

**MAYOR AND COUNCIL SPECIAL MEETING  
TUESDAY, JULY 28, 2015, 7:00PM**

**AGENDA**

- 1. CALL TO ORDER, PLEDGE, AND ROLL CALL**
- 2. MAYOR'S REMARKS**
- 3. CITIZENS' FORUM (PETITIONS, REMONSTRANCES, AND COMMUNICATIONS)**
- 4. UNFINISHED BUSINESS**
  - a. Code of Ordinance Review – Chapters 1 & 2
- 5. ADJOURNMENT**

7/22/2015 11:03 AM

# Code of Ordinances



ADOPTED APRIL 11, 2006

**City of Brunswick, Maryland**

# CODE OF ORDINANCES

ADOPTED APRIL 11, 2006.  
REVISED APRIL 28, 2015.

## **Mayor & Council**

Karin B. Tome, Mayor

Walt Stull, Mayor Pro Tem

Angel White

Carroll Jones

Ellis Burruss

Jeff Snoots

Harry Lashley

Bob McGrory, City Administrator

This document was prepared with the assistance of the  
Institute for Governmental Service  
University of Maryland  
College Park, Maryland

**TABLE OF CONTENTS**

<u>Contents</u>	<u>Page</u>	
<b>CHAPTER 1</b>	<b>GENERAL PROVISIONS</b>	
<b>Article 1</b>	<b>Codification</b>	
Title 1	Designation	
Title 2	Organization	
<b>Article 2</b>	<b>Legal Construction</b>	
Title 1	General Rules of Construction	
<b>CHAPTER 2</b>	<b>LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS</b>	
<b>Article 1</b>	<b>The Mayor and Council of Brunswick</b>	
Title 1	Council Organizations	
Title 2	Council Procedures	
<b>Article 2</b>	<b>Commissions and Committees</b>	
Title 1	Economic Development Commission	
Title 2	Planning and Zoning Commission	
<b>Article 3</b>	<b>Code of Ethics</b>	
Title 1	General Provisions	
Title 2	Financial Disclosure Requirements	
Title 3	Lobbying Provisions	
Title 4	Exemptions and Modifications	
Title 5	Enforcement	
<b>Article 4</b>	<b>Personnel</b>	
Title 1	General Provisions	
Title 2	Authorized Positions	
<b>Article 5</b>	<b>Fair Election Practices</b>	
Title 1	General Provisions	
Title 2	Campaign Financing	
<b>Article 6</b>	<b>Fair Housing Practices</b>	
Title 1	General Provisions	
<b>CHAPTER 3</b>	<b>PROPERTY REGULATIONS</b>	<b>19T</b>
<b>Article 1</b>	<b>Private Responsibilities</b>	<b>19T</b>
Title 1	Property Maintenance	19T
Title 2	Animal Control	24
<b>Article 2</b>	<b>Public Responsibilities</b>	<b>25</b>
Title 1	Collection and Removal of Solid Waste	25

Title 2	City Properties	30
Title 3	Redevelopment of Deteriorated Areas	32
<b>Article 4</b>	<b>Sidewalks</b>	<b>33A</b>
Title 1	Regulations of Sidewalks	33A
<b>Article 5</b>	<b>Signs</b>	<b>33H</b>
Title 1	Regulations of Signs	33H
<b>CHAPTER 4</b>	<b>BUILDING AND ENVIRONMENTAL REGULATIONS</b>	<b>34</b>
<b>Article 1</b>	<b>Construction</b>	<b>34</b>
Title 1	Building Permits	34
Title 2	Unsafe Buildings	34
Title 3	Environmental Controls	37
Title 4	Wireless Telecommunications Facilities	38
Title 5	Obstruction Permits and Placements of Utilities Within City Streets	61
<b>Article 2</b>	<b>Water and Sewer</b>	<b>68</b>
Title 1	Charges	69
Title 2	Connections	72
Title 3	Use Regulations	74
Title 4	Discharge of Wastes and Waste Water	76
Title 5	Water and Sewer Rules and Regulations	92
<b>CHAPTER 5</b>	<b>COMMERCIAL REGULATIONS</b>	<b>93</b>
<b>Article 1</b>	<b>Licenses and Permits</b>	<b>93</b>
Title 1	General Provisions	93
Title 2	Regulated Establishments	97
Title 3	Regulated Activities	97
Title 4	Taxicabs	99
<b>Article 2</b>	<b>Revenues and Administrative Charges</b>	<b>100</b>
Title 1	Fees	100
<b>Article 3</b>	<b>Franchises and Agreements</b>	<b>101</b>
Title 1	Cable Television	101
<b>CHAPTER 6</b>	<b>PUBLIC SAFETY AND CONDUCT</b>	<b>107</b>
<b>Article 1</b>	<b>Vehicular Regulations</b>	<b>107</b>
Title 1	General Provisions	107
Title 2	Parking	109
Title 3	Licensing of Bicycles	111
Title 4	Prohibitions	112
Title 5	Registration of Skateboards	117
<b>Article 2</b>	<b>Police Regulations</b>	<b>117A</b>

Title 1	General Provisions	117A
Title 2	Public Safety Offenses	119
Title 3	Public Conduct Offenses	121
Title 4	Public Nuisance Offenses	124
Title 5	Special Enforcement Provisions	126
<b>Article 3</b>	<b>Fire Regulations</b>	<b>127</b>
Title 1	Offenses	127
<b>CHAPTER 7</b>	<b>DEVELOPMENT REGULATIONS</b>	<b>128</b>
<b>Article 1</b>	<b>Ordinances Included by Reference</b>	<b>128</b>
Title 1	Zoning Ordinance	128
Title 2	Subdivision Regulations	128
Title 3	Floodplain Ordinance	128
Title 4	Adequate Public Facilities Ordinance	128
Title 5	International Property Maintenance Code	129
<b>CHAPTER 8</b>	<b>DEVELOPMENT IMPACT FEES</b>	<b>129A</b>
<b>Article 1</b>	<b>In General</b>	<b>129A</b>
<b>Article 2</b>	<b>General Provisions; Applicability</b>	<b>129C</b>
<b>Article 3</b>	<b>Procedures for Imposition, Calculation and Collection of Development Impact Fees</b>	<b>129F</b>
<b>Article 4</b>	<b>Establishment of Development Fee Accounts; Appropriation of Development Impact Fee Funds; Refunds</b>	<b>129I</b>
<b>Article 5</b>	<b>Parks and Recreation Development Impact Fee</b>	<b>129N</b>
<b>Article 6</b>	<b>Police Development Impact Fee</b>	<b>129N</b>
<b>Article 7</b>	<b>Municipal Facilities Development Impact Fee</b>	<b>129P</b>
<b>Article 8</b>	<b>Conflict</b>	<b>129Q</b>
<b>Article 9</b>	<b>Separability</b>	<b>129Q</b>
<b>CHAPTER 9</b>	<b>RESERVED</b>	<b>130</b>
<b>CHAPTER 10</b>	<b>CODE VIOLATIONS</b>	<b>131</b>
<b>Article 1</b>	<b>Procedures</b>	<b>131</b>
Title 1	General Provisions	131
Title 2	Municipal Infraction Procedures	133
<b>Article 2</b>	<b>Penalties</b>	<b>135</b>
Title 1	General Provisions	135
Title 2	Enumerated Penalties	135
<b>APPENDIX A</b>	<b>Temporary Dumpster Request Procedures</b>	<b>138</b>
<b>APPENDIX B</b>	<b>Right-of-Way Obstruction Permit</b>	<b>140</b>
	<b>Sketch A: Trench and Pavement Repair</b>	<b>141</b>
	<b>Sketch B: Pavement Replacement Detail</b>	<b>142</b>

**CHAPTER 1**  
**GENERAL PROVISIONS**

**Article 1. Codification**

Title 1. Designation

Section 1-1101. Citations

The ordinances embraced in the following chapters shall constitute and be designated as the "City of Brunswick Code of Ordinances (2006)", and may be so cited. This Code may also be cited as the "Brunswick City Code".

Section 1-1102. Titles of Sections

The titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be taken to be a part of such sections.

Section 1-1103. Revisor's Notes

Revisor's Notes appearing at the end of some sections are advisory only and are not included within the designation of this Code.

Title 2. Organization

Section 1-1201. Numbering System

(A) Every number assigned to identify a section of this Code shall indicate the position of that section within the Code and, except as provided in Subsection (B) of this section, shall be consistent with the following system:

- (1) First digit indicates the Chapter.
- (2) Second digit indicates the Article within the Chapter.
- (3) Third digit indicates the Title within the Article.
- (4) Fourth and fifth digits indicate sequence of the Section within the Title.

