

CITY OF HYATTSVILLE, MARYLAND

CHARTER AMENDMENT RESOLUTION No. 2024 - ____

**A Resolution Amending the Charter to Modernize the Charter's
Gender Equality Provision to Address All Gender Identities
With Respect to Registering, Voting, Holding Office, and
Amending the Charter to Utilize Gender Neutral Language, and
Making Other Non-Substantive Changes.**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
HYATTSVILLE, MARYLAND**, adopted pursuant to the authority of Article XI-E of the
Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated
Code of Maryland (as amended), to amend the Charter of the said City, said Charter being a part
of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole
or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council
seeks to amend the City Charter to modernize the City's gender equality provision to address all
gender identities, utilize gender neutral language, and make other non-substantive changes.

WHEREAS, the Mayor and City Council believe it is in the interests of residents, staff,
and the elected officials to modify the Charter to utilize gender neutral terminology; and

WHEREAS, the City's Charter provision regarding equal protections for women has been
expanded to include all gender identities and expressions so as to be inclusive and welcoming of
all persons; and

WHEREAS, the City's Charter should reflect gender neutral language in order to promote
inclusivity; and

WHEREAS, it is the desire of the City Council to modernize the language utilized in the
Charter in these respects; and

WHEREAS, the City Council gave at least twenty-one (21) days advance notice of the
public hearing held regarding adoption of this Resolution and the amendment to the Charter
contained herein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City
of Hyattsville, Maryland, in regular session assembled:

Section 1: That Article II, § C2-3 of the Charter of the City of Hyattsville, Maryland, be
amended as follows:

**Article I
Incorporation**

§ C1-1 General corporate powers.

The inhabitants of the City included 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
Hyattsville," formerly having been denominated the "Mayor and City Council of Hyattsville," 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 law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

§ C1-2 Filing of courses and distances showing corporate City limits.

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 in Prince George's County, the Commissioner of the land office and the Director of the Department of Legislative Reference. A copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Mayor or of the Clerk. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

**Article II
City Council**

§ C2-1 Establishment; composition.

The government of said City shall be vested in a Mayor and ten (10) Councilmembers, to be elected as hereinafter provided for, who shall compose the City Council.

§ C2-2 Election; term of office; qualifications.

A. Election; tenure. The Mayor shall be elected from the City at large and shall be elected for a term of four (4) years. One (1) Councilmember shall be elected from each ward of the City concurrent with the election of the Mayor, and one (1) Councilmember shall be elected from each ward of the City two (2) years thereafter. Each Councilmember shall be elected for a term of four (4) years, except in case of an election to fill a vacancy in that office, in which case the election shall be until the next regular City election. The Mayor and Councilmembers shall hold their respective offices for the several terms aforesaid and until their successors shall have been duly elected and qualified, unless otherwise terminated by operation of law. The Mayor and all Councilmembers shall retain throughout their respective terms of office all the qualifications necessary for their election, and their failure to retain all such qualifications shall ipso facto cause a forfeiture of their respective offices.

B. Qualifications. No persons shall be eligible as Mayor or Councilmembers except those who, upon the day of election, shall be citizens of the United States, at least eighteen (18) years of age, registered voters of the City of Hyattsville, actual bona fide residents of the City of Hyattsville and, in the case of Councilmembers, residents of the ward from which they shall be elected.

C. Restrictions. Neither the Mayor nor any of the Councilmembers shall hold any other office with the City during their respective terms of office, neither shall they nor any other officer of the City, either directly or indirectly through the medium or agency of other persons, enter into any contract or contracts with the City.

D. Required attendance to serve. The Mayor and/or a member of Council may be removed from office as a result of extended absenteeism, which is defined as missing in excess of fifty percent (50%) of each of the Council regular and special legislative meetings and meetings

1 as committees of the whole in any calendar year. The Mayor or five (5) Councilmembers
2 shall have the authority to convene a public hearing on the issue of the extended absenteeism
3 of the Mayor and/or member of Council.

- 4 E. Removal from office. After a public hearing on the issue of the extended absenteeism of the
5 Mayor and/or member of Council, the Mayor and/or member Council may be removed from
6 office as a result of such extended absenteeism by an affirmative vote of two-thirds (2/3) of
7 the members of the Council.

8 **§ C2-3 Organization; vacancies; powers and duties of Mayor; meetings; quorum.**

- 9 A. The Council shall meet on the first Monday in June of each election year herein provided
10 for, when those members just elected shall qualify by taking the oath required by the
11 provisions of § C12-1 of this Charter, and the Council shall proceed to organize by electing
12 two (2) of their number President and Vice President of the Council at the next regularly
13 scheduled meeting after the first Monday in June.

- 14 B. If a vacancy is created in the office of Mayor or any Councilmember by reason of death,
15 refusal or inability to act, disqualification, resignation or removal beyond the corporate limits
16 of the City, then the remaining Councilmembers shall notify the Board of Supervisors of
17 Elections to proceed to fill such vacancy by special election which must be held within one
18 hundred forty (140) days of the date the vacancy is created, for the balance of the term of the
19 Mayor or that of a Councilmember.

- 20 C. A special election shall not be required, and the vacancy shall remain, if the election is to
21 occur within one hundred fifty (150) days of any regularly scheduled election.

- 22 D. In the event that the special election is scheduled for a date when voting machines or other
23 equipment necessary to conduct the election are not available the election may be postponed
24 for no more than thirty (30) days.

- 25 E. In the event of a vacancy in the Mayor's position, the President of the Council shall serve as
26 Mayor until such time as a new Mayor is elected.

- 27 F. The Mayor shall preside at all meetings of the Council and shall have all the privileges of a
28 Councilmember in debate and vote. The President of the Council shall, in the absence of the
29 Mayor, preside at all meetings. The Vice President shall, in the absence of the Mayor and
30 President, preside at all meetings.

- 31 G. The City Council shall hold two (2) regular monthly meetings on the first and third Mondays
32 of each month at 8:00 p.m.; except during the months of June and August, when there shall
33 be one (1) meeting on the first Monday of the month, and the months of July and September,
34 when there shall be one (1) meeting on the third Monday of the month, unless any of said
35 days is a legal holiday or a quorum should not be present. In such an event, the regular
36 meetings shall be held on the next business day when a quorum can be obtained or at such
37 time as the Mayor may designate, not more than one (1) week from the date that said meeting
38 should have been held.

1 H. The regular meetings shall be open for the transaction of any business that may come before
2 the City Council for action, subject to such rules and regulations as the City Council may
3 determine.

4 I. Special meetings of the City Council may be convened by the Mayor or at the request of five
5 (5) members of the Council. Special meetings shall be confined to the business set out in the
6 call for such meetings unless there is unanimous consent of all Councilmembers present to
7 the consideration of other matters.

8 J. The Mayor shall be the executive officer of the City with all the power necessary to secure
9 the enforcement of all City ordinances, resolutions and laws under this Charter.

10 K. Except as provided in Subsection **B**, at all meetings of the City Council the Mayor and five
11 (5) Councilmembers or, in the absence of the Mayor, six (6) Councilmembers present shall
12 constitute a quorum for the transaction of business. At least six (6) affirmative votes shall be
13 necessary for the passage of all ordinances, resolutions or laws; and they shall take effect
14 from the date of their passage unless otherwise provided therein.

15 **§ C2-4 Meetings open to public.**

16 All meetings of the Council shall be open to the public, except as otherwise authorized to be closed
17 pursuant to state law, and residents of the City shall have a reasonable opportunity to be heard at
18 all regular open meetings in regard to any municipal question.

19 **§ C2-5 Compensation of Mayor.**

20 The Mayor shall receive an annual salary as set, from time to time, by an ordinance passed by the
21 Council in the regular course of business; provided, however, that the compensation of the Mayor
22 be determined pursuant to the provisions of § **C2-6.1**.

23 **§ C2-6 Compensation of Councilmembers.**

24 Each Councilmember shall receive an annual salary which shall be equal for all Councilmembers
25 and shall be as specified, from time to time, by an ordinance passed by the Council in the regular
26 course of business; provided, however, that the compensation of the Councilmember be
27 determined pursuant to the provisions of § **C2-6.1**.

28 **§ C2-6.1 Compensation Review Committee.**

29 A. At least one hundred and eighty (180) days prior to every regular mayoral election, the Mayor
30 shall appoint, with Council approval, a seven person compensation review committee whose
31 membership shall be comprised of at least one member from each Ward of the City, to review
32 and make recommendations for the compensation of both the Mayor and all City
33 Councilmembers who shall serve within the period of recommendation as determined
34 elsewhere in this section. The compensation review committee shall make its
35 recommendation as to any compensation increase, decrease, or lack of change, in the existing
36 compensation to the Mayor and City Council at least ninety (90) days prior to the election.
37 The Mayor and Council shall have no power to alter or amend the committee's
38 recommendation, but shall either accept or reject it, by motion, resolution, or ordinance.
39 Regardless of how any recommendation is accepted, the salaries of the Mayor and Council
40 shall be set by ordinance as required by sections C2-5 and C2-6 of the City's Charter.

1 B. In order to ensure no elected official is voting to alter their **his or her** own compensation, the
2 committee shall begin its review with the fiscal year commencing on the first day of July
3 following each regular mayoral election or on the first day of July following the expiration of
4 the current compensation period. The length of time covered by the committee's
5 recommendation to the Mayor and Council shall be no less than three (3) fiscal years and no
6 more than six (6) fiscal years. The length of the committee's recommendation shall be
7 governed by:

8 (1) The need to avoid having an elected official vote on their **his or her** own salary, being mindful
9 of the staggered Council terms,

10 (2) The expiration date of any existing period covered by an enactment based upon a
11 recommendation of a committee, and

12 (3) Keeping the period of recommendation as short as possible so as not to undermine the input
13 of the next committee.

14 **§ C2-7 Judgment of qualifications.**

15 The Council shall be the judge of the election and qualification of its members.

16 **§ C2-8 Rules of procedure.**

17 The Council shall determine its own rules and order of business. It shall keep a journal of its
18 proceedings and enter therein the yeas and nays upon final action on any question, resolution or
19 ordinance or at any other time if required by any one (1) member. The journal shall be open to
20 public inspection during normal business hours at the City Office.

21 **§ C2-9 Passage, publication and effective date of legislation; emergency legislation.**

22 No ordinance shall be passed at the meeting at which it is introduced. At any regular or special
23 meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at
24 which an ordinance was introduced, it shall be passed or passed as amended or rejected or its
25 consideration deferred to some specified future date. In cases of emergency, the above requirement
26 may be suspended by the affirmative votes of a majority of the members of the Council. Every
27 ordinance shall become effective on the date the ordinance specifies which date shall be no less
28 than twenty (20) calendar days following passage. An emergency ordinance shall become effective
29 on the date specified in the ordinance without regard to the twenty (20) calendar day period
30 specified above. A fair summary of each ordinance shall be published twice in a newspaper having
31 general circulation in the City.

32 **§ C2-10(A) Procedure for referendum.**

33 If, before the expiration of thirty (30) business days following passage of any ordinance, a petition
34 is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the
35 qualified voters of the City and requesting that the ordinance or any part thereof be submitted to a
36 vote of the qualified voters of the City for their approval or disapproval, the Council shall have the
37 ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters
38 of the City at the next regular City election or, in the Council's discretion, at a special election
39 occurring before the next regular election. No ordinance or the part thereof requested for
40 referendum shall become effective following the receipt of such petition until and unless approved

1 at the election by a majority of the qualified voters voting on the question. An emergency ordinance
2 or the part thereof requested for referendum shall continue in effect for sixty (60) days following
3 receipt of such petition. If the question of approval or disapproval of any emergency ordinance or
4 any part thereof has not been submitted to the qualified voters within sixty (60) days following
5 receipt of the petition, then the operation of the ordinance or the part thereof requested for
6 referendum shall be suspended until approved by a majority of the qualified voters voting on the
7 question at any election. Any ordinance or part thereof disapproved by the voters shall stand
8 repealed. The provisions of this section shall not apply to any ordinance or part thereof passed
9 under the authority of § C3-2A of this Charter levying property taxes for the payment of
10 indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof
11 levying special assessment charges under the provisions of this Charter. The provisions of this
12 section shall be self-executing, but the Council may adopt ordinances in furtherance of these
13 provisions and not in conflict with them.

