

**MAYOR AND COUNCIL SPECIAL MEETING
TUESDAY, AUGUST 25, 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 – Chapter 2
- 5. ADJOURNMENT**

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Article 4. Personnel

Title 1. General Provisions

Section 2-4101. Business Hours

~~The Clerk/Treasurer City 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 Clerk/Treasurer shall attend all regular and special meetings of the Mayor and Council.~~
The City Administrator shall keep his office open at such times and days as are set by the Mayor and Council. 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.

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 Administrator~~~~Clerk/Treasurer~~, 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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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: ~~Clerk/Treasurer~~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.

Section 2-4202. Assistant ~~Clerk/Treasurer~~City Administrator

An Assistant-~~City Administrator~~~~Clerk/Treasurer~~, who shall be a full-time employee only, may be employed 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. An organized effort to promote the success or defeat of any candidate(s), propositions, or questions to be voted on in a City election.

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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. A combination of two or more persons working together to promote a campaign.

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. Any tangible or electronic material principally intended to promote the success or defeat of any campaign.

Candidate. Any resident who has satisfied the requirements described in Section 2-5105 to run for Mayor or Council. Also, 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.

Comment [c22]: 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?

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.

Comment [c23]: 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?

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

Comment [c24]: 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?

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. 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

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the success or defeat of a campaign.

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.

Comment [c25]: Consider changing hours especially if uncontested – Bob

(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. To be valid, any vote cast must indicate a selection for each open position. i.e., no "bullet voting" shall be accepted.~~

Comment [c26]: 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?

(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~~ on the City website 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 rolls 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 than one calendar week prior to the election and must be received by mail at City Hall no later than 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)

Comment [c27]: Why? -Bob

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 if the requestor

(1) is not on the voting register.

(2) is unable to provide the required identification.

(3) has received an absentee ballot which the requestor certifies has not been cast. 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)

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Comment [c28]: 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 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.

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(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.

Comment [c29]: Why not align with other appointed Boards? -Bob

(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.

Comment [c30]: Why not phrase as "such judges as they deem necessary"? - Bob

(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.

Comment [c31]: Why? -Bob

(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—in which case~~ other appropriate training will be conducted. Training must be conducted by the Board of Supervisors or their agent, at least ~~one~~ 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. Immediately after the polls are closed at each election the Election Judges 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 ~~or designee shall~~ 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 valid provisional ballots to be counted east in

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the same manner as was done on Election Day. Those valid votes cast will be added to 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 campaign 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.

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(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 or designee 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)~~

Comment [c32]: Why? -Bob

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) ~~(*haircut, glamour photo, manicure, car wash for parade, etc.*)~~

Comment [c33]: ? - Bob

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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

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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 \$4001000.

(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 ensure fair housing practices~~ for all of its residents, regardless of ~~sexual orientation~~, 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

Comment [c34]: Suggest no changes to this section because Federal and State Law should control, or simply indicate compliance with those laws be required.

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 a ~~such~~-person's major life activities;
- (2) A record of having a physical or mental impairment which substantially limits one (1) or more of a ~~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 a ~~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) living 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

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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.

Potential causes of discrimination. Race, color, religion, sex, familial status, national origin, disability, marital status, sexual orientation, or source of income.

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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. A religious organization or its affiliated nonprofit may limit the sale or rental of residential properties it owns or operates to persons of the same religion provided that membership in that religion is not 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.

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(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:

~~Potential causes of discrimination(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;~~

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~~(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;~~

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~~(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;~~

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~~(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

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Comment [c35]: Need to define per Ellis Burruss

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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. Potential causes of discrimination~~

~~(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 or race, color, religion, sex, familial status, national origin, disability, marital status, or source of income. (Ord. 494, passed 2-8-2011)

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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.~~Potential causes of discrimination
- (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)

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Section 2-6110. Fair Housing Administrator

Comment [c36]: Per Ellis Buruss -- Do we have this position? Should it be mentioned on the City website?

(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.

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