For example, this Section 1-1201 is located in Chapter 1 at Article 1, Title 2 and is the first Section within the Title.

(B) Ordinances pertaining to development policies of the City of Brunswick, including but not limited to the Zoning Ordinance, Subdivision Regulations, Floodplain Ordinance, and Adequate Public Facilities Ordinance, which are included in this Code by reference may employ a simplified numbering system as follows:

- (1) Digit(s) before the decimal point indicate the Article within the Ordinance.
- (2) Digit(s) after the decimal point indicate the Section within the Article.

Section 1-1202. New Ordinances

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, shall be numbered in accordance with the numbering system of this Code, shall be maintained in the permanent Mayor and Council records, and shall from time to time be prepared for publication as supplementary pages for insertion into this Code.

All ordinances passed subsequent to this Code of Ordinances which do not amend, repeal or in any way affect this Code of Ordinances, or which do not have the effect of an enduring or continuously applicable law, shall be designated "Special Ordinances" and shall not be codified. An index and copy of each such Special Ordinance shall be maintained in the City offices for public inspection; a full index of such Special Ordinances shall be prepared for publication from time to time.

Section 1-1203. Adding New Subject Matter to this Code

When the Mayor and Council of Brunswick desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, a section in substantially the following language should be made a part of the ordinance: "Section \_\_\_\_\_. It is the intention of the Mayor and Council of Brunswick and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish such intention." If necessary, new subject matter sections may be organized into one or more new Titles within an existing Article. In the event that such subject matter does not fit into the general subject matter of an existing Article, a new Article and if necessary, a new Chapter may be created.

Section 1-1204. Amending and Repealing Sections of this Code

All sections of this Code desired to be amended or repealed should be specifically amended or repealed by section number. Amendments to any of the provisions of this Code should be made by amending such provisions with specific reference to the section of this Code in substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances is hereby amended to read as follows: (set out new provisions in full) \_\_\_\_\_".

Section 1-1205. Adoption

The City of Brunswick Code of Ordinances (2006) as compiled, codified, edited and published by The Institute for Governmental Service, University of Maryland, in consultation with the Mayor and Council of Brunswick, is adopted as the Code of Laws of general application and continuing force in the City of Brunswick from and after April 11, 2006.

**Article 2. Legal Construction**

**Title 1. General Rules of Construction**

Section 1-2101. Express Language

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of this Code:

(A) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(B) The singular always includes the plural, and vice versa, except where such construction would be unreasonable.

(C) Unless otherwise provided in a particular section, all words in this Code indicating one gender include and apply to the other gender as well.

**Deleted:** importing

(D) The term “may” is permissive; the term “shall” is mandatory.

(E) The term “person” shall include a Corporation, Company, Partnership, Association, or Society, as well as a natural person.

#### Section 1-2102. References to the Laws of Other Jurisdictions

Whenever a provision of this Code refers to any portion of a State or County law, the reference applies to any subsequent amendment to that law, unless the referring provision expressly provides otherwise.

#### Section 1-2103. Computation of Time

When computing time, the day of any action which starts a time period shall not be counted. The final day of the period will be counted unless it is a Saturday, Sunday, or legal holiday. If the period is less than seven days, Saturdays, Sundays, and legal holidays shall not be counted.

**Deleted:** In computing any period of time prescribed or allowed by any applicable provision of this Code, the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless: (1) it is a Saturday, Sunday or a legal holiday in which event the period runs until the end of the next day, which is neither a Saturday, Sunday nor a legal holiday. When the period of time allowed is more than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Saturdays, Sundays and legal holidays shall not be counted in computing the period of time.

#### Section 1-2104. Effect of Repeals

The repeal of an ordinance or Section of this Code shall not revive any Ordinance or Section of this Code in force before or at the time such repeal took effect. The repeal of such Ordinance or Code Section shall not affect any punishment or penalty encumbered before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal.

#### Section 1-2105. Continuous Provisions

Those provisions appearing in the Code, so far as they may be the same in substance as ordinances which existed at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

**Comment [b1]:** Is the proposed change a substantive improvement as a matter of law? If not, while the language is legalese, it is also presumably legally bulletproof, by which one might presume that lawyers and the courts are confident the interpretation would be upheld. Is that the case for the proposed change?

#### Section 1-2106. Severability

It is hereby declared to be the intention of the Mayor and Council of Brunswick that the sections, paragraphs, sentences, clauses, and words of this Code are severable and if any word, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such

unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Code, since the same would have been enacted by the Mayor and Council of Brunswick without the incorporation into this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

## CHAPTER 2

### LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS

#### Article 1. The Mayor and Council of Brunswick

##### Title 1. Council Organization

###### Section 2-1101. Regular Meetings

The Mayor and Council of Brunswick ("Mayor and Council") shall hold regular meetings on the second Tuesday of each month. All regular meetings shall be held in the City hall.

###### Section 2-1102. Special Meetings

Special meetings shall be called by the **City Administrator** upon request of the Mayor or a majority of the Council members. Public notification concerning such meetings shall be posted at the City hall **and on the City website.**

###### Section 2-1103. Presiding Officer

The Mayor shall **preside at the Council meetings.** The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such questions of order. The Mayor may take part in all discussions and shall have a vote only in the case of a tie. Subject to his veto authority, he shall sign all ordinances and regulations adopted by the Council in his presence.

###### Section 2-1104. Special Committees

All special committees shall be appointed by the Mayor unless otherwise directed by the Council.

##### Title 2. Council Procedures

###### Section 2-1201. Order of Business

All meetings of the Council shall be open to the public unless closed in accordance with the laws of the State. Promptly at the hour set on the day of each regular meeting, the members of the Council, the **City Administrator**, and the Mayor shall take their regular stations in the City Hall, and the business of the Council shall be taken up for consideration and disposition in the following order:

- (A) Call to order, **Pledge** and Roll Call
- (B) **Mayor's Remarks**
- (C) Approval of minutes of Previous meeting open and closed

**Comment [b2]:** Specific job title found in Charter Sect 16-39

**Deleted:** Clerk Treasurer

**Comment [b3]:** MML has had a legislative requirement to remove such language given consolidation and costs in publishing. That said, as long as there is a truly local paper, the City should continue its current practice.

**Deleted:** published in a newspaper of general circulation in the City, as well as

**Deleted:** .

**Comment [b4]:** Is the proposed change a substantive improvement as a matter of law? This proposed change restricts the Mayor's role with respect to the Council to meetings only.

**Deleted:** serve as Chairman of

**Deleted:** . The chairman of the Council shall be the Presiding Officer.

**Deleted:** Clerk/Treasurer

**Comment [b5]:** Newly added. Required?

**Deleted:** (A) . Call to order.¶

¶ (B) . Roll call.¶

¶ (C) . Approval of minutes of previous meeting.¶

¶ (D) . Petitions, remonstrances and communications.¶

¶ (E) . Introduction and adoption of resolutions and ordinances.¶

¶ (F) . Report of Officers - Council - Committees.¶

¶ (G) . Unfinished business.¶

¶ (H) . New business.¶

¶ (I) . Miscellaneous.¶

¶ (J) . Appropriations.¶

¶ (K) . Adjournment.¶

**Comment [b6]:** Newly added

- (D) Citizens Forum/Petitions, Remonstrances and Communications)
- (E) Introduction and adoption of Resolutions and Ordinances
- (F) Report of Officers – Council – Committees
- (G) Consent Agenda
- (H) Unfinished Business
- (I) New Business
- (J) Miscellaneous
- (K) Adjournment

**Comment [b7]:** This term is defined by custom.

**Formatted:** Font: Italic

**Deleted:** s

**Comment [b8]:** Newly added.

Section 2-1202. Roll Call

Before proceeding with the business of the Council, the City Administrator shall call roll of the members, and the names of those present shall be entered in the minutes.

**Deleted:** Clerk/Treasurer

Section 2-1203. Quorum

A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

Section 2-1204. Approval of Minutes

City Administrator Minutes shall be sent to council members at least one week before the next meeting.

**Comment [b9]:** Is the proposed change a substantive improvement as a matter of law? One practical benefit of requiring the body to review minutes at the beginning of a meeting, is to "pick up where you left off". This deletion also eliminates the requirement that the body make corrections and approve "previous" meeting minutes. State Law (Open Meetings Act) would still require timely adoption.

Section 2-1205. Rules of Debate

(A) Presiding Officer. The Mayor, or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members.

