. The term of the ex officio member shall correspond to his official tenure. The term of each member shall be five years or until his successor takes office; except, that the respective terms of the five members first appointed shall be one, two, three, four and five years. The present members of the planning commission shall continue to serve as members until this resolution becomes effective, after which the planning commission shall be appointed within thirty days in accordance herewith. The commission shall appoint one of its members as chairman. The compensation of members of the planning commission shall be determined by the board of aldermen. Members may be removed by the board of aldermen after a hearing, for inefficiency, neglect of duties or malfeasance in office. (The Mayor with the advice and consent of the board of aldermen may appoint such alternate members as may be required from time to time) (Acts 1951, Ch. 539, § 176; Reso. No. 2-70, § 1; Reso. No. 3-72, § 1; Reso. No. 4-73, § 1.)

Section 177. Same – Vacancies.

If the member of the board of aldermen serving on the planning commission ceases to be a member of the board of aldermen before the expiration of his term on the planning commission, the board of aldermen shall appoint another alderman to serve on the planning commission for the remainder of the unexpired term. Vacancies among the other four members of the commission shall be filled by the mayor with the advice and consent of the board of

aldermen for the remainder of the unexpired term. (Acts 1951, Ch. 539, § 177; Reso. No. 3–72, § 1.)

Section 178. Same – Powers and duties generally.

The planning commission shall have the power and shall be required:

- (a) To make, amend, extend, and add to a master plan for the physical development of the city.
- (b) To exercise control over subdividing in the city.
- (c) To draft for the board of aldermen an official map of the city.
- (d) To prepare and adopt a zoning plan and recommend or disapprove proposed changes in the plan.
- (e) To submit annually to the mayor, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming four–year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year. (Acts 1951, Ch. 539, § 178; Reso. No. 3–72, § 1.)

Section 179. Same – Further powers and duties.

The planning commission shall have the power:

- (a) To require information which shall be furnished within a reasonable time from the other departments of the city government in relation to its work.
- (b) To request additional assistance for special survey work of the mayor, who at his discretion may assign to the commission members of the staff of any administrative department or direct such department to make special studies requested by the commission.
- (c) Within its budget appropriation, to contract with city planners and other consultants for such services as it may require, when approved by the mayor and the board of aldermen.
- (d) In the performance of its functions, to enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. (Acts 1951, Ch. 539, § 179; Reso. No. 3–72, § 1.)

Section 180. Master plan – Contents.

The master plan for the physical development of the city, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission’s recommendations



for the development of city territory, and may include, among other things: (a) The general location, character, and extent of public ways, bridges, parks, waterways, and other public grounds and spaces; (b) the general location of public buildings and other public property; (c) the general location and extent of public utilities, whether publicly or privately owned; (d) the removal, relocation, widening, extension, narrowing, vacating, abandonment, or change of use of such existing or future public ways, grounds, spaces, buildings, property, or utilities. (Acts 1951, Ch. 539, § 180.)

Section 181. Same – Adoption.

The planning commission may adopt the master plan as a whole by a single resolution, or may by successive resolution adopt successive parts of the plan, said parts corresponding to major geographical sections of the city or to functional divisions of subject matter of the plan. The adoption of the plan or any part thereof shall be by the affirmative votes of not less than a majority of the members of the commission. After approval by the commission, the master plan or successive parts thereof shall be submitted to the board of aldermen for its approval. Before approving the master plan, the board of aldermen may make any amendments or additions thereto which it deems necessary. Both the planning commission and the board of aldermen shall hold a hearing on the plan or any part thereof before voting on adoption. (Acts 1951, Ch. 539, § 181.)

Section 182. Same – Legal effect.

No public way or park or other public ground or space, no public building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or one mile beyond, nor shall any real property be acquired by the city, except in accordance with the master plan as adopted by the board of aldermen. The board of aldermen may propose deviations from, modifications of, or amendments to the master plan. Any such proposed deviation, modification, or amendment must be submitted by the board of aldermen to the planning commission for its approval. Approval by the commission must be by the affirmative votes of not less than a majority of the members of the commission. Should the commission disapprove, the proposed deviation, modification, or amendment shall not be permitted unless three-fourths of the members of the board of aldermen vote to permit it. The failure of the commission to act within thirty days after the submission of any proposed deviation, modification, or amendment by the board of aldermen shall be deemed approval unless a longer period be granted by the board of aldermen. Deviations from, modifications of, or amendments to the master plan may be recommended to the board of aldermen by the planning commission by the affirmative vote of not less than a majority of the members of the commission. Any such deviation, modification, or amendment recommended by the commission must be approved by the board of aldermen before becoming effective. Whenever the board of aldermen or the commission is considering any deviation from, modification of, or amendment to the master plan it shall hold a public hearing thereon before reaching a final decision. (Acts 1951, Ch. 539, § 182.)

Section 183. Subdivision control and regulations.

The planning commission shall have authority over and control of all subdivision of land within the city and one mile beyond. The commission may adopt regulations governing the subdivision of land providing for the harmonious development of the city; the coordination of all public ways within the subdivided land with other existing or planned streets or for conformance with the master plan or official map; adequate open spaces and spaces for traffic, utilities, recreation, light, and air; the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which public ways shall be graded and improved and water, sewer, and other mains, piping, connections, and other facilities shall be installed as a condition precedent to the approval of a subdivision. All regulations regarding the subdivision of land and any amendments thereto must be approved by the board of aldermen before taking effect. (Acts 1951, Ch. 539, § 183.)

Section 184. Zoning – Authority of city; variations from zoning ordinances.

Upon the recommendation of the planning and zoning commission, the board of aldermen may by ordinance regulate the location, height, bulk, and size of buildings and other structures, the size of yards, courts, and other open spaces, and the uses of buildings, structures, and land for trade, industry, business, residence, or other purposes. The board of aldermen, upon the recommendation of the commission, may divide the city and one mile beyond into districts of such number, shape, and area as the board of aldermen deems necessary. All zoning regulations shall be uniform throughout each district but the regulations in one district may differ from those in other districts. Such zoning ordinances may provide that the zoning board of appeals may, in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the zoning board of appeals may authorize variances from the strict application of the regulations in such situations and subject to such limitations as may be set forth in the ordinance. Before authorizing any variances or special exceptions to the zoning ordinances or regulations, the zoning board of appeals shall give notice of a public hearing at which any interested persons may be heard concerning the proposed variance or special exception by an advertisement published at least ten (10) days prior to said public hearing in one or more newspapers of general circulation in the City of Frederick. (Acts 1951, Ch. 539, § 184.)

Section 185. Same – Hearing on ordinance required.

Before passing any zoning ordinance or any amendments thereto, the board of aldermen shall give at least ten (10) days' notice in some newspaper published in the City of Frederick of a public hearing to be held on the zoning ordinance or amendments thereto. (Acts 1951, Ch. 539, § 185.)

