

## THE CHARTER

ORDINANCE 0-19-89

AN ACT OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND  
REPEALING 0-16-88 AND RE-ENACTING AND ADOPTING  
A REVISION AND RECODIFICATION OF  
THE ORDINANCES OF THE CITY ENTITLED  
"THE CODE OF THE CITY OF BOWIE, MARYLAND, 1982"  
PROVIDING FOR THE REPEAL OF SAID ORDINANCES  
NOT INCLUDED THEREIN, AND FOR OTHER PURPOSES

WHEREAS, it is the intent of the Council of the City of Bowie to formally adopt and enact as positive law, and conclusive evidence of the law, all Council legislation, ordinances and resolutions enacted as law on or before the effective date of this Ordinance, which have been compiled and codified in "The Code of the City of Bowie, 1989"; and

WHEREAS, the Council of the City of Bowie adopted 0-16-88 which was intended to adopt and enact as positive law all the legislation, ordinances and resolutions enacted on or before April 18, 1988; and

WHEREAS, it has come to the attention of the Council of the City of Bowie that the "Code of the City of Bowie 1988" adopted pursuant to 0-16-88 was incomplete; and

WHEREAS, it is the intent of the Council to adopt and enact an all inclusive document as the "Code of the City of Bowie, 1989"; and

WHEREAS, it is the further intent of the Council that the Code of the City of Bowie be updated and maintained on an ongoing basis;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bowie, Maryland, that it is the direction of the City Council that;

Section 1. Ordinance 0-16-88 is hereby repealed and re-enacted as contained herein.

Section 2. There is hereby adopted by the City Council that certain Code entitled, "The Code of the City of Bowie, Maryland, 1989" containing certain Ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, an official copy of which Code has been and is now filed in the office of the City Manager, authenticated by the signatures of the Mayor, City Clerk and City Attorney, and by the Seal of the City Council of the City of Bowie, said Code being hereto attached and made a part hereof.

Section 3. The provisions of said Code shall be in force and effect on and after the effective date of this Ordinance, and all Ordinances of a general and permanent nature in force on such date and not contained in such Code are hereby repealed from and after such date, except as hereinafter provided.

Section 4. The repeal provided for in the preceding section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing prior to the effective date of this Ordinance; nor shall such repeal affect any Ordinance or Resolution not codified in the "Code of the City of Bowie, 1989" appropriating money, promising or guaranteeing the payment of money for the City, or authorizing the issue of any bonds, including revenue certificates of said City of any evidence of the City's indebtedness on a contract or obligation assumed by the City; nor shall such repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of such Code; nor shall it affect any right or franchise conferred by an ordinance or resolution of the City on any person or corporation; nor shall it affect any prosecution, suit or other proceeding pending on any judgment rendered on or prior to the effective date of this Ordinance.

## THE CHARTER

Section 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance and Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance or of the Code hereby adopted shall be declared unconstitutional, or otherwise invalid by the valid judgment or decree by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance or of the Code hereby adopted.

Section 6. The City Manager shall arrange for the continuing codification, compilation and indexing of the legislative acts of the Council amending "The Code of the City of Bowie, 1989" as adopted from time to time.

INTRODUCED, by the Council of the City of Bowie, Maryland, at a Regular Meeting on October 16, 1989.

ADOPTED, this 6th day of November, 1989.

ATTEST:

Pamela A. Fleming  
City Clerk

Richard J. Logue  
Mayor

Robert H. Levan  
City Attorney

**THE CHARTER**

**THE CODE OF THE CITY  
OF  
BOWIE, MARYLAND**

**THE CHARTER  
AND  
THE GENERAL ORDINANCES**

**PUBLISHED BY ORDER OF THE  
BOWIE CITY COUNCIL**

## **THE CHARTER**

### **PREFACE TO THE 1989 EDITION**

This volume, as originally published, constituted the second revision and codification of the general ordinances of the City of Bowie, Maryland since 1951. It contained the Charter and such of the ordinances of a general and permanent nature passed on or before December 1, 1968, as were found desirable for retention, except those expressly saved from repeal by the Adopting Ordinance.

The quantity of amendments to the revised volume became so substantial that it was necessary for clarity to reprint the volume and incorporate the amendments.

This 1989 edition, published by the City of Bowie, is an exact and faithful printing of the Code as adopted by ordinances subsequent thereto, through October 16, 1989. This printing is also an exact and faithful printing of the Charter amendments through and including October 16, 1989.

## THE CHARTER

### ADOPTION OF CODE ORDINANCE NO. 0-16-88

#### ORDINANCE

#### **AN ACT OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND ADOPTING A REVISION AND RECODIFICATION OF THE ORDINANCES OF THE CITY ENTITLED, "THE CODE OF THE CITY OF BOWIE, MARYLAND, 1982" PROVIDING FOR THE REPEAL OF SAID ORDINANCES NOT INCLUDED THEREIN AND FOR OTHER PURPOSES:**

WHEREAS, it is the intent of the Council of the City of Bowie to formally adopt and enact as positive law, and conclusive evidence of the law, all Council legislation, ordinances and resolutions enacted as law on or before June 1, 1988, which have been compiled and codified in "The Code of the City of Bowie, 1988"; and

WHEREAS, it is the further intent of the Council that the Code of the City of Bowie be updated and maintained on an ongoing basis;

BE IT ORDAINED AND ENACTED by the City Council of the City of Bowie, Maryland, and it is hereby ordained by the authority of same as follows:

Section 1. There is hereby adopted by the City Council that certain Code entitled, "The Code of the City of Bowie, Maryland, 1988," containing certain Ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, an official copy of which Code has been and is now filed in the office of the City Manager, authenticated by the signatures of the Mayor, City Clerk and City Attorney, and by the Seal of the City Council of the City of Bowie, said Code being hereto attached and made a part hereof.

Section 2. The provisions of said Code shall be in force and effect on and after June 1, 1988, and all Ordinances of a general and permanent nature in force on such date and not contained in such Code are hereby repealed from and after such date, except as herein after provided.

Section 3. The repeal provided for in the preceding section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before June 1, 1988; nor shall such repeal affect any Ordinance or Resolution not codified in the "Code of the City of Bowie, 1988" appropriating money, promising or guaranteeing the payment of money for the City, or authorizing the issue of any bonds, including revenue certificates of said City or any evidence of the City's indebtedness on a contract or obligation assumed by the City; nor shall such repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of such Code; nor shall it affect any right or franchise conferred by any ordinance or resolution of the City on any person or corporation; nor shall it affect any prosecution, suit or other proceeding pending on any judgment rendered on or prior to June 1, 1988.

Section 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance and Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance or of the Code hereby adopted shall be declared unconstitutional, or otherwise invalid by the valid judgment or decree by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance or of the Code hereby adopted.

## THE CHARTER

Section 5. The City Manager shall arrange for the continuing codification, compilation and indexing of the legislative acts of the Council amending "The Code of the City of Bowie, 1988" as adopted from time to time.

INTRODUCED, by the Council of the City of Bowie, Maryland, at a Regular Meeting on March 21, 1988.

ADOPTED, this 18th day of April, 1988.

/s/ Richard J. Logue  
Mayor

ATTEST:

/s/ Pamela A. Fleming  
City Clerk

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## **THE CHARTER**

### **PART I**

## **THE CHARTER**

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## THE CHARTER

### CHARTER FOR THE CITY OF BOWIE, MARYLAND

#### GENERAL CORPORATE POWERS

Sec. 1. Incorporation; body corporate.

The inhabitants of the City of Bowie within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "the City of Bowie" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of competent jurisdiction, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

#### CORPORATE LIMITS

Sec. 2. To be filed in certain places.

The courses and distances showing the exact corporate limits of the city shall be filed at all times with the Clerk of the Circuit Court of Prince George's County, the Commissioner of the Land Office, and the Director of the Maryland Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the City Manager. All the officials named in this section are hereby directed to file or record all such information so filed with them each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

#### THE COUNCIL

Sec. 3. Composition; election; terms of office.