**Deleted:** At the beginning of each meeting of the Mayor and Council of Brunswick, the

**Deleted:** Clerk/Treasurer

(B) Getting the floor-improper references to be avoided. Every member desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself to the question under debate.

**Deleted:** shall read the Minutes of the previous meeting and the Mayor and Council shall make such corrections as necessary and shall approve the minutes as a permanent record.

**Deleted:** ¶

(C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

**Comment [b10]:** Is the proposed change a substantive improvement as a matter of law? Unlike the rest of this Title, this is not a "rule of order" for the conduct of meetings but direction to staff, and presents an impossibility if, for example, a meeting were held in the preceding week.

(D) Remarks of Council member-when entered in minutes. A Council member may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

**Comment [b11]:** Is the proposed change a substantive improvement as a matter of law?

**Deleted:** and shall not be deprived of any of the rights and privileges of a Council member by reason of his action as Presiding Officer, except as provided in Section 2-1103.

City Administrator

Section 2-1206. Addressing the Council

(A) Any person desiring to address the Council shall first secure the permission of the Presiding Officer to do so; provided, however, that a person may address the Council before a motion is made without securing such prior permission under the following circumstances:

**Comment [b12]:** Is the proposed change a substantive improvement as a matter of law?

**Deleted:** (E) . Synopsis of debate-when entered in minutes. The

**Deleted:** Clerk/Treasurer

**Deleted:** may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming properly before the Council.

**Deleted:** ¶

(1) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to a matter then under discussion.

(2) Oral Communications. Taxpayers or residents of the City of Brunswick, or their authorized legal representatives, may address the Mayor and Council by oral communications on any matter concerning City business, or any matter over which the Mayor and Council has control; provided, however, that preference shall be given to those persons who may have notified the City Administrator in advance of their desire to speak in order that the same may appear on the agenda of the Mayor and Council.

**Deleted:** Clerk/Treasurer

(B) After a motion is made by a member of the Council, no person shall address the Mayor and Council without first securing the permission of the Presiding Officer to do so.

Section 2-1207. Manner of Addressing Council during Citizens' forum

**Comment [b13]:** Is the proposed change a substantive improvement as a matter of law? Does the Council only wish these rules to apply to this one instance of addressing the Council?

The Mayor and Council shall be addressed from the podium. The speaker shall provide their name and address before proceeding. Each speaker shall be allowed five (5) minutes. All remarks shall be addressed to the Mayor and Council as a body and not any individual. No other person shall be permitted to enter into a discussion with the speaker without the permission of the presiding officer. No questions may be asked of an individual council member except through the presiding officer.

**Deleted:** Each person addressing the Mayor and Council shall step up to the table, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Mayor and Council, shall limit his address to five minutes. All remarks shall be addressed to the Mayor and Council as a body and not to any member thereof. No person, other than the Mayor and Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Mayor and Council, without the permission of the Presiding Officer. No question shall be asked a Mayor and Council of Brunswick member except through the Presiding Officer. The foregoing shall apply to members of the Mayor and Council or the President.

Section 2-1208. Member Conduct

While the Mayor and Council is in session a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Mayor and Council nor disturb any member while speaking or refuse to obey the orders of the Mayor and Council of Brunswick or its Presiding Officer.

**Comment [b14]:** Is the proposed change a substantive improvement as a matter of law? It also eliminates the discretion to allow extra time beyond 5 minutes and allows multiparty "discussions" without being recognized by the Presiding Officer.

Section 2-1209. Non-Member Conduct

Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Mayor and Council of Brunswick shall be forthwith, by the Presiding Officer, barred from further audience before the Mayor and Council of Brunswick unless permission to continue be granted by a majority of the Council.

**Comment [b15]:** "Mayor and Council of Brunswick" is the corporate name, per Charter Sect 16-1

**Deleted:** of Brunswick

Section 2-1210. Recorded Dissent

Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Mayor and Council entered in the minutes.

**Comment [b16]:** Is the proposed change a substantive improvement as a matter of law?

**Deleted:** , except as otherwise herein provided

**Deleted:** .

Section 2-1211. Claims Against the City

No account or other demand against the Mayor and Council shall be allowed until the same has been considered and reported upon by the Mayor and Council of Brunswick.

**Comment [b17]:** Corporate name per comment b13

**Deleted:** of Brunswick

**Comment [b18]:** Is the proposed change a substantive improvement as a matter of law? This delinks the supporting documentation from the official record of the meeting.

City Administrator

Section 2-1213. Adjournment

**Deleted:** Section 2-1212. Reports and Resolutions¶

¶ . All reports, ordinances, and resolutions shall be filed with the

**Deleted:** Clerk/Treasurer

**Deleted:** and entered in the minutes.¶

A motion to adjourn shall always be in order and decided without debate.

## **Article 2. Commissions and Committees**

### **Title 1. Economic Development Commission**

#### Section 2-2101. Created

An Economic Development Commission is created for the City of Brunswick. The members of the Commission shall serve without compensation.  
(Ord. 511, passed 11-24-2014)

#### Section 2-2102. Composition

The Economic Development Commission shall consist of not fewer than three (3) nor more than seven (7) members. Members shall be appointed by the Mayor, with the advice and consent of the Council, and shall serve for three (3) years, their terms to be staggered.  
(Ord. 511, passed 11-24-2014)

Deleted: s

#### Section 2-2103. Vacancies

Vacancies in the Economic Development Commission, occurring other than by expiration of a term, shall be filled by appointment of the Mayor for the unexpired portion of the term of the person formerly holding the office.  
(Ord. 511, passed 11-24-2014)

#### Section 2-2104. Officers

The members of the Economic Development Commission shall elect their own Chair, Secretary, and all other necessary officers at their first meeting in each calendar year. All officers shall serve for a period of one (1) year.  
(Ord. 511, passed 11-24-2014)

#### Section 2-2105. Functions

The Economic Development Commission shall have the authority and duty to make recommendations to the Mayor and Council of measures to enhance the economic well-being of the community. The Economic Development Commission may also make recommendations to plan and execute various activities and educational events throughout each year to further the goal stated above.  
(Ord. 511, passed 11-24-2014)

#### Section 2-2106. Mission

The goal of economic development is to provide the Brunswick community with opportunities for local employment, a fully array of local goods and services, and a vibrant local economy.  
(Ord. 511, passed 11-24-2014)

Title 2. Planning and Zoning Commission

**Comment [b19]:** Other than the number of members and the issue of compensation, other matters relating to this Commission are derived from State Law.

Section 2-2201. Created

A Planning Commission is created for the City of Brunswick. The members of the Planning Commission shall serve without compensation.

**Deleted:** and shall be referred to as the "Commission" or "Planning Commission". Its territorial jurisdiction shall extend over the incorporated area of the City of Brunswick.¶ (Am. Ord. 511, passed 11-24-2014)

Section 2-2202. Membership

The Commission shall consist of five (5) members and one (1) alternate appointed by the Mayor with the advice and consent of the Council, each to serve for five (5) years, or until his successor takes office. Their terms are to be staggered. All members shall be eligible for reappointment. Commission members may be removed by the Mayor with the advice and consent of the Council for inefficiency, neglect of duty, or malfeasance in office. (Am. Ord. 511, passed 11-24-2014)

**Deleted:** approval

**Deleted:** , except that the term of members first appointed are staggered such that the first person appointed serves for one year, the second appointed for two years, the third appointed serves for three years, the fourth appointed for four years and the fifth member appointed serves a term of five years.

Section 2-2204. Functions

The Commission shall have the powers, functions and duties provided for in Article 66 B, Section 3.01 of the Annotated Code of Maryland, as amended. (Am. Ord. 511, passed 11-24-2014)

**Comment [b20]:** Removing this section eliminates the discretion of the Council to set compensation for Planning Commission members without amending the Code.

**Deleted:** Section 2-2203. - Compensation¶  
¶ All members shall serve with such compensation as the Mayor and Council deem appropriate,

**Deleted:** and may be removed by the Mayor and Council for inefficiency, neglect of duty or malfeasance in office.¶ (Am. Ord. 511, passed 11-24-2014)¶  
¶

**Article 3. Code of Ethics**

**Title 1. General Provisions**

Section 2-3101. Applicability

The provisions of this Article apply to all City of Brunswick, Maryland elected officials, employees, and appointees to boards and commissions of the City of Brunswick. (Ord. 512, passed 11-24-2014)

**Comment [b21]:** Check citation of Annotated Code

Section 2-3102. Ethics Commission

(A) There is a City of Brunswick, Maryland Ethics Commission that consists of not fewer than three (3) and not more than five (5) members appointed by the Mayor and approved by the City Council. The members shall be appointed to terms of three (3) years that shall be staggered. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. All members must be residents of the City of Brunswick and registered to vote. The Commission shall annually elect a Chairperson and Vice-Chairperson. Members shall serve without compensation, but provision may be made by the Mayor and City Council for necessary and proper expenses while performing official duties. The Commission shall be advised by the City Attorney or, if the City Attorney is disqualified from participating in a particular matter, by a substitute Attorney appointed by the Mayor and City Council.