Section 186. Zoning board of appeals – Composition; appointment; term; removal; vacancies; compensation.

There shall be a zoning board of appeals which shall consist of five (5) members to be appointed by the mayor with the advice and consent of the board of aldermen for terms of three (3) years. All members must be residents of the city. Any member of the zoning board of appeals may be removed by the board of aldermen for cause after being given a written copy of the charges against him and a public hearing thereon. Any vacancy shall be filled by the mayor with the advice and consent of the board of aldermen for the remainder of the unexpired term. The compensation of members of the zoning board of appeals shall be determined by the board of aldermen. The mayor with the advice and consent of the board of aldermen shall appoint one (1) alternate member, and may appoint a temporary alternate member as may be required from time to time in the absence of the regular alternate member. (Acts 1951, Ch. 539, § 186; Res. No. 4-73, § 1; Res. No. 3-79, § 1, 3-1-79; Res. No. 97-44, 1-9-98.)

Section 187. Same – Meetings; minutes; decisions, etc.

All meetings of the zoning board of appeals shall be held at the call of the chairman, who shall be designated by the mayor with the advice and consent of the board of aldermen, and at such other times as the zoning board of appeals may determine. All meetings of the zoning board of appeals shall be open to the public. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member on every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every order, requirement, decision, or determination of the zoning board of appeals shall immediately be filed in the office of the zoning board of appeals and shall be a public record. (Acts 1951, Ch. 539, § 187.)

Section 188. Same – Appeals.

The zoning board of appeals shall have the power to hear and determine appeals from refusal of building permits and/or use of land, to hear appeals where an error in the application of the zoning ordinances and regulations is charged, and to permit exceptions to or variations from the zoning ordinance or regulations in accordance with the principles, conditions, and procedure specified in the zoning ordinance or regulations. (Acts 1951, Ch. 539, § 188.)

Section 189. Airport zoning.

The City of Frederick is hereby authorized to administer zoning regulations at its city airport in accordance with the provisions of Article 1A of the 1947 Supplement to the Annotated Code of Maryland (See note (8)) and any other state laws applicable to municipal airport zoning. (Acts 1951, Ch. 539, § 189.)

Section 190. Authority of city to use additional powers given by state.

The City of Frederick is hereby authorized to use such additional planning and zoning powers, not in conflict with the provisions of this Charter, as may be authorized by Article 66B

of the Annotated Code of Maryland (1939 edition) (See note (9)) or any other state legislation with regard to municipal planning and zoning. (Acts 1951, Ch. 539, § 190.)

## ARTICLE XVI

### Police

Section 191. Repealed. (Res. No. 95-7, 9-8-95.)

Section 192. Establishment of number of police officers; powers and duties generally of police; authority generally to remove police officers, etc.

The Mayor and Board of Aldermen shall, by ordinance, annually establish the number of police officers necessary to enforce the laws within their jurisdiction. All police officers shall receive the compensation fixed from time to time by contract or ordinance. The chief of police shall have the power and authority to discipline, suspend, demote, or terminate any police officer in accordance with the Law Enforcement Officers' Bill of Rights (LEOBR), as codified at Section 3-101 et seq. of the Public Safety Article of the Annotated Code of Maryland, as amended from time to time. (Acts 1951, Ch. 539, § 192; Reso. 3-7-57; Res. No. 95-8, 9-8-95; Res. No. 98-45, 1-8-99; Res. No. 00-26, 10-6-00; Res. No. 06-34, 8-25-06.)

Section 193. Examination of prospective police officers; medical examiner; list of successful applicants.

(a) Any person desiring to be appointed to the position of police officer shall make application to the Frederick Police Department, Human Resources Division, within the time provided by the Frederick Police Department, Human Resources Division. The chief of police shall examine all applicants for appointment as to their moral, educational, physical, psychological, and community department qualifications.

(b) The chief of police is hereby authorized to appoint a physician and a psychologist as medical examiners, who shall examine all applicants for police officer as to their physical and psychological fitness to become members of the Frederick Police Department. The types of physical and psychological examinations shall be approved by the chief of police. The chief of police is hereby authorized to require employment and polygraph examinations of applicants for the position of police officer. The provisions of this section shall not apply to the appointment of special or part-time policemen [police officers], nor to the appointment of a chief of police. (Acts 1951, Ch. 539, § 193; Res. No. 95-9, 9-8-95; Res. No. 00-27, 10-6-00; Res. No. 06-35, 8-25-06.)

Section 194. Rules and regulations for operation of police department; procedure and reasons for suspension or removal.

(a) The chief of police is hereby authorized to provide by adoption of rules and regulations, such regulations, restrictions, and provisions as he or she shall think proper and desirable for the efficient operation of the police department.

(b) The chief of police, or his or her designated agent, shall have the power and authority to conduct an internal investigation of any officer alleged or believed to have engaged in any act of misconduct, misfeasance, malfeasance, or violation of the Frederick Police Department Policies, Rules, Regulations and Procedures, as amended from time to time. At the conclusion of such internal investigation, should the finding and conclusions support such action, the chief of police shall have the power and authority to implement disciplinary proceedings against the offending officer, which disciplinary proceedings shall be conducted in accordance with and pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR), as codified at Sec. 3-101 et seq. of the Public Safety Article of the Annotated Code of Maryland, as amended from time to time. Upon conclusion of a hearing conducted pursuant to the LEOBR and a finding of guilt and recommendation for punishment by the Hearing Board acting under authority of and pursuant to the LEOBR, the chief of police shall have the power and authority to discipline, suspend, demote, or terminate the offending officer. (Acts 1951, Ch. 539, § 194; Acts 1953, Ch. 496, § 1; Res. No. 92-5, 3-27-92; Res. No. 95-10, 9-8-95; Res. No. 98-46, 1-8-99; Res. No. 00-28, 10-6-00; Res. No. 06-36, 8-25-06.)

Section 195. Tenure and age limits.

(a) All police officers appointed under the provisions of this Charter shall hold their respective offices, unless discharged, retired, or otherwise incapable of serving, until they become sixty-five (65) years old, when they shall retire.

(b) No persons shall be eligible for appointment as police officers except those persons between the ages of twenty-one (21) and sixty-four (64) years, inclusive, who have been recommended by the chief of police. (Res. No. 7-74, § 1; Res. No. 4-78, § 1, 8-10-78; Res. No. 95-11, 9-8-95; Res. No. 95-24, 11-24-95; Res. No. 00-29, 10-6-00; Res. No. 06-37, 8-25-06.)

Section 196. Reserved. (See note (10))

Section 197. (Acts 1951, Ch. 539, § 197; Repealed by Res. No. 00-30, 10-6-00.)

Section 198. Repealed. (Res. No. 06-38, 8-25-06.)

Section 199. Personnel, appointment, direction and promotions of police department; reductions of force; investigations.