14 **§ C2-10(B) Procedure for voter ballot initiative.**

15 (1) Request for a voter ballot initiative. A qualified voter of the City may submit to the Clerk of
16 the City, along with a two hundred dollar (\$200.00) filing fee, a proposed voter ballot
17 initiative containing a request for a Charter change or a proposed ordinance, other than for a
18 Charter change or ordinance addressing § C3-2a(2) or § 3C-2a(4) or § C3-2a(17) of this
19 Charter or Charter changes or ordinances passed under the authority of § C3-2a(2) or § 3C-
20 2a(4) or § C3-2a(17) of this Charter. The Clerk shall submit a copy of the proposed voter
21 ballot initiative to the Council and the City Attorney for the City. If the Council determines
22 that there is a reasonable probability the proposed voter ballot initiative will eventually be
23 submitted to the voters of the City, the Council will direct the City Attorney for the City to
24 draft and/or approve the text of the proposed voter ballot initiative as specified and in
25 conformance with the provisions of the Charter and other applicable law. The proponent may
26 also seek the assistance of their own private counsel to assist in the drafting of the text of the
27 proposed voter ballot initiative to be included in the petition. When drafted and/or approved,
28 the City Attorney for the City shall submit a copy of the text of the proposed voter ballot
29 initiative to the proponent and the City Council. The proponent of the proposed voter ballot
30 initiative shall insert the City Attorney drafted and/or approved text of the proposed voter
31 ballot initiative in the petition which the proponent intends to circulate among the qualified
32 voters of the City. All petitions for proposed voter ballot initiatives must comply with the
33 provisions of this section regardless of whether the same or similar proposed voter ballot
34 initiative(s) were previously filed with the Clerk.

35 (2) Submission of petition. If, before one hundred and twenty (120) calendar days prior to a
36 regular City election, a petition is filed with the Clerk containing the signatures of not less
37 than twenty percent (20%) of the qualified voters of the City, requesting and favoring that a
38 Charter change or proposed ordinance be submitted to a vote of the qualified voters of the
39 City for their approval or disapproval, and the petition complies with the requirements of this
40 section, the Council shall have the ordinance requested by voter initiative submitted to a vote
41 of the qualified voters of the City at the next regular election. The exact wording of the
42 petition shall be placed on the ballots or voting machines when the initiative is submitted to
43 the voters of the City. No Charter change or ordinance requested by voter initiative shall
44 become effective following the receipt of such petition until and unless approved at a regular

election by a majority of the qualified voters voting on the initiative. Any Charter change or ordinance disapproved by the voters shall have no force or effect.

(3) Council enactment. If the Council shall approve of the Charter change or ordinance provided for in the petition, the Council shall have the right by resolution to pass the ordinance proposed in the initiative petition and to proceed thereafter in the same manner as if the resolution had been initiated by such legislative body.

(4) Petition requirements. Each person signing a petition shall indicate thereon their ~~his or her~~ name, residence address and ward, whether such person is in favor or against the proposed resolution or ordinance, and the date on which the petition was executed. Each person signing the petition may also print their ~~his or her~~ name and address but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date the petition is filed with the Clerk. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution or ordinance petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters and complies with the provisions of this section. The Clerk shall consider the petition as of no effect if it is signed by fewer than twenty percent (20%) of the qualified voters of the City. A minor variation in the signature of a petitioner between their ~~his or her~~ signature on a petition and that on the City voter registration records shall not serve to invalidate their ~~his or her~~ signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

§ C2-10(C) Procedure for Council-directed referendum.

By passage of a resolution approved by a minimum of two-thirds (2/3) of the Council members, the Council may direct that a referendum be submitted to a vote of the qualified voters of the City on the question(s) set forth in such resolution at the next regular election or, in the Council's discretion, at a special election occurring before the next regular election. The Council may not direct that a referendum be submitted on questions concerning the code. Any resolution containing a Council-directed referendum shall be passed by the Council at least one hundred and twenty (120) calendar days prior to the election date the referendum is to be submitted to a vote of the qualified voters of the City. The resolution shall specify whether the referendum shall be advisory or binding in nature and shall specify the exact wording of the referendum to be submitted to the qualified voters of the City. If the Council specifies the referendum as advisory, the results of such referendum shall be advisory only, and shall not be binding upon the Council. If the Council specifies the referendum as binding, the results of such referendum shall be binding upon the Council. The exact wording of such referendum contained in the resolution shall be placed on the ballots or voting machines when the referendum is submitted to the qualified voters of the City. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of § C3-2a of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in

conflict with them.

§ C2-10(D) Procedure for recall referendum.

(1) Request for a recall referendum. A qualified voter of the City may request a recall referendum, by presenting to the Mayor and Council, at a regular meeting of the Council, a petition requesting the removal of the Mayor or a member of Council from the office which the elected official he or she holds, and containing the favorable signatures of at least forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office; or the favorable signature of at least forty percent (40%) of the qualified voters of the ward of the City of such Council Member, in the case of a petition regarding the removal of a member of Council from office. The Council shall submit the petition to the Clerk of the City for verification of its compliance with this section. The Clerk shall return said petition with its written findings regarding the petition's compliance to the Council within five (5) business days; and at the next regular meeting, if the petition complies with the requirements of this section, the Council shall by resolution schedule a special election to submit the recall referendum to a vote of the qualified voters of the City or the ward, as the case may be, for their approval or disapproval. The special election shall be scheduled within forty-five (45) days from the date of the Clerk's verification of the petition, except if the date of the Clerk's verification is within one hundred fifty (150) days of a regularly scheduled election, then it shall be submitted for a vote at such regular election. The question to appear on the ballot shall include the name of the Mayor or member of Council, as the case may be, the office which the elected official he or she holds, and shall request a "yes" or a "no" vote as to the elected official's his/her removal from that office. No petition for recall referendum shall become effective following the receipt of such petition until and unless approved by a majority of the qualified voters voting on the recall referendum. Any recall referendum disapproved by the voters shall have no force and effect. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

(2) Petition requirements. The petition shall contain the name of only one (1) official, either the Mayor or a member of Council and the office which the elected official he or she holds. Each person signing a petition shall indicate thereon their his or her name, residence address and ward, and whether such person is in favor or against removing such official from that office. Each person signing the petition may also print their his or her name and address but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date of the petition is presented to the Mayor and Council. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters and complies with the provisions of the section. The Clerk shall consider the petition as of no effect if it is signed by fewer than forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office, or by at least forty percent (40%) of the qualified voters of the ward of the City of such

Councilman member, in the case of a petition regarding the removal of member of Council from office. A minor variation in the signature of a petitioner between their **his or her** signature on a petition and that on the City voter registration records shall not serve to invalidate their **his or her** signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

§ C2-11 Filing of ordinances.

Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection during normal business hours at the City Office.

Article

III

Powers and Duties of Council

§ C3-1 Powers generally.

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

§ C3-2 Specific powers enumerated.

A. The Council shall have, in addition to the powers set out in the preceding section, the power to pass ordinances, resolutions or motions not contrary to the laws and Constitution of the State of Maryland for the following specific purposes:

(1) Amusements. To provide, in the interest of the public welfare, for licensing, regulating or restraining theatrical or other public amusements.

(2) Appropriations. To appropriate municipal moneys for any purpose within the powers of the Council.

(3) 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.

(4) Bonds. To issue bonds under such terms, conditions and restrictions as deemed necessary; to limit to any amount the assets of the City pledged for said bonds; and to pledge the full faith and credit of the City for said bonds.

(5) Code enforcement. To appoint a Code Enforcement Officer, who shall enforce within the municipal limits of the City the various City, county and state codes, including but not limited to the Health, Building, Housing, Electrical, Plumbing and Fire Codes, subject to any restrictions of the laws of the State of Maryland and Prince George's County; and to enforce the licensing provisions of the City, county and state within the municipal limits of the City.

(6) Codification of general and permanent ordinances. To provide for the codification of all

ordinances which have been or may hereafter be passed.

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

(8) Cooperative activities. To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(9) Curfew. To prohibit the youth of the City from being in the streets, lanes, alleys or public places at unreasonable hours of the night.

(10) 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.

(11) Departments, etc. To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter, and to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(12) Disorderly houses, etc. To suppress bawdy houses, disorderly houses and houses of ill fame.

(13) Dogs. To regulate the keeping of dogs in the City and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same, and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(14) Emergency medical services. To contribute funds for the maintenance and operation of programs providing volunteer emergency medical services to the inhabitants of the City.

(15) Explosives, etc. To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter, and to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(16) Filth. To compel the occupant of any premises, building or outhouse situated in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(17) Finances and taxation. To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose; and to have general management and control of the finances of the City.

(18) Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department, to contribute funds to volunteer fire companies serving the City, to inspect

1 buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards
2 and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or
3 until the conditions of City fire hazard regulations are met, and to take all other measures
4 necessary to control and prevent fires in the City.

5 (19) Franchises. To regulate franchises, including but not limited to utility and quasi-utilities
6 companies, as permitted by federal law and the laws of Prince George's County and the State
7 of Maryland.

8 (20) Gambling. To restrain and prohibit gambling, betting, wagering and other games of chance.

9 (21) Garbage. To prevent the deposit of any unwholesome substance, either on private or public
10 property, and to compel its removal to designated points, and to require slops, garbage, ashes
11 and other waste or other unwholesome materials to be removed to designated or to require
12 the occupants of the premises to place them conveniently for removal.

13 (22) Grants-in-aid. To accept gifts and grants of federal or of state funds from the federal or state
14 governments or any agency thereof and to expend the same for any lawful public purpose
15 agreeably to the conditions which the gifts or grants were made.

16 (23) Hawkers, etc. To license, tax, regulate, suppress and prohibit vendors, hawkers and itinerant
17 dealers, peddlers, pawnbrokers and all persons selling any articles on the streets of the City
18 and to revoke such licenses.

19 (24) Jail. To establish and regulate a station house or lockup for the temporary confinement of
20 violators of the laws and ordinances of the City.

21 (25) Licensing and regulation of business, etc., fees for licenses and permits. Subject to any
22 restrictions imposed by the public general laws of the state, to license and regulate all persons
23 beginning or conducting transient or permanent business in the City for the sale of any goods,
24 wares, merchandise or services; to license and regulate any business, occupation, trade,
25 calling or place of amusement or business; and to establish and collect fees and charges for
26 all licenses and permits issued under the authority of this Charter.

27 (26) Liens. To provide that any valid charges, taxes or assessments made against any real property
28 within the City shall be liens upon such property, to be collected as municipal taxes are
29 collected.

30 (27) Livestock, etc. To regulate and prohibit the running at large of cattle, horses, swine, fowl,
31 sheep, goats, dogs or other animals and to authorize the impounding, keeping, sale and
32 redemption of such animals when found in violation of the ordinance in such cases provided.

33 (28) Markets. To obtain, by lease or by rent, own, construct, purchase, operate and maintain public
34 markets within the City.

35 (29) Minor privileges in use of public ways, etc. To regulate or prevent the use of public ways,
36 sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting
37 handbills and advertisements and display of goods, wares and merchandise.

- 1 (30) Noise. To regulate or prohibit loud or unreasonable noises, including the ringing of bells,
2 crying of goods or sounding of whistles and horns.
- 3 (31) Parking facilities. To license and regulate and to establish, obtain, by purchase, by lease or
4 by rent, own, construct, operate and maintain parking lots and other facilities for off-street
5 parking.
- 6 (32) Parking meters. To install parking meters on the streets and public places of the City in such
7 places as they shall, by ordinance, determine and, by ordinance, to prescribe rates and
8 provisions for the use thereof, except that the installation of parking meters on any street, road
9 or highway maintained by the appropriate division of the State of Maryland shall first be
10 approved by said division.
- 11 (33) Parks and recreation. To establish and maintain public parks, gardens, playgrounds and other
12 recreational facilities and programs to promote the health, welfare and enjoyment of the
13 inhabitants of the City.
- 14 (34) Police powers. To establish, operate and maintain a police force, which shall protect the
15 inhabitants of the City and provide for said inhabitants' welfare and safety. All City policemen
16 shall have the powers and authority given other police officers as defined in the Annotated
17 Code of Maryland.
- 18 (35) Property. To acquire, by conveyance, purchase or gift, real or leasable property for any public
19 purposes, to erect buildings and structures thereon for the benefit of the City and its
20 inhabitants, to convey any real or leasehold property when no longer needed for the public
21 use after having given at least twenty (20) days' public notice of the proposed conveyance,
22 and to control, protect and maintain public buildings, grounds and property of the City.
- 23 (36) Sidewalks. To regulate the use of sidewalks and all structures in, under or above the same, to
24 require the owner or occupant of premises to keep the sidewalks in front thereof free from
25 snow or other obstructions, and to prescribe hours for cleaning sidewalks.
- 26 (37) Sweepings, etc., deposited on public way, etc. To regulate or prevent the throwing or
27 depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other
28 unwholesome materials into any public way or onto any public or private property in the City.
- 29 (38) Taxicabs. To license, tax and regulate public hackmen, taxicab men, draymen, drivers,
30 cabmen, porters and expressmen and all other persons pursuing like occupations.
- 31 (39) Urban renewal.
- 32 (a) To acquire, within the City's boundary lines, land and property of every kind, single family
33 or multiple family dwelling unit, and any right, interest, franchise, easement or privilege
34 therein, by purchase, lease, gift, condemnation or any other legal means, for development or
35 redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation
36 thereof, and to sell, lease, convey, transfer or otherwise dispose of any of said land or
37 property, regardless of whether or not it has been developed, redeveloped, altered or improved
38 and irrespective of the manner or means in or by which it may have been acquired, to any

1 private, public or quasi-public corporation, partnership, association, person or other legal
2 entity.