(B) The Commission shall:

(1) Devise, receive, and maintain all forms required by this Article;

- (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Article regarding the applicability of the provisions of this Article to them;
- (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Article; and
- (4) Conduct a public information program regarding the purposes and application of this Article.

(C) The City Attorney and City Administrator shall advise the Commission.

(D) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City of Brunswick is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

(E) The Commission shall determine if changes to this Article are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Brunswick City Council for enactment.

(F) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

(G) A member of the Commission may be removed by the City Council, after a hearing, for:

- (1) Neglect of duties;
- (2) Misconduct in office;
- (3) A disability that renders the member unable to discharge the powers and duties of office; or
- (4) A violation of this Article.

(Ord. 512, passed 11-24-2014)

#### Section 2-3103. Conflicts of Interest

(A) In this section, "qualified relative" means a spouse, parent, child, or sibling.

(B) All City of Brunswick elected officials, officials appointed to City of Brunswick boards and commissions subject to this Article, and employees are subject to this section.

(C) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

- (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of

the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

- (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
  - (a) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
  - (b) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
  - (c) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
  - (d) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
  - (e) An entity, doing business with the City of Brunswick, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
  - (f) A business entity that:
    1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
    2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (3) A person who is disqualified from participating under Subsection (C)(1) or (2) of this Section shall disclose the nature and circumstances of the conflict and may participate or act if:
  - (a) The disqualification leaves a body with less than a quorum capable of acting;
  - (b) The disqualified official or employee is required by law to act; or
  - (c) The disqualified official or employee is the only person authorized to act.
- (4) The prohibitions of Subsection (C)(1) and (2) of this Section do not apply if the

participation is allowed by regulation or opinion of the Commission.

(D) Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(a) Be employed by or have financial interest in any entity:

1. Subject to the authority of the official or employee or the City of Brunswick agency, board, commission with which the official or employee is affiliated; or
2. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(b) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

- (a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- (b) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed at the appointing authority and the Commission;
- (c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or
- (d) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(E) Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the City of Brunswick for compensation in a case, contract, or other specific matter involving the City of Brunswick if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the City of Brunswick Council may not assist or represent another party for compensation in a matter that is the subject of

legislative action.

(F) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City of Brunswick.

(G) Use of prestige of office.

- (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.
- (2) This Subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(H) Solicitation and acceptance of gifts.

- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
  - (a) Is doing business with or seeking to do business with the City of Brunswick office, agency, board, or commission with which the official or employee is affiliated;
  - (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
  - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
  - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (4) Subsection (H)(5) of this Section does not apply to a gift:
  - (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
  - (b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employees; or
  - (c) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

- (5) Notwithstanding Subsection (H)(3) of this Section, an official or employee may accept the following:
- (a) Meals and beverages consumed in the presence of the donor or sponsoring entity;
  - (b) Ceremonial gifts or awards that have insignificant monetary value;
  - (c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
  - (d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
  - (e) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
  - (f) A specific gift or class of gifts that the Commission exempts from the operation of this Subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of business of the City of Brunswick and that the gift is purely personal and private in nature;
  - (g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
  - (h) Honoraria for speaking to or participating in a meeting provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

(I) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(J) Participation in procurement.

- (1) An individual or a person that employs an individual who assists a City of Brunswick agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- (2) The Commission may establish exemptions from the requirements of this section

for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

## Title 2. Financial Disclosure Requirements

### Section 2-3201. Financial Disclosure - Local Elected Officials and Candidates to be Local Elected Officials

(A) This section applies to all local elected officials and candidates to be local elected officials.

(B) Except as provided in Subsection (E) of this Section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this Section:

- (1) On a form provided by the Commission;
- (2) Under oath or affirmation; and
- (3) With the Commission.

(C) Deadlines for filing statements.

- (1) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- (2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
- (3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.

(D) The statement shall cover:

- (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
- (2) The portion of the current calendar year during which the individual held the office.

(E) Candidates to be local elected officials.

- (1) Except for an official who has filed a financial disclosure statement under another provision of this Section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the

election.

(2) A candidate to be an elected local official shall file a statement required under this Section:

- (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
- (b) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
- (c) In all other years for which a statement is required, on or before April 30.

(3) A candidate to be an elected official:

- (a) May file the statement required under Section 2-3201(E)(2)(a) of this chapter with the City of Brunswick City Administrator or Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
- (b) Shall file the statements required under Section 2-3201(E)(2)(b) and (c) with the Commission.

(4) If a candidate fails to file a statement required by this Section after written notice is provided by the City of Brunswick City Administrator or Board of Election Supervisors at least twenty (20) days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

(5) The City of Brunswick City Administrator or Board of Elections Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.

(6) Within thirty (30) days of the receipt of a statement required under this Section, the City of Brunswick City Administrator or Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

(F) Public record.

(1) The Commission or the office designated by the Commission shall maintain all financial disclosure statements filed under this Section.

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

- (a) The name and home address of the individual reviewing or copying the

statement; and

(b) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(G) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four (4) years from the date of receipt.

(H) Contents of statement.

(1) Interests in real property.

(a) A statement filed under this Section shall include a schedule of all interests in real property wherever located.

(b) For each interest in real property, the schedule shall include:

1. The nature of the property and the location by the street address, mailing address, or legal description of the property;
2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
4. The nature and amount of the consideration given in exchange for the interest or, if the acquired other than by purchase, the fair market value of the interest at the time acquired;
5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
6. The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

(a) A statement filed under this Section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City of Brunswick.

(b) For each interest reported under this Subsection, the schedule shall include:

1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
  2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
  3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
  4. With respect to any interest acquired during the reporting period:
    - (i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
    - (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (c) An individual may satisfy the requirement to report the amount of the interest held under item (H)(2)(b)2. of this Subsection by reporting, instead of a dollar amount:
1. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
  2. For an entity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with the City of Brunswick.
- (a) A statement filed under this Section shall include a schedule of all interests in any business entity that does business with the City of Brunswick other than interests reported under Subsection (H)(2) of this Section.
  - (b) For each interest reported under this Subsection, the schedule shall include:
    1. The name and address of the principal office of the business entity;
    2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
    3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and if known, the identity of the person to whom the interest was

transferred; and

4. With respect to any interest acquired during the reporting period:
  - (i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
  - (ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) Gifts.
  - (a) A statement filed under this Section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City of Brunswick.
  - (b) For each gift reported, the schedule shall include:
    1. A description of the nature and value of the gift; and
    2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) Employment with or interests in entities doing business with the City of Brunswick.
  - (a) A statement filed under this Section shall include a schedule of all offices, directorships, salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City of Brunswick.
  - (b) For each position reported under this Subsection, the schedule shall include:
    1. The name and address of the principal office of the business entity;
    2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
    3. The name of each City of Brunswick agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the City of Brunswick.
  - (a) A statement filed under this Section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City of Brunswick owed at any time during the reporting period:
    1. By the individual; or

2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(b) For each liability reported under this Subsection, the schedule shall include:

1. The identity of the person to whom the liability was owed and the date the liability was incurred;
2. The amount of the liability owed as of the end of the reporting period;
3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
4. The security given, if any, for the liability.

(7) A statement filed under this Section shall include a schedule of the immediate family members of the individual employed by the City of Brunswick in any capacity at any time during the reporting period.

(8) Sources of earned income.

(a) A statement filed under this Section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(b) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(9) A statement filed under this Section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(I) For the purposes of Section 2-3201(E)(1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
- (2) An interest held by a business entity in which the individual held a thirty percent (30%) or greater interest at any time during the reporting period.
- (3) An interest held by a trust or an estate in which, at any time during the reporting period:
  - (a) The individual held a reversionary interest or was a beneficiary; or

(b) If a revocable trust, the individual was a settlor.

(J) (1) The Commission shall review the financial disclosure statements submitted under this Section for the compliance with the provisions of this Section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The City of Brunswick Ethics Commission may take appropriate enforcement action to ensure compliance with this Section.

(Ord. 512, passed 11-24-2014)

Section 2-3202. Financial Disclosure - Employees and Appointed Officials

(A) This Section only applies to the following appointed officials and employees:

(1) Members of the Planning Commission.