(a) In addition to the chief of police, there shall be such number of police officers as provided by ordinance duly enacted by the Mayor and Board of Aldermen all of whom shall be under the direction and supervision of and receive their order of duties from the chief of police. All promotions in the personnel of the police department shall be made by the Mayor, upon report of a satisfactory promotional examination, with the advice and consent of the Board of Aldermen. All sworn members of the department shall perform the duties now or hereafter prescribed by duly adopted rules and regulations. The Board of Aldermen may by ordinance increase or decrease the number of captains, lieutenants, sergeants, corporals, and officers herein provided for, when in its judgment it shall be proper to do so.

(b) Any investigation of any police officer and any subsequent disciplinary proceedings arising out of such internal investigation shall be conducted in accordance with and pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR), as codified at Sec. 3-101 et seq. of the Public Safety Article of the Annotated Code of Maryland, as amended from time to time, and as further set forth in Sections 192 and 194 of this Charter. (Acts 1951, Ch. 539, § 199; Reso. 3-7-57; Res. No. 95-12, 9-8-95; Res. No. 98-48, 1-8-99; Res. No. 00-32, 10-6-00; Res. No. 06-39, 8-25-06.)

Section 200. Political activity of police officers.

Any officer of the Frederick Police Department shall have the right to engage in political activity when he or she is not on duty or acting in his or her official capacity, as provided and permitted pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR) and specifically by Article 27, Section 728(a) of the Annotated Code of Maryland, as amended from time to time. (Acts 1951, Ch. 539, § 200; Res. No. 95-13, 9-8-95; Res. No. 00-33, 10-6-00.)

Section 201. Manner of performance of duties of police.

The police officers shall promptly and efficiently perform all of the duties now or hereafter required of them as provided by general or local law or in the ordinances of The City of Frederick or duly adopted rules and regulations. The chief of police is hereby directed to cooperate and exchange information, and as authorized to enter into mutual aid agreements, with any other police department, or law enforcement agency, both within and without the state, and with federal law enforcement agencies for the purposes of achieving greater success in preventing and detecting crimes and apprehending criminals. (Acts 1951, Ch. 539, § 201; Res. No. 00-34, 10-6-00; Res. No. 06-40, 8-25-06.)

Section 202. County sheriff.

The sheriff of Frederick County shall receive and safe keep in the county jail all persons who shall be committed thereto for a breach of any ordinance of the city, according to the tenor of the commitment, and in the same manner and under the same regulations as persons committed for a violation of the laws of the state. (Acts 1951, Ch. 539, § 202.)

Section 202-A. Repealed. (Res. No. 95-14, 9-8-95.)

Section 203. Repealed. (Res. No. 95-15, 9-8-95.)

Section 204. Repealed. (Res. No. 95-16, 9-8-95.)

Section 204-A. Repealed. (Res. No. 7-83, 6-6-83.)

**ARTICLE XVI–A  
Redevelopment and Urban Renewal**

Repealed. See Appendix I.

**ARTICLE XVII  
Miscellaneous Provisions**

Section 205. Oath of office.

Before entering upon the duties of their offices, the Mayor and Board of Aldermen shall take oath before the Clerk of the Circuit Court for Frederick County. The form of the oath shall be as follows: “I do solemnly swear that I will faithfully execute the office of ..... to the best of my knowledge and ability, without favor or partiality.” Each oath shall be recorded in the office of the Clerk of the Circuit Court for Frederick County and in the office of the City’s Legislative Clerk. (Acts 1951, Ch. 539, § 205; Res. No. 08–12, 4–11–08.)

Section 206. Mayor and aldermen not to hold other office of emolument or be interested in city contracts.

Neither the mayor nor any member of the board of aldermen shall be eligible to any appointment as a salaried officer, or retained as an employee of the city, nor shall he be interested in any contract in which the city is interested, except as permitted pursuant to the City Ethics Law, codified at Chapter 21 of the Code of the City of Frederick. (Acts 1951, Ch. 539, § 206; Res. No. 97–35, 10–10–97.)

Section 207. Official bonds.

The city treasurer and such other officers or employees of the city as the board of aldermen or this Charter may require shall give bond in such amount and with such surety as may be required by the board of aldermen. The premiums on such bonds shall be paid by the city. (Acts 1951, Ch. 539, § 207.)

Section 208. Recordation of deeds.

No deed or deeds conveying real estate or chattels real, situated or located within the corporate limits of the City of Frederick shall be admitted to record among the land records of the circuit court for Frederick County until the property thereby conveyed or assigned has been duly transferred upon the city assessment books in the office of the city treasurer to the grantee or assignee named in such deed. Before such property shall be transferred on the assessment books, all city taxes, special assessments, water rents, and other public charges due to the City of Frederick for the current year and all prior years must be paid, and as evidence of such payment the city treasurer shall stamp upon the deed his certificate thereof. The city treasurer shall further certify the fact of the transfer upon the deed, and the clerk of the circuit court shall not record or accept for recording any deed without the certificates of the city treasurer as prescribed by this section. (Acts 1951, Ch. 539, § 208.)

Section 209. Prior rights and obligations not affected by Charter.

All rights, title, and interest held by the City of Frederick or any other person or corporation at the time this Charter is adopted, in or to any lien acquired under any prior Charter of the city, is hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective. (Acts 1951, Ch. 539, § 209.)

Section 210. Effect of Charter on existing laws.

All laws in effect at the time this Charter is adopted relating to or applicable to the City of Frederick which are not inconsistent with this Charter shall remain in effect until changed or repealed by the General Assembly of Maryland. (Acts 1951, Ch. 539, § 210.)

Section 211. Effect of Charter on existing ordinances, resolutions, etc.

All ordinances, resolutions, rules, and regulations in effect in the City of Frederick at the time this Charter is adopted and which are not in conflict with the provisions of this Charter, shall remain in effect until amended, altered, or repealed according to the provisions of this Charter. (Acts 1951, Ch. 539, § 211.)

Section 212. General penalty.

Every act or omission designated as a misdemeanor in this Charter, unless otherwise provided, shall be punishable upon conviction in any court of this state by a fine not exceeding one hundred dollars (\$100.00) and/or imprisonment not exceeding ninety (90) days or both in the discretion of the court. Where the act or omission is of a continuing nature and is persisted in, in violation of the provisions of this Charter or of any ordinances, rules or regulations formulated hereunder, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Acts 1951, Ch. 539, § 212; Acts 1953, Ch. 496, § 1; Res. No. 8-74, § 1; Res. No. 2-79, § 1, 2-1-79.)

Section 212-A. Municipal infractions.

The board of aldermen may provide that violations of any municipal ordinance shall be a municipal infraction unless the violation is declared to be a felony or a misdemeanor by law or ordinance. For the purposes of this section, a municipal infraction is a civil offense. A citation for a municipal infraction may be delivered to the accused by such persons as provided by ordinance. (Res. No. 4-79, § 1, 3-1-79.)