3 (b) Before the acquisition of any single family or multiple family dwelling unit, or other structure
4 is made under this paragraph, a finding or determination shall be made that:

5 (1) The dwelling unit or structure has deteriorated to such extent as to constitute a serious and
6 growing menace to the public health, safety and welfare;

7 (2) The dwelling unit or structure is likely to continue to deteriorate unless corrected;

8 (3) The continued deterioration of the dwelling unit or structure will contribute to the blighting
9 or deterioration of the area immediately surrounding the dwelling unit or structure; and

10 (4) The owner of the dwelling unit or structure has failed to correct the deterioration thereof.

11 (c) The City Council shall adopt an ordinance for each acquisition of land or property made.

12 (40) Vehicles. To regulate and license wagons and other vehicles not subject to the licensing
13 powers of the State of Maryland.

14 (41) Voting machines. To purchase, lease, borrow, install and maintain voting machines for use in
15 City elections.

16 (42) Zoning. To exercise the powers as to zoning conferred upon municipal corporations by the
17 Prince George's County Code and the Annotated Code of Maryland, subject, however, to the
18 limitations and provisions of said Codes.

19 B. Enumeration not exclusive. The enumeration of powers in this section is not to be construed
20 as limiting the powers of the City to the several subjects mentioned.

21 **§ C3-3 Exercise of powers.**

22 For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the
23 Council may pass all necessary ordinances. All the powers of the City shall be exercised in the
24 manner prescribed by this Charter or, if the manner be not prescribed, then in such manner as may
25 be prescribed by ordinance.

26 **§ C3-4 Violations and penalties.**

27 A. Unless otherwise provided, all violations of ordinances shall be punishable as misdemeanors,
28 and the Council shall have the power to affix penalties therefor, provided that no such penalty
29 shall exceed that allowed by Title Six of the Local Government Article of the Annotated Code
30 of Maryland, as amended.

31 B. The Council may also provide that violations of any ordinance shall be a municipal infraction,
32 unless the violation is declared to be a felony or a misdemeanor by law or ordinance. A
33 municipal infraction shall be a civil offense.

34 **Article IV**

Legislation, Nominations and Elections

§ C4-1 Qualifications of voters.

Every person who (1) is at least sixteen (16) years of age, (2) has the City of Hyattsville as the applicant's primary residence, (3) has resided within the corporate limits of the City for thirty (30) days, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a Court to be unable to communicate a desire to vote and (6) is registered in accordance with the provisions of this Charter shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at any or all City elections.

§ C4-2 Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of five (5) members, who shall be appointed by the Mayor with the approval of the Council. Three (3) of the members shall be appointed and approved on or before the second Monday in January of 2011 and thereafter in every second odd-numbered year. Two (2) members shall be appointed and approved on or before the second Monday in January of 2013 and thereafter in every second odd-numbered year. Upon the effective date of this Charter provision, the current three members of the Board shall retain their membership on the Board and the Mayor with the approval of the Council may appoint an additional two (2) members, one (1) member whose term of office shall be until January of 2011, and the other member whose term of office shall be until January 2013. The terms of the members of the Board of Supervisors of Elections shall begin on the second Monday in January in the year in which they are appointed and shall run for four (4) years. Members of the Board of Supervisors of Elections shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

§ C4-3 Removal of members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges against him.

§ C4-4 Powers and duties.

The Board of Supervisors of Elections shall be in charge of the conduct of all City elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

§ C4-5 Notice of elections.

The Board of Supervisors of Elections shall give notice of every election by publishing notice thereof twice in a newspaper of general circulation in the City.

§ C4-6 Registration.

A. In accordance with the State Universal Registration Act, as contained in Article 33, Section 3-2 of the Annotated Code of Maryland, as amended, any person residing in the City who is registered with the Board of Supervisors of Elections of Prince George's County shall be deemed to be registered to vote in City elections.

- 1 B. The Board of Supervisors of Elections shall maintain a supplemental voter registry, separate
2 from the list of registered voters generated by the Prince George's County Board of Elections,
3 which shall include the names of those who are registered to vote in City elections pursuant
4 to C4-1 of this Charter and are not on the list of registered voters generated by the Prince
5 George's County Board of Elections.
- 6 C. Voter registration for the supplemental voter registry shall be accomplished by the Board of
7 Supervisors of Elections' acceptance of a completed and signed registration application as
8 outlined in the City Elections Code.
- 9 D. Same day voter registration. No later than January 1, 2019, the Board of Supervisors of
10 Elections shall institute a same day registration program so that City residents who are eligible
11 to vote in City elections pursuant to this Charter, but who are not registered to vote, may,
12 when they arrive to vote, register to vote in a City election by submitting and completing a
13 signed registration application and then have the opportunity to vote that same day. Same day
14 registration shall occur at a minimum on any day during the time the polls are open in the
15 City.

16 **§ C4-7 Appeals.**

17 If any person shall feel aggrieved by any action of the Board of Supervisors of Elections, such
18 person may appeal to the Council by giving notice to the Clerk, in writing, within fifteen (15) days
19 of the action taken by the Board of Supervisors of Elections.

20 **§ C4-8 Candidates for office; procedure; ballots.**

- 21 A. Filing of applications. Any qualified person may become a candidate for the office of
22 Councilman member for the ward in which the Councilmember resides by filing an
23 application with the Board of Supervisors of Elections on or before 5:00 p.m. on the second
24 Friday in March of each election year for which a vacancy in such ward shall occur. Any
25 qualified person may become a candidate for the office of Mayor by similarly filing an
26 application if a Mayor is to be elected that year. The application shall be on a form prescribed
27 and made available by the Board of Supervisors of Elections. No fee shall be charged any
28 person for filing an application.
- 29 B. Public notice. Notice of the availability of applications and the time and place for their filing
30 shall be given twice in a newspaper of general circulation in the City once a week during the
31 two (2) weeks preceding the filing deadline provided herein. The Board of Supervisors of
32 Elections shall certify to the Mayor and City Council the name of each person filing an
33 application of candidacy and the respective office for which that person has filed an
34 application at the first regular meeting of the Council following the second Friday in March
35 of each election year. If for any reason there is no candidate for a particular office, the City
36 Council shall make nominations for that office at this meeting.
- 37 C. Names on ballots. No candidate's name shall be printed upon official ballots of election in the
38 City of Hyattsville other than the names of the persons contained in the certificate mentioned
39 in the preceding subsection, except the names of persons nominated by the City Council
40 subsequent to the meeting of the Council as provided in such subsection. Official ballots shall
41 follow the general form prescribed by the election laws of the State of Maryland.

1 **§ C4-9 Conduct of elections.**

2 A. Beginning in 2011 for regular City elections, Election Day shall be the second Tuesday in
3 May of each year an Election for Mayor and/or Council regularly occurs. For any Special
4 Election the City Council shall set an appropriate day as the Election Day. In addition, the
5 City Council shall have the authority to authorize opening the polls to qualified voters on a
6 specific day or days close to, but in advance of, Election Day (advance voting day).

7 B. It shall be the duty of the Board of Supervisors of Elections to provide for each referendum
8 and election a suitable place or places for voting and suitable ballot boxes and ballots and/or
9 voting machines. The ballots and/or voting machines shall show the name of each candidate
10 who has filed an application or been nominated by the City Council for elective office in
11 accordance with the provisions of this Charter, arranged in alphabetical order by office with
12 no party designation of any kind. The Board of Supervisor of Elections shall keep the polls
13 open at a minimum from 9:00 a.m. to 8:00 p.m. on Election Day or for longer hours if the
14 Council requires it and shall make reasonable accommodation for opening and closing the
15 polls on any advance voting day. The Board of Supervisors of Elections shall make reasonable
16 accommodation for all qualified voters covered by the Americans with Disability Act.

17 **§ C4-10 Referendum elections.**

18 All referendum elections shall be conducted by the Board of Supervisors of Elections in the same
19 manner and with the same personnel, as far as practicable, as regular City elections.

20 **§ C4-11 Vote count.**

21 Within five (5) calendar days after the closing of the polls, the Board of Supervisors of Elections
22 shall determine the votes cast for each person, candidate or question and shall certify the results of
23 the election to the Clerk of the City, who shall record the results in the minutes of the Council.
24 Write-in votes for individuals not registered as candidates shall be counted. The individual who
25 meets the qualifications outlined in § C2-2 of the City Charter and who has the highest number of
26 votes in the at large Mayoral election shall be declared elected as Mayor. The individual who meets
27 the qualifications outlined in § C2-2 of the City Charter and who has the highest number of votes
28 in each ward shall be declared elected as Council member for that ward.

29 **§ C4-12 Preservation of ballots.**

30 All ballots used in any City election shall be preserved for at least six (6) months from the date of
31 election by the Board of Supervisors of Elections.

32 **§ C4-13 Equal privileges for all gender identities women.**

33 All gender identities Women shall have equal privileges with ~~men~~ in registering, voting and
34 holding City offices. Whenever the ~~masculine~~ gender specific language has been used ~~as to any~~
35 with respect to registering, voting, or holding City office, it shall be construed to include the
36 feminine all gender identities.

37 **§ C4-14 Regulation and control by Council.**

38 The Council shall have the power to provide by ordinance in every respect not covered by the
39 provisions of this Charter for the conduct of registration, nomination and City elections and for the
40 prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud.

1 § C4-15 **Violation of election laws; penalty.**

2 Any officer or employee of the City who is convicted of violating any law of the City, Prince
3 George's County or the State of Maryland pertaining to elections, and such violation having
4 occurred in the course of a municipal election in the City of Hyattsville, shall immediately, upon
5 conviction, cease to hold such office or employment.

6 § C4-16 **Division of City; ward descriptions.**

7 The City shall be divided into five (5) wards as described immediately below. Unless otherwise
8 provided, reference to any street or alley as a boundary herein shall mean the center line of the
9 street or alley.

10 Ward 1. Ward number one shall include all that area of the City south and east of a line drawn as
11 follows: beginning at the intersection of East West Highway and Forty-Second Avenue; then south
12 on Forty-Second Avenue until Oliver Street; west along Oliver Street to the rear lot line of 6030
13 Forty-Second Avenue; south along the rear lot lines of the residences between Oliver Street and
14 Oglethorpe Street; then southeast to Forty-Second Avenue; then south on Forty-Second Avenue
15 until Farragut Street; west along Farragut Street to Alley 13C; south on Alley 13C to Forty-First
16 Place; then north on Forty-First Place until Emerson Street; then west along Emerson Street to the
17 rear lot line of 4922 40th Place; then southwest to Crittenden Street; then west on Crittenden Street
18 to the unnamed creek in Magruder Woods; south along the unnamed creek in Magruder Woods to
19 the northwest branch of the Anacostia River; then east, north and west along the boundary of the
20 City to East West Highway.

21 Ward 2. Ward number two shall embrace all that part of the City bounded by a line as follows:
22 beginning at the intersection of East West Highway and Forty-Second Avenue; then south on
23 Forty-Second Avenue until Oliver Street; west along Oliver Street to the rear lot line of 6030 Forty-
24 Second Avenue; south along the rear lot lines of the residences between Oliver Street and
25 Oglethorpe Street; then southeast to Forty-Second Avenue; then south on Forty-Second Avenue
26 until Farragut Street; west along Farragut Street to Alley 13C; south on Alley 13C to Forty-First
27 Place; then north on Forty-First Place until Emerson Street; then west along Emerson Street to the
28 rear lot line of 4922 40th Place; then southwest to Crittenden Street; then west on Crittenden Street
29 to the unnamed creek in Magruder Woods; south along the unnamed creek in Magruder Woods to
30 the northwest branch of the Anacostia River; west along the northwest branch of the Anacostia
31 River to the western boundary of the Thirty-Eighth Avenue Park; north on the western boundary
32 of the Thirty-Eighth Avenue Park to the south boundary of Park Place Apartments; and then west
33 along the south boundary of Park Place Apartments; north along the west boundary of Park Place
34 Apartments to Hamilton Street; then west along Hamilton Street to Thirty-Eighth Avenue, then
35 north on Thirty-Eighth Avenue to Jefferson Street, then northeast to the rear lot line of 5511 Thirty-
36 Eighth Avenue, north along the rear lot lines of the residences between 5511 Thirty-Eighth Avenue
37 and Longfellow Street; then west along Longfellow Street to Thirty-Seventh Avenue; north on
38 Thirty-Seventh Avenue to the rear lot line of 3610 Longfellow Street; west along the rear lot line
39 of 3610 Longfellow Street to the rear lot line of 5703 Thirty-Sixth Avenue; north along the rear
40 lot line of 5703 Thirty-Sixth Avenue to the rear lot line of 5805 Queen's Chapel Road; then east
41 along the rear lot line of 5805 Queen's Chapel Road to the eastern lot line of 5805 Queen's Chapel
42 Road; west along the eastern lot line of 5805 Queen's Chapel Road to Queen's Chapel Road; then
43 north on Queen's Chapel Road to its intersection with Adelphi Road (the boundary of the City).