(2) Members of the Zoning Board of Appeals.

(3) Members of the Ethics Commission.

(4) Department Heads: City Administrator, Chief of Police, Superintendent of Public Works, Superintendent of Water/Wastewater.

(5) Designated employees: Planning and Zoning Administrator, Assistant Chief of Police, Development Review Coordinator, City Accountant.

(B) A statement filed under this Section shall be filed with the Commission under oath or affirmation.

(C) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City of Brunswick, including the name of the donor of the gift and the approximate retail value at the time of receipt.

(D) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

(E) The Commission shall maintain all disclosure statements filed under this Section as public records available for public inspection and copying as provided in Section 2-3201(E) and (F) of this Article.

(Ord. 512, passed 11-24-2014)

Title 3. Lobbying Provisions

Section 2-3301. Lobbying

(A) A person shall file a lobbying registration statement with the Commission if the person:

- (1) Personally appears before a City of Brunswick official or employees with the intent to influence that person in performance of the official duties of the official or employee; and
- (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$500 on food, entertainment, or other gifts for officials or employees of the City of Brunswick.

(B) A person shall file a registration statement required under this Section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.

(C) (1) The registration statement shall identify:

- (a) The registrant;
- (b) Any other person on whose behalf the registrant acts; and
- (c) The subject matter on which the registrant proposes to make appearances specified in Subsection (A) of this Section,

(2) The registration statement shall cover a defined registration period not to exceed one calendar year.

(D) Within thirty (30) days after the end of any calendar year during which a person was registered under this Section, the person shall file a report with the Commission disclosing:

- (1) The value, date, and nature of any food, entertainment, or other gift provided to a City of Brunswick official or employee; and
- (2) If a gift or series of gifts to a single official or employee exceeds \$20 in value, the identity of the official or employee.

(E) The Commission shall maintain the registrations and reports filed under this Section as public records available for public inspection and copying for four (4) years after receipt by the Commission.

(Ord. 512, passed 11-24-2014)

#### Title 4. Exemptions and Modifications

##### Section 2-3401. Exemptions and Modifications

The Commission may grant exemptions and modifications to the provisions of Section 2-3103 and 2-3201 of this Article to employees and to appointed members of City of Brunswick, Maryland Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Article, and the application of this Article would:

- (A) Constitute an unreasonable invasion or privacy; and

(B) Significantly reduce the availability of qualified persons for public service.  
(Ord. 512, passed 11-24-2014)

#### Title 5. Enforcement

##### Section 2-3501. Enforcement

(A) The Commission may:

- (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under Sections 2-3201 or 2-3301 of this Article;
- (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under Section 2-3301 of this Article; and
- (3) Issue a cease and desist order against any person found to be in violation of this Article.

(B) (1) Upon finding of a violation of any provision of this Article, the Commission may:

- (a) Issue and order of compliance directing the respondent to cease and desist from the violation;
- (b) Issue a reprimand; or
- (c) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2) If the Commission finds that a respondent has violated Section 2-3301 of this Article, the Commission may:

- (a) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under Article 2-3501 of this Article;
- (b) Impose a fine not exceeding \$5,000 for each violation; and
- (c) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated §2-3301 of this Article or has been convicted of a criminal offense arising from lobbying activities.

(C) (1) Upon request of by the Commission, the City of Brunswick Attorney may file a petition for injunctive or other relief in the circuit court of Frederick County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Article.

(2) (a) The court may:

1. Issue an order to cease and desist from the violation;
2. Except as provided in Subsection (C)(2)(b) of this Subsection, void an official action taken by an official or employee with a conflict of interest prohibited by this Article when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
3. Impose a fine of up to \$5,000 for any violation of the provisions of this Article, with each day upon which the violation occurs constituting a separate offense.

(b) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(D) In addition to any other enforcement provisions in this Article, a person who the Commission or a court finds has violated this Article:

- (1) Is subject to termination or other disciplinary action; and
- (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

(E) A City of Brunswick official or employee found to have violated this Article is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(F) Violation of Section 2-3301 of this Article shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one (1) year.

(G) A finding of a violation of this Article by the Commission is public information. (Ord. 512, passed 11-24-2014)

## Article 4. Personnel

### Title 1. General Provisions

#### Section 2-4101. Business Hours

The ~~City Administrator~~ shall keep his office open for business at such times, upon such days, and during such hours, as may be from time to time designated by the Mayor and Council; that, in addition to such duties as may be prescribed by the City Charter and this Code, the City ~~Administrator~~ shall attend all regular and special meetings of the Mayor and Council.

Deleted: Clerk/Treasurer

Deleted: Clerk/Treasurer

#### Section 2-4102. Interdepartmental Assignments

In the interest of economy and efficiency, the Mayor shall have the authority to employ personnel in dual capacities on an interdepartmental basis if such employment shall be deemed necessary.

Section 2-4103. Rules and Regulations

Mayor and Council may from time to time make such rules and regulations as they may deem necessary for the employment of all persons employed by the City.

Section 2-4104. Dismissal of Employees

In accordance with Section 16-29 of the Charter, any employee may be dismissed by the Mayor and Council for misconduct in the performance of their duties, including the violation of the orders of the Mayor and Council or of supervisory personnel; and for the use of intoxicants and/or drugs during their hours of employment and performance of their duties as employees of the Mayor and Council of Brunswick.

Section 2-4105. Benefits

The Mayor and Council of Brunswick shall provide for workmen's compensation insurance, as well as for Social Security, retirement benefits, group life insurance and hospitalization benefits for all of their employees, as well as for such other benefits as the Mayor and Council may from time to time specifically decide.

Section 2-4106. Surety Bond

The City Adminstrator, and such assistant or assistants as he may have from time to time, shall, in addition to any requirements imposed by the City Charter, have a corporate fidelity or public official bond with surety or sureties to be approved by the Mayor and Council covering such case and/or securities as he or she may have under his or her control from time to time; that said bond shall be in a sum not to be less than Twenty Thousand Dollars (\$20,000) and to be in such penalty as may be provided from time to time by the Mayor and Council who shall pay all of the premiums required thereon.

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Deleted: Clerk/Treasurer

Title 2. Authorized Positions

Section 2-4201. Plan of Organization

The Mayor and Council reserves the right to add or abolish positions with the plan of organization as may be necessary to carry forth the intent and purpose of this Code.

*Revisor's Note: See Article V of the Municipal Charter of Brunswick for a description of the powers and duties of the following personnel: City Administrator, Auditor, Chief of Police, Assistant Chief of Police. See Section 16-31 of the Municipal Charter of Brunswick for the authority to appoint both the aforesaid personnel and the following additional personnel: attorney, general superintendent, and City engineer. Also see Section 16-29 of the Charter.*

Deleted: Clerk/Treasurer

Section 2-4202. Assistant City Administrator

Deleted: Clerk/Treasurer

An Assistant City Administrator, who shall be a full-time employee only, may be employed

Deleted:  
Deleted: Clerk/Treasurer

by the Mayor and Council with such qualification for employment and salary as may be from time to time established by the Council.

Section 2-4203. General Superintendent

A General Superintendent shall be employed whose duty it shall be to supervise the maintenance of all City equipment, parks, buildings, streets, water and sewer lines and such other matters, duties, and things, as may be from time to time prescribed by the Mayor and Council; such General Superintendent shall be responsible to the Mayor, or to such person or persons as from time to time the Mayor may designate, for all actions taken by him in his capacity as General Superintendent; and the General Superintendent shall be governed by a working agreement and by such rules and regulations as may be from time to time provided for by the Mayor and Council.

Section 2-4204. Laborers

All laborers employed by the General Superintendent shall be only employed by him after having first had the advice and consent of the Mayor and Council and shall, upon their employment, be under the direct control and supervision of the General Superintendent.

**Article 5. Fair Election Practices**

Title 1. General Provisions

Section 2-5101. Definitions

As used in this Article, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board of Election Supervisors, herein referred to as "The Board". Three qualified voters who not less than 60 days prior to the date for any City election, will be appointed by the Mayor, with the advice and consent of the Council to supervise and oversee the election process as detailed in this Article.

Campaign Committee. A combination of two or more persons appointed by a candidate(s), or any other group of persons formed in a manner which has as a principal purpose to assist in the promotion of the success or defeat of any candidate(s) or proposition or question submitted for vote at any City election.

Campaign Fund Report. Contributions, transfers, expenditures, outstanding obligations and loans as required by this Article.

