

CHARTER

OF THE

City of Takoma Park

MONTGOMERY COUNTY, MARYLAND

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CONTENTS

ARTICLE I General Corporate Powers

Section

- 101. City Incorporated.
- 102. City Successor of the Town.

ARTICLE II Corporate Limits

- 201. Records of Corporate Boundaries.
- 202. Description of Corporate Boundaries.

ARTICLE III The Council

- 301. Number, Selection, Term.
- 302. Qualifications and Salary of the Mayor.
- 303. Powers and Duties of the Mayor.
- 304. Qualifications and Salary of the Councilmembers.
- 305. Meeting of the Council.
- 306. Quorum.
- 307. Procedure of the Council.
- 308. Vacancies on the Council.
- 309. Ordinances.
- 310. Appointments.
- 311. Files of Ordinances.

ARTICLE IV General Powers of the Council

- 401. General Powers.

ARTICLE V Amendment Procedures

- 501. Initiation.
- 502. Initiation by the Council.
- 503. Initiation by Petition.
- 504. Posting and Publication.
- 505. Referendum.

- 506. Form and Registration of Amendment.
- 507. Codification of Amendments.

ARTICLE VI

Registration, Nominations, and Elections

- 601. Qualifications of Voters.
- 602. Lists of Registered Voters: Certification by Montgomery County Board of Elections.
- 603. Registration.
- 604. Nominations.
- 605. Write-In Candidates.
- 606. Election of Mayor and Councilmembers.
- 607. Conduct of Elections Generally.
- 608. Absentee Voting.
- 609. Provisional Voting.
- 610. Special Elections.
- 611. Advisory Referendums.
- 612. Vote Count.
- 613. Recall Elections.
- 614. Regulation and Control by Council.
- 615. Penalties.

ARTICLE VII

The City Manager

- 701. Powers and Duties.
- 702. Council Not to Interfere with Appointments or Removals.
- 703. Emergencies.
- 704. Compensation.
- 705. Absence of the City Manager.

ARTICLE VIII

Finance

- 801. Fiscal Year.
- 802. Budget.
- 803. Contingency Provisions.
- 804. Reserve Provisions.
- 805. Budget Inspection.
- 806. Budget Adoption.
- 807. Budget Implementation.
- 808. Appropriation – Approval.
- 809. Over-Expenditure Forbidden.
- 810. Appropriations Lapse After One Year.
- 811. Signatures on Checks.

- 812. Real Property Tax.
- 813. Budget Authorized Levy.
- 814. Notice of Tax Levy.
- 815. One-quarter, One-half, and Three-quarter Year Levies.
- 816. When Taxes are Overdue.
- 817. Sale of Tax Delinquent Property.
- 818. Personal Property Tax.
- 819. Annual Personal Property Tax Payments.
- 820. Fees.
- 821. Audit.
- 822. Tax Anticipation Borrowing.
- 823. Authorization to Borrow Money.
- 824. Payment of Indebtedness.
- 825. Previous Issues.
- 826. Purchasing and Contracts.

**ARTICLE IX
Personnel**

- 901. City Clerk and Treasurer.
- 902. City Attorney.
- 903. Authority to Employ Personnel.
- 904. Merit System.
- 905. Unclassified and Classified Service.
- 906. Prohibitions and Penalties.
- 907. Retirement System.
- 908. Compensation of Employees.
- 909. Employee Benefits Program.
- 910. Personnel Appeals.

**ARTICLE X
Public Ways and Sidewalks**

- 1001. Control of Public Ways.
- 1002. Powers as to Public Ways.
- 1003. Powers as to Sidewalks.

**ARTICLE XI
Stormwater Management**

- 1101. The Council designated Stormwater Management Board Power to Construct Facilities, etc.
- 1102. Powers relating to Stormwater Management.
- 1103. Additional Powers.
- 1104. Title to Property: Purchase and Condemnation of Property.

- 1105. Stormwater Management Bonds.
- 1106. Annual Levy for Maintenance: Service Charges.
- 1107. Adjustment; Removal of Private Facilities; Enforcement; Penalties.
- 1108. Placing Public Service Structures.
- 1109. Compelling Connections, etc.
- 1110. Charges.
- 1111. Extensions Beyond Boundaries.
- 1112. Right of Entry.
- 1113. Pollution of Water Supply.
- 1114. Contracts.
- 1115. Special Assessments.

ARTICLE XII

Special Assessments

- 1201. Power: Special Assessments.
- 1202. Special Assessment Procedures.

ARTICLE XIII

City Property

- 1301. Acquisition, Possession and Disposal.
- 1302. Condemnation.
- 1303. City Buildings.
- 1304. Protection of City Property.

ARTICLE XIV

Redevelopment – Urban Renewal

See Appendix I.

ARTICLE XV

General Provisions

- 1501. Oath of Office.
- 1502. Official Bonds.
- 1503. Prior Rights and Obligations.
- 1504. Violations of Law.
- 1505. Effect of Charter on Existing Ordinances.
- 1506. Effect of Other Laws.
- 1507. Separability.
- 1508. Nonforfeiture Provision.

APPENDIX I
Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Establishment of Urban Renewal Agency.
- A1-104. Initiation of Project.
- A1-105. Preparation and Approval of Plan for Urban Renewal Project.
- A1-106. Disposal of Property in Urban Renewal Area.
- A1-107. Eminent Domain.
- A1-108. Encouragement of Private Enterprise.
- A1-109. General Obligation Bonds.
- A1-110. Parking.
- A1-111. Revenue Bonds.
- A1-112. Separability.
- A1-113. Short Title.
- A1-114. Authority to Amend or Repeal.

TAKOMA PARK

ARTICLE I General Corporate Powers

Section 101. City Incorporated.

The inhabitants of that district of country situated in Montgomery County in the State of Maryland, embraced within the limits prescribed in section 201 of this Charter shall be and continue to be, a body politic and corporate by the name and style of the “City of Takoma Park,” and by that name shall have perpetual succession, sue and be sued, and have and use a common seal. (Mont. Co. Code 1965, Section 49–1; 1896, ch. 310, Section 2; 1912, ch. 790, Section 571; 1922, ch. 542, Section 1; 1929, ch. 169, Section 1; 1947, ch. 718.)

Section 102. City Successor of the Town.

The “City of Takoma Park” is hereby declared to be the legal successor to the “Town of Takoma Park,” and shall be entitled to, and is hereby vested with, all the property and rights of every nature whatsoever, belonging to the “Town of Takoma Park.”

ARTICLE II Corporate Limits

Section 201. Records of Corporate Boundaries.

The corporate limits or boundaries of the City of Takoma Park shall be filed at all time [times] with the Clerk of the Circuit Court for Montgomery County, the Director of the Department of Legislative Services and in the office of the City Manager.

Section 202. Description of Corporate Boundaries.

Being an area of land delineated and designated for the corporate limits/boundaries for the City of Takoma Park, situated among the 13th (Wheaton) Election District, Montgomery County, State of Maryland. The Corporate City limits being more particularly described as follows:

Beginning at the intersection of the third (3rd) line of the District of Columbia and the west line of the right of way of the Washington Metro Area Transit Authority, thence with said west right of way line, running along with but not adjacent to Takoma Avenue and Fenton Street to the point, thence crossing said Washington Metro Area Transit Authority and Fenton Street to the northern intersection of Fenton Street, Chicago Avenue, said point being on the northwestern right of way line of Chicago Avenue, thence with the northwestern right of way of Chicago Avenue to a point with the extension of the southwesterly right of way line of Boundary Avenue in a northwesterly direction, thence from said point, crossing over Chicago Avenue along the

southwesterly right of way line of Boundary Avenue and northeastern property line of block number sixty-seven (67) of the Takoma Park Loan and Trust Company's Subdivision of Takoma Park to the northeast corner of Lot number one hundred and one (101), Block number sixty-seven (67), said point also being on the northwesterly line of Lot number one hundred (100) in the aforesaid block, thence with southeast right of way line of Boundary Avenue to a point at the northern most point of Lot one hundred (100) thence continuing along the northeastern property line of Lot number one hundred (100) to the northeast corner of said lot, thence along the southeastern property line to a point on said line, said point also being the western corner of Lot number ninety-three (93) in the aforesaid block, thence along the southern property line of said lot to a point on the northwestern right of way line with Takoma Avenue; thence across Takoma Avenue to the northwest corner of Lot number fifteen (15) in Block number seventy-one (71) of the aforesaid Takoma Park Loan and Trust Company's Subdivision of Takoma Park, said point also being the western corner of Lot number one (1), Block "D" in the subdivision entitled "Saratoga" thence with the northeasterly boundary line of said Block number seventy-one (71) crossing over Alfred Drive to the southeasterly right of way line of Alfred Avenue, thence along said right of way line to the southwestern right of way line of Ray Drive, thence along said right of way to the northwest right of way line of Piney Branch Road (formerly known as Blair Road), said point also being the easterly corner of Lot number eleven (11) in the subdivision entitled "Saratoga Estates"; thence continuing on the same line in a southeast direction crossing Piney Branch Road to the southeastern right of way line of said road; thence along said right of way line of Piney Branch Road to the intersection with the easterly side of Mississippi Avenue; thence along the easterly and northerly line of Mississippi Avenue to its intersection with and northwesterly line of Hilltop Road, thence continuing in the same southeasterly direction crossing Hilltop Road to its intersection with the west bank of Sligo Creek; thence along the west bank of Sligo Creek to the southeasterly right of way line of Piney Branch Road; thence along the southeasterly line of Piney Branch Road to its intersection with the easterly right of way line of Flower Avenue; thence along the easterly right of way line of Flower Avenue to a point at the southwest corner of Parcel 138 on Tax Map JN 52, said point also lies southeast of Division Street, thence leaving said right of way line and along the southerly line of Parcel 138, crossing Greenwood Avenue continuing along the southerly lines of N-136 and N-110 on the aforementioned Tax Map to the southwesterly right of way line of Garland Avenue, thence continuing in the same northeasterly direction across Garland Avenue and southerly line of Lot number five (5) in the subdivision entitled Flower Avenue Park to the southwestern property line of Lot number fourteen (14) in the subdivision of Pulvers Subdivision, thence along said property line of Lot number fourteen (14), Lot number thirteen (13) and southwesterly line of Parcel 158 of the aforementioned Tax Map to the northwesterly line of Carroll Avenue, thence across Carroll Avenue to the southeasterly right of way, thence along the aforesaid right of way in a northeasterly direction to the southern intersection of University Boulevard, East Route #193 (formerly known as Bladensburg Road) and Carroll Avenue, said southern right of way lines of said intersection also common northern property lines of part of Lot number nineteen (19), Block number nineteen (19) in the subdivision entitled "New Hampshire Gardens", thence along the southwesterly right of way line of University Boulevard, East Route #193, passing in transit and along with the Prince George's County and Montgomery County Boundary to the southwest corner of the intersection with New Hampshire Avenue, thence continuing across said New Hampshire Avenue and southwesterly right of way of University Boulevard, East Route #193 to a point on the northeast corner of Parcel "A" in a