1 Ward 3. Ward number three shall include all that area north and west of a line beginning at the
2 northwest boundary of the City and the west boundary of 5902 31st Avenue and then north along
3 the west boundary of 5902 31st Avenue to the Metro tracks (WMATA property) and then north
4 and east along the Metro tracks (WMATA property) to the northern boundary of Nicholas Orem
5 Elementary School (6100 Editor's Park Drive); then east along the northern boundary of Nicholas
6 Orem Elementary School (6100 Editor's Park Drive) and then along the southern boundary of
7 Hyattsville Crossing Metro Station (3575 Belcrest Center Drive), then east along the southern
8 boundary of Mosaic at Metro Apartments (6206 Belcrest Road); then east along the southern
9 boundary of Hyattsville Volunteer Fire Department (6200 Belcrest Road) to Queen's Chapel Road;
10 then north along Queen's Chapel Road to its intersection with Adelphi Road (the boundary of the
11 City).

12 Ward 4. Ward four shall include all that area contained in a line beginning at the northwest
13 boundary of the City and the west boundary of 5902 31st Avenue and then north along the west
14 boundary of 5902 31st Avenue to the Metro tracks (WMATA property) and then north and east
15 along the Metro tracks (WMATA property) to the northern boundary of Nicholas Orem
16 Elementary School (6100 Editor's Park Drive); then east along the northern boundary of Nicholas
17 Orem Elementary School (6100 Editor's Park Drive) and then along the southern boundary of
18 Hyattsville Crossing Metro Station (3575 Belcrest Center Drive), then east along the southern
19 boundary of Mosaic at Metro Apartments (6206 Belcrest Road); then east along the southern
20 boundary of Hyattsville Volunteer Fire Department (6200 Belcrest Road) to Queen's Chapel Road;
21 then south and west along Queen's Chapel Road until the south boundary of 3545 Madison Street
22 on the west side of Queen's Chapel Road and then west along the rear lot lines of the residences
23 between Queen's Chapel Road and Jamestown Road; then south and west along Jamestown Road
24 to Thirty-First Avenue; then south on Thirty-First Avenue to the south boundary of 3007
25 Jamestown Road; then west along the rear lot lines of the residences between Thirty-First Avenue
26 and Ager Road; then north on Ager Road to the City boundary.

27 Ward 5. Ward five shall include all that area south and west of a line beginning at the intersection
28 of the northwest branch of the Anacostia River and the western boundary of the Thirty-Eighth
29 Avenue Park and running north on the western boundary of the Thirty-Eighth Avenue Park to the
30 south boundary of Park Place Apartments; and then west along the south boundary of Park Place
31 Apartments; north along the west boundary of Park Place Apartments to Hamilton Street; then
32 west along Hamilton Street to Thirty-Eighth Avenue, then north on Thirty-Eighth Avenue to
33 Jefferson Street, then northeast to the rear lot line of 5511 Thirty-Eighth Avenue, north along the
34 rear lot lines of the residences between 5511 Thirty-Eighth Avenue and Longfellow Street; then
35 west along Longfellow Street to Thirty-Seventh Avenue; north on Thirty-Seventh Avenue to the
36 rear lot line of 3610 Longfellow Street; west along the rear lot line of 3610 Longfellow Street to
37 the rear lot line of 5703 Thirty-Sixth Avenue; north along the rear lot line of 5703 Thirty-Sixth
38 Avenue to the rear lot line of 5805 Queen's Chapel Road; then east along the rear lot line of 5805
39 Queen's Chapel Road to the eastern lot line of 5805 Queen's Chapel Road; west along the eastern
40 lot line of 5805 Queen's Chapel Road to Queen's Chapel Road; then south on Queen's Chapel Road
41 until the south boundary of 3545 Madison Street on the west side of Queen's Chapel Road and
42 then west along the rear lot lines of the residences between Queen's Chapel Road and Jamestown
43 Road; then south and west along Jamestown Road to Thirty-First Avenue; then south on Thirty-
44 First Avenue to the south boundary of 3007 Jamestown Road; then west along the rear lot lines of

the residences between Thirty-First Avenue and Ager Road; then north on Ager Road to the City boundary.

§ C4-17 Power of Council to modify ward boundaries.

The City Council shall have the power, by ordinance, to establish, change or relocate the boundaries of existing wards and to establish, change and relocate boundaries for new or additional wards created either by the annexation of territory to the City or by the divisions of a ward or wards.

§ C4-18 Division of wards into voting precincts.

The City Council shall have the power, after notice thereof and opportunity for public hearings as the City Council shall provide and direct, to divide any and all of the wards of the City into two (2) or more voting precincts as public convenience or public welfare, in their discretion, may require or direct.

**Article V
Finance**

§ C5-1 Appointment of Treasurer; compensation.

There shall be a Treasurer hired by the City Administrator who shall be a Department Director. The Treasurer shall report to the City Administrator. The Treasurer's compensation shall be determined by the City Administrator. The Treasurer shall be the Chief Financial Officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direction of the City Administrator and the City Council.

§ C5-2 Powers and duties.

Under the supervision of the City Administrator, the Treasurer shall have authority and shall be required to:

- A. Prepare, with the City Administrator, an annual budget, to be submitted to the City Council.
- B. Supervise and be responsible for the proper disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.
- C. Maintain a general accounting system for the City in such form as the Council may require, not contrary to state law.
- D. Submit for each quarter of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council.
- E. Ascertain that all taxable property within the City is assessed for taxation.
- F. 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.
- G. Have custody of all public moneys belonging to or under the control of the City, except as to funds in the control of any set of trustees, to ensure that all special accounts for bonds and

other accounts are properly maintained and have custody of all bonds and notes of the City.

H. Do such other things in relation to the fiscal or financial affairs of the City as the City Council or the City Administrator may require or as may be required elsewhere in this Charter or by State law.

§ C5-3 Bond.

The Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance, may require.

§ C5-4 Annual budget; fiscal year.

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

§ C5-5 Submission of annual budget to Council; budget open to public inspection.

The City Administrator, ordinarily by the first meeting in April of each year and no later than sixty (60) days before the beginning of the fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan of all city funds and activities for the ensuing budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues, together with surplus, shall equal or exceed the total of the proposed expenditures. The budget presented to the City Council shall be a public record in the office of the Treasurer and open to public inspection by anyone during normal business hours. The budget shall be in such form as the City Administrator deems desirable or the Council may require. In organizing the budget, the City Administrator shall utilize the most feasible combination of expenditure classification by fund, department, program, purpose and activity. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy. It shall indicate in separate sections:

A. All actual expenditures for the two (2) preceding budget years and current year expenditures.

B. Proposed expenditures for current operations for the ensuing budget year, detailed by offices/departments in terms of their respective work programs, activities and the method of financing such expenditures;

CA Proposed
capital
expenditures
for the
ensuing
budget year,
detailed by
offices/depart
ments when
practicable,
and the
proposed

method of
financing each
such capital
expenditure;

and

~~DB~~ Proposed 5-
year forecast
for the
operating
budget and
capital
improvement
plan.

1 **C5-6 Adoption of budget.**

2 Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof
3 has been published in a newspaper in circulation within the City. The Council may insert new
4 items or may increase or decrease the items of the budget. Where the Council shall increase the
5 total proposed expenditures, it shall also increase the total anticipated revenues in an amount at
6 least equal to such total proposed expenditures. The budget shall be prepared and adopted in the
7 form of an ordinance. A favorable vote of at least a majority of the total elected membership of
8 the Council shall be necessary for adoption.

9 **§ C5-7 Appropriations.**

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

13 **§ C5-8 Approval required for transfers between major appropriations.**

14 Any transfer of funds between major appropriations for different purposes shall be approved by
15 the Council before becoming effective.

16 **§ C5-9 Expenditures restricted; exception.**

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

26 **§ C5-10 Lapse of appropriations; disposition of unexpended funds.**

27 All appropriations shall lapse at the end of the budget year to the extent that they shall not have
28 been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be

1 considered a surplus at the end of the budget year and shall be included among the anticipated
2 revenues for the next succeeding budget year.

3 **§ C5-11 Issuance of checks.**

4 All checks issued in payment of salaries or other municipal obligations shall be issued and signed
5 by the Treasurer, except as otherwise provided.

6 **§ C5-12 Assessment and taxation of property; exemptions.**

7 All real property and all tangible personal property within the corporate limits of the City or
8 personal property which may have a situs there by reason of the residence of the owner therein
9 shall be subject to taxation for municipal purposes, unless exempt for a stated period of time and
10 under specific conditions as part of an agreement, and the assessment used shall be the same as
11 that for state and county taxes. No authority is given by this section to impose taxes on any property
12 which is exempt from taxation by any act of the General Assembly.

13 **§ C5-13 Qualifications for deduction from property assessment.**

14 Every person over the age of sixty-five (65) years who has been a bona fide resident of the City of
15 Hyattsville and whose total gross income is within the prescribed limitation and who has legal title
16 or beneficial title to real property located in the City of Hyattsville and who makes such real
17 property **the person's his or her** permanent home shall be entitled to a deduction from the assessed
18 valuation of said property for the purpose of City real estate taxes levied against said property by
19 the City of Hyattsville, provided that, if said taxable real estate is owned as tenants by entirety,
20 only one (1) exemption shall be allowed, provided further that such exemption shall be allowed
21 only if the combined gross income of said tenants by the entirety does not exceed the prescribed
22 limitation of any one year, provided further that such exemption shall be allowed if either one (1)
23 or both of said tenants are sixty-five (65) years of age or more or if either one (1) or both of said
24 tenants have resided on such property for the prescribed period; and provided further, however,
25 that only one (1) such exemption shall be allowed on any real estate taxable hereunder. The
26 assessment deduction to be allowed, the prescribed income limitation and the prescribed period of
27 residence shall be the same as those set forth by the Prince George's County government for the
28 purpose of providing tax relief to persons sixty-five (65) years of age or older.

29 **§ C5-14 Application for deduction from property assessment.**

30 Every person seeking to have residential property taxed as provided in § C5-13 shall make
31 application to the Treasurer of the City Council of Hyattsville, setting forth the applicant's name,
32 age, place of residence, a description of the applicant's ownership or legal interest in the residential
33 property sought to be taxed as herein provided and the total gross income of all owners of the
34 property from all sources for the immediate past calendar year. The application must be completed
35 and submitted to the Treasurer of the City of Hyattsville not later than the last day of the month
36 next preceding the beginning of the tax year for which said reduction of assessment on the
37 residential real property is requested, and the application must be accompanied by an affidavit
38 certifying to the truth of its contents. There must also be an attached copy of any certification
39 issued for the ensuing year by the proper governmental department of Prince George's County
40 notifying the applicant that **the his** application for a corresponding credit on county taxes has been
41 approved.

1 **§ C5-15 Determination of tax levy.**

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

5 **§ C5-16 Notice of tax levy; tax bills.**

6 Immediately after the levy is made by the Council in each year, the Treasurer shall give notice of
7 the making of the levy by posting a notice thereof in some public place or places in the City. The
8 Treasurer He shall make out and mail or deliver in person to each taxpayer or **the taxpayer's his**
9 agent at his last known address a bill or account of the taxes due from him. This bill or account
10 shall contain a statement of the amount of real and personal property with which the taxpayer is
11 assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear
12 interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer
13 of the responsibility to pay on the dates established by this Charter all taxes levied on **the taxpayer's**
14 **his** property, including interest, penalties or other costs.

15 **§ C5-17 Due date for payment of taxes; overdue taxes.**

16 The taxes provided for in § C5-15 of this Charter shall be due and payable on the first day of July
17 in the year for which they are levied and shall be overdue and in arrears on the first day of the
18 following October. They shall bear interest and penalty while in arrears in such amounts as
19 prescribed by City Council resolution or ordinance, not contrary to state law. All taxes not paid
20 and in arrears shall be collected as provided in § C5-18 of this Charter.