All legislative powers of the City shall be vested in a council consisting of a Mayor and six Councilmembers. Such Councilmembers shall be elected as provided in this Charter and, beginning with the officials elected in 2015, shall hold office for a term of four years or until Councilmembers elected to succeed them take office, whichever is later. Except as provided in Section 35B, newly elected Councilmembers shall take office at a meeting on the second Monday following the election. (Amended by CAR-2-07, adopted 6/18/07, effective 7/28/07) (Sec. 3 amended by CAR-03-13, adopted 9/16/13, effective 11/5/13)(Sec. 3 amended by CAR-04-13, adopted 12/2/13, effective 1/21/14).

Sec. 4. Qualifications of Councilmembers.

Each Councilmember shall be at least eighteen years of age, shall have resided in the City at least one (1) year immediately preceding the date of election, shall be a qualified voter in the City and shall not have been convicted of either a felony, or been convicted of, or entered a plea, leading to a conviction of a misdemeanor involving assault, battery, fraud or a crime of moral turpitude. Each Councilmember shall be a resident of the council district, which the candidate seeks to represent at the time of filing for candidacy and during the full term of office. (Sec. 4 amended by CAR-01-03, effective 2/5/04).

Sec. 5. Salary.

A. This Subsection A. shall be effective until June 30, 2006. The Councilmembers shall receive an annual salary of eight thousand two hundred dollars. Councilmembers' salaries shall not be increased during the term for which they are elected, except as provided below.

The salaries shall be increased each year based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for January, 1999 (the base year), and the relative percentage increase shall be calculated. The salary increment shall be 75% of the relative percentage increase. No decrease in the prior year's salary shall be allowed, so if there is no CPI increase, the prior year's salary shall continue in effect.

## THE CHARTER

B. Effective November 14, 2005, the Councilmembers shall receive an annual salary of twelve thousand dollars. Councilmembers' salaries shall not be increased during the term for which they are elected, except as provided below.

The salaries shall be increased on July 1 of each year beginning in 2006, based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for January, 2006 (the base year), and the relative percentage increase shall be calculated. The salary increment applied to the base year salary shall be one hundred percent (100%) of the relative percentage increase. No decrease in the prior year's salary shall be allowed, so if there is no CPI increase, the prior year's salary shall continue in effect. (Section 5 amended by CAR-01-04, effective January 4, 2005).

### Sec. 6. Meetings.

A. The Council shall have an organizational meeting on the first Monday in November following the election. At that meeting the Council shall establish regular meeting dates and times. Regular meetings shall not be less frequent than one each month. A notice shall be published at least once in a newspaper of general circulation in the City stating the date, time, and place of regular meetings. Special meetings shall be called by the City Manager upon the request of the Mayor or a majority of the members of the Council. Except as provided otherwise in the Charter, all meetings of the Council shall be open to the public. The rules of the Council shall a reasonable opportunity for residents to address the Council at regular and special meetings of the Council.

B. A member of the City Council or the Mayor shall be deemed to have vacated his or her office where such member fails to attend three (3) consecutive meetings of the Council for reasons unrelated to the health of the member, military service or other reason acceptable to a majority of the Council. Meetings shall include regular or special meetings for which notice has been published or advertised work sessions of the Council. In the event of a vacancy, the vacancy shall be filled as set forth in Sections 11 and 35 of this Charter.

C. The Council may meet in closed session or adjourn in open session to a closed session only to:

(1) Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or to consider any other personnel matter that affects one (1) or more specific individuals;

(2) Protect the privacy or reputation of individuals with respect to a matter that is not related to public business;

(3) Consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale;

(4) Consider a preliminary matter that concerns the proposal for a business or industrial organization to locate in the City;

(5) Consider the investment of public funds;

(6) Consider the marketing of public securities;

(7) Consult with counsel;

(8) Consult with staff, consultants, or other individuals about pending or potential litigation;

(9) Conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(10) Discuss public security if the Council determines that public discussion would constitute a risk to the public or to public security, including:

A. The deployment of fire and police services and staff; and

B. The development and implementation of emergency plans;

(11) Prepare, administer, or grade a scholastic, licensing, or qualifying examination;

(12) Conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(13) Comply with a specific constitutional, statutory,

or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or

(14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the Council to participate in the competitive bidding or proposal process.

## THE CHARTER

D. During closed sessions conducted under this section, the Council may discuss or act upon only matters permitted under subsection (B) of this section.

Sec. 7. Council to be judge of qualifications of its members.

The council shall be the judge of the election and of the qualifications, contained in sections 4 and 15, of its members.

Sec. 8. Chairperson.

The Mayor shall serve as Chairperson of the Council. The Mayor may take part in all discussions, and may vote on all matters coming before the Council. At the first Council Meeting following each Regular City Election, the Council shall elect a Mayor Pro Tem to serve as the Chairperson of the Council in the absence of the Mayor. The term of the Mayor Pro Tem shall be until the next Regular City Election. In the event of the resignation of the Mayor Pro Tem or if the Mayor Pro Tem becomes the Mayor as provided for in Section 36(a) of this Charter, the Council shall elect a new Mayor Pro Tem at its next meeting to serve the balance of the term.

Sec. 9. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable recorded votes of a majority of the of members elected to the entire Council.

Sec. 10. Procedure.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings, including a record of votes on final action on any question, resolution, or ordinance, and any other action if requested by any one member. The journal shall be open to public inspection during normal business hours at City Hall.

Sec. 11. Vacancies.

Vacancies in the Council shall be filled as provided in section 35 of this Charter.

Sec. 12. Procedure for enacting ordinances.

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special Council meeting held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected, or its consideration deferred to some specific future date. In cases of emergency determined by the council, the waiting period requirement may be suspended by the unanimous vote of the members of the council who are present.

(b) Except as set forth in subsection (C), every ordinance shall become effective at the expiration of thirty (30) calendar days following its passage by the council.

(c) i. The Annual Budget Ordinance shall take effect twenty (20) calendar days after passage.

ii. The Council may, upon a two-thirds (2/3) vote of its members, provide that an emergency ordinance will take effect on a date earlier than thirty (30) days after its passage.

iii. The Council may, upon a majority vote of its members, provide that an ordinance will take effect on a date later than thirty (30) days after its passage.

(d) A summary of every ordinance excepting emergency ordinances shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city. A summary of every ordinance, including emergency ordinances, shall be published at least once within ten (10) days after the date of passage in a newspaper or newspapers having general circulation in the City.

Sec. 13. Public records.

All public records shall be permanently filed by the City Manager and shall be kept available for public inspection during regular business hours in accordance with State law and the retention schedule established by the City Manager.

## THE CHARTER

### THE MAYOR

#### Sec. 14. Election; terms of office.

The Mayor shall be elected as provided in this Charter and beginning with the Mayor elected in 2015, shall hold office for a term of four years or until his successor is elected and sworn in, whichever is later. Except as provided in Section 35A, the newly elected Mayor shall take office on the second Monday following the election. (Amended by CAR-2-07, adopted 6/18/07, effective 7/28/07) (Sec. 14 amended by CAR-03-13, adopted 9/16/13, effective 11/5/13)(Sec. 14 amended by CAR-04-13, adopted 12/2/13, effective 1/21/14).

#### Sec. 15. Qualifications

The Mayor shall be at least eighteen years of age, shall have resided in the City for at least two years immediately preceding the date of election, shall be a qualified voter in the City and shall not have been convicted of a felony, or been convicted of, or entered a plea, leading to conviction of a misdemeanor involving assault, battery, fraud or a crime of moral turpitude. The Mayor shall maintain a permanent residence in the City during his term of office. (Sec. 15 amended by CAR-2-03, effective 2/5/04).