subdivision entitled “Langley Acres”, thence along the eastern property line of said Parcel “A” and Parcel “A-1” in the subdivision of “Hanley” to the northern right of way line of Holton Lane, thence across said right of way and along the easterly line of Lot number five (5) in the subdivision entitled “Addition to Langley Park” to the southeastern corner of said Lot number five (5), thence along the common property line between the Board of Education and Parcel “B” in the subdivision entitled “Cohen Brothers Property” to the northern point of Lot number eleven (11), Block “T” in the subdivision of “Carole Highlands”, thence along the western line of said subdivision of Blocks “T”, “P” and “O” crossing in transit Hannon Street and Erskine Street to a point on the northern right of way line of Elson Street, said point also being the common property corner between Lot number one (1), Block “O” in the aforementioned subdivision and Lot number ten (10), Block number five (5) in the subdivision entitled “Hillwood Manor”, thence continuing across said Elson Street in a southern direction to the southern right of way line of said right of way, said point also being the common property corner with Lot number thirteen (13), Block “L” in a subdivision entitled “Carole Highlands” and Lot number one (1), Block number eight (8) in a subdivision entitled “Hillwood Manor”, thence along the division line of said subdivisions to the southern most point of Lot “B” in said Hillwood Manor subdivision, said point also being the westerly corner of Lot “A”, thence with westerly side of Lot “A” and crossing the right of way of Sligo Parkway, to a southeastern line of Sligo Creek Park, thence continuing with said southeastern line to the northwestern line of the Maryland–National Capital Park and Planning Commission (M–NCPPC), Sligo Creek Unit No. 5, Sligo Creek Park, thence along the common line between Sligo Creek Park and M–NCPPC to a point on the northeast corner of Lot number one (1), Block number forty–four (44), thence with the southeastern line of said lot to a point on the northeastern right of way line of Linden Avenue, thence across said right of way to the northeast corner of Lot number twelve (12), Block number twenty–eight (28) in the subdivision entitled “B.F.G. Takoma Park” said point also being on the northwestern right of way of Olson Road, thence along said right of way to a common property corner with Outlot “C” and Lot number eleven (11), Block number twenty–eight (28) in the B.F.G. subdivision, thence continuing with the southern line of said subdivision along Block number twenty–seven “C” (27C) and northern line of Parklawn Subdivision, Block “V” crossing in transit Larch Avenue to a point on the northern right of way line of East–West Highway, thence with said right of way line to point of intersection with the southeasterly right of way of New Hampshire Avenue, State Route No. 650, thence continuing with said right of way in a southwesterly direction to the intersection with the northeastern property line of the District of Columbia and the southwesterly line of the State of Maryland, said point also being the northeasterly right of way line of Eastern Avenue (District of Columbia side) ninety (90) foot right of way and southwesterly right line of Eastern Avenue (State of Maryland’s side) thirty (30) foot right of way, thence along said division line between the District of Columbia and the State of Maryland with said Eastern Avenue in a northwesterly direction to a point at the intersection of Walnut Avenue and Eastern Avenue (Maryland side) said point also being the end of Eastern Avenue (Maryland side) and southeastern corner of Lot number thirty (30), Block “A” in the subdivision entitled “Gilbert & Wood Addition to Takoma Park”, thence now continuing with the northeastern right of way line of Eastern Avenue (District of Columbia side) and southwesterly line of said subdivision in a northwesterly direction crossing over in transit Laurel Avenue to a point on the northerly right of way line of Carroll Avenue, said point also being the end of Eastern Avenue (District of Columbia side) and point on line of Lot number seventeen (17), Block number three (3) in the subdivision of “B.F. Gilberts Addition to Takoma Park”,

thence continuing in the said direction along the southwesterly line of said subdivision to the southeasterly right of way line of Cedar Avenue, said point also being the beginning and continuation of Eastern Avenue (District of Columbia side), thence with said subdivision and said right of way in a northwesterly direction crossing in transit Takoma Avenue and the Washington Metro Area Transit Authority to the point of beginning.

ARTICLE III

The Council

Section 301. Number, Selection, Term.

(a) All legislative powers of the City are vested in a body designated as the Council of the City of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The regular term of the Councilmembers and the Mayor is two (2) years or until their successors have been elected and duly sworn. Newly elected Councilmembers and the Mayor take office on the second Monday following their election. Each Councilmember and the Mayor holding office at the time this Charter becomes effective will continue to hold office for the term for which the Councilmember or the Mayor was elected and until a successor takes office under the provisions of this Charter.

(b) If no one is elected to fill any position on the Council, or if the candidate elected for any position on the Council is unable to take office, the Clerk shall declare the position to be vacant.

Section 302. Qualifications and Salary of the Mayor.

(a) The Mayor must have resided in the City for at least six months immediately preceding his/her election, and must be a qualified voter of the City. The Mayor must maintain principal residence in the City during his/her term of office. If the Mayor changes his/her principal residence from the City, the Mayor's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Mayor is prohibited from holding other publicly elective offices during his/her term of office, and is prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes.

(b) The Mayor, who during his/her term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Mayor's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary of the Mayor, either by increase or decrease during the term for which he/she

was elected. The ordinance making any change in the salary paid to the Mayor, either by way or [of] increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

Section 303. Powers and Duties of the Mayor.

(a) *General.* As the chief elected official of the City, the Mayor shall be recognized as head of the City government for all intergovernmental affairs and ceremonial purposes, by the Courts for service and receipt of civil process, and by the governor for purpose of military law.

(b) *Council meetings.* The Mayor shall be a member of the Council and shall set an agenda in accordance with the Council rules and preside at all meetings of the Council.

(c) *Mayor Pro Tempore.* The Mayor shall appoint a member of the Council as the Mayor Pro Tempore who shall serve as the Mayor in the absence of the Mayor.

Section 304. Qualifications and Salary of the Councilmembers.

(a) The Councilmembers shall have resided in the City (and ward from which they are elected) for at least six (6) months immediately preceding their election and shall be qualified voters of the City. The Councilmembers shall maintain their principal residence in the City and in their ward during their term of office. If a Councilmember changes his/her principal residence from the City or from the ward from which the Councilmember was elected, the Councilmember's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Councilmembers are prohibited from holding other publicly elected offices during their term of office, and are prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes.

(b) Any Councilmember, who during his/her term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Councilmember's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) Each Councilmember may receive an annual salary which shall be equal for all Councilmembers and may be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office may not be changed during the period for which the Council was elected. The ordinance making any change in the salary paid to the Councilmembers either by way of increase or decrease shall be adopted prior to the next municipal election, and shall take effect only as to the members of the next succeeding Council.

Section 305. Meeting of the Council.

The newly elected Council shall meet on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be

prescribed by its rules, but generally not less frequently than once each calendar month. However, the Council may recess as it deems necessary.

Special meetings may be called by the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public unless the meeting is closed by the Council in accordance with the provisions of the Open Meetings Act, Subtitle 5 of Title 10 of the State Government Article, Annotated Code of Maryland, as amended. The rules of the Council shall provide that residents of the City shall have a reasonable opportunity to be heard at any regular public meeting in regard to any municipal question.

Section 306. Quorum.

A majority of the Council shall constitute a quorum for the purpose of transacting business except as otherwise provided in this Charter.

Section 307. Procedure of the Council.

The Council shall determine its own rules and order of business. It shall keep written minutes of its meetings. The minutes shall reflect each item that the Council considered; the action that the Council took on each item; and each vote that was recorded. The minutes of regular public meetings shall be open to public inspection. If the Council meets in closed session, then, in accordance with the provisions of the Open Meetings Act, Subtitle 5 of Title 10 of the State Government Article, Annotated Code of Maryland, as amended, the minutes for its next regular public meeting shall include: (1) a statement of the time, place, and purpose of the closed meeting; (2) a record of the vote of each member of the council as to closing the meeting; (3) a citation of the authority under the Open Meetings Act for closing the meeting; and (4) a listing of the topics of discussion, persons present, and each action taken during the closed meeting.

Section 308. Vacancies on the Council.

(a) *Method of Filling Vacancies.* Should a vacancy on the Council occur more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy. If the vacancy occurs less than two hundred and forty (240) days before the next regularly scheduled City election, the remaining members of the Council by a majority vote shall, within sixty (60) days, appoint a person who is qualified in accordance with Section 302 or Section 304, as applicable, to fill such vacancy for the remainder of the unexpired term.

(b) *Special Election.* If a vacancy is to be filled by special election, the remaining members of the Council shall, by resolution, establish a date for the special election which shall be not less than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.

(c) *Ballot.* If the requirements of Section 302 or Section 304, as applicable, are met, a person may have his/her name listed on the special election ballot as a candidate to fill a vacancy on the Council by submitting a petition to the City Clerk with a sufficient number of valid signatures at least twenty (20) days prior to the date scheduled for the special election.

(d) *Petition.* The petition must clearly state that its purpose is to place a specific person's name on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the office and/or ward that the election is being held to fill, and the date of the special election.

(1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters of the City in order to be listed on the special election ballot as a candidate.

(2) For a Councilmember vacancy, a person must have the signatures of at least 10 qualified voters of the ward in which there is a vacancy in order to be listed on the special election ballot as a candidate.

(3) A qualified voter may sign the petition of more than one person to fill a vacancy on the Council. Each qualified voter shall print his/her name under the signature and shall include his/her address and the date of his/her signature on the petition.