## **ARTICLE XVIII**

### **Charter Amendments**

#### Section 213. How amended.

Amendments to this Charter shall be in accordance with Article 11–E of the Constitution of Maryland and Article 23–A, Section 11–18 of the 1957 Annotated Code of Maryland, as amended, and such amendment shall have the same force of law as if they had been enacted by the General Assembly of Maryland. (Acts 1951, Ch. 539, § 213; Res. No. 1–69, § 1.)

Sections 214 – 217. Reserved. (See note (11))

## **ARTICLE XIX**

### **Legality**

#### Section 218. Inconsistent laws.

All acts and parts of acts, general or local, inconsistent with the provisions of this Charter, be and the same hereby are repealed to the extent of such inconsistency. Nothing contained herein shall affect or restrict any control which the state board of health is empowered by law to exercise in any part of this state. (Acts 1951, Ch. 539, § 218.)

#### Section 219. Charter powers not exclusive.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and the city shall have such other powers as are incident to those specifically mentioned or as are a necessary consequence of the powers herein conferred. In addition to the powers enumerated in this Charter, the city shall have all powers, rights, and privileges now or hereafter granted by the Constitution and laws of the State of Maryland. (Acts 1951, Ch. 539, § 219.)

#### Section 220. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Acts 1951, Ch. 539, § 220.)

#### Section 221. Effective date.

This Charter shall take effect on June 1, 1951. (Acts 1951, Ch. 539, § 221.)

## **ARTICLE XX Administration**

### Section 222. General provisions. (See note (15))

The Board of Aldermen may establish or abolish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to another department.

All departments, offices and agencies shall be under the direct supervision of the Mayor as Chief Executive Officer and head of the administrative branch of the City. (Res. No. 74-89, 11-17-89.)

### Section 222-A. Department of Public Works.

(a) A department of public works is hereby created, and is comprised of the departments of operations, engineering, planning, and parks and recreation.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a director of public works to administer the department of public works. To be eligible for appointment, the director of public works shall be a Maryland registered professional engineer. The director of public works may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 98-32, 7-24-98; Res. No. 00-15, 7-7-00; Res. No. 02-12, 6-21-02; Res. No. 06-41, 8-25-06.)

### Section 222-B. Department of Operations.

(a) A department of operations is hereby created within the department of public works. In addition to such further duties as the mayor or director of public works may prescribe from time to time, the department of operations is specifically charged with control of water and sewer, signs and street lights, solid waste collection, parking, and snow removal within the City.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a deputy director for operations to administer the department of operations. The deputy director for operations will be supervised by the director of public works. The deputy director for operations may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 98-32, 7-24-98; Repealed by Res. No. 00-16, 7-7-00; Res. No. 06-42, 8-25-06.)

### Section 222-C. Department of Engineering.

(a) A department of engineering is hereby created within the department of public works. In addition to such further duties as the mayor or director of public works may prescribe from time to time, the department of engineering is specifically charged with the provision of

engineering services in the areas of land development and construction; utilities planning; surveying and mapping; and traffic. The department of engineering is also charged with the administration and enforcement of the City's building and technical codes, including the issuance of permits and performance of inspections.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a deputy director for engineering, who may also be known as the city engineer, to administer the department of engineering. The deputy director for engineering may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 06-43, 8-25-06.)

Section 222-D. Department of Planning.

(a) A department of planning is hereby created within the department of public works. In addition to such further duties as the mayor or director of public works may prescribe from time to time, the department of planning is specifically charged with the performance of the following duties:

- (1) Prepare and maintain plans for the development of the City;
- (2) Administer and enforce the City's property maintenance, land management, and development regulations; and
- (3) Administer the division of community development and the City's use of its federal Community Development Block Grant.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a deputy director for planning to administer the department of planning. The deputy director for planning will be supervised by the director of public works. The deputy director for planning may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 06-44, 8-25-06.)

Section 222-E. Department of Parks and Recreation.

(a) A department of parks and recreation is hereby created within the department of public works. In addition to such further duties as the mayor or director of public works may prescribe from time to time, the department of parks and recreation is specifically charged with the performance of the following duties:

- (1) Subject to the provisions of Article XIV relating to the acquisition and disposition of real property, to establish, maintain, operate and control parks, squares, athletic and recreational facilities and activities for the people of the City, and to have charge and control of all such property and activities belonging to, or conducted by, the City;
- (2) To supervise the division of special events;

- (3) To organize and conduct recreational activities on municipal buildings or grounds;
- (4) To charge and collect fees for admission, services and the use of facilities and rentals for the use of property controlled by the department of parks and recreation;
- (5) To adopt and enforce rules and regulations for the use of all land, property and activities under the control of the department of parks and recreation; and
- (6) To oversee the management of the Clustered Spires Golf Course.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a deputy director for parks and recreation to administer the department of parks and recreation. The deputy director for recreation will be supervised by the director of public works. The deputy director for parks and recreation may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 06-45, 8-25-06.)

Section 223. Legal Department.

(a) A legal department is hereby created. In addition to such further duties as the mayor may prescribe from time to time, the legal department is specifically charged with the performance of the following duties:

- (1) Provide legal advice to the mayor, board of aldermen, city staff, and administrative agencies;
- (2) Except as provided in Subsection (b) of this section litigate all suits or actions to which the city is a party;
- (3) Prepare ordinances and resolutions for introduction to the board of aldermen; and
- (4) Prepare or approve for legal sufficiency all contracts and other documents to be signed by the mayor.

(b) The city attorney may request the board of aldermen to authorize the use of outside counsel to represent the City in litigation. The city attorney may not retain outside counsel to represent the City in litigation without the express authorization of the board of aldermen.

(c) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a city attorney to administer the legal department. To be eligible for appointment, the city attorney shall be a member of the bar of the State of Maryland, the U.S. District Court for the District of Maryland, and Frederick County, and shall have actively practiced law in Maryland for not less than one year. The city attorney may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No.

75-89, 11-17-89; Res. No. 98-33, 7-24-98; Res. No. 00-17, 7-7-00; Res. No. 02-13, 6-21-02; Res. 06-46, 8-25-06.)

Section 224. (Res. No. 76-89, 11-17-89; Res. No. 98-34, 7-24-98; Repealed by Res. No. 00-18, 7-7-00.)

Section 225. Department of Finance.

(a) A department of finance is hereby created, and is comprised of the departments of human resources, accounting, budget and purchasing, and information technology. In addition to such further duties as the mayor may prescribe from time to time, the department of finance is specifically charged with the performance of the following duties:

(1) Prepare a monthly statement of all receipts and disbursements in such form as the Board of Aldermen may require;

(2) Submit at the end of each fiscal year a complete financial report to the Board of Aldermen through the Mayor;

(3) Ascertain that all taxable property within the City is assessed for taxation;

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

(5) Have custody of all public monies, belonging to or under the control of the City, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the City;

(6) Have custody of all investments and invested funds of the City or under the control of the City, except as to control of any set of trustees, and have custody of all bonds and notes of the City; and

(7) Assist the Mayor in the preparation and execution of the City budget in any way the Mayor requests.