#### Sec. 16. Salary

The Mayor 's salary at the time of adoption of this Charter amendment is fifteen thousand two hundred dollars forty nine dollars (\$15,249). The Mayor's salary specified in this Charter shall not be increased during the term the mayor is elected, except as provided below.

a) Prior to November 12, 2007, the Mayor's salary shall be increased each year based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for January, 1999 (the base year), and the relative percentage increase (if any) shall be calculated. The salary increment shall be 75% of the relative percentage increase (if any). No decrease in the prior year's salary shall be allowed hereby, so if there is no CPI increase, the prior year's salary shall continue in effect. This provision shall expire on November 12, 2007.

b) Commencing November 12, 2007, the Mayor's salary shall be established and subsequently adjusted each fiscal year to reflect an amount equal to eight thousand dollars (\$8,000) more than the compensation of individual City Council members. (Sec. 16 amended by CAR-1-07, adopted 2/20/07).

#### Sec. 17. Powers and duties

The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil process and by the governor for the purpose of military and emergency law. The Mayor shall have such other powers and perform such other duties as may be prescribed in this Charter or required of him or her by the Council, if not inconsistent with this Charter.

## CHARTER POWERS

#### Sec. 18. General Powers

The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors.

#### Sec. 18A. Express Powers

In addition to the powers which have been or may be granted to it, the Council shall have the power to pass ordinances, resolutions and regulations and to take any other action necessary to achieve the specific purposes enumerated in the remaining subsections of this section, subject to any restrictions imposed by the Public General Laws of the State, these specific purposes include:

## **THE CHARTER**

1. **ADVERTISING:** To provide for advertising for City purposes, and for printing and publishing statements having to do with the business of the City.

2. **AMUSEMENTS:** To provide in the interest of the public welfare for licensing, regulating, or restraining public amusements.

3. **ANIMALS:** To regulate the keeping of animals, domestic or otherwise, and to provide for the licensing and taxing of them; to provide for the disposition of homeless animals, of animals on which no license fee or taxes are paid, of vicious animals and of impounded, unclaimed animals.

4. **APPROPRIATIONS:** To appropriate municipal funds for any lawful purpose.

5. **AUDITS:** To provide for the appointment of an auditor or accountant to audit the books and accounts of all City officers collecting, handling or disbursing funds belonging to the City.

6. **BILLBOARDS:** To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the City.

7. **BUILDING REGULATIONS:** To make reasonable regulations concerning buildings and signs to be erected within the limits of the City, formulating a building code and the requirement for building permits.

8. **CEMETERIES:** To regulate or prohibit the interment of human bodies within the City and to regulate cemeteries.

9. **CODIFICATION OF ORDINANCES:** To provide for the codification of all ordinances.

10. **COMMUNITY SERVICES:** To provide, maintain, and operate selected community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of City residents.

11. **COOPERATIVE ACTIVITIES:** To make agreements with other municipalities, Counties, Districts, Bureaus, Agencies, Commissions and Governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

12. **CORPORATE NAME:** To change the corporate name of the City, provided that no such change shall affect any rights, duties or obligations held by the City, and provided that such change shall first be submitted to and approved by the qualified voters of the City at a regular or special municipal election.

13. **CURFEW:** To prohibit the youth from being on the streets and public places at unreasonable hours of the night.

14. **DANGEROUS IMPROVEMENTS:** To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditional that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

15. **DEPARTMENTS:** To create, change, and abolish offices, departments, or agencies, other than offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter. These shall not include the power to discontinue or assign to any other office, department or agency any functions or duty assigned by this Charter to a particular office, department or agency.

16. **EDUCATION:** To assist educational programs within the City.

## THE CHARTER

17. ELEVATORS: To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

18. ENVIRONMENTAL CONTROL: To regulate the use of the environment.

19. EXPLOSIVES, COMBUSTIBLES AND OTHER WEAPONS: To control the use and handling of dangerous and explosive materials and to prevent the firing of any firearms or other explosive instruments.

20. FINANCES: To levy, assess and collect taxes; to expend municipal funds for any public purposes, and to have general management and control of the finances of the City.

21. FIRE: To prevent and suppress fires, and to establish and maintain a fire department.

22. FOOD: To inspect and, if deemed unsafe, to require the condemnation of and to regulate the sale of, any food products.

23. FRANCHISES: To grant and regulate franchises as provided by State law; to grant one (1) or more franchises for a community antenna system or other cable television system or telecommunications system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge; to grant any other franchises which may be deemed advantageous and beneficial to the City; to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section. No franchise shall be granted for a period longer than fifty (50) years.

24. GARBAGE AND TRASH: To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require dirt, garbage, trash, liquids, ashes and other waste or other unwholesome materials to be removed to designated points and to provide for the proper disposal of such material, or to require the occupants of the premises to place them conveniently for removal.

25. GRANT-IN-AID: To accept gifts and grants of funds from Federal, State and County governments, or their agencies, or any bi-county agency; to expend the funds for any lawful purpose, according to the conditions under which the gifts or grants were made, and to expend money necessary to the applications and qualifications for such grants.

26. HAWKERS: To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the City, and to revoke such licensee for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the City or to their welfare or happiness.

27. HEALTH: To protect and preserve the health of the City and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations; to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; and to inspect, regulate, and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health.

28. INSPECTIONS: To authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires and any other utility, carrier or device and drainage and sewage systems on private property, and to compel repairs if needed.

29. LICENSES AND PERMITS: To exercise the licensing authority granted in the Business Regulations Article of the State Code and other provisions of law, subject to the limitations of Article 24 of the State Code, the Tax-General Article and the Tax-Property Article; to establish and collect reasonable fees and charges for all franchises, licenses, or permits issued by the City, or associated with the exercise by the City of any governmental or propriety function.



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30. LIENS: To provide that any valid charges, taxes, or assessments made against any real property by the City, within the City, shall be liens upon the property, to be collected as municipal taxes are collected.

31. LIGHTS: To provide for the lighting of the City; to regulate private lighting to prevent it from becoming a nuisance or disturbing the privacy of other citizens.

32. MINOR PRIVILEGES: To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps railings, entrances, racks, posted handbills and advertisements, and display of goods, wares, and merchandise.

33. NOISE: To establish rules and regulations for the abatement of noise.

34. NUISANCES: To prevent or abate by appropriate ordinances all nuisances in the City which are so defined by common law, by this charter, or by the laws of the State of Maryland, whether or not they are specifically listed in this Charter.

35. OBSTRUCTIONS: To remove all nuisances and obstructions from the streets, lanes, and alleys and from any adjoining lots, or other places within the City limits.

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 for off-street parking.

37. PARKING METERS: To install parking meters on the streets and public places of the City in such places as the Council determines and to prescribe rates and provisions for their use.

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 City residents

39. POLICE:

A. To establish and maintain adequate police protection;

B. To recognize and engage in Collective Bargaining with one or more designated bargaining representatives of the non-managerial, sworn police officers of the City's Police Department and to enter into a Collective Bargaining Agreement with said representatives. The City Council shall approve any Collective Bargaining Agreements with said collective bargaining representatives and no such agreement shall be effective unless and until it has been so approved. In the event the parties negotiating a Collective Bargaining Agreement are unable to reach agreement on one or more terms thereof, the City Council shall have the authority to set those terms and conditions of employment that remain in dispute upon a majority vote.

C. Notwithstanding anything else contained in this section or elsewhere in the City Charter to the contrary, the management of City Government, the determination of standards of service to be maintained by the Police Department, the determination of the content of job classifications, the exercise of complete control and discretion over the Police Department's Organization, and the maintenance or order and efficiency within the department, is and shall remain solely the responsibility of the City Manager and/or the Chief of Police as the City Manager's designee under the direction and control of the City Council, and the City shall retain the right, among other things, to select and direct its workforce, including, subject to the provisions of the law enforcement officers' Bill of Rights, the right to hire, suspend, discipline or discharge for just cause, or to assign, promote or transfer personnel; to determine the amount of overtime to be worked; to relieve employees from duty because of lack of work or for other legitimate reasons; to decide the number and locations of its facilities, the amount and method of maintenance and repair required by its equipment and facilities, and the necessary machinery, tools, equipment, and methods of carrying out the work of the department; to purchase the services of others, by contract or otherwise; and to make reasonable and binding work rules, including general orders and standard operating procedures.