Campaign Material. Tangible material principally intended to promote the success or defeat of any candidate(s) or proposition, or question which has been, will be, or is sought to be submitted to a vote at any City election, including, but limited to, a pamphlet, circular, card, sample ballot, poster, advertisement, button, or any other printed, multi-graphed, photographed, typewritten or which may be copied by any device or method for publication and/or distribution relating to or concerning any candidate or the acceptance or defeat of any proposition or question. It also includes to any website designed and maintained to promote the success or

defeat of any candidate(s) or proposition, or question, which has been, will be, or is sought to be submitted to a vote at any City election.

Candidate. An individual who seeks, and/or accepts nomination for election in a primary, or qualifies under the rules and regulations of a State recognized party for election to a City office.

Challengers or Watchers. A registered voter designated to be in a polling place by a candidate, political party, or other group for the purpose of observing an election.

Committee. Candidate committee, campaign committee, slates, central party committee, political action committee (PACs) and ballot issue committee.

Contribution. Payment and receipt of a gift or transfer of money or other thing of value by to any candidate, candidate's representative, or campaign committee to promote or assist in the success or defeat of any candidate(s), campaign committee, or proposition, or question submitted for vote at any City election.

Election. Any general, primary, special or recall opportunity to vote in accordance with the provisions outlined in the City Charter.

Expenditure. Disbursement of any gift or transfer of money or other thing of value by any candidate, treasurer, candidate's representative, or campaign committee to promote or assist in the success or defeat of any candidate(s), campaign committee, or proposition submitted for vote at any City election.

Polling Place. The City Park Building or other location designated by the Mayor and Council where registered voters go to cast their votes in a City election.

Registration. Act by which a resident of the City becomes qualified to vote in any City election.

Treasurer. Any person appointed by a candidate or campaign committee to receive and disburse funds or other things of value during an election cycle.

Walk-around Services. Include, but not are limited to communicating a voting preference or choice in any manner, stationing any person or object along the path to the poll, distributing campaign literature, electioneering or canvassing, performed while polls are open.  
(Ord. 436, passed 5-9-2006)

Section 2-5102. General Election Procedures

(A) It shall be the duty of the Mayor and Council to provide for each general, special or recall election a suitable place(s) for voting, ballot boxes, ballots and/or voting machines.

(B) The name of each qualified candidate for elective office shall be arranged alphabetically (or as determined by County procedures) and include when warranted special petitions or referendums to be decided by vote.

(C) Polling places will be open from 8:00 a.m. to 8:00 p.m. for all City elections. A voter in line at 8:00 p.m. will be allowed to cast their vote.

(D) Any qualified voter who may be absent from the City on the day of the election, or who is otherwise prevented from being personally present to vote at the poll location may vote as an absentee voter.

(E) Election Judges may provide assistance to voters, who due to physical infirmity may have difficulty in voting. The City shall make appropriate provisions for handicapped voters.

(F) Write-in votes are prohibited in all City elections.

(G) The provisions of this Article shall apply to all elections in which ballots shall be cast pursuant to provisions of this Chapter.

(H) The City Administrator shall distribute this Article to all candidates for public office at the time such candidate(s) file for election and shall prepare and include such distribution to each candidate forms required by this Article.

(I) The City shall publish in a newspaper published or circulated in Brunswick details of the pending election, to include, polling place, date, and object of election.  
(Code 1930, art. 11, § 34; 1943, ch 740, § 1; 5-10-56, § 1; 4-11-61, § 1; 8-9-66, § 1; Char. Res. 2-12-74; Res. 12-13-77; Char. Res. 93, 7-14-93), (Rev. 9/93), (5/06)  
(Ord. 436, passed 5-9-2006)

#### Section 2-5103. Absentee Ballots

(A) Absentee ballots may be obtained from City Hall at any time after the official voting roles have been closed by Frederick County 30 days prior to the election.

(B) Absentee ballot application must be completed with certifications, if required, and terms agreed to prior to issuance.

(C) Absentee ballots may be mailed to requestors no later then one calendar week prior to the election and must be received by mail at City Hall no later then the day of the election.

(D) Absentee ballots may also be cast in person at City Hall up to the day before the election.

(E) A special voting box (machine) will be designated by the Election Judges/Supervisor for absentee ballots.  
(Ord. 436, passed 5-9-2006)

#### Section 2-5104. Provisional Ballots

(A) A provisional ballot is a safeguard that ensures that no individual who asserts that he or she is registered and eligible to vote will be prevented from casting a ballot on election day.

(B) Provisional ballots may be issued for following conditions:

(1) Not on voting register.

(2) Unable to provide required identification.

(3) Received an absentee ballot provided the voter alleges the absentee ballot has not been cast.

(4) Voter identity is challenged by an Election Judge.  
(Ord. 436, passed 5-9-2006)

Section 2-5105. Nomination of Candidates (formerly Charter, Section 16-14)

(A) Nominations of candidates for Mayor and Council members shall be made by petition; provided each such petition shall be signed by at least 20 registered voters and filed with the City Administrator or designee 30 days prior to the date of any City election.

(B) The signers of such petitions must be registered voters qualified to vote for the person whose name is presented and nominated for a place on the official ballot and shall make oath as prescribed on the petition.

(C) A filing fee of \$10 shall accompany petitions for any office.  
(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 7-11-72; Char. Res. 12-11-73; Char. Res. 2-93, 7-14-93) (Rev. 9/93) (5/06)  
(Ord. 436, passed 5-9-2006)

Section 2-5106. Board of Election Supervisors – "The Board"

(A) Not less than 60 days prior to the date for any City election, the Mayor, with the advice and consent of the Council, shall appoint three qualified voters of the City to serve as a Board of Election Supervisors. The term of appointment shall be from the date of appointment until 60 days after the date of the election, unless otherwise extended by the Mayor, with the advice and consent of the Council.

(B) The members of the Board of Election Supervisors shall be persons of high character and integrity. They shall be legal residents and registered voters of the City.

(C) The Board of Election Supervisors shall elect a President. All questions will be decided by majority vote unless otherwise provided in this Article.

(D) The Board of Election Supervisors shall generally supervise the conduct of the system of registration and all elections in accordance with the provisions of this Article and the ordinances of the City.  
(Ord. 436, passed 5-9-2006)

Section 2-5107. Computation of Time

In computing time for notice to be given, or for the performing of any other act under this Article, Saturday, Sunday or a legal holiday shall be included, except when the day on which notice should be given, or an act performed, occurs on a Saturday, Sunday or legal holiday, in which case the notice shall be given or the act performed on the next regular business day following such Saturday, Sunday or legal holiday. In such computation the date of giving notice or performing any act and the day of registration or election shall be excluded.

(Ord. 436, passed 5-9-2006)

Section 2-5108. Election Judges (formerly Charter, Section 16-16, as amended)

(A) Board of Election Supervisors (the Board) shall appoint the following election judges with the appointment to occur not less than 45 days preceding the date of the election:

- (1) Two Chief Judges;
- (2) Two Machine Judges; and
- (3) Three Book Judges.

(B) All Election Judges must be residents of the City and registered voters. Election Judges will be under the supervision of the Board. Election judges must be able to speak, read and write English during the time of acting as a judge; must not hold nor be a candidate for any elective public office, nor be affiliated with any candidate, slate or committee as a treasurer or campaign manager.

(C) Election Judges are prohibited from any form of electioneering during the performance of their duties.

(D) Election Judges may not leave the polling place at any time.

(E) Training for Election Judges shall follow the County Board of Elections manual as prescribed for the last preceding County election, unless a different style of voting machine is used, then other appropriate training will be conducted. Training must be conducted by the Board of Supervisors or their agent, at least 1 week prior to the election.

(F) Each Judge shall take and subscribe to the oath of office, before the Board of Elections, which oath shall be printed in a book for that purpose and shall be substantially in the following form:

"I, \_\_\_\_\_ residing at \_\_\_\_\_ in the City of Brunswick, in the State of Maryland, do solemnly swear (or affirm) that I am a legal voter of said City, that I support the Constitution of the United States and that I will be faithful and bear allegiance to the State of Maryland and support the Constitution and laws thereof and that I will faithfully and honestly without fear, partially or prejudice, according to the best of my ability, discharge the duties of an officer of registration and of Election Judge for the City of Brunswick, according to the law.

(G) Compensation for each serving Judge will be set and adopted from time-to-time by the Mayor and Council.

(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2, 12-74, 5/06)

(Ord. 436, passed 5-9-2006)

Section 2-5109. Election>Returns Certification and Reservation of Ballots (formerly Charter, Section 16-17)

(A) The Election Judges at every election requiring a decision of the voters, immediately after the polls are closed, shall count the ballots cast. The person receiving the highest number of votes for Mayor shall be declared elected as Mayor. The person(s) receiving the highest number of votes for Council member shall be declared as elected Council member. A majority vote shall be declared for or against any petition or question on the ballot.