(b) The mayor, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, shall appoint a director of finance to administer the department of finance. To be eligible for appointment, the director of finance shall be a certified public accountant or a certified public finance officer. The director of finance may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 77-89, 11-17-89; Res. No. 98-35, 7-24-98; Res. No. 00-19, 7-7-00; Res. No. 06-47, 8-25-06.)

Section 225-A. Repealed. (Res. No. 06-48, 8-25-06.)

Section 225–B. Department of Budget and Purchasing.

(a) A department of budget and purchasing is hereby created within the department of finance. In addition to such further duties as the mayor or director of finance may prescribe from time to time, the department of budget and purchasing is specifically charged with the performance of the following duties:

- (1) Preparation of the annual budget;
- (2) Management of the purchasing department;
- (3) Development of budgeting and purchasing policies and procedures;
- (4) Coordination of the management of retirement investments;
- (5) Management of the city's insurance programs; and
- (6) Management of the information technology department.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a director of budget and purchasing to administer the department of budget and purchasing. The director of budget and purchasing will be supervised by the director of finance. The director of budget and purchasing may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 00–21; 7–7–00; Res. No. 06–49, 8–25–06.)

Section 226. Repealed. (Res. No. 06–50, 8–25–06.)

Section 227. Repealed. (Res. No. 06–51, 8–25–06.)

Section 228. Frederick Police Department.

(a) The Frederick Police Department is hereby created to provide professional police services to the City.

(b) The mayor, with the advice and consent of the board of aldermen, shall appoint a chief of police to administer the Frederick Police Department. Due to the necessity of responding promptly in emergency situations and in the interest of public safety, the chief of police shall be required to have and maintain his or her principal residence and place of legal domicile within the City limits. The chief of police may be discharged from office in accordance with Section 28(c) of this Charter.

(c) If any member of the police department of The City of Frederick, who is within the provisions of the merit system of said police department, shall be appointed chief of police, such person shall, at the conclusion of his term or terms as chief of police, be entitled to reinstatement to such higher grade or position to which the Mayor and Board of Aldermen may

appoint him, but subject to all the provisions of the laws relating to the Frederick Police Department. (Res. No. 80–89, 11–17–89; Res. No. 98–49, 1–8–99; Res. No. 06–52, 8–25–06.)

Section 229. Department of Economic Development.

(a) A department of economic development is hereby created. In addition to such further duties as the mayor may prescribe from time to time, the department of economic development is specifically charged with administering programs and services to promote economic development within the city, developing business retention strategies, expanding the business base of the community by attracting new businesses, and serving on commissions or task forces concerned with economic development.

(b) The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a director of economic development to administer the department of economic development. The director of economic development will be supervised by the executive assistant to the mayor. The director of economic development may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 06–53, 8–25–06.)

Section 230. Repealed. (Res. No. 06–54, 8–25–06.)

Section 230–A. Repealed. (Res. No. 06–55, 8–25–06.)

Section 230–B. Repealed. (Res. No. 02–16, 6–21–02.) (See note (17))

Section 230–C. Repealed. (Res. No. 05–15, 6–10–05.) (See note (23))

Section 230–D. Frederick Community Action Agency.

The mayor shall, with the advice and consent of the board of aldermen, in accordance with Section 28(c) of this Charter, appoint a director of the Frederick Community Action Agency (FCAA). The director of the FCAA will be supervised by the mayor. In addition to such further duties as the mayor may prescribe from time to time, the director of the FCAA is specifically charged with overseeing the operation of the FCAA and advising its board of directors. The director of the FCAA may be discharged from office in accordance with Section 28(c) of this Charter. (Res. No. 98–39, 7–24–98; Res. No. 06–56, 8–25–06.)

Section 231. Repealed. (Res. No. 03–34, 6–6–03.)

Section 231–A. Repealed. (Res. No. 06–57, 8–25–06.)

**ARTICLE XXI**  
**Registrations, Nominations and Elections**

(See note (16))

Section 232. Powers of the Board of Aldermen.

The Board of Aldermen shall provide by ordinance for the registration of voters and the conduct of municipal elections, including but not limited to provisions for the casting of ballots by absentee voters, the prevention of fraud, and a recount of ballots in case of doubt or fraud. (Res. No. 102-89, 12-8-89; Res. No. 08-13, 4-11-08.)

Section 233. Repealed. (Res. No. 103-89, 12-8-89; Res. No. 08-14, 4-11-08.)

Section 234. Repealed. (Res. No. 104-89, 12-8-89; Res. No. 05-6, 3-11-05; Res. No. 08-15, 4-11-08.)

Section 235. Repealed. (Res. No. 105-89, 12-8-89; Res. No. 08-16, 4-11-08.)

Section 236. Board of Supervisors of Elections: appointment; qualifications; duties; removal; vacancies.

a. On or before the first day of June 1977, and on or before the same day every four (4) years thereafter, the Mayor, with the advice and consent of the Board of Aldermen, shall appoint three (3) qualified voters of The City of Frederick to serve as a Board of Supervisors of Elections. The terms of the members of the Board of Supervisors of Elections shall begin on the first day of June of the year in which they are appointed and shall run for four (4) years. The present members of the Board of Supervisors of Elections shall serve until their successors are appointed and qualified. The compensation of the Board of Supervisors of Elections shall be determined by the Board of Aldermen.

b. The members of the Board of Supervisors of Elections shall be persons of high character and integrity. They shall be legal residents and registered voters of The City of Frederick. No more than two (2) members of the Board of Supervisors of Elections shall be members of the same political party, and no member of the Board of Supervisors of Elections shall hold or be a candidate for any elective office during his term as supervisor of elections.

c. Any member of the Board of Supervisors of Elections may be removed for good cause by the Board of Aldermen. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Board of Aldermen.

d. In the event of a vacancy on the Board of Supervisors of Elections for any reason, the vacancy shall be filled by the Mayor, with the advice and consent of the Board of Aldermen for the remainder of the unexpired term.



e. The Board of Supervisors of Elections shall elect a President, Vice President and Secretary. All questions shall be decided by a majority vote of the Board of Supervisors of Elections unless otherwise provided in this Charter.

f. The Board of Supervisors of Elections shall generally supervise the conduct of the system of registration and all primary, general, and special municipal elections in accordance with the provisions of this Charter and the ordinances of The City of Frederick. (Res. No. 106-89, 12-8-89; Res. No. 08-17, 4-11-08.)

Section 237. Repealed. (Res. No. 107-89, 12-8-89; Res. No. 08-18, 4-11-08.)

Section 238. Results of election.