D. Notwithstanding anything else contained in this section or elsewhere in the City Charter to the contrary, the City may not enter into a Collective Bargaining Agreement with a

## THE CHARTER

designated representative of the members of the department that includes a provision for binding interest arbitration to resolve any dispute or impasse in bargaining over the terms of a new or extension of an existing Collective Bargaining Agreement.

40. PURCHASES THROUGH PURCHASING BUREAU: To provide for the purchase of materials, supplies, and equipment through the Purchasing Bureau of the State Department of General Services whenever desirable.

41. REGULATIONS: To adopt by ordinance and enforce within the corporate City limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

42. SEAL: To make, have and use, and from time to time, alter, a common seal.

43. SPECIAL ELECTIONS: To provide for special elections for municipal purposes, at such times, and places as may be determined, subject to the provisions of this Charter.

44. VEHICLES: To regulate and license vehicles in a manner not in conflict with the licensing powers of the State of Maryland.

45. ZONING: To exercise the planning and zoning powers conferred upon municipal corporations generally or to the City specifically.

46. SAVING CLAUSE: The enumeration of powers in this section shall not be construed as limiting the powers of the City to the subjects mentioned. (Sec. 18A amended by CAR-1-12, adopted 8/6/12, effective 9/25/12) (Sec. 18A amended by CAR-02-13, adopted 5/6/13, effective 6/25/13).

Sec. 19. Manner of exercise.

The Council may enact all ordinances necessary to carry out the powers granted in this Charter. All powers of the city shall be exercised in the manner prescribed by this Charter, or, if the manner is not prescribed, in such manner as may be prescribed by ordinance.

Sec. 20. Fixing penalty for violations of ordinances.

To ensure compliance with the ordinances of the City, the Council shall have the power to provide that a violation shall be a misdemeanor or a municipal infraction, unless the violation is declared to be a felony or misdemeanor by State law. The Council shall have the power to affix penalties of a fine for the violation of an ordinance. The penalty for a misdemeanor shall not exceed a fine of one thousand dollars (\$1,000) per infraction and/or imprisonment for six (6) months. A penalty for a municipal infraction shall not exceed one thousand dollars (\$1,000) per infraction. The council may provide that a judgment or conviction for an offense shall not bar a subsequent enforcement procedure for a continuation of the same offense subsequent to the first or any succeeding conviction.

## VOTER REGISTRATION, FILING OF CANDIDACY AND ELECTIONS

Sec. 21. Qualification of voters.

Every person who is registered to vote with the Prince George's County Board of Elections and resides within the corporate limits of the City, shall be a qualified voter of the City and shall be entitled to vote in all City elections.

Sec. 22. Election districts.

A. For City purposes, the City of Bowie is divided into four (4) council election districts, substantially equal in population. The Council shall establish, by ordinance, the geographical area of the council districts.

B. The Council shall reevaluate and reestablish the boundaries of the council districts, if necessary, to achieve substantial equality of population as soon as practicable following the publication of each decennial census of the population of the United States.

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C. Any ordinance enacted by the City of Bowie for purposes of establishing the council districts shall be effective forty-five (45) calendar days after enactment unless the ordinance is petitioned to referendum pursuant to paragraph D.

D. Any ordinance enacted pursuant to this section shall be subject to referendum provided that a proper petition signed by twenty percent (20% of the registered voters within the City is filed with the City Clerk within thirty (30) calendar days of the ordinance's date of adoption.

E. If a proper referendum petition is filed, the City Council, by resolution, shall set the time and date for submission of the ordinance to City voters. The referendum shall be conducted by the City's Board of Elections in the same manner, as far as practicable, as regular city elections.

F. The Council shall assign any geographical area annexed into the corporate limits of the City of Bowie to the appropriate Council district. (Sec. 22 amended by CAR-2-01, adopted 12/3/01, effective 1/22/02).

### Sec. 23. Board of elections.

There shall be a Board of Elections, consisting of nine members and four alternates who shall be appointed by the Council on the third Monday in November or as soon thereafter as practicable, of every even numbered year. The alternates shall be bound by all of the applicable provisions of this Charter and shall attend all meetings of the Board. If a member of the Board is absent or incapacitated for any reason, an alternate shall serve in that member's place until the absence or incapacity has ceased. The acting member shall have all the powers and authority, including the right to vote, and be subject to the duties imposed on a member of the Board of Elections. The terms of the members and alternates shall begin on the third Monday in November in the year in which they are appointed and shall expire on the third Monday in November of the second year following their appointment, but not until their successors have been appointed. Board members and alternates shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the City Council for the remainder of the unexpired term. Compensation for Board members and alternates shall be determined by the Council. (Sec. 23 amended by CAR-1-08, effective 4/22/08).

### Sec. 24. Removal of Election Board Members

Any member of the Board of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Elections to be removed shall be given a written copy of the charges against him or her. If the Board member requests a public hearing within ten (10) days after receiving a written copy of the charges, the Council shall conduct such a hearing.

### Sec. 25. Duties of the Board of Elections.

The Board of Elections shall be in charge of the registration of voters, and all city elections. The board may appoint election judges or other employees to assist it in its duties.

### Sec. 26. Notice of Elections.

The Board of Elections shall give at least two weeks notice of every City election by an advertisement published in at least one newspaper of general circulation in the city and by posting election notices in public places in the City.

### Sec. 27. Voter Registration

The Council shall provide by Ordinance for the registration procedures for those voters who wish to vote only in City elections.

### Sec. 28. Procedure for filing of candidacy.

Persons may seek elective office in the City by filing a certification of candidacy and by the payment of a twenty-five dollar (\$25) filing fee with the Board of Elections or its designated agent at least thirty (30) calendar days prior to the date of election and by the observance of such other requirements as may be imposed by ordinance. The certificate of candidacy shall contain the following: (1) the office which the candidate is seeking, (2) the name and signature of the candidate, (3) the Council district in which the candidate resides. No person shall file for more than one elective public office or hold more than one elective public office at any one time.

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### Sec. 29. Election of Mayor.

On the first Tuesday after the first Monday in November in 2015 and in every fourth year thereafter, one person shall be elected at large to serve as Mayor. (Sec. 29 amended by CAR-2-01, adopted 12/3/01, effective 1/22/02)(Sec. 29 amended by CAR-04-13, adopted 12/2/13, effective 1/21/14).

### Sec. 30. Election of Councilmembers.

On the first Tuesday after the first Monday in November in 2015 and in every fourth year thereafter, four persons respectively from Council Districts 1, 2, 3, and 4 shall be elected by the duly qualified and registered voters of said District and two persons from any Council District shall be elected at large.

(Sec. 30 amended by CAR-1-01 adopted 9/18/01, effective 11/7/01 and CAR-2-01, adopted 12/3/01, effective 1/22/02)(Sec. 30 amended by CAR-04-13, adopted 12/2/13, effective 1/21/14).

### Sec. 31. Conduct of elections.

#### A. Nonpartisan elections

All municipal elections in the City shall be conducted on a nonpartisan basis, and no ballot shall carry any party affiliation. It shall be the duty of the Board of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines in each Council district. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the Charter, arranged in alphabetical order by office with no other designation of any kind. The polls shall be open from 7:00 a.m. to 8:00 p.m. on election days or longer if the Council requires it.

#### B. Absentee ballots

Any qualified voter registered to vote in a City election is entitled to vote in the City election by absentee ballot. The Council shall establish by ordinance procedures for voting by absentee ballot.

### Sec. 32. Special elections

All special city elections shall be conducted by the board of supervisors of elections in the same manner and with the same personnel, as far as practicable, as regular city elections.

### Sec. 32A. Recall

Registered voters may file a petition with the City Clerk for the recall of any Councilmember or mayor with six (6) or more months remaining in his or her term. A special recall election shall be held if twenty-five percent (25%) of the registered voters, within the district of the affected Councilmember or within the City for Councilmembers elected at large or the mayor, have signed the petition within thirty (30) days of its filing. Registered voters are those persons qualified to vote in a general City election as certified by the Board of Elections. The special recall election shall take place within thirty (30) days of certification of the petition. (Sec. 32A added by CAR-04-03, effective 2/5/04).