(4) Before listing a person's name on a special election ballot as a candidate to fill a vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are from qualified voters of the City and for a Councilmember vacancy of the ward in which there is a vacancy. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on a petition.

(e) *Voting.* For a Mayoral vacancy, all qualified voters of the City may vote in the special election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of the ward in which there is a vacancy may vote in the special election to fill a vacancy on the Council.

(f) *Write-Ins Permitted.* A qualified voter also may write in the name of a candidate on the special election ballot to fill a vacancy on the Council.

(g) *Results of Special Election.* The candidate who meets the qualifications for office as specified in Section 302 or Section 304, as applicable, and who receives a majority of votes in accordance with Section 606 in the special election to fill a vacancy on the Council shall be the winner and shall serve on the Council for the remainder of the unexpired term for which his/her predecessor was elected. (Res. No. 2006-1, 05-30-2006).

Section 309. Ordinances.

(a) In order to enable the Council to exercise fully the power conferred upon them by this Charter and to enable them to better promote and preserve the public health, safety and welfare, the Council may pass all ordinances, resolutions, or by-laws that are from time to time necessary.

(b) An ordinance may be passed, amended, rejected or have its consideration deferred at any regular or special Council meeting held not less than five (5) days after the meeting at which it was introduced.

(c) Any ordinance introduced but upon which no final action is taken shall expire at the end of the Council's term as defined by Section 301.

(d) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following approval of the Council unless otherwise stated in the ordinance.

(e) Upon a finding that an emergency exists, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the Council. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 310. Appointments.

The Council shall make appointments to such standing committees, ad hoc committees, and boards and commissions as are necessary from time to time.

Section 311. Files of Ordinances.

Ordinances shall be permanently filed and shall be kept available for public inspection.

ARTICLE IV General Powers of the Council

Section 401. General Powers.

(a) The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the City.

(b) The legislative powers of the Council shall include but are not limited to the following:

1. *Administrative Agencies and Procedures.* To establish any administrative agencies, boards and commissions that may be deemed necessary to further the purposes of the City, and to provide for administrative procedures, including rule making and quasi-judicial decision-making by such agencies.

2. *Advertising.* To provide for advertising, printing, and publishing materials relating to the business of the City, including financial and legal notices required by law or this Charter.

3. *Animals.* To regulate and control animals in the City.

4. *Appropriations.* To expend municipal funds for any public or community purposes deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants, provided that funds not appropriated at the time of the annual budget shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of the entire Council.

5. *Band.* To establish a municipal band, symphony orchestra or other musical organization.

6. *Bonds.* To borrow money for any proper public purpose and to evidence such borrowing, if the City chooses, by the issue and sale of its general obligation bonds, industrial revenue bonds, or any other bonds or agreements securing such debt, subject only to the limitations of federal law, the Constitution and laws of the State of Maryland, and this Charter.

7. *Buildings.* To make reasonable regulations in regard to buildings to be erected, constructed, or reconstructed in the City, and the maintenance of buildings, structure, and property; to grant building and other permits in addition to any permits required by Montgomery County, the State of Maryland, and any other government or agency with jurisdiction over such building, structure, or property; and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings, structures, and property; and to authorize the condemnation of such buildings and structures that, in whole or in part, are dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

8. *Cable Communications Systems.* To provide for the regulation, installation, operation and removal of cable television and other cable communications systems; and to operate a cable television station and studio.

9. *Codification of Ordinances.* To provide for the codification of all ordinances.

10. *Collective Bargaining.* To provide for a system of collective bargaining for employees of the City.

11. *Commercial or Industrial Redevelopment Projects.* To make use of federal or state financial assistance or other public or private funds for commercial or industrial redevelopment projects, for the purpose of making grants or loans, or guaranteeing loans to private entities.

12. *Commercial District Management Authority.* To establish a commercial district management authority for any commercial district within the City's geographical limits, in accordance with the laws of the State of Maryland.

13. *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.

14. *Corporate Name.* To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipality; and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

15. *Departments.* To create, change, and abolish offices or departments, other than the offices and departments established by this Charter; to assign additional functions or duties to offices or departments established by this Charter.

16. *Detention Center.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the City and other laws or to use the county or other detention facilities for such purposes.

17. *Emergency Services.* To provide for the recovery of costs of evacuation, rescue, emergency repairs and other emergency services necessitated by the negligent or intentional wrongful acts or omissions of any person or entity and to assess the expenses thereof against any property within the municipal limits of the City and to record such charges as a lien upon such property to be collected in the same manner as municipal taxes.

18. *Environment Protection.* To provide for the protection, promotion and preservation of the natural environment, including, but not limited to, trees, plants, animals, rivers and streams, watersheds and air.

19. *Fees and Charges.* Subject to the limitations imposed by the Constitution and laws of the State of Maryland, establish and collect reasonable fees and charges; (i) for the franchises, licenses, or permits authorized by law to be granted by a municipal corporation; or (ii) associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

20. *Finances.* To levy, assess and collect taxes, fees, assessments, and charges against property; to have general management and control of the finances of the City and to designate by ordinance or resolution the banks or trust companies of this State in which shall be deposited all funds belonging to the municipality.

21. *Franchises.* To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or non exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway,

street, road, lane, alley, or bridge, to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section.

22. *Grants-in-Aid.* To accept gifts and grants of federal or state funds from the Federal or State governments or any agency thereof or any person or organization and to expend the funds for any lawful purpose in accordance with the conditions under which the gifts or grants were made.

23. *Health.* To protect and preserve the health of the City and its inhabitants; to prevent and remove all nuisances; to inspect, regulate, and abate all building structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Secretary of Health and Mental Hygiene, the County Board of Health, or any public general or local law relating to the subject of health.

24. *Intergovernmental Activities.* 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.

25. *Legislation.* To sponsor, promote and otherwise advance legislation at any level, including County, State and Federal; and to expend funds and resources for the same.

26. *Library.* To establish and maintain a library.

27. *Licenses.* To exercise the business licensing authority granted to municipalities by the Constitution and laws of the State of Maryland, and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

28. *Liens.* To provide that any valid charges, taxes, or assessments made against any real or personal property within the City shall be liens upon the property, to be collected as municipal taxes are collected.

29. *Lights.* To provide for the lighting of the City.

30. *Markets.* To own, construct, purchase, lease, rent or otherwise to establish and maintain public markets within the City.

31. *Merit System.* To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or public general or public local laws of the State.

32. *Municipal Infractions.* To provide that a violation of any ordinance shall be a municipal infraction or misdemeanor. The City has the authority to prosecute municipal infractions to the fullest extent of state law.

33. *Noise.* To regulate or prohibit unreasonable emanations of sound or noise within the limits of the City.

34. *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this Charter, or by the laws of the State of Maryland or the City, to compel the owners or occupants of any premises or building within the limits of the City to abate any nuisance and to repair and restore the property to its condition prior to the activity constituting a nuisance; and after reasonable notice to the owner(s) or occupants to authorize such abatement to be made and/or such work to be done by the proper City employees or officials and to assess the expenses thereof against the property; and to make such charges a lien upon such property, to be collected in the same manner as municipal taxes or to make such charges collectible against the occupants of said property.

35. *Obstructions.* To prohibit and remove all nuisances and obstructions from the streets, lanes, alleys, sidewalks or other public ways, and from any lots adjoining thereto.

36. *Parking Facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

37. *Parking Meters.* To install parking meters on the streets and public places of the City and to establish rates and provisions for the use thereof.

38. *Parks and Recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the City.

39. *Pensions and Retirement Systems.* To provide a retirement or pension system or a group insurance plan for its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as state laws may prescribe.

40. *Police Force.* To establish and maintain a police force. All City police officers within the municipality shall have the powers and authority to make arrests and to restrain and detain persons who are in violation of the laws of the City or the State of Maryland.

41. *Property.* To acquire by conveyance, purchase, eminent domain, or gift, real or leasehold property for any public purposes, to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the City; and to take by gift, rent, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor, and accepted by the City; to provide for the proper administration of same; and

to convey the same when the Council determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

42. *Public Peace and Order.* To prohibit, suppress, and punish within the City all vice, gambling and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness; and to enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half mile, or for so much of the distance as does not conflict with the powers of another municipal corporation; and to offer and pay rewards for information relating to criminal activity committed within the municipality.

43. *Refuse.* To regulate or prevent the throwing or depositing of any dirt, garbage, trash, liquids or any unwholesome substance in any public or private place and to provide for the proper disposal of solid wastes.

44. *Rental Housing and Landlord-Tenant Matters.* To provide for the regulation of rental housing, including, but not limited to, the regulation and control of rents, lease agreements, physical condition and maintenance of properties, the licensing of rental units and landlords, the conduct of regular and special inspections for the enforcement of the City's housing and related ordinances, and all other necessary and appropriate enforcement measures.

45. *Salaries.* To fix the salary or compensation of all municipal officers and employees.

46. *Seal.* To make, have, and use, and from time to time, alter, a common seal.

47. *Sidewalks.* To regulate the use of sidewalks and all structures under or above them; to require the owner or occupants of premises to keep the sidewalks in front of or adjacent to such premises clean and free from snow, ice, debris, and other obstructions.

48. *Signs and Displays.* To regulate, restrain and prohibit the placing of signs, handbills and posters of every kind and description on any building, fence, post, pole, or other public place within the City and to regulate or prevent the use of public ways, sidewalks, and public places for racks, handbills and advertisements, and the display of goods, wares, and merchandise.

49. *Voting System.* To purchase, lease, borrow, install, and maintain voting systems for use in City elections.

50. *Ward Redistricting.* To provide for the redistricting of the wards of the City; provided, however, that the number of wards shall be as set forth in this charter, wards shall be as nearly equal in population as is practical and apportioned consistently with the principle of one person/one vote, wards shall be geographically contiguous, ward boundaries shall to the

extent practical recognize natural boundaries, and no ward shall be gerrymandered to ensure the election or defeat of any incumbent candidate or potential candidate.

(c) The powers granted to the Council pursuant to this section of the Charter shall not be construed:

1. To limit or restrict the Council from exercising any other power granted to the municipality by other public general or public local law or otherwise;

2. To grant powers to the Council in any substantive area not otherwise granted to the municipality by other public general or public local law;

3. To authorize the municipality or its officers to engage in any activity which is beyond their power under other public general law, public local law, or otherwise; or

4. To authorize the Council to pass any resolution or ordinance which is inconsistent with or in conflict with any ordinance, rule or regulation passed, ordained or adopted by the Maryland–National Capital Park and Planning Commission or the Washington Suburban Sanitary Commission.