The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The five (5) candidates for Board of Aldermen with the highest number of votes in the general election shall be declared elected as Aldermen. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Alderman wherein no single candidate received the fifth highest number of votes, there shall be a special runoff election between the candidates receiving the tie vote, to be held after thirty (30) days' public notice, in accordance with Section 263 of the Charter. (Res. No. 4-89, 8-18-89; Res. No. 108-89, 12-8-89; Res. No. 05-7, 3-11-05; Res. No. 08-19, 4-11-08.)

Section 239. Repealed. (Res. No. 109-89, 12-8-89; Res. No. 08-20, 4-11-08.)

Section 240. Repealed. (Res. No. 110-89, 12-8-89; Res. No. 08-21, 4-11-08.)

Section 241. Election precincts.

The Board of Aldermen by resolution shall establish the precinct boundaries with the advice and cooperation of the Board of Supervisors of Elections. (Res. No. 111-89, 12-8-89; Res. No. 08-22, 4-11-08.)

Section 242. Repealed. (Res. No. 112-89, 12-8-89; Res. No. 08-23, 4-11-08.)

Section 243. Repealed. (Res. No. 113-89, 12-8-89; Res. No. 08-24, 4-11-08.)

Section 244. Repealed. (Res. No. 114-89, 12-8-89; Res. No. 08-25, 4-11-08.)

Section 245. Repealed. (Res. No. 115-89, 12-8-89; Res. No. 08-26, 4-11-08.)

Section 246. Repealed. (Res. No. 116-89, 12-8-89; Res. No. 08-27, 4-11-08.)

Section 247. Repealed. (Res. No. 117-89, 12-8-89; Res. No. 08-28, 4-11-08.)

Section 248. Repealed. (Res. No. 118-89, 12-8-89; Res. No. 08-29, 4-11-08.)

Section 249. Repealed. (Res. No. 119–89, 12–8–89; Res. No. 08–30, 4–11–08.)

Section 250. Repealed. (Res. No. 120–89, 12–8–89; Res. No. 08–31, 4–11–08.)

Section 251. Repealed. (Res. No. 121–89, 12–8–89; Res. No. 08–32, 4–11–08.)

Section 252. Write-in votes prohibited.

Write-in votes are prohibited in all primary elections of The City of Frederick. (Res. No. 122–89, 12–8–89; Res. No. 08–33, 4–11–08.)

Section 253. Repealed. (Res. No. 123–89, 12–8–89; Res. No. 08–34, 4–11–08.)

Section 254. Challengers and watchers.

Any political party, as defined by Maryland law, as amended from time to time, and any candidate for election may designate a person known as a “challenger and watcher” at each polling place. A challenger and watcher will be positioned near the election judges and inside the voting room so that the challenger and watcher may see and hear each person as the person offers to vote. A challenger and watcher may not attempt to ascertain how a voter voted or intends to vote, confer in the polling room with any voter, or assist a voter in voting. A challenger and watcher may not interfere with or obstruct an election judge in the proper performance of the election judge’s duties. An election judge may eject a challenger and watcher who engages in any act prohibited by this section. A political party or candidate who appoints a challenger and watcher may remove the challenger and watcher at any time. (Res. No. 124–89, 12–8–89; Res. No. 08–35, 4–11–08.)

Section 255. Primary election – Date.

Every fourth year on the second Tuesday after the first Monday in September, counting from 1969, a primary election will be held in the City of Frederick. (Res. No. 125–89, 12–8–89.)

Section 256. Candidate nominations – Political parties.

a. Candidates for Mayor or Alderman affiliated with either of the two principal political parties, as defined by Maryland law, as amended from time to time, shall be nominated by direct primary election. Any registered voter of The City of Frederick who is affiliated with either principal political party may vote in the primary election for that party. Any person nominated by primary election shall be designated on the general election ballot as a nominee of the principal political party by which he was nominated.

b. There shall be no primary election for Alderman for a political party with five or fewer candidates. There shall be no primary election for Mayor for a political party with one or no candidates.

c. Candidates for Mayor or Alderman affiliated with any political party, as defined by Maryland law, as amended from time to time, other than the two principal political parties, shall be nominated in accordance with that party's bylaws. On or before the first Monday in August before the general election, the political party must certify the names of any candidates so nominated to the Board of Supervisors of Elections. Any person nominated pursuant to this subsection shall be designated on the general election ballot as a nominee of the political party by which he was nominated.

d. A political party may not nominate more than one (1) candidate for Mayor and five (5) candidates for Aldermen. (Res. No. 126-89, 12-8-89; Res. No. 05-24, 9-9-05; Res. No. 08-36, 4-11-08.)

#### Section 257. Primary election – Candidate filing requirements.

a. A person who meets the requirements for Mayor or Alderman may file a certificate of candidacy and a financial disclosure statement with the Board of Supervisors of Elections not later than seventy (70) days before the primary election.

b. On the certificate of candidacy, a candidate shall designate how the candidate's name is to appear on the ballot. Except as otherwise provided in this section, a candidate shall file a certificate of candidacy in which the candidate lists any given name, an initial letter of any other given name, and surname. A candidate may file a certificate of candidacy in a name different than that specified above if the candidate files an affidavit, under penalties of perjury, attesting that the candidate is generally known by that other name in press accounts concerning the candidate, if any, or, if press accounts do not exist, the candidate's everyday encounters with members of the community. Except for the use of quotation marks to enclose a portion of a name, the use of symbols, titles, degrees, or other professional designations on the certificate of candidacy is prohibited.

c. A person may not be a candidate for more than one (1) office in any primary election. (Res. No. 127-89, 12-8-89; Res. No. 08-37, 4-11-08.)

#### Section 258. Primary election – Withdrawal of candidate.

Whenever any person who has filed a certificate of candidacy for nomination in the primary election files with the Board of Supervisors of Elections, within ten (10) days after the final filing date, a signed affidavit of withdrawal of candidacy, the certificate of candidacy shall thereupon be and become void and the name of any person so withdrawing shall not be printed upon the ballots to be used in the primary election. The filing of a valid affidavit of withdrawal of candidacy is a final act of withdrawal and a person who files such an affidavit may not reinstate his candidacy, unless the time limit for the filing of candidacies has not expired. (Res. No. 128-89, 12-8-89; Res. No. 08-38, 4-11-08.)

Section 259. General election – Date.

Subject to section 261 of this Charter, every fourth year, on the first Tuesday after the first Monday in November, counting from 1969, the registered voters of The City of Frederick shall elect from The City of Frederick at large a Mayor and five (5) Aldermen. This shall be known as a general election. (Res. No. 129–89, 12–8–89; Res. No. 08–39, 4–11–08.)