### Sec. 33. Counting votes; declaring results

After the closing of the polls, the board of supervisors of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the City Manager who shall cause the results to be recorded in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The candidate for Councilmember for each Council district with the highest number of votes shall be declared elected as Councilmember.

### Sec. 34. Preservation of ballots

All ballots and records used in any city election shall be preserved for at least six months from the date of the election.

### Sec. 35. Vacancies

A. If a vacancy in the office of Mayor occurs less than fifteen (15) months prior to the next election, the Mayor Pro Tem shall become Mayor until the next regular election, and the Council vacancy thus created shall be filled as provided in this Charter. If the Mayoral vacancy occurs

## **THE CHARTER**

fifteen (15) months or more prior to the next regular election, the Council shall call a special election to be held not less than sixty (60) nor more than ninety (90) days following the occurrence of the vacancy. The Mayor Pro Tem shall act as Mayor until the special election. The person elected at the special election shall serve until the next Regular Election.

B. If a vacancy on the Council occurs less than fifteen (15) months prior to the next regular election, the council shall appoint a person qualified in accordance with section 4, and who resides in the election district in which the vacancy occurred, to fill such vacancy until the next regular election. The appointment shall require the favorable votes of a majority of the remaining Councilmembers. The vote shall be recorded in the Council minutes. If the vacancy occurs fifteen (15) months or more prior to the next regular election, the council shall call a special election to be held not less than sixty (60) nor more than ninety (90) days following the occurrence of the vacancy. The person elected at the special election shall serve until the next Regular Election.

Sec. 36. Power of Council to regulate elections, etc.

The Council shall have the power to provide by ordinance in every respect not covered by this Charter or State or County law for the conduct of voter registration, filing for office, City election procedures, including the prevention of fraud, and for a recount of ballots in case of doubt or fraud.

Sec. 37. Violations of election, laws.

Any person who (a) fails to perform any duty required of him or her under the provisions of this subtitle or any election ordinances, (b) willfully or corruptly violates any of the provisions of this subtitle or any election ordinances, or (c) willfully or corruptly does anything which will tend to affect fraudulently any voter registration, filing for office, or City election, shall be guilty of a misdemeanor. Any officer or employee of the city government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction be removed from such office or employment.

## **CITY MANAGER**

Sec. 38. Appointment and removal.

There shall be a City Manager appointed by the Council. He or she shall serve at the pleasure of the Council and his or her compensation shall be determined by the Council. The City Manager may be removed by a majority vote of the entire Council; but that removal shall not become effective until at least thirty (30) days after written notice of removal be issued. The Council shall appoint or designate an Acting City Manager if the City Manager's position is vacant or if the City Manager is unable to serve.

Sec. 39. Powers and duties.

The City Manager shall have the authority to and shall be required to:

(1) Be the Chief Executive Officer of the City and see that its ordinances are faithfully executed, and be the head of the administrative branch of the City government;

(2) Appoint and remove all subordinate officers and employees of the city in accordance with the rules and regulations of any merit system adopted by the Council;

(3) Make an annual report to the Council and to the public on the condition of municipal affairs;

(4) Make such recommendations to the Council for the public good and welfare of the City;

(5) Be the chief financial officer of the City. The financial powers of the City, except as otherwise provided for in this Charter, shall be exercised by the City Manager;

(6) Prepare an annual budget to be submitted to the Council;

(7) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded;

(8) Maintain a general accounting system for the city in the form as the Council but not contrary to state law;

## THE CHARTER

(9) Submit at the end of each fiscal year and at such other times as the Council may require a complete financial report to the Council;

(10) Ascertain that all taxable property within the City is assessed for taxation:

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

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

(13) Arrange for taking minutes of all Council meetings and keeping a full and accurate account of the proceedings of the Council;

(14) Do such other things as the Council may require or as may be required elsewhere in this Charter; and

(15) Delegate any of the duties as listed in this section to the Assistant City Manager, as needed.

### Sec. 40. Bond

The City Manager shall provide a bond with such corporate surety and in such amount as the council by ordinance may require.

## FINANCE

### Sec. 41. Fiscal year; tax year.

The City shall operate on an annual budget. The fiscal year of the City shall begin on the first day of each July and end on the last day of June in the next year. The fiscal year shall constitute the budget year and the accounting year.

### Sec. 42. Duty to prepare budget, etc.

The City Manager shall submit a budget to the Council between the tenth (10th) and the fifteenth (15th) days of April each year. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of proposed expenditures. The budget and all other financial records of the City shall be open to inspection by anyone at anytime during normal city office business hours.

### Sec. 43. Capital Improvements Program.

(a) The City Manager shall prepare and submit to the council a six (6) year Capital Improvement Program between the tenth (10th) and the fifteenth (15th) of April each year.

(b) The Capital Improvement Program shall include:

1) A clear summary of its contents.

2) A list of all capital improvements proposed for the next six (6) fiscal years; and

3) Cost estimates, funding sources and recommended time schedules for each of the capital projects.

(c) The Capital Improvements Program shall be revised and extended each year as the then current portion is adopted as part of the operating budget.

(d) The Council shall hold public hearings and adopt the Capital Improvements Program as submitted or amended at the same time as the adoption of the operating budget.

(e) The City Manager shall include in the proposed operating budget those capital projects adopted by the Council for the ensuing fiscal year.

### Sec. 44. Adoption of budget.

Before adopting the budget, and after provided two weeks notice in a newspaper or newspapers having general circulation in the City, the Council shall hold a public hearing. The Council may insert new items and may increase or decrease items in the budget submitted by the City Manager. If the Council increases total proposed expenditures in the budget, it shall also increase the total anticipated revenues in an amount at least equal to total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of a majority of the total elected membership of the council shall be necessary for adoption.

### Sec. 45. Appropriations.

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No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the amounts stated as proposed expenditures shall be appropriated to the several objects and purposes stated in the budget.

### Sec. 46. Transfer of funds.

Any transfer of funds between appropriations proposed by the City Manager must be approved by the Council before becoming effective.

### Sec. 47. Expenditures in excess of appropriations forbidden.

During any budget year, no officer or employee shall expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor does this section preclude the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when the contract is permitted by law.

### Sec. 48. Lapse of unexpended appropriations.

All appropriations that have not been expended or lawfully encumbered shall lapse at the end of the budget year. Any unexpended and unencumbered funds shall be considered a surplus and shall be included among the anticipated revenues for the next succeeding budget year.

### Sec. 49 Manner of issuing checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Director of Finance, upon approval of a voucher by the City Manager.

### Sec. 50. Taxable property.

All real property and all tangible personal property within the corporate limits of the City or personal property which may have a situs within the City limits by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment valuation used shall be the same as that for state and county taxes. Household furniture, not held or employed for purposes of profit or in connection with any business, profession, or occupation shall not be subject to municipal taxation.

### Sec. 50A. Partial tax levy.

(a) One-quarter year taxes. Any real property completed during the period after January 1 through March 21 in any year, or otherwise first added to the tax rolls during that period, is subject to the payment of property taxes for the three (3) months beginning April 1 and ending on the next succeeding June 30. The taxes for these three (3) months shall be computed by using the assessed valuation of the property at one fourth the current tax rate, and taxes imposed for these three (3) months shall be due and payable as of the specified day of April 1, or as of the day a tax bill was mailed or made available, whichever is later. No interest or penalties may be charged or collected on any taxes covered by this subsection until at least thirty (30) days after the bill for the taxes has been mailed or made available from and after July 1, all such taxes shall be overdue and in arrears.

(b) One-half year taxes. Any real property completed during the period after July 1 in any year and through January 1 in the next year, or otherwise first added to the tax rolls during that period, is subject to payment of property taxes for the six (6) months beginning on that January 1 and ending on the next June 30. The taxes for these six (6) months shall be computed by using the assessed valuation of the property at one half the current annual tax rate of the City. Taxes imposed for these six (6) months are due and payable as of the specified day of January 1 or as of the day a tax bill was mailed or made available, whichever is later. No interest or penalties may be charged or collected on any taxes covered by this subsection until at least thirty (30) days after the bill for the taxes has been mailed or made available, from and after April 1 all such taxes are overdue and in arrears.