21 **§ C5-18 Sale of tax delinquent property.**

22 A list of all property on which the City taxes have not been paid and which are in arrears as
23 provided by § C-17 of this Charter shall be turned over by the Treasurer to the official of the county
24 responsible for the sale of tax delinquent property as provided by state law. All property listed
25 thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by
26 state law.

27 **§ C5-19 Disposition of fees collected.**

28 All fees received by an officer or employee of the City government in **the officer's his official**
29 capacity shall belong to the City government and be accounted for to the City.

30 **§ C5-20 Annual audit.**

31 The financial books and accounts of the City shall be audited annually as required by the laws of
32 the State of Maryland.

33 **§ C5-21 Bids and contracts.**

34 A. All purchases and contracts for the City of Hyattsville shall be made by the City Council in
35 accordance with a procurement policy adopted by the Council. All expenditures for supplies,
36 materials, equipment, construction of public improvements or contractual service involving
37 more than ten thousand dollars (\$10,000.00) shall be made on written contract, and the City
38 Council shall advertise for sealed bids for all such contracts by publishing notice thereof twice
39 in a newspaper of general circulation in the City. Such written contracts shall be awarded to
40 the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or

1 completion and responsibility of bidders being considered. All such written contracts shall be
2 approved by the City Council before becoming effective. The City Council, upon written
3 justification, may reject all bids and readvertise. The City Council at any time, in its
4 discretion, may employ its own forces for the construction or reconstruction of public
5 improvements without advertising or readvertising for or receiving bids. All written contracts
6 may be protected by such bonds, penalties and conditions as the City Council may require.

- 7 B. The City Council may enter into a contract for the procurement of supplies, materials,
8 equipment, construction of public improvements or contractual service involving more than
9 ten thousand dollars (\$10,000.00) without utilizing the bid process set forth herein if it
10 determines that the supplies, materials, equipment, construction of public improvements or
11 contractual service sought are only available from a single source and such procurement is in
12 the best interest of the City.

13 **§ C5-22 Preparation of financial statement required prior to regular election; statement open**
14 **to public inspection.**

15 It shall be the duty of the Treasurer, at least ten (10) days before each regular election, to have
16 prepared a detailed statement of the financial condition of the City, including receipts and expenses
17 of all kind whatsoever, for the preceding year. The statement shall be available for examination by
18 the public at the City office during regular office hours until the day after such election.

19 **§ C5-23 Tax anticipation borrowing.**

20 The City of Hyattsville shall have the power to borrow in anticipation of the collection of the
21 property taxes levied for any fiscal year, and to issue tax anticipation notes or other evidences of
22 indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of tax
23 anticipation indebtedness shall be a first lien upon the proceeds of such taxes and shall mature and
24 be payable no later than eighteen (18) months from their respective dates of issue. No tax
25 anticipation notes or other evidences of tax anticipation indebtedness shall be issued which will
26 cause the total then-outstanding tax anticipation indebtedness of the City to exceed fifty percent
27 (50%) of the property tax levy for the fiscal year in which such notes or other evidences of
28 indebtedness are issued. All tax anticipation notes or other evidences of tax anticipation
29 indebtedness shall be authorized by ordinance before being issued; any such ordinance may
30 authorize specified details of such tax anticipation notes or other evidences of tax anticipation
31 indebtedness to be determined or provided for by resolution. A resolution adopted pursuant to this
32 Section **C5-23** may be introduced and adopted at a single meeting of the Council, may not be
33 petitioned to referendum and shall become effective immediately upon its adoption. Any tax
34 anticipation notes or other evidences of tax anticipation indebtedness may be sold for a price at,
35 above or below par value, for cash or other valuable consideration, and by private (negotiated) sale
36 without advertisement or solicitation of competitive bids or by the solicitation of competitive bids
37 at public sale in the manner determined by the Council by ordinance or resolution (which need not
38 be in the manner set forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of
39 Maryland, as replaced, supplemented or amended from time to time).

40 **§ C5-23A General obligation borrowing.**

- 41 A. The City of Hyattsville shall have the power to borrow money for any proper public purpose
42 and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes
43 or other evidences of indebtedness in accordance with Sections 31 to 37, inclusive, of Article

23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time, as supplemented by the provisions of this Section **C5-23A**. In the event of an inconsistency between the provisions of such Article 23A and this Section **C5-23**, the provisions of this Section **C5-23** shall control.

B. Any general obligation bonds, notes or other evidences of indebtedness shall be authorized by an ordinance that shall contain:

(1) A statement of the maximum principal amount of such general obligation bonds, notes or other evidences of indebtedness to be issued;

(2) A statement of the purpose or purposes for which the proceeds of such general obligation bonds, notes or other evidences of indebtedness are to be expended;

(3) A pledge of the full faith and credit and unlimited taxing power of the City of Hyattsville to the payment of such general obligation bonds, notes or other evidences of indebtedness and, if applicable, a statement of any other revenues that the City of Hyattsville intends to apply in the first instance to such payment; and

(4) A requirement that, prior to the issuance of any of the general obligation bonds, notes or other evidences of indebtedness authorized, the Council shall adopt a resolution in accordance with subsection C. of this Section.

C. Prior to issuing any general obligation bonds, notes or other evidences of indebtedness of the City of Hyattsville, the Council shall adopt a resolution containing, determining or providing for the determination of:

(1) The designation, date of issue, denomination or denominations, form or forms and tenor of such bonds, notes or other evidences of indebtedness;

(2) The rate or rates of interest payable on such bonds, notes or other evidences of indebtedness or the method of determining the same;

(3) The date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond, note or other evidence of indebtedness of any issue shall mature later than 30 years from the date of its issue;

(4) The manner of selling such bonds, notes or other evidences of indebtedness, which may be either at public or private sale, for such price or prices as may be determined to be in the best interest of the City of Hyattsville;

(5) The manner of executing and sealing such bonds, notes or other evidences of indebtedness;

(6) If the Council determines that any of such bonds, notes or other evidences of indebtedness are to be made redeemable before maturity, the price or prices and terms and conditions of redemption; and

(7) Such other provisions regarding the terms, conditions, issuance, sale and delivery of such

1 bonds, notes or other evidences of indebtedness as the Council may determine necessary or
2 desirable.

3 A resolution adopted pursuant to this Section **C5-23A** may be introduced and adopted at a single
4 session of the Council, may not be petitioned to referendum and shall become effective
5 immediately upon its adoption.

6 D. As determined by or provided for in the authorizing resolution of the Council, the general
7 obligation bonds, notes or other evidences of indebtedness of the City may be issued and sold:

8 (1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by
9 the solicitation of competitive bids at public sale after publication of the notice of sale (which
10 competitive bids may be delivered by electronic or facsimile means or by any other
11 commercially reasonable manner provided for by the Council by resolution); any notice of
12 sale may be published in summary form in a newspaper of general circulation in the City of
13 Hyattsville and/or in a generally recognized financial journal such as The Bond Buyer or any
14 notice of sale may be disseminated solely in electronic form and/or in any other commercially
15 reasonable manner, as provided for by resolution;

16 (2) For a price or prices which may be at, above or below the par value of such bonds, notes or
17 other evidences of indebtedness;

18 (3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by
19 a method approved or provided for by resolution; and

20 (4) For either cash or other valuable consideration.

21 E. The resolution that authorizes any general obligation bonds, notes or other evidences of
22 indebtedness may provide for their redemption prior to maturity and for the manner of
23 publishing or otherwise giving notice of such redemption.

24 F. The City may enter into agreements with agents, banks, fiduciaries, insurers or others for the
25 purpose of enhancing the marketability of or as security for any general obligation bonds,
26 notes or other evidences of indebtedness and for securing any tender option granted to holders
27 thereof.

28 G. The official signatures and seals affixed to any general obligation bonds, notes or other
29 evidences of indebtedness may be imprinted in facsimile.

30 H. The power and obligation of the City of Hyattsville to borrow money by the issuance of its
31 general obligation bonds, notes or any other evidences of indebtedness, whether issued
32 pursuant to the authority of this Section **C5-23A** or other applicable law, shall be limited to a
33 total amount of general obligation indebtedness outstanding at the time any such debt is
34 incurred equal to an amount not in excess of Two percent (2%) of the assessable basis of
35 property located in the City of Hyattsville (determined by applying such Two percent (2%)
36 calculation to the assessable basis of each classification of property that is then taxable for
37 municipal purposes by the City of Hyattsville at the time of such issuance and aggregating
38 the results); provided that, (1) tax anticipation notes or other evidences of tax anticipation

indebtedness issued in accordance with Charter Section **C5-23**, (2) bonds, notes or other evidences of indebtedness issued or guaranteed by the City of Hyattsville payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing districts or areas or tax increment development districts heretofore or hereafter established by law, (3) bonds, notes or other evidences of indebtedness issued for self-liquidating or other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services and (4) revenue bonds, notes or other evidences of indebtedness not constituting general obligations of or a pledge of or involving the faith and credit of the City of Hyattsville, and not an indebtedness of or a charge against the general credit or taxing powers of the City of Hyattsville shall not be deemed to be or be included as bonds, notes or other evidences of indebtedness for purposes of computing or applying the debt limitation set forth in this subsection **H**. In calculating the debt limitation set forth in this subsection **H**., the City of Hyattsville shall use the most recent assessable basis figures provided by the State Department of Assessments and Taxation or any department or agency that is subsequently charged with assessing property values for municipal corporations pursuant to Maryland law.

- I. The power and obligation of the City of Hyattsville to pay any and all general obligation bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter or other applicable law shall be unlimited except as hereinabove provided, and the City of Hyattsville shall levy ad valorem taxes upon all taxable property in the City of Hyattsville for the payment of such bonds, notes or other evidences of indebtedness and interest thereon without limitation of rate or amount.

§ C5-23B Revenue bonds, notes or other evidences of indebtedness.

- A. In addition to any other authority conferred by applicable law, the City of Hyattsville shall have the power to borrow money to finance or refinance undertakings for the accomplishment of any of the purposes, objects and powers of the City and, in connection therewith, to issue bonds, notes or other evidences of indebtedness (including refunding bonds, notes or other evidences of indebtedness), all of which shall be fully negotiable and payable as to both principal and interest solely from, and secured solely by, a pledge of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Council, or (5) any combination of (1), (2), (3) or (4). Any and all of such revenue bonds, notes or other evidences of indebtedness shall not be general obligations of the City of Hyattsville and shall never constitute an indebtedness or a charge against the general credit or taxing powers of the City of Hyattsville within the meaning of any constitutional, statutory or Charter provision limiting or restricting the issuance or sale of bonds, notes or other evidences of indebtedness of the City of Hyattsville, and shall never constitute or give rise to any pecuniary liability of the City of Hyattsville.

- B. Any and all revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section **C5-23B** shall be authorized by ordinance. Any such

ordinance may prescribe, among other things, certain matters pertaining to such revenue bonds, notes or other evidences of indebtedness including, without limitation, the form and tenor thereof; the terms, provisions and conditions thereof; the manner or method of issuance and sale thereof (which may be at public sale following the solicitation of competitive bids, or by private negotiated sale without advertisement or publication of the notice of sale or solicitation of competitive bids, as the Council may deem appropriate and which need not be in the manner set forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time); the time or times of issuance thereof; and any and all other details incident to any such revenue bonds, notes or other evidences of indebtedness and the issuance, sale and delivery thereof and of any and all transactions relating thereto; and any such ordinance may authorize and empower the Council by resolution to determine, set forth or provide for any and all of the foregoing matters and to do any and all things necessary, proper, desirable or expedient in connection with the issuance, sale and delivery of any such revenue bonds, notes or other evidences of indebtedness and any and all transactions relating thereto, provided that such ordinance sets forth a maximum principal amount of revenue bonds, notes or other evidences of indebtedness to be issued for such undertaking and generally describes the project or projects to be accomplished. A resolution adopted pursuant to this Section **C5-23B** may be introduced and adopted at a single session of the Council, may not be petitioned to referendum and shall become effective immediately upon its adoption.

- C. Any revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section **C5-23B** may be secured by a trust agreement, indenture or similar instrument between the City of Hyattsville and a corporate trustee, which may be any entity with trust powers within or without the State of Maryland. The authorizing ordinance or resolution (if any) may, among other matters, approve or provide for the approval of the form of the trust agreement, indenture or similar instrument. The authorizing ordinance, the resolution (if any) or the trust agreement, indenture or similar instrument may pledge or assign all or any part of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said revenue bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Council, or (5) any combination of (1), (2), (3) or (4). Any such ordinance, resolution, trust agreement, indenture or similar instrument may set forth the rights and remedies of the holders of the revenue bonds, notes or other evidences of indebtedness; may restrict the individual right of action by the holders of such revenue bonds, notes or other evidences of indebtedness; may contain whatever provisions for the protection and enforcement of the rights and remedies of the holders of any such revenue bonds, notes or other evidences of indebtedness as the Council may deem reasonable and proper; and, in addition to the foregoing, may contain whatever other provisions the Council may deem reasonable, desirable or proper for the security of the holders of any such revenue bonds, notes or other evidences of indebtedness.