ARTICLE V

Amendment Procedures

Section 501. Initiation.

An amendment to this Charter may be initiated by the Council or by a petition of qualified voters of the City of Takoma Park.

Section 502. Initiation by the Council.

(a) The Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this section, is passed by a majority of the Council. The Council shall hold a public hearing on any such proposed amendment or amendments and shall not take final action on a resolution less than fourteen (14) days following the hearing.

(b) In conformity with a requirement imposed upon the General Assembly by Article 3, Section 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

(c) In conformity with a requirement imposed on the General Assembly by Article 3, Section 29 of the Constitution of Maryland, every Charter amendment adopted by the Council shall embrace but one subject, and that shall be described in its title. Prior to the passage of any

resolution which proposes an amendment or amendments to the charter, a public hearing thereon shall be held by the Council, public notice of which shall be given in a newspaper of general circulation in the City of Takoma Park once a week for two successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall state the title of the Charter amendment and shall specify the time and place of the public hearing to be held thereon. The public hearings shall be conducted by the Council under such procedures as it shall, in its discretion establish.

(d) The City Clerk shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted at City Hall or another main municipal building or public place for a period of at least forty (40) days following its adoption.

(e) A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park not less than four (4) times, at weekly intervals within a period of at least forty (40) days after the adoption of the resolution containing the proposed amendment or amendments.

(f) The amendment or amendments so proposed by the Council shall become and be considered a part of the Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth (50) [(50th)] day after being so ordained or passed, unless on or before the fortieth (40) [(40th)] day after being so ordained or passed there shall be presented to the Council, or mailed to it by registered mail, a petition meeting the requirements of this section.

(g) The petition shall be signed by twenty (20) percent or more of the persons who are qualified to vote as set forth in this charter in municipal general elections in the City of Takoma Park as defined in this charter and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the City. Each person signing the petition shall indicate thereon such person's name and residence address. Upon receiving the petition for a referendum, the City Clerk is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition as of no effect if it is signed by fewer than twenty (20) percent of the persons who are qualified to vote in municipal general elections.

(h) If the petition for a referendum complies with the requirements of this section, the Council shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the next regular general election or at a special election at the discretion of the Council. In the event a special election is designated, it shall be held within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing for the referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines when the question is submitted to the voters in the City.

Section 503. Initiation by Petition.

(a) Twenty (20) percent or more of the persons who are qualified to vote in municipal general elections in the City of Takoma Park may initiate a proposed amendment or amendments to the Charter, by a petition presented to the Council. The petition shall contain the complete and exact wording of the proposed amendment or amendments, and the proposed amendment or amendments shall be prepared in conformity with the several requirements contained in subsections (b) and (c) of Section 502 of this Article. Each person signing it shall indicate thereon such person's name and residence address. Upon receiving the petition, the City Clerk is directed to verify that any person who signed it is qualified to vote in municipal general elections, and shall consider the petition as of no effect if it is signed by fewer than twenty (20) percent of the persons who are qualified to vote in municipal general elections. If the petition complied with the requirements of this section the Council shall by resolution, passed as in its normal legislative procedure, and not later than sixty (60) days after the petition shall have been presented to it, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the next regular municipal election or at a special election, in the discretion of the Council. In the event a special election is designated, it shall be within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting systems when the question is submitted to the voters of the City.

(b) Provided, however, that if the Council shall approve the amendment or amendments provided for in the petition presented to it under subsection (a) above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by the Council and in compliance with the provisions of Section 502 of this Article.

Section 504. Posting and Publication.

The Clerk shall give notice by posting and publication of any submission of a proposed Charter amendment to the voters thereof. For four (4) weeks immediately preceding the election, at which the question is to be submitted, a complete and exact copy of the wording of the proposed Charter amendment or amendments shall be posted at City Hall or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Notice of the election, together with a fair summary of the proposed amendment or amendments, shall be published in a newspaper of general circulation of the City of Takoma Park, not less than once in each of the four (4) weeks immediately preceding the election.

Section 505. Referendum.

(a) On the day and during the hours specified for any referendum, the proposed Charter amendment or amendments shall be submitted to the qualified voters of the City. The official or officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far as relevant to the referendum election on the

proposed Charter amendment or amendments. It is the intent of this section that the referendum election shall be conducted generally according to the procedures and practices observed for regular City elections, except as specifically or necessarily modified by the provisions of the section. The wording specified by the Council in the resolution providing for a referendum on the charter amendment or amendments, shall be placed on the ballots or voting systems used at the referendum election. The expenses of the election shall be defrayed by the City.

(b) The official or officials charged with the duty to arrange for and conduct the referendum, promptly following the closing of the polls, shall tally the results thereof, and shall forthwith certify the results of the referendum to the Council.

(c) If a majority of those who vote on any question so submitted to the voters of the City shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim publicly within ten (10) days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth (30) [(30th)] day following the public proclamation the proposed charter amendment or amendments shall become a part of the Charter of the City of Takoma Park, according to its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on any such questions shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim, adding to the proclamation the statement that the proposed Charter amendment or amendments contained in said question are null and void and of no effect whatsoever.

Section 506. Form and Registration of Amendment.

(a) In any proposal to amend an existing charter of the City, the new matter, if any, to be added to the Charter shall be indicated by being underscored or in italics and all matters to be eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections the words of such new section or sections shall also be underscored or in italics or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in its entirety any section or sections of the existing Charter, the matter intended to be repealed need not be written out in full and enclosed in either double parentheses or boldface brackets.

(b) The resolution to amend the Charter shall identify the source of the existing section or sections, citing the code or other publication or amendments in which appears the most recent text of the section or sections to be amended.

(c) Amendments to the Charter shall be in a consecutively numbered series.

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

(e) A proposal to amend the Charter, whether initiated by the Council or by a petition of qualified voters of the City, may not be rescinded after its adoption by the Council or after its formal submission in a petition, in any manner other than that of another Charter amendment.

(f) At the time a Charter amendment or amendments become effective by reason of having been ordained or passed by the Council, or at the time of making a public proclamation as to the vote on any question containing a proposed Charter amendment or amendments which have been adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland and to the Department of Legislative Services the following information concerning the Charter amendment or amendments: (1) The complete text thereof, (2) the date of the referendum election, if any, (3) the number of votes cast for and against each question containing the Charter amendment or amendments, whether in the Council or in a referendum, and (4) the effective date of the Charter amendment or amendments.

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

Section 507. Codification of Amendments.

The exact text of any amendment or amendments to the Charter adopted as in this Article specified, shall thereafter be included in any subsequent edition or codification of the Charter of the City, until altered, modified or repealed by a subsequent amendment or amendments to the Charter.

ARTICLE VI Registration, Nominations, and Elections

Section 601. Qualifications of Voters.

(a) Every person who (1) is a resident of Takoma Park, (2) is at least eighteen years of age or will be eighteen years of age on or before the date of the next City election, (3) has resided within the corporate limits of the City for 30 days immediately preceding the City election, (4) has not been convicted of a felony without having completed any court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction, (5) has not been convicted of buying or selling votes, (6) is not under guardianship for mental disability, and (7) is registered to vote in accordance with the provisions of this charter, is a qualified voter of the City. Every qualified voter of the City is entitled to vote in all City elections. (Res. No. 2009-1, 4-28-2009).

(b) The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes. The ward boundaries shall be established by ordinance and shall be reviewed after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file for public view at all times in the office of the City Clerk.

Section 602. Lists of Registered Voters: Certification by Montgomery County Board of Elections.

(a) Prior to each City election, the City Clerk shall request from the Montgomery County Board of Elections a certified list of the names and addresses of those people residing in the City and registered to vote.

(b) On or before one week before each City election, the Montgomery County Board of Elections shall certify to the City any revisions to the list of registered voters in the City previously provided to the City.

(c) Names of persons added by such revisions shall be deemed to have been certified originally, and those persons shall be entitled to vote in the next succeeding City election; and names of persons removed by such revisions shall be deemed not to have been certified originally, and those persons shall not be entitled to vote in the next succeeding City election.

(d) A person who feels aggrieved by an action of the Montgomery County Board of Elections regarding voter registration for a City election may file an administrative complaint with the County Board of Elections under the procedures established by the State Board of Elections. (Res. No. 2009-1, 4-28-2009).

Section 603. Registration.

(a) Any resident of the City who is a United States citizen must be properly registered to vote with the Montgomery County Board of Elections in accordance with state law in order to vote in City elections.

(b) Any resident of the City who is not a United States citizen, but who is otherwise qualified to be a registered voter in the State of Maryland may register with the City Clerk to vote in City elections. The City Clerk shall maintain a supplemental voter roll, separate from the list of registered voters in the City generated by the Montgomery County Board of Elections, which shall include the names of those non-United States citizens who are registered to vote in City Elections. The City Clerk shall promptly send notice to any jurisdiction in the United States where the new registrant was formerly registered, requesting the cancellation of said voter's prior registration.

(c) Voter registration for City elections shall close at 5:00 p.m. on the 30th day preceding a City election. (Res. No. 2009-1, 4-28-2009).

Section 604. Nominations.

(a) Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient place within the City to be designated by the Council and notice thereof shall be given through a newspaper or newspapers of general circulation within the City and/or by handbills generally distributed and posted throughout the City. The meeting shall be held on the

Tuesday evening five weeks prior to the election, but if this date conflicts with Rosh Hashanah (Jewish New Year) or with Yom Kippur (Jewish Day of Atonement), then the meeting shall be scheduled for the next weekday evening after the end of the second day of Rosh Hashanah or after the end of Yom Kippur. The City Clerk shall preside at the meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of the City present; the secretary shall keep a record of the proceedings of the meeting and file the same in the office of the City Clerk. (Res. No. 2006-1, 5-30-2006).