Section 260. General election – Nominations and ballots.

a. Only the names of persons nominated in accordance with the provisions of this Charter shall be placed on the ballot as candidates for Mayor or Alderman. The names of the candidates must appear as specified on the certificate of candidacy. For each office, the names of candidates shall be grouped together by party, with the majority party candidate or candidates listed first, followed by the candidate or candidates of the principal minority party, followed by the candidate or candidates of other political parties in descending order based on the City-wide registration of the party, and finally by candidates who are not nominees of a political party. For purposes of this section, “majority party” means the party of the incumbent Mayor and “principal minority party” means the party whose candidate for Mayor received the second-highest number of votes in the last preceding general election. When there is more than one candidate of the same political party for election to an office, the names of the candidates shall be listed in alphabetical order by surname.

b. A person may not be a candidate for more than one office in any general election. A person may not hold more than one elective public office at any one time.

c. A person may decline nomination for Mayor or Alderman by delivering a notarized written statement to the Board of Supervisors of Elections no later than two days after the primary election results are certified. After the written statement is delivered, the person’s nomination will be void and will not be printed upon the ballots. (Res. No. 130–89, 12–8–89; Res. No. 08–40, 4–11–08.)

Section 261. General election – Vacancies among candidates for Mayor.

Should a candidate for Mayor die within thirty (30) days before the general election, the candidate’s central committee shall have fifteen (15) days from the date the vacancy was created to select another candidate. The date of the general election will be held on the fourth Tuesday following the date the new candidate is selected. (Res. No. 131–89, 12–8–89; Res. No. 08–41, 4–11–08.)

Section 262. General election – Petition candidate.

a. Any person who is not affiliated with a political party, as defined by Maryland law, as amended from time to time, may be nominated by petition.

b. A person not affiliated with a political party, as defined by Maryland law, as amended from time to time, shall be deemed to have been nominated by petition as a candidate

for Mayor or Alderman upon filing on a prescribed form with the Board of Supervisors of Elections, on or before May 1 preceding the general election, a petition containing: (i) the signatures and addresses of at least 3% of the registered voters of The City of Frederick; (ii) the name of the candidate; (iii) a statement of the candidate's political party affiliation, if any; and (iv) the office the candidate seeks. The number of registered voters required to satisfy the requirements of this section shall be determined as of January 1 preceding the general election.

c. A person may not sign a petition more than once for the same candidate. The Board of Supervisors of Elections shall verify all legitimate signatures of persons who are registered voters in The City of Frederick at the time the petition is received. The proposed candidate shall be notified of the results of the verification.

d. Any person nominated by this procedure will be designated on the general election ballot as "Other". (Res. No. 132-89, 12-8-89; Res. No. 05-25, 9-9-05; Res. No. 08-42, 4-11-08.)

#### Section 263. Conduct of special elections.

If a special municipal election is deemed to be required, this special election shall be conducted in the same manner as described in the Charter for holding primary and general municipal elections. (Res. No. 133-89, 12-8-89.)

Section 264. Repealed. (Res. No. 134-89, 12-8-89; Res. No. 08-43, 4-11-08.)

Section 265. Repealed. (Res. No. 135-89, 12-8-89; Res. No. 08-44, 4-11-08.)

#### Section 266. Referenda.

a. Any ordinance or part of an ordinance enacted by The City of Frederick may be challenged by the filing of a petition for referendum, in accordance with this section, except an ordinance: (1) adopting or amending an annual budget; or (2) imposing a tax.

A petition for referendum must be filed with the Board of Supervisors of Elections within 20 days after the ordinance becomes effective according to its terms. If a petition is timely filed, the ordinance or part thereof to be referred will cease being effective until 30 days after its approval by a majority of the qualified voters of The City of Frederick voting on the question. Any ordinance or part thereof disapproved by the voters shall stand repealed. An emergency ordinance shall remain in effect from the date it becomes effective according to its terms, notwithstanding the filing of a petition for referendum, but shall stand repealed 30 days after having been rejected by a majority of the qualified voters of The City of Frederick voting on the question.

A petition filed under this section must be signed by 10% of more of the registered voters of The City of Frederick. The Board of Supervisors of Elections shall verify the signatures on the petition and shall forthwith notify the Mayor and Board of Aldermen, in writing, it has verified the signatures.

Following the timely filing of a valid petition and receipt of the notice from the Board of Supervisors of Elections that the signatures have been verified, the Board of Aldermen shall, by resolution, designate an election at which the registered voters of The City of Frederick may vote on the ordinance or part thereof referred. If an election of The City of Frederick, the State of Maryland, or the United States is scheduled to take place within six months after the Board of Supervisors of Elections verifies the signatures on a petition, the Board of Aldermen shall designate that scheduled election for the referendum vote. If no such election is scheduled, then the Board of Aldermen shall designate a special election to take place on a specified date within 90 days after the Board of Supervisors of Elections verifies the signatures on a petition. Any resolution providing for a referendum must specify the exact wording which is to be placed on the ballots when the question is submitted to the voters of The City of Frederick.

b. The Board of Aldermen may, by resolution, provide for the submission of any proposed ordinance to a vote of the registered voters of The City of Frederick. A resolution providing for a referendum must designate the election at which the voters may vote on the ordinance and must specify the exact wording which is to be placed on the ballots. If an election of The City of Frederick, the State of Maryland, or the United States is scheduled to take place within six months after the adoption of the resolution, the Board of Aldermen shall designate that scheduled election for the referendum vote. If no such election is scheduled, then the Board of Aldermen shall designate a special election to take place on a specified date within 90 days of the adoption of the resolution. A proposed ordinance approved by a majority of the registered voters of The City of Frederick voting on the question will become effective 30 days after its approval. A proposed ordinance not approved by the voters will be of no effect. (Res. No. 136-89, 12-8-89; Res. No. 08-45, 4-11-08.)

#### Section 267. Board of Canvassers.

The Board of Supervisors of Elections shall act as a Board of Canvassers for all elections of The City of Frederick. At 9 a.m. or later on the Thursday next following the election, the Board of Canvassers shall convene and proceed to canvass the ballots cast at the election. The results of the canvass shall be certified by the Board of Canvassers to the Director of Finance and to the Mayor and Board of Aldermen, which shall have the results entered into its minutes. After the general municipal election or a special election, the Director of Finance shall issue certificates of election to the candidates certified by the Board of Canvassers to have been elected. (Res. No. 137-89, 12-8-89; Res. No. 08-46, 4-11-08.)

#### Section 268. Vacancies in elective office.

a. In case of a vacancy for any reason in the Board of Aldermen, the Board of Aldermen, within four (4) weeks of the vacancy, shall elect a qualified person to serve as Alderman for the remainder of the term. The person so elected shall be of the same political party as the Alderman whose position was vacated.

b. In the case of a vacancy for any reason in the Office of the Mayor, the Board of Aldermen, within four (4) weeks of the vacancy, shall elect a qualified person to serve as Mayor for the remainder of the term.

c. Any vacancies in the Board of Aldermen or the Office of the Mayor shall be filled by the favorable votes of a majority of the remaining members of the Board of Aldermen. The City's Legislative Clerk shall immediately notify the person so elected, who shall within five (5) days of the notice, qualify in the same manner as regularly elected officials of The City of Frederick. (Res. No. 138-89, 12-8-89; Res. No. 08-47, 4-11-08.)