§ C5-23C Previous issues.

Article VI

Personnel

§ C6-1 Administration.

§ C6-2 City Administrator.

B. Specific duties and responsibilities. The duties and responsibilities of the City Administrator include the following under the supervision of the Mayor and City Council. The City Administrator, unless otherwise directed, shall:

- (1) Organize, direct and supervise the administration of all departments, offices and agencies of the City.

(2) Hire, direct, advise, discipline and terminate the Department Directors, as well as hire and when in the best interest of the City, discipline, demote, dismiss, suspend or remove any City employee pursuant to this Charter, the Code and/or the Personnel Regulations of the City. The City Administrator may authorize any Department Director to exercise these powers with

1 respect to subordinates in their department as provided for in the personnel rules of the City.
2 The City Administrator shall regularly and promptly inform the City Council of the hiring,
3 discipline or termination of any Department Director.

4 (3) See that all laws, provisions of the City Charter and acts of the City Council are faithfully
5 executed.

6 (4) Prepare and submit to the City Council, ordinarily by the first meeting in April of each year
7 and no later than sixty (60) days before the beginning of the fiscal year, a proposed budget
8 for the City, the same to include both revenue and expenditure estimates for the coming fiscal
9 year.

10 (5) Attend all public meetings of the City Council and shall have the right to participate in
11 discussion at such meetings.

12 (6) Arrange for the taking of minutes of all City Council meetings and keep a full and accurate
13 account of the proceedings of the City Council.

14 (7) Undertake such research and make reports and recommendations as the City Council may
15 direct or which the City Administrator may deem desirable and in the best interests of the
16 City of Hyattsville.

17 (8) Keep the City Council fully informed as to the financial condition and future needs of the
18 City and submit to the City Council an annual report on the finances and administrative
19 activities of the City at the end of each fiscal year.

20 (9) Purchase materials, equipment, supplies and services when not in excess of the dollar amount
21 prescribed by the City Council.

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

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

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

28 (13) Do such other things in relation to the fiscal or financial affairs of the City as the City Council
29 directs.

30 **§ C6-3 City Clerk.**

31 The Clerk shall serve as Clerk to the Council and shall be hired by the City Administrator and shall
32 be a Department Director. The Clerk shall attend all meetings of the Council and keep a full and
33 accurate account of the proceedings of the Council. The Clerk shall keep such other records and
34 perform such other duties as may be required by this Charter, the Mayor, Council and the City
35 Administrator, including maintaining an updated Charter, Personnel Manual, City Code and
36 maintaining City public documents.

1 **§ C6-4 City Attorney.**

2 Within sixty (60) days after the Mayor and Council just elected are sworn in the City Attorney's
3 position shall be subject to review by the City Council for appointment or reappointment.

4 The Mayor, with the approval of the Council, may appoint a City Attorney who shall serve at the
5 pleasure of the Mayor and the City Council. The City Attorney shall be a member of the bar of the
6 Maryland Court of Appeals. The City Attorney shall be the legal adviser of the City and shall
7 perform such duties in this connection as may be required by the Council or the Mayor. The City
8 Attorney's compensation shall be determined by the Council. The City shall have the power to
9 employ such legal consultants as it deems necessary from time to time.

10 **§ C6-5 Civil service.**

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

12 A. Unclassified service. Employees in the unclassified service shall serve at the pleasure of the
13 City Council or their designee and shall comprise the following offices and positions:

14 (1) The Mayor, the Council members and persons appointed to fill vacancies in these positions.

15 (2) Members of all Boards, Commissions and Committees created and appointed by the City
16 Council to advise the City Council or staff and/or to perform a specific function.

17 (3) The City Attorney, Auditor and Engineer and such other independent contractors that provide
18 ongoing services to the City pursuant to a contract with, or appointment by, the City.

19 (4) The City Administrator, the City Clerk, the Treasurer and the heads of all departments
20 including the Chief of Police, the Director of Public Works, the Director of Code Enforcement
21 and the Director of Recreation and the Arts.

22 (5) Board of Election Supervisors.

23 (6) Other positions as designated by the City Council.

24 B. Classified service. The classified service shall comprise all those permanent employment
25 positions designated by the City Council as classified including the Department Directors.
26 After the probationary period employees included in the classified service shall ordinarily be
27 dismissed only for cause or for general governmental reasons, including but not limited to
28 budget enactments or the organization or reorganization of City services, as determined in the
29 discretion of the City Council.

30 **§ C6-6 Establishment of personnel system; promulgation of rules and regulations.**

31 A. The City Council shall have power and authority to establish and approve a personnel manual
32 setting forth the terms and policies regarding the employment of any or all municipal
33 employees. The City Administrator **or their his/her** designee shall, unless otherwise directed
34 by the City Council, serve as the Personnel Officer for the City.

35 B. The Personnel Officer shall make such rules and regulations as are necessary to carry out the

provisions of this section, preparing examinations and qualifications for employment or appointment and what may constitute cause for removal, but no removal shall be allowed because of age, race, color, creed, national origin, ancestry, disability, marital status, sex, sexual orientation or identity, physical characteristic or the religious or political opinions or affiliations of any employee. Such rules and regulations, when approved by the City Council, shall have the force and effect of law; provided, however, that such rules and regulations so made and approved shall not be inconsistent with any ordinance in such connection passed by the City Council. The Personnel Officer shall thereafter have the authority to interpret and clarify the Rules and Regulations approved by the City Council.

§ C6-7 Retirement or pension system.

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

§ C6-8 Compensation.

[Amended 1-21-1992 by HR No. 4-91]

The compensation of all officers and employees of the City shall be set, from time to time, by an ordinance passed by the Council.

§ C6-9 Benefit programs.

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

Article VII

Public Ways and Sidewalks

§ C7-1 Definitions.

The term "public ways," as used in this Charter, shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

§ C7-2 Control and maintenance.

The City shall have control of all public ways in the City except such as may be under the jurisdiction of the State of Maryland. Subject to the laws of the State of Maryland and Prince George's County, the City may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the City.

§ C7-3 Powers of City concerning public ways.

The City shall have the power to:

A. Establish, regulate and change, from time to time, the grade lines, width and construction materials of any City public way or part thereof, bridges, curbs and gutters.

B. Grade, lay out, construct, open, extend and make new City public ways.

- C. Grade, straighten, widen, alter, improve or close up any existing City public way or part thereof.
- D. Pave, surface, repave or resurface any City public way or part thereof.
- E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any City public way or part thereof.
- F. Construct, reconstruct, maintain and repair bridges and drainage systems.
- G. Name City public ways.
- H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

§ C7-4 Powers of City concerning sidewalks.

The City shall have the power to:

- A. Establish, regulate and change, from time to time, the gradelines, width and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.
- B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on City property along any public way or part thereof.
- C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.
- D. 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 and shall be collectible in the same manner as are City taxes or by suit at law.

§ C7-5 Acceptance of streets.

No street, avenue, road or alley shall be accepted until the same has been graded and graveled or paved, provided that, whenever the City Council shall determine it to be necessary for the public benefit that any unaccepted streets, avenues, roads or alleys should be taken over by it, it shall take supervision and control of the same and do such repair and construction work therein as it may deem proper.

Article VIII

Public Way and Sidewalk Improvements

§ C8-1 Written approval from property owners required prior to permanent improvements; exceptions.

The City Council is hereby empowered and authorized to construct roadbeds, sidewalks, curbs, gutters and street and alley improvements, or any or all, in the City, in such cases as it may

determine the same to be necessary for the public benefit, and for the benefit of the abutting land and of the owners of such abutting land, provided that, before any permanent street, sidewalk, curb and/or alley improvements shall be made under the provisions of this section, the City Council shall obtain from more than fifty percent (50%) of the property owners of record abutting upon such street, sidewalk, curb and/or alley their written approval of such permanent improvement and/or improvements; provided, however, that where there is a gap not exceeding one (1) block in length in the permanent paving of a street and such street is permanently paved for at least one block distance in each direction from such gap, no written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in such gap to connect the aforementioned permanently paved portions of such street. No written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in any street connecting with Baltimore Avenue for a distance of not exceeding one (1) block from Baltimore Avenue. If permanent roadbeds, curbs and/or gutters are constructed by the City Council under these provisions without the written approval of more than fifty percent (50%) of the property owners abutting thereon, the same sideline exemptions shall be granted to corner lots and to lots abutting on more than two (2) streets as are provided in § C8-3 of this Charter, except that the cost of such exemptions shall be paid by the City Council out of any funds properly chargeable with such costs. The ten-year payment plan provided in this Article shall extend to and be accorded to the City Council in the same manner as accorded to property owners paying assessments under this Article.

§ C8-2 Notice and hearing.

When the City Council shall have determined to make roadbed, sidewalk, curb, gutter and street and alley improvements or all or any in the City, it shall thereupon notify, as far as practicable, each owner of land abutting upon such street or other proposed improvements by depositing said notice in the United States Post Office, addressed to such owner's last known address, setting forth that on a certain day to be named therein, which day shall be not less than one (1) week after the mailing of said notices, that the City Council will meet to consider the kind and character of roadbed, sidewalk, curb, gutter and street and alley improvements, or all or any, to be laid and notifying said owner to appear at said meeting and express **the owner's his** views on the question if he so desires; and that at such meeting, the City Council shall hear any suggestions of said owners and immediately thereafter or, within a reasonable number of days, shall determine the character and kind of work to be done, which determination shall be final and conclusive.

§ C8-3 Assessment of costs; payment and disposition.

A. Authorized. The City Council shall have the power to assess against the abutting property and collect from the owners thereof the cost of roadbeds, sidewalks, curbs, gutters, street and alley improvements or any or all constructed under the provisions of this Article, including the cost of street and public alley intersections and all construction costs, including that for drains and culverts where necessary, excavation, preparation or plans, advertising for bids and supervision and all costs for the preparation of ordinances pertaining to such improvements, costs for verification of titles, for service or mailing of notices to owners of abutting property as required by law and costs for the preparation of assessment collection rolls to be supplied for the use of the Treasurer of the City, provided that before any assessment is levied hereunder, notice, in writing, of the proposed assessment shall be sent to all owners of

1 property against which the assessment is proposed to be levied, naming in such notice a time
2 and place when and at which said owners will be heard. Such notice may be mailed to the last
3 known address of the owner or served in person upon any adult occupying the premises or,
4 in case of vacant or unimproved property, posted upon the premises.

5 B. Amount. If the property to be assessed for improvements under this Article is located at the
6 intersection of two (2) streets and is what is known as a "corner lot," the City Council shall
7 have the power to make an assessment for the number of feet in the front of such lot where
8 the improvements in question about the front of such lot; and, in case the improvements about
9 the side of such a lot, the assessment made for such improvements against the lot shall be for
10 one-half (1/2) of the number of linear feet of the side of said lot, not to exceed a total
11 exemption of fifty (50) linear feet; and, for the purpose of assessment, the short side of such
12 lot shall be considered the front of such lot; except, however, that in cases where the two (2)
13 sides are equal or where improvements similar in kind to those being assessed have not been
14 made along the short side of such lot, the City Council shall determine which is the front and
15 which is the side of such lot, and such determination shall be final and conclusive. In the cases
16 of lots abutting on more than two (2) streets and of lots of irregular or unusual shape and in
17 cases of lots abutting on two (2) or more streets in one (1) or more of which improvements
18 similar in kind to those being assessed have been or are about to be constructed under such
19 circumstances as not to subject such lots to a special assessment by the City Council, the City
20 Council shall have full power and authority to deny or grant sideline exemptions or otherwise
21 adjust assessments to be made against such lots for the cost of improvements herein
22 authorized abutting such lots to such an amount as shall be just and equitable. The cost of
23 improvements exempted as provided in this section shall be included in the assessments to be
24 made against the abutting property included in the project, and such adjustments as made by
25 the City Council shall be final and conclusive.