(b) Nominations of candidates for Mayor shall be made on motion by any qualified voter of the City, and if such nomination is seconded by a qualified voter of the City, the persons so nominated shall be considered a candidate. Nomination of each candidate for Councilmember shall be made on motion of any qualified voter of her/his ward, and if such nomination is seconded by a qualified voter of his/her ward, the person so nominated shall be considered a candidate. Any nominated candidate may decline a nomination during the nomination meeting. A person may only accept a nomination of one City office. The name of each person nominated for the office of Mayor and Councilmember shall be placed upon the official ballot unless he/she shall file a declination with the City Clerk within three (3) days after his/her nomination.

(c) The Council shall develop such rules and procedures as are necessary relating to nomination proceedings consistent with the provisions of this Charter.

(d) Any person nominated as a candidate must meet the qualifications of the office for which she/he is nominated.

Section 605. Write-In Candidates.

(a) Any write-in candidate for Mayor or Councilmember who wishes to be pre-registered as a write-in candidate and to have her/his name posted in the voting booth for the purpose of identifying her/him as a candidate for office, must file her/his name with the City Clerk by 5:00 p.m. on the Friday prior to the election.

(b) A voter in a City election may write-in [write in] the name of any [candidate] person for the office of Mayor or Councilmember in the method provided by the City Clerk on election day.

(c) A voter may only write-in [write in] one candidate for each office.

(d) Only those write-in candidates who are qualified to serve for the office for which they are written-in as Mayor or Councilmember as provided by this Charter shall be eligible to hold said office.

Section 606. Election of Mayor and Councilmembers.

(a) On the first Tuesday after the first Monday in November in every odd-numbered year, the certified voters of the City shall elect its governing body of seven (7) members. Six (6) of these members are elected by ward and are called Councilmembers, and one (1) is elected at

large and is called Mayor. Each of those elected shall reside in the City and be voters of the City, and in the case of the Councilmembers, be residents of the areas from which they are so elected consistent with the provisions of Section 304, Article III of this Charter.

(b) The candidate receiving a majority of votes for Mayor shall be declared elected. The candidate for Council receiving a majority of votes in each ward shall be declared elected.

(c) An instant runoff voting system shall be used in order to elect the Mayor and Councilmembers with a majority of votes by allowing voters to rank candidates in order of choice. Instructions on instant runoff voting provided to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting system:

“Vote for candidates by indicating your first-choice candidate, your second-choice candidate, and so on. Indicate your first choice by marking the number ‘1’ beside a candidate’s name, your second choice by marking the number ‘2’ beside that candidate’s name, your third choice by marking the number ‘3,’ and so on, for as many choices as you wish. You are free to rank [rank] only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers.”

(d) The first choice marked on each ballot shall be counted initially by the judges of election as one vote. If any candidate receives a majority of the first choices, that candidate shall be declared elected.

(e) If no candidate receives a majority of first choices, the judges of election shall conduct an instant runoff consisting of additional rounds of ballot counting. In every round of counting, each ballot is counted as one vote for that ballot’s highest ranked advancing candidate. “Advancing candidate” means a candidate for that office who has not been eliminated. A candidate receiving a majority of valid votes in a round shall be declared elected. If no candidate receives a majority of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots shall be recounted. This process of eliminating the candidate with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.

(f) To facilitate ballot counting in any round, the judges of election may eliminate all candidates with no mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of all votes credited to that candidate and all candidates with fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes.

(g) If a ballot has no more available choices ranked on it, that ballot shall be declared “exhausted” and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter’s next clearly indicated choice, but ballots skipping more than one number shall be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.

(h) In the event of a tie that affects the outcome of the election, the tie shall be broken by comparing the votes of the tied candidates in the previous rounds of counting, starting with the count immediately preceding the round in which the tie occurs. If one of the tied candidates had more votes than the remaining tied candidates in the preceding round or an earlier round of counting, then that candidate shall advance and the others shall be eliminated. If the candidates were tied in each preceding round, then the tie shall be resolved by lot. In the event that this tie occurs between or among all remaining candidates, then a runoff election between or among the tied candidates shall be held within forty-five (45) days after the date of the election.

(i) The Council may modify the form of the ballots, the instructions to voters, and the details with respect to the method of marking, sorting, counting, invalidating, and retaining ballots and the tabulating and recounting of votes pursuant to this section, provided that no change shall be made that will alter the intent or principles of instant runoff voting as set forth in this section. (Res. No. 2006-1, 5-30-2006).

Section 607. Conduct of Elections Generally.

(a) The Council, by ordinance, shall provide for said elections; shall designate in said ordinance a convenient polling place or places; shall appoint judges of election; shall designate the manner of holding said election; shall designate and provide the voting system to be used; and shall conduct said elections in accordance with the provisions of this section.

(b) Elections shall be conducted by the judges appointed by the Council under the supervision of the City Clerk, and shall be held at some convenient place or places to be designated by the Council; any vacancy in the list of judges occurring between their appointment and the election shall be filled by the Mayor. The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

Section 608. Absentee Voting.

Any qualified voter may vote by absentee ballot in a City election. (Res. No. 2009-1, 4-28-2009).

Section 609. Provisional Voting.

A person may cast a provisional ballot in a City election if the person's name does not appear on the lists of qualified voters of the City or if the person's eligibility to vote, identification or identity is challenged. (Res. No. 2009-1, 4-28-2009).

Section 610. Special Elections.

All special City elections shall be conducted by the Council in the same manner, as far as practicable, as set forth in this Charter. (Res. No. 2009-1, 4-28-2009).

Section 611. Advisory Referendums.

(a) A question for referendum or a legislative initiative, not otherwise provided for in this Charter and regarding a matter over which the Council has authority, may be placed on the ballot in any regular or special City election. All such referendum questions or initiatives, unless they are made binding on the Council by any other section of this Charter or by other applicable city, county, state or federal law, shall be advisory only and shall not bind or obligate the Council or the City to enact any ordinance or resolution or to perform any act or function.

(b) Advisory referendum questions or legislative initiatives may be placed on the ballot in any City election in the following manner:

(1) The Council may, by resolution passed by a majority of the Council, provide for an advisory referendum question or legislative initiative to be placed on the ballot at any regular municipal election or at a special election.

(2) Twenty percent (20%) or more of the qualified voters of the City may sign a petition to the Council to place an advisory referendum question or legislative initiative on the ballot. The petition shall contain the language to be placed on the ballot. Each qualified voter signing the petition shall indicate on the petition the person's name and residence address. Within thirty (30) days after receiving the petition, the City Clerk shall verify that any person who signed the petition is a qualified voter of the City and that the petition contains the required number of signatures.

(3) Provided the City Clerk has certified that the petition contains the required number of signatures, the Council shall, by resolution passed by a majority of the Council, order the advisory referendum question or legislative initiative to be placed on the ballot and specify the day and hours for the election at which the advisory referendum question or legislative initiative shall be vote [voted] on. This may be either at the next regular municipal election or at a special election, in the discretion of the Council.

(4) In the event a special election is designated, the special election shall be held within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing for the advisory referendum question or legislative initiative.

(5) Any resolution providing for the placement of an advisory referendum question or initiative on a ballot shall specify the exact wording which is to be submitted to the voters of the City. (Res. No. 2009-1, 4-28-2009).

Section 612. Vote Count.

(a) Within twenty-four (24) hours after the closing of the polls, the judges of the election shall canvass the voting machines or other voting system, and count any paper ballots, regular and absentee, to determine the vote cast for each candidate or any questions on the ballot.

(b) The judges of the election shall meet the day following the election, and shall therefore determine and declare what persons have been elected, issue certificates of election to such persons, and certify the results to the Council. (Res. No. 2009-1, 4-28-2009).

Section 613. Recall Elections.

(a) *Removal of Elected Officials.* The Mayor and any Councilmember of the City of Takoma Park may be removed from office by the affirmative vote of a majority of those voting in a special recall election.

(b) *Recall Petition.* A petition for the removal of the Mayor or any Councilmember from office (a “recall petition”) shall state the name, office, and/or ward of the elected official whose recall is sought and that its purpose is to require a special recall election to vote on whether that elected official should be removed from office. A recall petition may, but does not have to, state a reason or reasons for the recall.

(1) A recall petition for the Mayor must have the signatures of at least 1,500 qualified voters of the City of Takoma Park or at least 20% of the qualified voters of the City, whichever is greater.

(2) A recall petition for a Councilmember must have the signatures of at least 100 qualified voters of the ward the Councilmember represents or at least 20% of the qualified voters of that ward, whichever is greater.

(3) A qualified voter of the City may sign a recall petition for the removal of more than one elected official. Each qualified voter shall print his/her name under the signature and shall include his/her address and the date of his/her signature on the recall petition.

(c) *Recall Election.* A special recall election shall be held not less than thirty (30) days and not more than forty-five (45) days from the date the City Clerk determines that a valid recall petition containing a sufficient number of signatures from qualified voters has been submitted. The Council shall establish the date for the recall election by resolution. If the elected official who is sought to be removed is a Councilmember, then only qualified voters of that Councilmember’s ward may vote in the recall election.

(d) *Form of Question on Ballot.* The ballot for a special recall election shall have the following question: “Should [name of elected official] be removed from the office of [name of office]? Vote ‘yes’ or ‘no’.”

(e) *Results of Recall Election.* If a majority of those voting in the special recall election vote “yes,” the elected official shall be removed from office immediately without the necessity of further Council action and the office shall be considered vacant. The resulting vacancy on the Council shall be filled in accordance with Section 308. An elected official who has been removed from the Council in a recall election may apply for reappointment to the Council or may petition to be listed as a candidate on a special election ballot to fill a vacancy on the Council. In the event the number of “yes” and “no” votes in the special recall election are the

same, or a majority of those voting in the recall election vote “no,” then the recall shall fail and the elected official shall remain in office. (Res. No. 2009–1, 4–28–2009).

Section 614. Regulation and Control by Council.

The Council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The Council further has the power to create and appoint an Elections Board and to specify the functions and duties of an Elections Board. The Election [Elections] Board’s functions may include enforcing the City’s elections laws and resolving complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the Council pertaining to election matters shall remain in force and effect until repealed or amended by the Council but only as to such provisions as are not inconsistent with the provisions of this Article. (Res. No. 2009–1, 4–28–2009).

Section 615. Penalties.

Any person who (1) fails to perform any duty required of him/her under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or City election, is guilty of a misdemeanor. Any official, officer or employee of the City government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold office or employment. (Res. No. 2009–1, 4–28–2009).