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(c) Three-quarter year taxes. Any real property completed during the period after July 1 through September 30 in any year, or otherwise first added to the tax rolls during that period, is subject to the payment of property taxes for the nine (9) months beginning on October 1 and ending on the next June 30. The taxes for these nine (9) months shall be computed by using the assessed valuation of the property at three-fourths the current annual tax rate. Taxes imposed for these nine (9) months shall be due and payable as of the specified day of October 1 or as of the day a tax bill was mailed or made available, whichever is later. No interest or penalties may be charged or collected on any taxes covered by this subsection until at least thirty (30) days after the bill for the taxes has been mailed or made available. From and after January 1, all such taxes shall be overdue and in arrears.

### Sec. 51. Tax levy-Determination of amount.

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

### Sec. 52. Tax Levy - Notice.

Immediately after the levy is made by the Council in each year, the City Manager or other authorized agent shall provide a bill or account of taxes due in the manner provided by law. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which overdue taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay all levied property taxes on the dates established by this Charter. The City may authorize Prince George's County, Maryland, to act as its agent for the purposes of notification and collection.

### Sec. 53. Due date of taxes; date unpaid taxes are delinquent, etc., interest and penalties on delinquent taxes.

(a) Full year levy. The taxes provided for in section 51 of this Charter shall be due and payable 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.

(b) Partial year levy. Partial year levies shall be due as provided in Section 50A of this Charter, and shall be overdue and in arrears as provided in the same section.

(c) Interest. All taxes overdue and in arrears shall bear interest at the rate provided by state law for each month or fraction of a month until paid.

(d) Penalties. In addition to the interest provided by law, all taxes which are overdue and in arrears shall bear a penalty at the rate provided by state law or set by the Council by ordinance.

### Sec. 54. Sale of tax delinquent property.

A list of all property on which City taxes have not been paid and which are in arrears as provided by Section 53 of this Charter shall be turned over by the City Manager to the county official responsible for the sale of tax delinquent property as provided in state law. If necessary, all property listed shall be sold for taxes by this county official in the manner prescribed by state law.

### Sec. 55. Disposition of fees received by city officers and employees.

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

### Sec. 56. Annual audit of city accounts

The financial books and accounts of the city shall be audited annually by an independent certified public accountant selected by the council.

### Sec. 57. Tax anticipation borrowing.

During any fiscal year the City shall have the power to borrow in anticipation of collection of that year's property taxes or taxes to be levied in the next succeeding tax year and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Tax anticipation notes or other evidence of indebtedness shall be first liens upon the proceeds of such taxes and shall be matured and paid not later than the end of the subsequent fiscal year or



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eighteen (18) months from the date of issuance, whichever comes first. No tax anticipation or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the City to exceed seventy-five percent (75%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. Tax anticipation borrowing for the subsequent year shall not cause total tax anticipation indebtedness to exceed twenty-five percent (25%) of the anticipated property tax levy for the next fiscal year. 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.

Sec. 58. Authority for borrowing.

(a) The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds or notes in the manner prescribed in this Section 58.

(b) (1) The City's bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids.

(2) The City's bonds and notes, unless authorized and issued in accordance with other applicable Maryland law, shall be authorized by an ordinance that shall contain: (A) a statement of the maximum aggregate principal amount of such obligations to be issued; (B) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (C) a pledge of the security for such obligations, including any source from which such obligations will be payable in the first instance, or provisions for the making of such pledge by resolution; and (D) a requirement that, subject to the provisions of subsection (c) below, prior to the issuance of any such obligations, the Council shall adopt a resolution in accordance with the provisions of subsection (b)(3) below.

(3) Prior to issuing any City bonds or notes, the Council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (A) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (B) the rate or rates of interest payable on such obligations, which may be fixed or variable, or the method of determining such interest rate or rates; (C) the date or dates and amounts of maturity or principal installment payments; (D) the manner of selling such obligations, which may be either at public or private sale; (E) any desired provisions relating to the redemption of such obligations prior to maturity; (F) any documents pursuant to which such obligations are to be issued or secured; and (G) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the Council may determine necessary or desirable. By resolution the Council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (b)(3). A resolution adopted pursuant to this subsection (b)(3) may be introduced and adopted at a single session of the Council.

(4) As determined by or provided for by resolution, the bonds or notes may be issued and sold by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids (which competitive bids may be delivered by electronic or facsimile means or by any other commercially reasonable manner). Any notice of sale may be published in full or in summary form in a newspaper of general circulation in the City or Prince George's County or in a publication having a circulation primarily among the investment and financial community, or any notice of sale, rather than being published in full or summary form, may be made available solely via the internet or by other electronic means, including by being posted on a website commonly accessible to bidders for municipal obligations, and/or provided or disseminated in any other commercially reasonable manner. To the extent the City determines to publish the notice of sale in full or summary form, any such publication need only be made once at least ten (10) days before the initial date fixed for sale.

(5)(A) Bonds or notes issued under this Section 58 may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes.

(B) The resolution that authorizes the bonds or notes may provide for prior redemption of the bonds or notes and the manner of giving notice of any such redemption, including by mail or electronic means.

(6) City bonds or notes may be issued for either cash or other valuable consideration.

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(7) The official signatures and seals affixed to any City bonds or notes may be imprinted in facsimile.

(8) The City may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for securing any tender option granted to holders.

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

(d) References to bonds, notes or obligations in this Section 58 shall be construed to mean general obligation bonds, notes or other evidences of indebtedness of the City.

(e) The power conferred on the City under this Section 58 shall be deemed to be additional and supplemental to any other general obligation borrowing authority applicable to the City under Maryland law, and the City may authorize, issue and secure any such general obligation debt in conformity with this Section and/or any other applicable law.

### Sec. 59. 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. The City shall levy ad valorem taxes upon all the taxable property of the city for the payment of such bonds, notes, or other evidences of indebtedness and their interest, without limitation of amount. 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.

Suppl. No. 2, Revision 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.

### Sec. 60. Validity of bonds, etc., issued prior to effective date of Charter.

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, binding and of full force and effect as fully set forth in this Charter.

### Sec. 61. Purchasing and contracting.

(a) All purchases and contracts for the City government shall be made by the City Manager. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding, purchase orders and contracts for all City purchases.

(b) Competitive bidding requirements.

(1) All expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than twenty five thousand dollars (\$25,000) shall be made by written contract or purchase order, where appropriate. The City Manager shall advertise for sealed bids, in the manner prescribed by ordinance, for all such expenditures, except for emergency procurements. The contract shall be awarded to the bidder who submits the lowest most responsive and responsible bid with consideration given to factors such as the lowest price, quality of work or goods, ability to deliver goods or complete work promptly, and the bidder's demonstration of overall qualifications and assurances to provide or maintain the equipment or services for which the bid is submitted. The award of all such procurements shall be approved by the Council before becoming effective and may be protected by such bonds, penalties and conditions as the City may require. The City Manager may reject all bids and re-advertise.

(2) The City at any time in its discretion may employ its own employees for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids.

(3) The Council by a two-thirds vote may waive bidding requirements of this subsection (b) for good cause shown.

(4) All procurements involving professional services, including but not limited to accounting, architecture, auditing, engineering, law, planning, and surveying need not be on a bid basis but may be negotiated by the City Manager and or the Council or both. The City Manager shall advertise the intention to negotiate for such professional services prior to making any contract in excess of twenty five thousand dollars (\$25,000).