Section 269. Repealed. (Res. No. 139-89, 12-8-89; Res. No. 08-48, 4-11-08.)

Section 270. Repealed. (Res. No. 140-89, 12-8-89; Res. No. 08-49, 4-11-08.)

Section 271. Preservation of peace and order.

The Board of Supervisors of Elections, its staff, and election judges shall keep peace and order and enforce obedience to their lawful commands and to The City of Frederick's election laws at and around the site of any voter registration, election of The City of Frederick, and canvassing of votes. (Res. No. 141-89, 12-8-89; Res. No. 08-50, 4-11-08.)

Section 272. Penalty for violations of this article.

Except as otherwise provided herein, any person who (a) fails to perform any duty required of him under the provisions of this Article or any rules and regulations of the Board of Aldermen passed hereunder, (b) in any manner willfully, corruptly or illegally violates any of the provisions of this Article or any rules or regulations of the Board of Aldermen passed hereunder, or (c) willfully and corruptly does anything which will or will not tend to affect fraudulently or illegally any voter registration or election of The City of Frederick, shall be guilty of a municipal infraction and shall be punished by a fine of not more than four hundred dollars (\$400.00). (Res. No. 142-89, 12-8-89; Res. No. 08-51, 4-11-08.)





**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**  
 (See Note (18))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
  - (1) acquisition of a slum area or a blighted area or portion thereof;
  - (2) demolition and removal of buildings and improvements;
  - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
  - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
  - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the City of Frederick, a municipal corporation of this State.

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the

power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

#### Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

#### Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

(1) finds that one or more slum or blighted areas exist in such municipality;

(2) locates and defines the said slum or blighted areas; and

(3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this sub-section. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by

the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

#### Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Code of Maryland.

#### Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

#### Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

#### Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to

principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provisions of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under the appendix or the security therefor, any such bond reciting in substance that



it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government [Government] and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

#### Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

#### Section A1-112. Short Title.

This appendix shall be known and may be cited as the Frederick Urban Renewal Authority for Slum Clearance Act.

#### Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

## NOTES

(a) Resolution No. 7–85, effective May 24, 1985, repealed the boundary description contained in § 2, Annexation resolutions through Resolution No. 6–88, effective March 20, 1988 have not been incorporated into § 2 even though they purport to amend the boundary description.

(1) Res. No. 12–81, enacted April 2, 1981, repealed § 31, relative to the salary of the city treasurer, derived from Acts 1951, Ch. 539, § 31; Res. of March 7, 1957; and Res. of May 5, 1966.

(2) Res. No. 13–81, adopted April 2, 1981, repealed § 33, pertaining to the removal of the city treasurer. Said section was derived from Acts 1951, Ch. 539, § 33, and Res. of March 7, 1957.

(3) Res. No. 27–81, § 1, adopted July 9, 1981, repealed § 35–A, relative to the accounting office, derived from Res. of March 7, 1957.

(4) Section 58 was repealed by Reso. No. 1–72.

(5) Section 65, relative to sample ballots, was repealed by Reso. No. 6–81, adopted March 5, 1981. Said section was derived from Acts 1951, Ch. 539, § 65.

(6) Res. No. 29–81, § 1, adopted July 9, 1981, repealed § 108–A, pertaining to taxation of stock in business, derived from Res. of Oct. 20, 1955, and Res. of June 1, 1967.

(7) This section was originally numbered 166. However, since this number had already been used for the preceding section, an “A” was added here to correct a manifest typographical or printing error.

(8) See now, Anno. Code of Md., 1957, art. 1A, § 16.

(9) See now, Anno. Code of Md., 1957, art. 66B.

(10) Section 196 was repealed by resolution dated May 18, 1961.

(11) Sections 214–217 were repealed by Res. No. 1–69, § 1.

(12) Res. No. 20–89 purported to add a new Section 25, in Article II, of the Charter. Since the Charter already contained a Section 25, in Article III, a new Section 24–A was added.

(13) Res. No. 28–89 purported to add a new Section 1, in Article V, of the Charter. Since the Charter already contained a Section 1, in Article I, a new Section 35–B was added.

(14) Res. No. 84–89 purported to add a new Section 1, in a new Article VI, of the Charter, and to amend Article IX into Article VI. Since the Charter already contained an Article

VI, a new Section 124–B was added in Article IX. Article IX remains, although the word “Administration” was omitted from the Article heading.

(15) Res. No. 74–89 through Res. No. 83–89, inclusive, purported to add a new unnumbered Article containing 10 sections. A new Article XX was added at the end of the Charter, containing Sections 222 through 231, inclusive. Also see note (17).

(16) Res. No. 102–89 through Res. No. 150–89, inclusive, significantly amended Article VI of the Charter and purported to create a new Article XIII with the same heading “Registrations, Nominations, and Elections,” and containing 41 sections. Since the Charter already contained an Article XIII a new Article XXI was added at the end of the Charter containing Sections 232 through 272, inclusive, Sections 42–46, inclusive, 58, and 65 of Article VI remain.

(17) In 1990, the City of Frederick passed 4 charter resolutions that deal with the Article on “Administration”. As a result of a conflict with the numbering system created by this Compilation, the substantive changes that were expressed in the resolutions have been made to the appropriate section numbers in this Compilation rather than as portrayed in the resolutions. Specifically, Res. No. 90–5, effective 8–3–90, and Res. No. 90–9, effective 10–26–90, both amended Section 227, rather than Section 6. Res. No. 90–6, effective 8–3–90, and Res. No. 90–10, effective 10–26–90, created new Sections 230–A and 230–B, respectively.

In 1997, Res. No. 97–27, effective August 8, 1997, repealed in its entirety Section 230–A.

(18) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Frederick in Chapter 632 of the Acts of the General Assembly of 1961.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of Frederick appear as this appendix in accordance with 80 *Opinions of the Attorney General* \_\_\_\_\_ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XVI–A, §§ 204–B through 204–L, inclusive, of this Charter.

(19) Res. No. 98–7, enacted July 24, 1998, repealed § 30, relative to the qualifications of the director of finance. Said section was derived from Acts 1951, Ch. 539, § 30; Res. of March 7, 1957.

(20) Res. No. 98–8, enacted July 24, 1998, repealed § 32, relative to the responsibilities of the director of finance regarding bonds. Said section was derived from Acts 1951, Ch. 539, § 32; Res. of March 7, 1957.

(21) Res. No. 98–30, enacted July 24, 1998, repealed § 140, relative to the duties of the city engineer. Said section was derived from Acts 1951, Ch. 539, § 140.

(22) Resolution 03–44, effective September 5, 2003, included a map of the Downtown Frederick Arts & Entertainment District. Due to publishing constraints the map is not included in this compilation. Those wishing to view this map should contact the City of Frederick.