(B) The Chief Judges shall verify the results and cause a copy of the unofficial results to be posted on the exterior of the main entrance to the polling place. The Chief Judges will secure all the voting devices and safely secure all ballots, electronic memory devices and other such voting documentation. The Chief Judges will together, take the container to City Hall, where the City Administrator secure the container.

(C) Certification of the election by the Board will take place within one week of the date of the election, depending on the use of absentee and/or provisional ballots. The Board, prior to certification, shall cause all absentee and/or provisional ballots to be cast in the same manner as was done on Election Day. Those votes cast will be added the votes from election to produce a certified official election of candidates and/or petitions or questions.

(D) All cast ballots and the official results shall be maintained by the City for at least two years from the date of the election.  
(Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2-12-74; Char. Res. 2-93, 7-14-93, 5/06)  
(Ord. 436, passed 5-9-2006)

#### Section 2-5110. Challengers or Watchers

(A) These individuals may observe the set up of the voting machines or other devices used for the collection of ballots, voting throughout the day, and the closing procedure, i.e., collection and counting of ballots, and tabulation of results. It is unlawful for any challenger or watcher to inquire for which candidate a voter intends to vote, to converse in the polling place, or to assist any voter.

(B) A certificate signed by any candidate or committee and approved by the Board of Election Supervisors shall be sufficient evidence of the right of the individual to be present in the polling place. Challengers and watchers may not interfere with or obstruct any Election Judge or place in the proper performance of their job.

(C) If an individual commits any of these prohibited acts, a Chief Judge will revoke the certificate and escort the individual from the polling place.  
(Ord. 436, passed 5-9-2006)

#### Section 2-5111. Electioneering

(A) No person or entity shall canvass, electioneer or post any campaign material in any polling place or within a 100-foot radius from any entrance or exit used by voters where the ballots are cast at a polling place.

(B) Any person found guilty of illegal electioneering shall be fined by the Police Department not less than \$50 or more than \$500.  
(Ord. 436, passed 5-9-2006)

Section 2-5112. Applicability

The provisions of this Article shall apply to all City elections in which ballots shall be cast pursuant to provisions of this Chapter.  
(Ord. 436, passed 5-9-2006)

Section 2-5113. Distribution of Article and Forms to Candidates

The City Administrator shall provide for the distribution of this Article to all candidates for public office at the time such candidate(s) file for election and shall prepare and include such distribution to each candidate forms required by this Article.  
(Ord. 436, passed 5-9-2006)

Title 2. Campaign Financing

Section 2-5201. Treasurer for Candidate, Appointment

Each candidate for election to office may appoint one treasurer and file the name and address of the treasurer with the Board of Election Supervisors; the treasurer shall file election reports in accordance with this Article.  
(Ord. 436, passed 5-9-2006)

Section 2-5202. Candidate Bank Account

Every candidate for election to public office shall maintain a separate bank account for deposit of all contributions. Each such bank account shall be opened in accordance with all applicable state and federal banking laws and be registered in a manner that identifies it as the account of the candidate.  
(Ord. 436, passed 5-9-2006)

Section 2-5203. Personal Contributions and Expenses of Candidates

Personal expenses of the candidate for filing fees, telegrams, telecopier, electronic mail, telephoning, travel and board shall not be considered contributions if paid for by the candidate.  
(Ord. 436, passed 5-9-2006)

Section 2-5204. Anonymous Contributions

No candidate or treasurer shall accept any contribution from an unidentified person or organization in furtherance of the candidate's nomination or election.  
(Ord. 436, passed 5-9-2006)

Section 2-5205. Corporate Contributions

Corporate contributions, as well as contributions from any other business entities, political clubs, political committees, political action committees, federal committees and labor unions are allowed. If a contribution is from any of the foregoing entities, the name and address of the entity itself shall be entered in the candidate's records and in the campaign finance reports.  
(Ord. 436, passed 5-9-2006)

Section 2-5206. Limitation of Contributions

It is unlawful for any individual, association, unincorporated association, corporation, or any other entity, either directly or indirectly, to contribute in any election cycle any money or thing of value greater than \$500 to any single candidate or campaign committee or to contribute money in excess of \$100 except by check.

(Ord. 436, passed 5-9-2006)

Section 2-5207. Election Reports Required

(A) Every candidate for election to public office, or his or her treasurer, shall file a report of contributions and expenditures in accordance with the provisions of this section on forms prescribed by the Board of Election Supervisors. Election reports are required by all candidates for public office, regardless of whether or not the candidate withdraws subsequent to nomination.

(B) The report shall be filed not later than ten days following the date of the City election.

(C) The report shall contain:

- (1) The name and address of the candidate;
- (2) The name and address of the treasurer, if appointed;
- (3) Date of the report;
- (4) Name and address of each contributor;
- (5) The dollar amount of each contribution, or if not money, a description and estimated value of such non-monetary contributions;
- (6) The name and address of each expenditure;
- (7) The dollar amount and nature of each expenditure;
- (8) Written verification by the candidate and treasurer, if appointed.

(D) Election reports shall be filed with the Board of Election Supervisors. The board shall maintain all reports for a period of one year. Reports shall be made available for public inspection and copying during normal business hours through the City Administrator, or designee.

(Ord. 436, passed 5-9-2006)

Section 2-5208. Enforcement and Penalties

The Board of Election Supervisors shall aid in the prosecution of all offenses under this Article. Except as otherwise provided herein, any person who fails to perform any duty required of him or her under provision of this Article; or willfully violates any provision of this Article is guilty of a municipal infraction and shall be punished with a fine of not more than \$400.

(Ord. 436, passed 5-9-2006)

## **Article 6. Fair Housing Practices**

### **Title 1. General Provisions**

#### **Section 2-6101. Declaration of Policy**

It is the policy of The City of Brunswick to provide for fair housing to all of its residents, regardless of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income; and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the City may be protected and insured.

(Ord. 494, passed 2-8-2011)

#### **Section 2-6102. Definitions**

In this Article the following words have the meanings indicated.

**Administrator.** City Administrator.

**Aggrieved Person.** Any person who claims to have been injured by a discriminatory housing practice.

**City.** The City of Brunswick.

**Complainant.** The person who files a complaint of a discriminatory housing practice under this Article.

**Conciliation.** The attempted resolution of issues raised by a complaint, or by the investigation of a complaint through informal negotiations involving the complainant, the respondent, and the administrator.

**Disability.** With respect to a person:

- (1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
- (2) A record of having a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or
- (3) Being regarded as having a physical or mental impairment which substantially limits one (1) or more of such person's major life activities.
- (4) Disability does not include current, illegal use of or addiction to a controlled or otherwise illegal substance as defined in Title 21, § 802 of the U.S. Code or Article 27, § 277 of the Maryland Code.

**Discriminatory Housing Practice.** An act that is unlawful under Sections 2-6104, 2-6105, 2-

6101, 2-6107, 2-6108, and 2-6109 of this Article.

Dwelling. Any building, structure or portion thereof which is occupied as, or designed for occupancy as, or intended for, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Familial Status. The status of one (1) or more individuals (who have not attained the age of eighteen (18) years) being domiciled with:

- (1) A parent or other person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having legal custody of such individuals, with the written permission of such parent or other person.
- (3) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Family. Includes a single individual.

Housing for Older Persons. Housing:

- (1) Provided under any State or Federal program that is specifically designed and operated to assist elderly persons as defined by the state or federal program;
- (2) Intended or solely occupied by, persons sixty-two (62) years of age or older;
- (3) Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

Marital Status. The state of being single, married, separated, divorced, or widowed.

Multifamily dwelling. Means:

- (1) A building consisting of four (4) or more units, if the building has one (1) or more elevators; or
- (2) A ground floor unit in a building consisting of four (4) or more units, if the building has no elevator.
- (3) A multistory townhouse shall not be considered a multifamily dwelling.

Person. Includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, receivers, and fiduciaries.

Respondent. A person accused in a complaint of a discriminatory housing practice.

Source of Income. Any lawful, verifiable source of money paid directly or indirectly to a

renter or buyer of housing including:

- (1) Any lawful profession or occupation;
- (2) The condition of being a recipient of Federal, State, or local government assistance, including medical assistance, subsidies, rental assistance, or rent supplements;
- (3) Any gift, inheritance, pension, annuity, alimony, child support, trust or investment accounts, or other consideration or benefit; and
- (4) Any sale or pledge of property or interest in property.