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(5) The City Manager may authorize the emergency procurement of supplies, materials, equipment, services, or construction without competition where there exists a threat to public health, welfare or safety; during a state of emergency declared by the Mayor; where delay would significantly injure the City, financially or otherwise; to prevent a break-down in machinery and/or threatened termination of essential services (including maintenance and repair of essential office equipment); or in any other circumstance in which goods, materials, equipment, supplies, services, or construction are needed immediately. The City Council shall promptly be notified of all emergency procurements. (Sec. 61 amended by CAR-01-13, adopted 5/6/13, effective 6/25/13)

### Sec. 62. Cooperative bidding.

In the event, a state, county, municipality or other governmental entity, quasi-governmental entity, bi-county agency or any consortium or purchasing alliance composed of any such entities, provided that such governmental entity or association has adopted procurement regulations that are comparable to those enacted by the City, has conducted a bid and awarded a contract authorizing local governments to purchase a bid item at the bid price, the City Manager may, without soliciting bids, purchase the item in question at the bid price from the successful bidder, if the City Manager determines that the bid price is competitive. The City Manager shall, at least seven days prior to purchasing a service or goods pursuant to this section, inform the Council of the intention to make such a purchase. No such single purchase shall exceed \$100,000 without a waiver by the Council of the bidding process for good cause shown. (Sec. 62 amended by CAR-01-02, adopted September 3, 2002 and effective October 23, 2002) (Sec. 62 amended by CAR-01-13, adopted 5/6/13, effective 6/25/13)

## PERSONNEL

### Sec. 63. City Attorney.

The Council may appoint a City Attorney. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the city and shall perform such duties in this capacity as may be required by the Council or City Manager. The compensation for this position shall be determined by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

### Sec. 64. Employment authority.

The City 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 state law and to operate the city government. No Mayor or Councilmember may be employed in any capacity by the City until he or she has been out of office for two years.

### Sec. 65. Merit system.

The City may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. The Council shall have the power to adopt rules and regulations governing the operation of a merit system as it deems desirable or necessary. These rules and regulations may provide for competitive examinations, use of eligible lists, classification plan, compensation plan, probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave.

### Sec. 66. Dual office holding prohibited.

No person shall hold more than one City office or position of profit at any one time. For the purposes of this section, City office or position shall mean all elective, appointive and classified positions of the City.

### Sec. 67. Retirement system.

The city shall have the power to do all things necessary to include its officers and employees, not including persons under contract or retainer, within any retirement system or pension system for which they are admissible, and to pay the employer's share of the cost out of the City's general funds. Councilmembers may participate in any City retirement or pension plan for which they are eligible and which require no matching contribution of City funds. (Sec. 67 amended by (CAR-2-02, adopted 12/2/02, effective 1/21/03).

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### Sec. 68. Compensation.

The compensation of all officers and employees of the City, not including the Mayor and Councilmembers, shall be set from time to time by ordinance passed by the council.

### Sec. 69. Employee benefit programs.

The City is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its Councilmembers, officers and employees. Public monies of the City may be expended for such programs provided for its officers and employees only. (Amended by CAR-1-91, effective 7/9/91)

## PUBLIC WAYS AND SIDEWALKS

### Sec. 70. "Public ways"-Defined.

The term "public ways" as used in this Charter shall include, but is not limited to all streets, avenues, roads, highways, public thoroughfares, lanes, alleys and paths within the corporate limits of the City.

### Sec. 71. Control of public ways.

The City shall have control of all public ways in the City except those under the jurisdiction of the Maryland State Highway Administration or Prince George's County. Subject to the laws 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.

### Sec. 72. City's powers as to public ways enumerated.

The City shall have the power:

(a) To establish, regulate and change from time to time the grade line, 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 name City public ways.

(h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

### Sec. 73. City's powers with respect 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 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, and

(d) 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 do the work, and the expense shall be a lien on the property collectible in the same manner as City taxes or by suit at law.

## WATER AND SEWER

### Sec. 74. Powers of the city.

(a) The City shall have the power to plan, construct, erect, purchase, lease, operate, and maintain water systems and water plants, sanitary sewerage systems and sewerage treatment plants, and storm water drainage systems.

## THE CHARTER

(b) The City shall have the power to issue bonds, to be paid from revenues earned from such system or systems.

(c) The City shall have the power, in the event of lease or rental of such systems, to provide for payment on such lease or rental charges by the execution and delivery of anticipated revenue certificates, payment on such certificates to be from revenues derived from the operation of such systems.

(d) The City shall have the power to borrow money upon the faith of anticipated revenue certificates for the purpose of operating any water or sewerage system until such time as the revenues from such water and sewerage systems becomes sufficient to defray the costs of operation.

(e) Any obligations arising from the lease or rental by the City of any water or sewerage system shall be paid solely from income derived from operation of such systems. General funds or credit of the City shall in no way be pledged to the payment of such obligations.

Sec. 75. Approval of plans by city prerequisite to construction, etc., of mains, conduits, etc.

(a) Any public service corporation, company, or individual, before beginning any construction of placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the City shall submit plans to the City, obtain written approval and be subject to limitations and conditions as may be imposed by the City.

(b) Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the City may order it removed.

Sec. 76. Obstructing sewers and water mains.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the City or in the county which impede the establishment, construction, or operation of any City sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the City. If necessary to carry out the provisions of this section, the City may use condemnation powers provided in section 91. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Sec. 77. Right of entry of City upon county public ways.

The City may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other projects necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the City need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing prior to the City's work.

Sec. 78. Sewers and water mains; connections required, etc.

The City shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the City, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. If it considers existing fixtures unsatisfactory, the City may require that satisfactory ones be installed and may require that all cesspools, sinkdrains and privies be abandoned, filled, removed or left in such a way as not to endanger public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Sec. 79. Sewers and water mains; connection charge.

The City may impose a charge, the amount to be determined by the council, for each connections made to City water or sewer mains. This charge shall be uniform throughout the city but may be changed from year to year. Arrangements for payment of this charge shall be made before the connection is made.

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### Sec. 80. Sewers and water mains; improper uses.

In order to prevent any leakage or waste of water or other improper use of the City's water or sewage disposal systems, the City may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

### Sec. 81. Private water, sewerage, etc.

The City may provide by ordinance that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise. The City may mandate that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely public comfort and health. Any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the City. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

### Sec. 82. Extensions of City water or sewerage system beyond City limits.

The City shall have the power to extend its water or sewerage systems beyond the City limits.

### Sec. 83. Right of entry by City employees.

Any employee or agent of the City while in the necessary conduct of official duties with the water or sewage disposal systems operated by the City, shall have the right of entry to access to water or sewer installation, on any premises and in any building in the City or county served by the City's water or sewage disposal systems. Entry shall be provided at all reasonable hours after reasonable advance notice to the owner, tenant or person in possession, and upon proper identification of the City employee or agent. Any restraint or hindrance to such entry by any owner, tenant, person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor.

### Sec. 84. Pollution of water prohibited.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the City water supply system. Any violation of the provisions of this section shall be a misdemeanor.

### Sec. 85. Water contracts.

If it deems it advisable, the City may contract with any party or parties, inside or outside the City to obtain water or to provide for the removal of sewage.

### Sec. 86. Charges for water, etc., service.

(a) The City shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. 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.

(b) These charges are to be billed and collected by the City Manager if bills are unpaid for a forty-five (45) day period, service may be discontinued. All charges shall be a lien on the property, collectable in the same manner as City taxes or by suit at law.

## **SPECIAL ASSESSMENTS**

### Sec. 87. Powers generally.

The City 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 design, acquisition, establishment, equipping, improvement, extension, operation, alteration, or maintenance of a ride sharing or bus system; by the installation or construction of water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include its direct

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cost, the cost of any land acquired for the project, the interest on bonds, notes, or other evidence 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.

### Sec. 88. Procedure.

Generally the procedure for special assessments shall be as follows:

(a) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the council.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any project or improvement exceed the value of the benefits accruing to the property, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the City outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five percent (25%) of the assessed value of the property after giving effect to the benefit accruing from the project or improvements for which assessed.

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

(d) 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 limits of the proposed area of assessment. The notice shall also state 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. A copy of such notice shall be sent by certified or registered mail to the owner of record of each parcel of property proposed to be assessed and to the persons in whose name the property is assessed for taxation. A copy of such notice shall be published at least once in a newspaper of general circulation in the City. The City Manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the City Manager 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.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Prince George's County within ten days after the levying of any assessment by the Council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty 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 a rate to be determined by the Council.