**ARTICLE VII
The City Manager**

Section 701. Powers and Duties.

The City Manager shall be the chief administrative officer of the city, may head one or more departments, and shall be responsible to the City Council for the proper administration of all affairs of the City. The City Manager shall serve at the pleasure of the council and may be removed by an affirmative vote of four (4) of its members. To that end, the Manager shall have the power and shall be required to:

(a) Appoint and, when necessary for the good of the City, suspend or remove other applicable officers and employees of the city except as otherwise provided by the City Charter or applicable law. The City Manager may authorize the head of a department or office to appoint, suspend, or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Council together with a message describing the important features and be responsible for its administration after adoption.

- (c) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City Council for the preceding year.
- (d) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations as may be deemed desirable.
- (e) Recommend to the governing body a standard schedule of pay for each appointive office and position in the City service, including minimum, intermediate, and maximum rates.
- (f) Recommend to the governing body (from time to time), adoption of such measure as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
- (g) Consolidate or combine offices, positions, departments, or units under his/her jurisdiction, with the approval of the City Council. The City Manager may be the head of one or more departments.
- (h) Attend all meetings of the City Council unless excused there from and take part in the discussion of all matters coming before the Council. The Manager shall be entitled to notice of all regular and special meetings of the Council.
- (i) Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the City services as provided in the City Code.
- (j) See that all laws and ordinances are duly enforced.
- (k) Investigate the affairs of the City or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the City, and in regard to service maintained by the public utilities in the City, and see that all franchises, permits, and privileges granted by the City are faithfully observed.
- (l) Devote his/her entire time to the discharge of all official duties unless otherwise authorized by the Council.
- (m) Perform such other duties as may be required by the Council, not inconsistent with the City Charter, law, or ordinances.

Section 702. Council Not to Interfere with Appointments or Removals.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 703. Emergencies.

In case of accident, disaster, or other circumstance creating a public emergency, the City Manager may award contracts and make purchases for the purpose of meeting said emergency; but the manager shall file promptly with Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

Section 704. Compensation.

The City Manager shall receive such compensation as the Council shall fix from time to time by ordinance or resolution.

Section 705. Absence of the City Manager.

The City Manager shall designate by letter filed with the City Clerk and Mayor, a qualified employee of the City to perform the duties of the office during any temporary absence or disability. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint a qualified employee of the City to perform the duties of the office until the return or cessation of disability of the City Manager.

ARTICLE VIII
Finance

Section 801. 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 in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year, and shall be known by the calendar year in which it ends.

Section 802. Budget.

(a) The City Manager, on such date as the Council shall determine, shall submit a recommended budget to the Council.

(b) The budget shall provide a complete financial plan for the budget year and shall contain detailed estimates of anticipated revenues and proposed expenditures for the coming year.

(c) The total of anticipated revenues, plus any unreserved or otherwise uncommitted funds available to the City, shall exceed the total of proposed expenditures by not less than 2% of the total anticipated revenue.

Section 803. Contingency Provisions.

(a) The total of such proposed expenditures shall include a general contingency account which shall be not less than one-half of one percent (0.5%) of the total budget revenue of the City. The general contingency account shall be available only to meet extraordinary or unanticipated expenditures associated with programs in the Council approved budget.

Section 804. Reserve Provisions.

(a) *Emergency Reserve.* A separate reserve shall be established to be used exclusively for emergency expenditures necessary for the health, safety or welfare of persons, or actions necessary to perform essential governmental functions, as determined and authorized by the Council by Specific ordinance. Such Emergency Reserve shall be no less than \$250,000 for Fiscal Year 1996, and each fiscal year thereafter shall increase by a percentage equal to the percentage increase in the Consumers Price Index for all Urban Consumers, Washington-Baltimore, DC-MD-VA-WV (November 1996=100) (CPI-U) or any replacement or successor index, from January of the second previous year to January of the prior year. The budget for each fiscal year shall include an amount necessary to maintain the Emergency Reserve at not less than \$250,000 for Fiscal Year 1996, plus a percentage increase each year equal to the percentage increase in the CPI-U, DC-MD-VA-WV from January of the second previous year to January of the prior year.

(b) *Equipment Replacement Reserve.* There shall be established a separate reserve for the replacement of major capital items. This reserve shall be separate and apart from the Emergency Reserve, as prescribed in Section 804(a). Major capital items that have a purchase price greater than or equal to 0.5% of the total budget revenues, at the time of purchase, shall be included in this reserve. Each year's budget shall include expenditures in the form of payments to the reserve, based on purchase price and the estimated useful life of each item, necessary to maintain the reserve at a level sufficient to replace the covered items. At such time it is determined necessary and appropriate to replace items covered by this reserve, that year's budget shall include revenues to be drawn from the reserve to replace covered items; however, if it is determined that the reserve contains insufficient funds to fully fund the replacement of one or more items, additional revenues from other sources may also be designated. The list of items covered by this reserve, along with the estimated useful life and amounts designated for replacement, shall be available for public inspection. The Council shall enact by ordinance such additional criteria and procedures as are necessary to operate the Equipment Replacement Reserve.

(c) *Other Reserves.* As it deems necessary, the Council may establish and maintain additional reserves as may be necessary. Such reserves shall be established by ordinance.

Section 805. Budget Inspection.

The budget shall be a public record open to public inspection by anyone during normal business hours.

Section 806. Budget Adoption.

(a) Before adopting the budget, the Council shall hold at least one public hearing thereon after due notice has been given. The Council may insert new items or may increase or decrease the total expenditures recommended by the City Manager. The budget shall be prepared and adopted in the form of an ordinance.

(b) The unappropriated reserve shall be maintained to meet extraordinary or unanticipated expenditures, or to offset revenue shortfalls. No funds from the unappropriated reserve may be spent for any reason without approval by the Council by ordinance.

Section 807. Budget Implementation.

(a) The City Manager may reallocate expenditures within the budget adopted by the Council, subject to such restrictions as the Council shall impose by ordinance.

(b) An amendment to the adopted budget that does not increase total expenditures may be passed, amended, or rejected or have its consideration deferred at any regular or special Council meeting, notwithstanding the provisions of Section 309 of this Charter.

(c) An amendment to the adopted budget that increases total expenditures shall be adopted by ordinance.

(d) Notwithstanding the provisions of Section 309 of this Charter, the Council may take action to purchase items included in the current budget ordinance at any regular or special meeting, subject to the provisions of this Section.

Section 808. Appropriation – Approval.

No public money may be expended unless approved and appropriated by the Council.

Section 809. Over-Expenditure Forbidden.

No officer or employee 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 amount appropriated for or transferred to that general classification of expenditures pursuant to this Charter. Any contract, verbal or written, made in violation of this section shall be null and void. Nothing contained in this

section, however may 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, nor 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.

Section 810. Appropriations Lapse After One Year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Section 811. Signatures on Checks.

All checks issued in payment of city obligations shall be signed by any two of the following City officials: City Manager, Deputy City Manager, Treasurer or City Clerk. The City Manager may authorize the use of facsimile signatures or mechanically produced signatures on such checks for all authorized City officials.

Section 812. Real Property Tax.

All real property within the corporate limits of the City shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be that which is certified by the State to the City and County. No authority is given by this section to impose taxes on property which is exempt from municipal taxation by any Act of the General Assembly.

Section 813. Budget Authorized Levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the real and personal property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

Section 814. Notice of Tax Levy.

Each year after the tax levy is made, the Treasurer or other agent for the City shall mail or have delivered to each taxpayer or his/her agent or escrow account servicer at his/her last known address a bill or account of the taxes due from him/her. The bill or account shall contain a statement of the amount of real estate property with which the tax payer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will incur interest and penalty. Failure to give or receive notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his/her property.

Section 815. One-quarter, One-half, and Three-quarter Year Levies.

(a) All improvements which become substantially completed between January 1 and March 30 in any year shall be subject to the municipal corporation tax rate that is in effect for that taxable year. The tax shall be for the three (3) month period of April 1 to June 30 both inclusive at a rate of 25% of the annual municipal, tax rate that is in effect for that taxable year.

The one-quarter year taxes are due on the later of April 1 of the tax year or the date the tax bill is received or reasonably should have been received or is available. One-quarter year taxes may be paid without interest or penalty on or before thirty (30) days after the date the tax bill is mailed or is made available.

(b) All improvements which become substantially completed between October 1 and December 31 in any year shall be subject to the tax rate that is in effect for that taxable year. The tax shall be for the six (6) month period of January 1 to June 30 both inclusive at a rate of 50% of the annual municipal tax rate that is in effect for that taxable year. The one-half year taxes are due and payable on the later of January 1 of the tax year or the date the tax bill is received or reasonably should have been received or is available. One-half year taxes may be paid without interest or penalty on or before thirty (30) days after the date the tax bill is mailed or made available.

(c) All improvements which become substantially completed between July 1 and September 30 in any year shall be subject to the municipal corporation tax rate that is in effect for that taxable year. The tax shall be for the nine (9) month period of October 1 to June 30 both inclusive at a rate of 75% of the annual municipal tax rate that is in effect for that taxable year. The three-quarter year taxes are due and payable on the later of October 1 of the tax year on the date the tax bill is received or reasonably should have been received or is available. Three-quarter year taxes may be paid without interest or penalty on or before thirty (30) days after the date the tax bill is mailed or made available.

Section 816. When Taxes are Overdue.

Except as otherwise provided in this Charter or applicable state law, real property taxes shall be due on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. For owner-occupied residential property on a semi-annual payment schedule, the first installment of property tax shall be due on July 1 of the tax year and shall be overdue and in arrears on October 1 of the tax year. The second installment of property tax shall be due on December 1 of the tax year and shall be overdue and in arrears on January 1 of the tax year. Overdue real property taxes shall incur interest at the rate of 2/3 of 1 percent for each month or fraction thereof until paid. In addition to the said interest on overdue taxes, a penalty rate set by ordinance may be imposed on all taxes which are overdue and in arrears.

Section 817. Sale of Tax Delinquent Property.

A list of all property on which the City taxes have not been paid and which are in arrears as provided by Sections 815 and 816 of this Charter shall be turned over by the Treasurer to the officials of the County responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes, in the manner prescribed by State law.