26 C. Collection. Such assessments, when made, shall constitute a tax lien upon such abutting
27 property and shall bear interest at the rate prescribed by law, and the principal of such
28 assessments shall be payable in twenty (20) equal semiannual installments from the date of
29 such assessment. At the time of the payment of each of said installments there shall be due
30 and payable the interest on such installment and on the balance of the principal then unpaid.
31 The owner or owners of any property assessed or anyone on ~~the owner or owner's his or their~~
32 behalf shall at any time have the right to anticipate by payment all installments, with interest
33 to date, of the assessment not then due. Any assessment or part thereof remaining due and
34 unpaid shall be enforced and collected by the City Council in the same manner as special
35 assessments are now enforced and collected as now or hereafter prescribed and required by
36 law. The Treasurer of the City is charged with the custody of any moneys received from the
37 sale of such bonds or certificates of indebtedness as above mentioned and with the prompt
38 collection and safekeeping of the moneys arising from assessments upon roadbeds, sidewalks,
39 curbs, gutters and street and alley improvements which last said funds shall be kept as a
40 separate account and fund, and no part thereof shall ever be used for any other purpose than
41 to liquidate the bonds or certificates of indebtedness and interest thereon issued for sidewalks,
42 curbs, gutters, roadbeds and street and alley improvements, which bonds and certificates,
43 when paid, shall be canceled and kept and filed among the papers of the City.

1 **§ C8-4 Applicability of provisions to assessments previously made.**

2 All special assessments and interest thereon heretofore made or to be made by the City Council
3 for the cost of roadbeds, sidewalks, curbs, gutters and street improvements under the provisions of
4 any law in force prior hereto which have not become fully due and which are now unpaid shall
5 come within the provisions of this Article.

6 **§ C8-5 Collection of assessments previously made.**

7 A. All of such special assessments as referred to in § C8-4 of this Charter shall be in default,
8 shall bear the same penalties and shall be collected in the same manner as are now provided
9 for by existing law and shall continue to be a lien upon the property against which they are
10 levied and assessed as now provided by law, and nothing herein shall be construed to affect
11 the validity of such lien or the effectiveness of such sale for default on future installments.

12 B. The City Council may renew, reissue, extend or refund any of the obligations of the City that
13 may be outstanding, provision for the payment of which is dependent upon the payment of
14 the special assessments provided for in this Article, for such time and at such a rate and upon
15 such conditions as the City Council may determine.

16 **§ C8-6 Authority to make improvements by contract.**

17 The City Council is hereby authorized to make sidewalk, curb, gutter, roadbed and street
18 improvements by contract, either by doing the work themselves without letting bids or by
19 contracting for the same as provided in § C5-21 of this Charter. All contractors for such street
20 improvements shall give bond in such sum as the City Council shall require, with sufficient sureties
21 to be approved by the City Council for the faithful performance of their contract; provided,
22 however, that this section shall not be construed to apply where a majority of the land owners
23 abutting the proposed improvement have requested that the improvements be made.

24 Article IX
25 **City Property**

26 **§ C9-1 Acquisition, possession and disposal.**

27 The City may acquire real, personal or mixed property within the corporate limits of the City for
28 any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may
29 sell, lease or otherwise dispose of any property belonging to the City. All municipal property,
30 funds and franchises of every kind belonging to or in the possession of the Mayor and City Council
31 of Hyattsville at the time this Charter becomes effective are vested in the City, subject to the terms
32 and conditions thereof.

33 **§ C9-2 Rental or lease of City-owned property.**

34 The City Council may rent or lease for the benefit of the City any real property owned by the City
35 that is not needed immediately for any municipal purpose.

36 **§ C9-3 Condemnation of property.**

37 The City shall have the power to condemn property of any kind or interest therein or franchise
38 connected therewith, in fee or as an easement, within the corporate limits of the City, for any public
39 purpose. Any activity, project or improvement authorized by the provisions of this Charter or any
40 state law applicable to the City shall be deemed to be a public purpose. The manner of procedure

1 in case of any condemnation proceeding shall be that established in the Annotated Code of
2 Maryland entitled, "Eminent Domain."

3 **§ C9-4 Acquisition and maintenance of buildings.**

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

7 **§ C9-5 Protection of City property.**

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

10 Article

X

11 **Off-Street Parking**

12 **§ C10-1 Acquisition of property.**

13 The City Council, in addition to the corporate powers heretofore granted, is hereby authorized and
14 empowered to acquire land and property of every kind, including property used or held for public
15 or quasi-public purposes, by purchase, lease, gift, devise, condemnation or any other legal means
16 for use and operation by the City as single- or multiple-deck off-street parking facilities for the
17 storage and parking of vehicles and, in connection therewith, to raze existing buildings on any
18 property so acquired and to improve, maintain and operate any such property and construct
19 facilities thereon for the parking of automobiles or other vehicles by the general public and to
20 install meters thereon and to make such rules and regulations governing such parking and the
21 conduct of such parking lots, including the making, fixing and collection of charges for the use of
22 the same, as the City Council may, by ordinance, decide. For the purpose of exercising the powers
23 herein conferred, the City Council is authorized to proceed to acquire land and property of every
24 kind required for any project covered by the provisions hereof, including property used or held for
25 public or quasi-public purposes, by condemnation whenever it cannot agree with the owner thereof
26 for the purchase of the same, and such condemnation proceedings shall be conducted in the manner
27 provided by the Annotated Code of Maryland entitled "Eminent Domain," and all the rights,
28 powers and privileges conferred by said statute shall be deemed applicable to and vested in the
29 City Council. No such land or property taken by the City by condemnation for any of the aforesaid
30 purposes shall be taken without just compensation, as agreed upon between the parties or awarded
31 by a jury, being first paid or tendered to the party entitled to such compensation. All land or
32 property needed or taken by the exercise of the power of eminent domain by the City Council for
33 any of the aforementioned purposes is hereby declared to be needed or taken for a public use. Any
34 property so operated as an off-street parking facility shall be public property, and the City may
35 provide, by ordinance for the operation of said off-street parking facility and may enforce all such
36 ordinances through the established Police Department of said city.

37 **§ C10-2 Charges and rentals; disposition of funds.**

38 **[Amended 11-16-1981 by HR No. 10-81]**

39 The City Council is hereby authorized to fix and to revise, from time to time, rates, rentals or
40 charges for the use of its off-street parking facilities and to charge and collect the same and to
41 contract with any person, partnership, association or corporation desiring the use of any facility or

1 facilities provided under this Article and to fix the terms, conditions and rates of charges for such
2 use. Whenever there are any bonds or certificates of indebtedness outstanding, all funds collected
3 from the operation of the off-street parking facilities provided for in this Article must be deposited
4 in the Parking Meter Fund account, to be used only for the purpose of paying the costs of the
5 acquisition, planning, construction, operation and maintenance of the off-street parking facilities
6 and payment, when due, of the interest and principal of all bonds and/or certificates of indebtedness
7 maturing in each such fiscal year issued under the provisions of this Article.

8 **§ C10-3 Levy of special ad valorem tax.**

9 In the event that the funds collected from the operation of the off-street parking facilities in any
10 fiscal year shall prove insufficient for the purposes set forth in Section C10-2 of this Charter, then
11 and in that event only the City Council in the succeeding fiscal year is hereby authorized,
12 empowered and directed to levy and cause to be collected a special tax in the nature of an ad
13 valorem tax in an amount at a rate sufficient to make up any such deficiency. The ad valorem tax
14 rate as determined shall be levied upon the assessed value of all real estate, including both the
15 value of improvements and the value of the land which is zoned and/or used for commercial,
16 industrial or general business use within the corporate limits of the City.

17 **§ C10-4 Collection of special tax; notice and hearing.**

18 The special taxes hereinabove authorized, if levied, shall be collected and have the same priority
19 rights, bear the same interest and penalties as the City taxes and shall constitute a lien upon all
20 property assessed; provided, however, that before any assessment is levied hereunder, notice, in
21 writing, of the proposed assessment shall be sent to all owners of property against which the
22 assessment is proposed to be levied, naming in said notice a time and place when and at which
23 said owners will be heard. Said notice must be mailed seven (7) days before the date set for the
24 hearing and will be sufficient if addressed to the owner at the address as it appears on the tax
25 records of the City. Any person aggrieved by the action of the City Council in making such levy
26 shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, provided
27 that such appeal is taken within thirty (30) days next succeeding the day on which said levy is
28 made.

29 **Article XI**

30 **Redevelopment; Urban Renewal**

31 **§ C11-1 Definitions.**

32 The following terms, wherever used or referred to in this Article, shall have the following
33 meanings, unless a different meaning is clearly indicated by the context:

34 **BLIGHTED AREA**

35 An area in which a majority of buildings have declined in productivity by reason of
36 obsolescence, depreciation or other causes to an extent that they no longer justify fundamental
37 repairs and adequate maintenance.

38 **BONDS**

39 Any bonds (including refunding bonds), notes, interim certificates, certificates of
40 indebtedness, debentures or other obligations.

FEDERAL GOVERNMENT

Includes the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

MUNICIPALITY

The City of Hyattsville, a municipal corporation of the State of Maryland.

PERSON

Any individual, firm, partnership, corporation, company, association, joint-stock association or body politic and shall include any trustee, receiver, assignee or other person acting in a similar representative capacity.

SLUM AREA

Any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to the public safety, health or morals.

URBAN RENEWAL AREA

A slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

URBAN RENEWAL PLAN

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

URBAN RENEWAL PROJECTS

Undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment in an urban renewal area or rehabilitation or conservation in an urban renewal area or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- A. Acquisition of a slum area or a blighted area or portion thereof.
- B. Demolition and removal of buildings and improvements.
- C. Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this Article in accordance with the urban renewal plan.
- D. Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan.

1 E. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of
2 buildings or other improvements in accordance with the urban renewal plan.

3 F. Acquisition of any other real property in the urban renewal area where necessary to eliminate
4 unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses
5 detrimental to the public welfare or otherwise to remove or prevent the spread of blight or
6 deterioration or to provide land for needed public facilities.

7 G. The preservation, improvement or embellishment of historic structures or monuments.

8 **§ C11-2 Authorization for urban renewal projects; powers granted to municipality.**

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

30 B. The municipality is hereby granted the following additional powers which are hereby found
31 and declared to be necessary and proper to carry into full force and effect the specific powers
32 hereinbefore granted and to fully accomplish the purposes and objects contemplated by the
33 provisions of this section:

34 (1) To make or have made all surveys and plans necessary to the carrying out of the purposes of
35 this Article and to adopt or approve, modify and amend such plans, which plans may include
36 but shall not be limited to: plans for carrying out a program of voluntary or compulsory repair
37 and rehabilitation of buildings and improvements; plans for the enforcement of codes and
38 regulations relating to the use of land and the use and occupancy of buildings and
39 improvements and to the compulsory repair, rehabilitation, demolition or removal of
40 buildings and improvements; and appraisals, title searches, surveys, studies and other plans
41 and work necessary to prepare for the undertaking of urban renewal projects and related
42 activities; and to apply for, accept and utilize grants of funds from the federal government for

1 such purposes.

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

7 (3) To appropriate such funds and make such expenditures as may be necessary to carry out the
8 purposes of this Article, including the payment or reimbursement of reasonable actual costs
9 incurred as a result of utility relocations when such relocations are made necessary by an
10 urban renewal project, after making appropriate adjustment for any improvements or
11 betterments to the utility's facilities made in connection with the relocation, and to levy taxes
12 and assessments for such purposes; to borrow money and to apply for and accept advances,
13 loans, grants, contributions and any other form of financial assistance from the federal
14 government, the state, county or other public bodies or from any sources, public or private,
15 for the purposes of this Article and to give such security as may be required therefore; and to
16 invest any urban renewal funds held in reserves or sinking funds or any such funds not
17 required for immediate disbursement in property or securities which are legal investments for
18 other municipal funds.

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

24 (5) To make and execute all contracts and other instruments necessary or convenient to the
25 exercise of its powers under this Article, including the power to enter into agreement with
26 any other public bodies or agencies, which agreements may extend over any period,
27 notwithstanding any provision or rule of law to the contrary; and to include in any contract
28 for financial assistance with the federal government for or with respect to an urban renewal
29 project and related activities such conditions imposed pursuant to federal laws as the
30 municipality may deem reasonable and appropriate.

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

35 (7) To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks,
36 public utilities, parks, playgrounds and other public improvements in connection with an
37 urban renewal project, provided that the same shall be approved by the Maryland-National
38 Capital Park and Planning Commission; and to make exceptions from City or town building
39 regulations, but not county building regulations, unless the same shall be approved by the
40 County Building Inspector.

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

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

§ C11-3 Exercise of powers by separate body or agency.

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

A. The power to pass a resolution to initiate an urban renewal project pursuant to § C11-4 of this Charter.

B. The power to issue general obligation bonds pursuant to § C11-9 of this Charter.

C. The power to appropriate funds and to levy taxes and assessments pursuant to § C11-2B(3) of this Charter.

§ C11-4 Initiation of project.