(g) All special assessment installments shall be overdue six months 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.

(h) All special assessments shall be billed and collected by the City Manager.

## SPECIAL TAXING DISTRICTS

### Sec. 89. Establishment, Taxes, Administration.

(a) Authority and purpose. Pursuant to Article 23A, subsection 44 of the Maryland Annotated Code, the City of Bowie may establish Special Taxing Districts for the following purposes: (1) financing the design, construction, establishment, extension, alteration or acquisition of adequate storm drainage systems; (2) financing the design, acquisition, establishment, improvement, extension, operation or alteration of public parking facilities or pedestrian malls; (3) financing the design, acquisition, erection, construction, improvement and maintenance of street and area lighting; (4) financing the activities of commercial management

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authorities; and (5) financing the design, acquisition, establishment, equipping, improvement, extension, operation, alteration or maintenance of public bus or ride sharing systems. The City may levy on all real and personal property, within the districts, an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or obligations of the City issued for these purposes as the principal and interest become due, and to pay the costs of operating and maintaining these facilities.

(b) Contents of ordinance. A Special Taxing District shall be established by ordinance of the City Council. The ordinance shall include the following: findings on the special benefits to be conferred upon the property within the proposed district; establishment of the Special Taxing District within a described area for a declared purpose; authorization to levy an annual ad valorem tax within the district for the purposes described; description of the project, systems, facilities, services, programs or activities to be undertaken by or on behalf of the district, and the manner of determining and apportioning costs to the districts.

(c) Hearing and notice. A public hearing shall be held on the proposed adoption of the ordinance. Not less than ten (10) nor more than thirty (30) days prior to the hearing, the City Manager shall send by first class mail a notice of the hearing to the owners of record of all property within the proposed district, and to all persons in whose name the property is assessed. The City Manager shall also publish a copy of the notice, at least once, in a newspaper of general circulation in the City. The notice shall include: the date, time and place of the hearing, identification of the area to be included in the district, purpose of the district, description of the facilities or programs to be provided within the district, and the ad valorem tax to be levied within the district to pay the costs of the facilities or programs. The City Manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings.

(d) Administration. The Council may provide by ordinance or resolution for the administration of Special Taxing Districts, including the authority to issue regulations, to enter into contracts for the provision of materials, facilities and services and to coordinate and share programs and funds with the City or other districts for the benefit of the affected districts.

(e) Annual budget. The Council shall adopt an annual budget for the district which shall include the costs of paying the principal and interest on obligations incurred for the district as they become due; the costs of designing, constructing, acquiring, establishing, extending, altering, operating and maintaining district facilities, including land acquisition costs, the costs of administrative, professional or support services provided by the City, and any other item of cost which may reasonably be attributed to the district. The budget for the district shall be considered and adopted in accordance with the procedures and requirements for the adoption of the City's annual budget. The Council may adopt the budget for the district as part of the City's annual budget process.

(f) Tax levy. An ad valorem tax shall be established and levied annually on all the property within the district at a rate sufficient to provide adequate annual revenues to pay the budgeted costs of the district. All special district taxes shall be maintained separately from the General Revenues of the City and shall be applied for the benefit of the district; provided, however, that facilities, programs and funds may be coordinated and shared among two or more districts for the benefit of the affected districts.

(g) Tax collection. Special district taxes shall be levied in the same manner, upon the same assessments, for the same periods, and upon the same dates of finality as are or may hereafter be prescribed by State law for municipal taxes on real property. The taxes shall be deemed delinquent, be subject to interest and penalty in the same manner and to the same extent, and may be collected or enforced in the same manner as real property taxes annually assessed by the City.

## CITY PROPERTY

Sec. 90. Acquisition, possession, and disposal.

The City may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease, or otherwise dispose of, to the City's advantage, any property belonging to the City. All municipal property, funds, and franchises of every kind belonging to or in the possession of the City (by



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whatever prior name known) at the time this Charter becomes effective are vested in the City subject to the terms and conditions thereof.

### Sec. 91. 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 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 by State law, entitled "Eminent Domain." The City shall not initiate a condemnation petition without a public hearing by the Council if the property owner or property owners concerned request a public hearing.

## GENERAL PROVISIONS

### Sec. 92. Oath of office.

(a) Before entering upon the duties of their offices, the Mayor, Councilmember, the City Manager, members of the Board of Elections, and all other persons elected or appointed to any office of profit or trust in the city government shall take and subscribe the following oath or affirmation: "I \_\_\_\_\_, do swear (or affirm), 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."

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

### Sec. 93. Official bonds.

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

### Sec. 94. Prior rights and obligations.

All rights, title, and interest held by the City or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the City, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all related rights and remedies. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at 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.

### Sec. 95. Violations as a misdemeanor or municipal infraction; penalty.

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 as provided by the ordinance. The misdemeanant shall have the right to appeal as provided by state law.

### Sec. 96. Effect of Charter on existing ordinances.

(a) 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 the provisions of this Charter.

(b) All ordinances, resolutions, rules, and regulations in effect in the city at the time this Charter becomes effective which are in conflict with the provisions of this are hereby repealed to the extent of such conflict.

### Sec. 97. Severability.

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If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which the Court's holding shall directly apply.

Sec. 98. Charter revision procedures; miscellaneous.

This Charter of the City of Bowie, Maryland has been adopted pursuant to the authority granted under Article XI-E of the Constitution of the State of Maryland. This Charter contains the general corporate powers of the City and grants the Bowie City Council the power to pass all ordinances not contrary to the United States Constitution or the Maryland Constitution for the preservation of peace and the promotion of the health, safety, convenience and welfare of the City residents and visitors.

Amendments to the Charter can be made by the Council or by residents only pursuant to Article XI-E of the Constitution of the State of Maryland. As set forth in State law, a Charter amendment shall be ordained or passed in the usual course of considering resolutions in the City. City procedures require a public hearing on a Charter amendment. A fair summary of the amending proposed by the Council must be posted in the municipal building and published in a newspaper at least four times at weekly intervals within a period of forty (40) days after the adoption of the amendment by the Council. The Charter amendment will become effective fifty (50) days after enactment unless a proper petition for referendum signed by twenty percent (20%) of the registered voters, is presented to the Council within forty (40) days after its enactment. The referendum election shall take place at the next regular municipal election or at a special election at the direction of the Council.

A Charter amendment proposed by the residents must be presented to the Council in the format of a Charter amendment petition. This petition must be signed by twenty percent (20%) of the registered voters qualified to vote in a general City election. The requisite number of signatures must be verified by the Council. If signed by less than twenty percent (20%) of the registered voters, the petition shall have no effect. If a valid petition is submitted, the Council has the option of adopting the proposed amendment in legislative session or submitting it to referendum. If the Council chooses to enact the amendment, it proceeds in the same manner as for a legislatively sponsored amendment. If the Council chooses to submit the proposed amendment to referendum election, the Council shall set the date and time of the referendum election by resolution within sixty (60) days from the date it was presented with the Charter amendment petition. The election may be at the next scheduled regular election or at a special election which shall be within a period of not less than forty (40) days nor more than ninety (90) days of the passage of the resolution. The Mayor or City Manager is responsible for the posting and publication of a Charter Amendment.

Copies of the City's laws and Charter are available to residents in the municipal building. Additionally, Maryland law requires the City to provide copies of its laws and amendments, including Charter amendments, to the Department of Legislative Reference as they are enacted. The City must also prepare an update of its laws on an annual basis which update should include all Charter amendments which have been enacted. (Article 23A, Subsection 17D, Annotated Code of Maryland). The Department of Legislative Reference compiles municipal charters into a single document which is available as a public document both at the Department and at libraries. Additionally, the Department is required to forward these documents to the State Archives for permanent storage and retention at least once a year.

Additional questions relating to the Charter amendment process may be directed to the City Manager's office (301) 262-6200.

**End**