Section 818. Personal Property Tax.

The personal property of all persons who are engaged in business within the corporate limits of the City shall be subject to a personal property tax for municipal purposes. The Council may, by ordinance, select those subclasses of personal property taxation. The assessment used for municipal personal property taxation shall be that which is certified by the State to the City and County. No authority is given by this section to impose personal property taxes on personal property that is exempt from municipal taxation by any Act of the General Assembly. The rate of taxation for a municipal personal property tax and the notice of tax levy shall be as stated in Sections 812 and 813 of this Charter.

Section 819. Annual Personal Property Tax Payments.

Personal property taxes may be paid without interest or penalty: (a) on or before September 30, if the bill or account of taxes due is mailed or delivered to the taxpayer on or before August 31 of the taxable year; or (b) on or before thirty (30) days after the date of the tax bill or account is received or reasonably should [have] been received or is available, if the tax bill is mailed or delivered to the taxpayer after September 1 of the taxable year. Failure to give or receive the notice of taxes required by this section shall not relieve any taxpayer [of the taxpayer] of the responsibility to pay on the dates established by this Charter all taxes levied on his/her personal property. Personal property taxes that have not been paid by the due date shall bear interest at the rate of 2/3 of one percent (1%) for each month or fraction of a month thereof until the personal property tax is paid. In addition to the said interest on overdue personal property taxes, a penalty rate set by ordinance may be imposed on all personal property taxes that are due.

Section 820. Fees.

All fees received by an officer or employee of the City in his/her official capacity shall belong to the City government and shall be accounted for by the officer or employee.

Section 821. Audit.

The financial books and accounts of the City shall be audited annually in a manner determined by the Council but not contrary to applicable State law.

Section 822. Tax Anticipation Borrowing.

During the first six (6) months of any fiscal year, the City shall have the power to borrow in anticipation of the collection of the properly property tax levied for that fiscal year and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than the end of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the City to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be

authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 823. Authorization to Borrow Money.

(a) The Council of Takoma Park shall have the power to borrow money for any proper purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37 inclusive, of Article 23A of the Annotated Code of Maryland (1998 edition, as amended), title “Municipal Corporations,” sub-title “Creation of Municipal Public Debt.” Notwithstanding the provisions of this subsection, the Council may authorize a private negotiated sale of bonds upon a finding by the Council that such private negotiated sale is in the best interests of the City of Takoma Park.

(b) Any proposed new indebtedness that is greater than five percent (5%) of the revenue budgeted for that year shall be subject to a public hearing and the Council shall not take final action on the proposed indebtedness less than fourteen (14) days following the hearing.

Section 824. Payment of Indebtedness.

The power and obligation of the City to pay any and all bonds, notes, or other evidences of indebtedness issued by it shall be unlimited and the City shall levy ad valorem taxes on all the taxable property in the City for payment of such bonds, notes, or other evidences of indebtedness and interest thereon. The faith and credit of the City is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 825. Previous Issues.

All bonds, notes or other evidences of indebtedness validly issued by the City 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.

Section 826. Purchasing and Contracts.

(a) All purchases and contracts for the City government shall be made by the City Manager or his/her designee. The Council shall provide by ordinance for promulgation of rules and regulations regarding purchases and contracts for the City.

(b) When deemed necessary and appropriate, the Council may by ordinance authorize the City Manager to provide for the performance of needed services by contract. All rules and regulations promulgated pursuant to Subsection (a) of this Section shall apply regarding such purchases of services by the City.

ARTICLE IX Personnel

Section 901. City Clerk and Treasurer.

(a) There shall be a City Clerk. The City Manager shall not serve as the City Clerk. The City Clerk or designee shall attend every meeting of the Council, keep a full and accurate record of the proceedings of the Council, and shall keep such other records and perform such other duties as may be required by this Charter or the Council.

(b) There shall be a Treasurer who shall keep a full and accurate record of the finances, revenues and expenditures of the City and shall perform such other duties as may be required by this Charter or the Council.

(c) The City Manager may appoint a Treasurer or may assign the duties of that office to some other officer or employee of the City.

Section 902. City Attorney.

There shall be a City Attorney who shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be appointed by the Council and shall serve at their pleasure and at such compensation as they shall determine. The City Attorney shall be the legal adviser of the City and shall perform duties as may be required by the Council. The Council shall have the power to employ such legal counsel or consultants as it deems necessary from time to time.

Section 903. Authority to Employ Personnel.

The City, through the City Manager, shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other authority and to operate the City government, except as otherwise provided in this Charter.

Section 904. Merit System.

The Council may provide by ordinance for appointments and promotions in the classified service on the basis of merit and fitness. To carry out this purpose, the City shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The City may request and avail itself of the facilities of the State for the administration of its merit system as provided in State law.

Section 905. Unclassified and Classified Service.

The personnel of the City shall be divided into the unclassified and classified service.

(a) The unclassified service shall comprise the following offices and positions which shall not be included within the merit system:

(1) The Mayor, the Councilmembers, the City Manager, and his/her Deputy Managers.

(2) The Clerk, Treasurer and the City Attorney.

(3) The heads of all offices, departments, agencies and members of City boards and commissions.

(4) Part-time, temporary and unpaid offices and positions.

(b) The classified service shall comprise all positions not specifically included in this section in the unclassified service. All City offices and positions shall be subject to any merit system rules and regulations which may be adopted for that position.

Section 906. Prohibitions and Penalties.

(a) No person in the classified service of the City or who seeks admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of age (in accordance with applicable law)[,] sex, race, color, religion, sexual orientation, national origin, marital status, political or union affiliation, disability, or any other factors not related to ability to perform the work. No person shall commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the City shall serve simultaneously both in elective office within the City government and as an employee of the City; and 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 the appointment, proposed appointment, promotion, or proposed promotion of such person.

Section 907. Retirement System.

The Council shall establish and maintain a general system of pensions and retirement benefits for the City, and shall have the power to do all things necessary to include the City's officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, or to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the City.

Section 908. Compensation of Employees.

A salary schedule for all classified positions shall be set from time to time by an ordinance passed by the Council. The City shall have the power to adopt such rules and

regulations establishing a uniform schedule of reimbursement for expenses, for all City employees, as it deems desirable or necessary.

Section 909. Employee Benefits Program.

The City by ordinance is authorized and empowered to provide for and participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public moneys of the City for such purposes.

Section 910. Personnel Appeals.

(a) There is established a board to adjudicate certain final personnel decisions by the City Manager, directly or by delegation, affecting members of the classified service of the City.

(b) The Council shall define by ordinance which personnel decisions are appealable and enact such additional provisions as are necessary to implement this section.

ARTICLE X

Public Ways and Sidewalks

Section 1001. Control of Public Ways.

(a) The City shall have control of all public ways in the City except such as may be under the jurisdiction of the State. Subject to the laws of the State of Maryland and this Charter, the City may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the City.

(b) The City 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 authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may perform the work, and seek compensation from the owner by imposing a lien on the property, which shall be collectible in the same manner as are City taxes, or by suit at law.

Section 1002. Powers as to Public Ways.

The City shall have the power:

(a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any City public way or part thereof, bridges, curbs, and gutters.

(b) To grade, lay out, construct, 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 install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- (f) To construct, reconstruct, maintain, and repair bridges.
- (g) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
- (h) To abandon public ways.
- (i) To issue permits, licenses, and franchises, and charge reasonable fees therefor, for the use of City public ways for the installation or placing of pipes, lines, wires, cables, and telecommunication devices of any nature on, in, over, or under any City public way.

Section 1003. Powers as to Sidewalks.

The City shall have the power:

- (a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on City property, along any public way, or part thereof.
- (b) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on City property, along any public way, or part thereof.
- (c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

ARTICLE XI
Stormwater Management

Section 1101. The Council designated Stormwater Management Board Power to Construct Facilities, etc.

The Council of the City of Takoma Park is designated as the Stormwater Management Board for Takoma Park and may establish such rules and procedures as it deems necessary for its operation. The Board shall enact a budget; shall be vested with all rights and powers necessary for the collection and disposal of storm waters in the City; and shall have the power to implement stormwater management programs. The City Manager shall be responsible to the Board for the proper execution and administration of the City's stormwater management operation. The City Manager shall construct, maintain, reconstruct, enlarge, alter, repair,

improve, or dispose of all excessive parts, and oversee the daily operation of the City's stormwater management operation.

Section 1102. Powers relating to Stormwater Management.

The City shall have the power to implement stormwater management programs, including the following:

- (a) Reviewing stormwater management plans;
- (b) Inspection and enforcement activities;
- (c) Planning, design, land acquisition, and construction of stormwater management systems and structures;
- (d) Retrofitting developed areas for pollution control;
- (e) Water quality monitoring and water quality programs as required by the Maryland Department of the Environment (MDE);
- (f) Operation and maintenance of facilities; and
- (g) Program development of these activities.

Section 1103. Additional Powers.

The Board shall have full control over the said storm water systems, with authority to employ or designate such officials, superintendents, employees, or agents as may be necessary or proper to carry on the same, and to purchase all supplies and materials needed in constructing, operating[,] maintaining, or conducting the same, and also to provide rule [rules]; and regulations for the construction, operation and maintenance of said systems.

Section 1104. Title to Property: Purchase and Condemnation of Property.

The title to said plants and systems, and all lands, estates, waterways, conduit pipes, buildings, structures, machinery and all other parts thereof whatever, and all property belonging and pertaining thereto shall, when completed or acquired, vest in the City. The City is hereby authorized and empowered to acquire by purchase, gift, bequest, devise, lease, or eminent domain, in accordance with the procedure provided in the Charter and in the Annotated Code of Maryland, any land, or property situated wholly or partly in the City of Takoma Park, or any interest, franchise, easement, rights or privileges therein which may be required for the purpose of constructing, establishing and maintaining said plants and systems or extensions thereof.

Section 1105. Stormwater Management Bonds.

The Board is authorized and empowered to borrow money in such amounts and from time to time as may be necessary to carry out the powers set forth in this Article and to evidence such borrowing by the issue and sale of its bonds as authorized and in the manner prescribed by Article IX, Section 823 of the Charter of Takoma Park, or as may be otherwise permitted by law. Nothing contained in this section shall be deemed or construed to impair the terms and conditions of any bonds, notes or other obligations of the City issued prior to the effective date of this section.