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

A. Finds that one (1) or more slum or blighted areas exist in such municipality.

B. Locates and defines said slum or blighted areas.

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

§ C11-5 Preparation and approval of urban renewal plans.

A. Powers. The municipality, in order to carry out the purposes of this Article, shall prepare, or cause to be prepared, an urban renewal plan for slum or blighted areas in the municipality and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality for review and recommendations as to its conformity with the Master Plan for the development of the

municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty (60) days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof has been published twice in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

- (1) A feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families.
 - (2) The urban renewal plan substantially conforms to the Master Plan of the municipality as a whole.
 - (3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.
- B. Change. An urban renewal plan may be modified at any time, provided that, if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser or **the purchaser's his** successor or successors in interest may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.
- C. Effect. Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

§ C11-6 Disposition of real property in urban renewal areas.

- A. Powers. The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project for residential, recreational, commercial, industrial, educational or other uses or for public use or may retain such property or interest for public use in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this Article. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the

1 uses specified in the urban renewal plan and may be obligated to comply with such other
2 requirements as the municipality may determine to be in the public interest, including the
3 obligation to begin within a reasonable time any improvements on such real property required
4 by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise
5 transferred or retained at not less than its fair value for uses in accordance with the urban
6 renewal plan. In determining the fair value of real property for uses in accordance with the
7 urban renewal plan, the municipality shall take into account and give consideration to the uses
8 provided in such plan, the restrictions upon and the covenants, conditions and obligations
9 assumed by the purchaser or lessee or by the municipality retaining the property and the
10 objectives of such plan for the prevention of the recurrence of slum or blighted areas. The
11 municipality in any instrument of conveyance to a private purchaser or lessee may provide
12 that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the
13 real property without the prior written consent of the municipality until he has completed the
14 construction of any or all improvements which he has obligated himself to construct thereon.
15 Real property acquired by the municipality which, in accordance with the provisions of the
16 urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public
17 interest consistent with the carrying out of the provisions of the urban renewal plan. Any
18 contract for such transfer and the urban renewal plan or such part or parts of such contract or
19 plan as the municipality may determine may be recorded in the land records of the county in
20 which the municipality is situated in such manner as to afford actual or constructive notice
21 thereof.

22 B. Procedure. The municipality may dispose of real property in an urban renewal area to private
23 persons only under such reasonable competitive bidding procedures as it shall prescribe or as
24 hereinafter provided in this Article. The municipality may, by publishing notice twice in a
25 newspaper having a general circulation in the community, not less than sixty (60) days prior
26 to the execution of any contract to sell, lease or otherwise transfer real property and prior to
27 the delivery of any instrument of conveyance with respect thereto under the provisions of this
28 section, invite proposals from and make available all pertinent information to private
29 redevelopers or any persons interested in undertaking to develop or rehabilitate an urban
30 renewal area or any part thereof. Such notice shall identify the area or portion thereof and
31 shall state that proposals shall be made by those interested within a specified period of not
32 less than sixty (60) days after the first day of publication of said notice and that such further
33 information as is available may be obtained at such office as shall be designated in said notice.
34 The municipality shall consider all such redevelopment or rehabilitation proposals and the
35 financial and legal ability of the persons making such proposals to carry them out and may
36 negotiate with any persons for proposals for the purchase, lease or other transfer of any real
37 property acquired by the municipality in the urban renewal area. The municipality may accept
38 such proposals as it deems to be in the public interest and in furtherance of the purposes of
39 this Article. Thereafter, the municipality may execute and deliver contracts, deeds, leases and
40 other instruments and take all steps necessary to effectuate such transfers.

41 C. Temporary operation. The municipality may temporarily operate and maintain real property
42 acquired by it in an urban renewal area for or in connection with an urban renewal project
43 pending the disposition of the property as authorized in this Article, without regard to the
44 provisions of Subsection A above, for such uses and purposes as may be deemed desirable
45 even though not in conformity with the urban renewal plan.

1 D. Title. Any instrument executed by the municipality and purporting to convey any right, title
2 or interest in any property under this Article shall be conclusively presumed to have been
3 executed in compliance with the provisions of this Article insofar as title or other interest of
4 any bona fide purchaser, lessees or transferees of such property is concerned.

5 E. Residential property. In the event that urban renewal plans involve removal of residential
6 housing, provisions and plans must be made for their replacement with adequate facilities for
7 the residents so displaced.

8 **§ C11-7 Condemnation.**

9 Condemnation of land or property under the provisions of this Article shall be in accordance with
10 the procedure provided in the Annotated Code of Maryland entitled "Eminent Domain," and acts
11 amendatory thereof or supplementary thereto.

12 **§ C11-8 Rehabilitation and/or redevelopment by private enterprise encouraged.**

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

18 **§ C11-9 General obligation bonds.**

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

24 **§ C11-10 Revenue bonds.**

25 A. Procedure. In addition to the authority conferred by § C11-9 of this Charter, the municipality
26 shall have the power to issue revenue bonds to finance the undertaking of any urban renewal
27 project and related activities and shall also have power to issue refunding bonds for the
28 payment or retirement of such bonds previously issued by it. Such bonds shall be made
29 payable, as to both principal and interest, solely from the income, proceeds, revenues and
30 funds of the municipality derived from or held in connection with its undertaking and carrying
31 out of urban renewal projects under this Article; provided, however, that payment of such
32 bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant
33 or contribution from the federal government or other source, in aid of any urban renewal
34 projects of the municipality under this Article, and by a mortgage of any such urban renewal
35 projects or any part thereof, title to which is in the municipality. In addition, the municipality
36 may enter into an indenture of trust with any private banking institution of this state having
37 trust powers and may make in such indenture of trust such covenants and commitments as
38 may be required by any purchaser for the adequate security of said bonds.

39 B. Provisions. Bonds issued under this section shall not constitute an indebtedness within the
40 meaning of any constitutional or statutory debt limitation or restriction and shall not be
41 subject to the provisions of any other law or Charter relating to the authorization, issuance or

1 sale of bonds. Bonds issued under the provisions of this Article are declared to be issued for
2 an essential public and governmental purpose and, together with interest thereon and income
3 therefrom, shall be exempted from all taxes.

4 C. Issue. Bonds issued under this section shall be authorized by resolution or ordinance of the
5 legislative body of the municipality and may be issued in one (1) or more series and shall bear
6 such date or dates; shall mature at such time or times; bear interest at such rate or rates, not
7 exceeding six per centum (6) per annum; be in such denomination or denominations; be in
8 such form, either with or without coupon or registered; carry such conversion or registration
9 privileges; have such rank or priority; be executed in such manner; be payable in such medium
10 or payment at such place or places; and be subject to such terms of redemption, with or
11 without premium; be secured in such manner; and have such other characteristics as may be
12 provided by such resolution or trust indenture or mortgage issued pursuant thereto.

13 D. Sale. Such bonds may be sold at not less than par at public sales held after notice thereof has
14 been published twice in a newspaper having a general circulation in the area in which the
15 municipality is located and in such other medium of publication as the municipality may
16 determine, or may be exchanged for other bonds on the basis of par, provided that such bonds
17 may be sold to the federal government at private sale at not less than par, and, in the event
18 less than all of the authorized principal amount of such bonds is sold to the federal
19 government, the balance may be sold at private sale at not less than par at an interest cost to
20 the municipality of not to exceed the interest cost to the municipality of the portion of the
21 bond sold to the federal government.

22 E. Officials. In case any of the public officials of the municipality whose signatures appear on
23 any bonds or coupons issued under this Article shall cease to be such officials before the
24 delivery of such bond or in the event any such officials shall have become such after the date
25 of issue thereof, said bonds shall nevertheless be valid and binding obligations of said
26 municipality in accordance with their terms. Any provision of any law to the contrary
27 notwithstanding, any bonds issued pursuant to this Article shall be fully negotiable.

28 F. Suits. In any suit, action or proceeding involving the validity or enforceability of any bond
29 issued under this article or the security therefor, any such bond reciting in substance that it
30 has been issued by the municipality in connection with an urban renewal project, as herein
31 defined, shall be conclusively deemed to have been issued for such purpose, and such project
32 shall be conclusively deemed to have been planned, located and carried out in accordance
33 with the provisions of this Article.

34 G. Investments. All banks, trust companies, bankers, savings banks and institutions, building
35 and loan associations, savings and loan associations, investment companies and other persons
36 carrying on a banking or investment business, all insurance companies, insurance associations
37 and other persons carrying on an insurance business and all executors, administrators,
38 curators, trustees and other fiduciaries may legally invest any sinking funds, moneys or other
39 funds belonging to them or within their control in any bonds or other obligations issued by
40 the municipality pursuant to this article, provided that such bonds and other obligations shall
41 be secured by an agreement between the issuer and the federal government in which the issuer
42 agrees to borrow from the federal government and the federal government agrees to lend to

the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which, together with any other moneys irrevocably committed to the payment of principal and interest on such bonds or other obligations, will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

§ C11-11 Severability.

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

§ C11-12 Conformance with County Master Plan required; review and approval by county agencies.

All plans, whether preliminary or final, prepared or presented under the provisions of this Article by the municipality shall not conflict with and must conform to the Master Plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

**Article XII
General Provisions**

§ C12-1 Oath of office.

A. Oath required. Before entering upon the duties of their offices, the Mayor, the members of the City Council, the Clerk, the Treasurer, the City Administrator, the Department Heads and the members of the Board of Supervisors of Elections shall take and subscribe the following oath or affirmation: "I, _____, do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and laws of this state."

B. Before whom taken and subscribed. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the county or before one (1) of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor or the Mayor's his/her designee.

1 **§ C12-2 Official bonds.**

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

5 **§ C12-3 Prior rights and obligations.**

6 All right, title and interest held by the town or any other person or corporation at the time this
7 Charter is adopted, in and to any lien acquired under any prior Charter of the City, are hereby
8 preserved for the holder in all respects as if this Charter had not been adopted, together with all
9 rights and remedies in relation thereto. This Charter shall not discharge, impair or release any
10 contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes
11 effective. All suits and actions, both civil and criminal, pending or which may hereafter be
12 instituted for causes of action now existing or offenses already committed against any law or
13 ordinance repealed by this Charter shall be instituted, proceeded with and prosecuted to final
14 determination and judgment as if this Charter had not become effective.

15 **§ C12-4 Effect of charter on existing ordinances.**

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

20 B. Ordinances, etc., in conflict with Charter repealed. All ordinances, resolutions, rules and
21 regulations in effect in the City at the time this Charter becomes effective which are in conflict
22 with the provisions of this Charter be and the same are hereby repealed to the extent of such
23 conflict.

24 **§ C12-5 Severability.**

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

30 **Section 2:** That the date of the adoption of this Resolution is _____, 2024, and that
31 the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment shall
32 become effective on _____, 2024 (50 days after its passage), unless a proper petition for a
33 referendum hereon shall be filed by _____, 2024 (40 days after passage) and that an exact
34 copy of this Resolution shall be posted at the main municipal building and a fair summary of the
35 Amendment shall be published in a newspaper having general circulation in the City of Hyattsville
36 not less than four (4) times at weekly intervals within forty (40) days after passage of this Charter
37 Amendment Resolution.

38 **Section 3:** That as soon as the Charter Amendment hereby enacted becomes effective,
39 either as herein provided or following a referendum, the Clerk shall send separately to the
40 Department of Legislative Services, the following information concerning the Charter
41 Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any,

1 held with respect thereto; (3) the number of votes cast for and against this Resolution by the Mayor
2 and City Council of the City of Hyattsville or in a referendum; and (4) the effective date of the
3 Charter Amendment.

4 **Section 4:** That the Clerk be, and is specifically enjoined and instructed to carry out the provisions
5 of Sections 2 and 3, and as evidence of compliance herewith the said Clerk shall cause to be affixed
6 to the Minutes of this meeting (1) an appropriate certificate of publication of the newspaper in
7 which the fair summary of the Amendment shall have been published; and (2) records of mailing
8 referred to in Section 3, and shall further complete and execute a Certificate of Compliance.

9 **INTRODUCED** by the Mayor and City Council of the City of Hyattsville, Maryland, at a
10 Regular Meeting on [REDACTED], 2024, at which meeting copies were available to the public for
11 inspection, and at which time a public hearing took place.

12 **ADOPTED** by the Mayor and City Council of the City of Hyattsville, Maryland, at a
13 Regular Meeting on [REDACTED], 2024, at which meeting copies were available to the public for
14 inspection.

15
APPROVED:

City of Hyattsville, Maryland:

Date

Robert S. Croslin, Mayor

ATTEST/WITNESS:

City of Hyattsville, Maryland:

Date

Laura Reams, City Clerk

16
17
18 [] indicate deletions

19 Underline/**bold**/**CAPS** indicate additions/amendments to additions