To Rent. To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.  
(Ord. 494, passed 2-8-2011)

Section 2-6103. Applicability of Subtitle; Exceptions

(A) Nothing in this Article, other than the prohibitions against discriminatory advertising, applies to the sale or rental of a single family dwelling, if the dwelling is sold or rented without the use of the sales or rental facilities or services of any:

- (1) Real estate broker, agent, or salesperson;
- (2) Agent of any real estate broker, agent, or salesperson;
- (3) Person in the business of selling, renting, or managing dwellings; or
- (4) Agent of a person in the business of selling, renting, or managing dwellings.

(B) Nothing in this Article, other than the prohibition against discriminatory advertising, applies to the rental of any unit in a dwelling that contains four (4) or fewer rental units, and the owner maintains a unit in the dwelling as the owner's principal residence.

(C) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title may not subject a person to this Article if the person otherwise would be exempted.

(D) Nothing in this Article requires that a dwelling be made available to an individual whose tenancy:

- (1) Would constitute a direct threat to the health or safety of other individuals; or
- (2) Would result in substantial physical damage to the property of others.

(E) Nothing in this Article shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to these persons, unless membership in the religion is

restricted on account of race, color or national origin.

(F) Nothing in this Article shall prohibit a private club not in fact open to the public, which as an incidence to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the dwelling to its members or from giving preference to its members.

(G) Nothing in this Article limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(H) The provisions in this Article that deal with familial status do not apply to housing for older persons as defined in Section 2-6102 of this Article.

(I) Nothing in this Article prohibits conduct against a person because the person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined in Title 21, § 802 of the U.S. Code or a controlled dangerous substance as defined in Article 27, § 277 of the Maryland Code.

(J) The prohibitions in this Article against discrimination because of source of income do not prohibit:

- (1) A commercially reasonable verification of a source and amount of income;
- (2) A commercially reasonable evaluation of the stability, security, and creditworthiness of any source of income;
- (3) The eviction of any person for lease violation behaviors; or
- (4) The refusal to consider income derived from any criminal activity.

(K) With respect to discrimination on the basis of sex, this Article does not apply to rooms within a dwelling which have shared restroom and cooking facilities.  
(Ord. 494, passed 2-8-2011)

#### Section 2-6104. Discrimination in Sale or Rental of Housing and Other Prohibited Practices

Except as exempted by Section 2-6103 of this Article, it shall be unlawful:

- (A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income;
- (B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income;
- (C) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates

any preference, limitation or discrimination based on race, color, religion, sex, familial status, national origin, disability, marital status, or source of income, or an intention to make any preference, limitation, or discrimination;

- (D) To represent to any person because of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact available;
  - (E) To discriminate in the sale or rental, or otherwise make unavailable or deny, a dwelling to any buyer or renter because of the race, color, religion, sex, familial status, national origin, disability, marital status, or source of income of:
    - (1) The buyer or renter; or
    - (2) A person residing or intending to reside in the dwelling after it is so sold, rented, or made available.
  - (F) To refuse to permit at the expense of a disabled person, reasonable modifications of existing premises occupied or to be occupied by the individual if:
    - (1) The modifications may be necessary to afford the disabled person full enjoyment of the dwelling; and
    - (2) For a rental dwelling, the tenant agrees, at the tenant's expense to restore, reasonable wear and tear excepted, the interior of the dwelling to the condition that existed before the modification on vacating the dwelling;
  - (G) To refuse to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a disabled individual equal opportunity to use and enjoy a dwelling; or
  - (H) To fail to design or construct a multifamily dwelling for first occupancy as required under Section 2-6105 of this Article.
- (Ord. 494, passed 2-8-2011)

Section 2-6105. Access for the Disabled

- (A) On or after July 1, 1991, a multifamily dwelling for first occupancy shall be designed and constructed so that:
  - (1) The public use and common use portions of such dwellings are readily accessible to and usable to disabled persons;
  - (2) All the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by disabled persons in wheelchairs; and
  - (3) All premises within the dwellings contain the following features of adaptive design:
    - (a) An accessible route into and through the dwelling;

- (b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (c) Reinforcements in bathroom walls to allow later installation of grab bars; and
- (d) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(B) The requirements of this Section are satisfied by compliance with:

- (1) The appropriate requirements of the most current revision of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as ANSI A117.1); or
- (2) The Federal law, regulations, and guidelines on disability accessibility adopted under the Federal Fair Housing Act Amendments of 1988 and incorporated by reference in the rules and regulations adopted by the Department of Housing and Urban Development under Article 83B, § 6-102 of the Code. (1991, ch. 571, § 3.)

(Ord. 494, passed 2-8-2011)

Section 2-6106. Discrimination in Residential Real Estate Related Transaction

- (A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income.
- (B) It shall be unlawful to refuse to appraise a property, to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan, accept a deed of trust or mortgage, or otherwise make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of a dwelling; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property because of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income.
- (C) It shall be unlawful to discriminate in any financial transaction involving a dwelling on account of the location or neighborhood composition because of the race, color, religion, sex, familial status, national origin, disability, marital status, or source of income of the residents.
- (D) Nothing in this Article prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, familial status, national origin, disability, marital status, or source of income.

(Ord. 494, passed 2-8-2011)

Section 2-6107. Discrimination in Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility, relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions or such access, membership or participation, on account of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income. (Ord. 494, passed 2-8-2011)

Section 2-6108. Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, interfere with, or retaliate against any person in the exercise or enjoyment of, on account of a person having exercised or enjoyed, or on account of a person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Article. (Ord. 494, passed 2-8-2011)

Section 2-6109. Prohibition Against Injury, Intimidation, Etc., by Force or Threat of Force, to Prevent Exercise of Rights

Whether or not acting under color of law it is unlawful for any person, by force or threat of force, to willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

- (A) Any person because of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income and because the person is or has been:
  - (1) Selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling; or
  - (2) Applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings.
- (B) Any person because the person is or has been, or in order to intimidate the person or any other person or any class of persons from:
  - (1) Participating without discrimination on account of race, color, religion, sex, familial status, national origin, disability, marital status, or source of income in any of the activities, services, organizations, or facilities described in subsection (A) of this Section; or
  - (2) Affording another person or class of persons the opportunity or protection to participate in any of the activities, services, organizations or facilities as described in paragraph (a) of this section; or
- (C) Any person because the person is or has been, or in order to discourage the person or any other person from:
  - (1) Lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, familial status, national origin, disability, marital status or source of income in any of the activities, services, organizations,

or facilities described in Subsection (A) of this Section; or

- (2) Participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations or facilities described in Subsection (A) of this Section.

(Ord. 494, passed 2-8-2011)

Section 2-6110. Fair Housing Administrator

(A) There is hereby established a Fair Housing Administrator to carry out the provisions of this Article.

(B) Duties of the Administrator shall be as follows:

- (1) The Administrator shall be responsible for promoting fair housing rights within the City.
- (2) The Administrator shall have the authority to inform the citizens of the City of practices and patterns of conduct which may be discriminatory in housing.
- (3) The Administrator shall have the authority to initiate or receive complaints, and make referrals to the Maryland Commission on Human Relations.
- (4) The Administrator shall hold confidential any information that would tend to disclose the identity of a complainant and/or respondent until an order of discrimination has been found by the Administrator.

(Ord. 494, passed 2-8-2011)

Section 2-6111. Procedures of the Administrator

(A) A complaint charging a violation shall be made in writing and under oath or affirmation by an aggrieved person within one (1) year of the last discriminatory event.

(B) The Administrator shall make a prompt referral to the Maryland Commission on Human Relations.

(C) A complainant has the right to appeal any administrative decision.

(Ord. 494, passed 2-8-2011)

Section 2-6112. Penalties

Penalties ordered by the court may include, but are not limited to:

- (A) Injunctive relief.
- (B) Compensatory damages.
- (C) Punitive damages.

(D) Reasonable and customary attorney's fees.

(E) Non-monetary relief.

(F) A fine not exceeding \$10,000 for the first offense. Each subsequent offense within five (5) years shall be punishable by a fine not exceeding \$25,000.

(G) Any other equitable relief that is deemed appropriate.

(Ord. 494, passed 2-8-2011)

Section 2-6113. Enacting of Other Ordinances on Subjects Covered by Ordinance

Nothing in this Article shall affect the powers of the City to enact ordinances on any subject covered by this title; provided that no such ordinance shall permit the doing of any act which would be a discriminatory or unlawful housing practice under this Article.