Section 1106. Annual Levy for Maintenance: Service Charges.

The Board is hereby empowered to provide by ordinance for raising sufficient annual revenue to provide for the construction, maintenance, operations and repair of its said storm water management facilities, structures, and systems, and for stormwater management programs. In addition to its power to levy an ad valorem tax on the assessable property within the corporate limits of said City, it shall have the power to charge and collect such service rates, stormwater utility fees, and user charges for stormwater management programs and the maintenance, repair, and improvement of the stormwater system. All such charges shall be a lien on the property for which the tax, fee, or charge is imposed, collectible in the same manner as annual municipal taxes or by suit at law.

Section 1107. Adjustment; Removal of Private Facilities; Enforcement; Penalties.

All individuals, corporations and other entities having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, over or under the streets, alleys, highways or any public way in the City, which shall block or impede the progress of [the] storm water and surface water management system [systems], facilities or drainage systems, shall, upon reasonable notice from the City, properly so shift, adjust, accommodate or remove the same at their own cost and expense, as to meet fully the exigencies occasioning such notice; and if any such individual, corporation or other entity shall refuse, neglect or fail, after such reasonable notice, to discharge any duty imposed by this section, said individuals, corporations or other entities shall, in addition to but not in substitution for any other remedy or remedies, be charged with a municipal infraction offense and prosecuted in accordance with the provisions of state law.

Section 1108. Placing Public Service Structures.

Any public service corporation, company, or individual, before beginning any construction of, or placing of, or changing the location of any main, conduit, pipe or other structure in the public ways of the City, shall obtain written approval upon such conditions and subject to such limitations as may be imposed by the Board or officers acting on its authority from the City Manager or his/her designee. Any public service corporation, company, or individual violating the provisions of this section may be charged with a Class misdemeanor or a Class A municipal infraction offense. If any unauthorized main, conduit, pipe, or other structure

interferes with the operation of the storm water systems, the City Manager or his/her designee may order it removed.

Section 1109. Compelling Connections, etc.

The Board shall have power to pass, and to enforce by suitable penalties, such ordinances as may be found necessary to protect the storm water drainage facilities and systems and to require the connection of all houses, buildings and other structures within the City of Takoma Park with the stormwater system and generally to pass and enforce all ordinances which it may deem proper for the health and cleanliness of the City.

Section 1110. Charges.

The Board may make a reasonable charge for each connection made to the City's storm water system and drainage control facilities. Arrangements for the payment of this charge shall be made before the connection is made.

Section 1111. Extensions Beyond Boundaries.

The Board shall have the power to extend its stormwater system beyond the City limits.

Section 1112. Right of Entry.

Any employee or agent of the City, while in the necessary pursuit of official duties with regard to the stormwater systems and facilities operated by the City, shall have the right of entry for access to all stormwater management systems, structures and facilities at all reasonable hours, and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the City or in the County served by the City's stormwater system.

Section 1113. Pollution of Water Supply.

No person shall do anything which will discolor, pollute, or attempt to pollute any water used or to be used in the City stormwater system. Any violation of the provisions of this section shall be punishable as a Class A misdemeanor or a Class A municipal infraction offense.

Section 1114. Contracts.

The Board, if it deems advisable, may contract with any party or parties or any Federal, State or other governmental agency, inside or outside the City, to operate, maintain and/or construct all or any part of the stormwater system in the City.

Section 1115. Special Assessments.

The Board 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 installation or construction of stormwater systems, storm and surface water management facilities, storm water sewers, curbs and gutters, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The authority to levy and collect such assessments shall be carried out in accordance with the procedures established for the making of similar assessments for other public improvements by the Council of Takoma Park and shall include the authority to provide for the financing of said projects in the same manner and subject to the same restrictions.

ARTICLE XII

Special Assessments

Section 1201. Power: Special Assessments.

The City of Takoma Park 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 the property by the installation or construction of municipal improvements and to provide for the payment of all or any part of the above project out of the proceeds of such special assessments. The cost of any project to be paid in whole or in part by special assessments shall include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the City, and any other item of cost which may reasonably be attributed to the project.

Section 1202. Special Assessment Procedures.

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

(a) The cost of the project being charged for shall be calculated, apportioned and levied:

- (1) Equally per front foot, lot, parcel, dwelling unit, or square foot;
- (2) According to the value of the property as determined by the Council; or
- (3) In any other reasonable manner that results in fairly allocating the costs of the project.

(b) 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.

(c) All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The City Manager shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be

assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be 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. The Clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk shall have completed publication and service of notice as provided in this section. Following the hearing the Council in its discretion, may vote to proceed with the project and may levy the special assessment.

(d) Any owner of property on which a special assessment has been levied shall have the right to appeal the levy of the special assessment to the Circuit Court of Montgomery County within thirty (30) days after the levying of the special assessment by the Council.

(e) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty (40) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(f) All special assessment installments shall be overdue thirty (30) days after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as city taxes or by suit at law. Unless otherwise provided in the ordinance, special assessment shall bear the same interest and penalties as other city taxes and shall be subject to the same lien priority and tax sale procedures in case of delinquency as is provided for general city taxes.

(g) All special assessments shall be billed and collected by the Treasurer or other agent for the City.

ARTICLE XIII

City Property

Section 1301. Acquisition, Possession and Disposal.

The City may acquire real, personal, or mixed property within or without the corporate limits of the City for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease or otherwise dispose of any property belonging to the City. All municipal property, funds, and franchise of every kind belonging to or in the possession of the City (by whatever prior name known) at the time this section becomes effective are vested in the City, subject to the terms and conditions thereof.

Section 1302. Condemnation.

The City shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within or without the corporate limits of the City, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the City shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Annotated Code of Maryland.

Section 1303. City Buildings.

The City shall have the power to acquire, to obtain by lease or rent, to purchase, construct, reconstruct, repair, alter, operate, and maintain all buildings and structures it deems necessary for the operation of the City government.

Section 1304. Protection of City Property.

The Council shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition.

ARTICLE XIV
Redevelopment – Urban Renewal
See Appendix I.

ARTICLE XV
General Provisions

Section 1501. Oath of Office.

(a) Before entering upon the duties of their offices, the Mayor and each Councilmember shall take and subscribe the following oath or affirmation: “I,, do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the state of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of according to the Constitution and laws of this State and the laws of the City of Takoma Park.”

(b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Montgomery County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

Section 1502. Official Bonds.

The City Manager and Treasurer and such other offices or employees of the City as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City.

Section 1503. Prior Rights and Obligations.

All right, title, and interest held by the City or any other person or corporation at the time this Charter or any amendment thereto is adopted, in and to any lien acquired under any prior Charter of the City, are hereby preserved [preserved], for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relations 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.

Section 1504. Violations of Law.

Every act or omission which, by ordinance, is made a misdemeanor or municipal infraction under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction by the District Court of Maryland or the Circuit Court for Montgomery County, as applicable, by a fine or imprisonment set by ordinance consistent with provisions of State law. The party aggrieved shall have the right of appeal provided under the general laws of the State. Where the act or omission is of a continuing nature, a conviction for one offense shall not bar prosecution for subsequent offenses.

Section 1505. Effect of Charter on Existing Ordinances.

All ordinances, resolutions, rules, and regulations in effect in the City at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to provisions of this Charter. All ordinances, resolutions, rules, and regulations in effect at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict.

Section 1506. Effect of Other Laws.

The power and authority conferred by this Charter shall be in addition to other applicable authority, including the provisions of the Annotated Code of Maryland, and the Council of the City of Takoma Park shall be entitled to exercise all of the powers therein conferred, notwithstanding any of the provisions of this Charter.

Section 1507. Separability.

If any section or part of any section of this Charter is held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of said Charter or the context in which such section or part of section so held invalid appears, except as it may be inseparably connected in meaning and effect under the section or part of section to which such holding shall directly apply.

Section 1508. Nonforfeiture Provision.

Neglect or nonuse shall not work a forfeiture of this Charter.

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Note (1))

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;

(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 Takoma Park, 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; [:]

(a) to make or have made all surveys and plans necessary to the carrying out 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: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) 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 (3) 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;

(b) 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;

(c) 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;

(d) 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 or provide for the insurance of such property or operations of the municipality against any risks of hazards, including the power to pay premiums on any such insurance;

(e) 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 agreements with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision 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;

(f) 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;

(g) 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;

(h) 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;

(i) 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 its 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 legislature 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:

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

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

(c) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(c) 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

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

- (b) locates and defines the said slum or blighted areas;
- (c) 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.

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 for 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.

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.

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 areas 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 for interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with 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 subsection. 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. There after, 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 subsection (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 purchasers, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this Article shall be in accordance with the procedure provided in The Real Property Article of the Annotated 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 authorization of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Parking.

For the purpose of financing the design, construction, establishment, extension, alteration, operation or acquisition of public parking facilities in connection with an urban renewal project, the municipality is authorized to create within its corporate limits special taxing districts for such purposes and to levy on all real and personal property subject to ordinary city taxes located within said special taxing districts an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or other obligations of

such municipality issued for such purposes as the said principal and interest may become due. All such taxes shall be levied in the same manner, upon the same assessments, for the same period or periods and as of the same date or dates of finality as are now or may hereafter be prescribed for ordinary city taxes. (Ch. 653, 1963.)

Section A1-111. Revenue Bonds.

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.

(1) 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.

(2) 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.

(3) 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.

(4) 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 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 provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(5) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this 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.

(6) 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 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 of 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 such 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 A1-112. 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 A1-113. Short Title.

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

Section A1-114. 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

(1) 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 Takoma Park in Chapter 827 of the Acts of the General Assembly of 1961.

Further changes to this power were made by Chapter 653 of the Acts of 1963.

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 Takoma Park 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 XIV of this charter.

(2) Res. No. 2010-70 enlarged the corporate boundaries of Takoma Park with the annexation of the right-of-way of Flower Avenue, effective May 12, 2011.

(3) Res. No. 2011-01 corrected two minor typographical errors in Res. No. 2010-70, which enlarged the corporate boundaries of Takoma Park with the annexation of the right-of-way of Flower Avenue, effective August 30, 2011.

