

**CHARTER**  
**OF THE CITY**  
**OF**  
**BRUNSWICK**

FREDERICK COUNTY

MARYLAND

As found in the  
Public Local Laws of Frederick County, 1959 Edition  
supplemented to December 1975, as amended,  
as deposited at the State of Maryland Legislative Services through March 2004,  
and as amended through January 2009.

**Last amended August 2016 by City staff.**

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# **CHARTER**

## **BRUNSWICK**

(See note (7))

### **Article I. In General.**

#### **Section 16-1. Continuation of corporation.**

The citizens of the City of Brunswick are and shall continue to be a body corporate, by the name of the mayor and council of Brunswick and by that name shall have perpetual succession, sue, and be sued, have and use a common seal and may purchase and hold real estate or dispose of the same for the benefit of the city. (Code 1930, art. 11. § 32; 1943, ch. 740, § 1.)

#### **Section 16-2. Boundaries.**

The limits of said town of Brunswick begin at a stone planted at the northeast corner of a culvert under the Chesapeake and Ohio Canal, said place of beginning being at the end of the thirteenth line of a tract of land conveyed to the Real Estate and Improvement Company at Baltimore City by Mary Gertrude Orrison, by deed dated December seventh, eighteen hundred and eighty-nine and recorded among the Land Records of Frederick County, in Liber W.I.P. number nine, folio five hundred and eighty-six, etc., and running thence with and binding reversely on the lines of the above mentioned conveyance in the Maryland State Plane NAD 83/91 Datum the following courses and distances, to wit:

1. North 17°38'45" East, 651.75 feet to a stone, thence
2. North 01°21'15" West, 660.00 feet to a stone, thence
3. North 02°21'15" West, 173.25 feet to a stone, thence
4. North 12°08'45" East, 2,128.50 feet to a stone, planted in the center of a lane leading to the property owned by John Frazier, said stone being also planted at the corner of said Frazier's property, thence with the center of said lane
5. North 41°51'15" West, 1,089.00 feet to a stone, planted in the road leading from Parker's Mill to the City of Brunswick, thence with said road
6. North 30°23'45" East, 115.50 feet to a stone, thence
7. North 68°36'15" West, 95.70 feet to a stone, thence
8. North 70°36'15" West, 316.80 feet to a stone, thence
9. North 31° 51' 15" West, 610.46 feet to a P.K. nail set at the westerly end of the North 58° 50' 22" East, 249.10 foot plat line of the area dedicated to public use and as shown as Line Number 2 on a plat entitled "Plat of Lot Created by Public Taking, Biser's Overlook" recorded among the aforesaid Land Records in Plat Book 39 at Page 158, said point also being on the centerline of Maryland Route 464; thence leaving the ninth (9th) line of the limits of the City of Brunswick as described in the 1957 Town Charter and running with all of said line along the centerline of said Maryland Route 464 and with the lands of John H. Kelly as

described by a deed dated August 27, 1976 and recorded among the aforementioned Land Records in Liber 997 at folio 662

10. North  $52^{\circ} 58' 58''$  East, 249.58 feet to a P.K. nail set; thence continuing with the said dedication area as shown on the aforementioned plat and with the lands of said John H. Kelly
11. South  $36^{\circ} 30' 18''$  East, 40.00 feet to a rebar and cap set; thence continuing with the said dedication area as shown on the aforementioned plat, with the northerly line of Lot 2, Section 2 as shown on a plat entitled "Combined Preliminary/Final Plat, Lots 1, 2, and 3, Section 2, Biser's Overlook" and recorded in Plat Book 41 as Page 51 among the aforementioned Land Records and conveyed to L.K. and T.O. Murray by a deed recorded in Liber 1576 at Folio 276 among the aforementioned Land Records, with part of the lands conveyed to Roland M. and Evelyn L. Biser in a deed recorded in Liber 1875 at Folio 578, and with the northerly line of Lot 3, Section 2 as shown on a said plat recorded in Plat Book 41 as Page 51 among the aforementioned Land Records and conveyed to G. L. and R. L. Grams by a deed recorded in Liber 1576 at Folio 281 among the aforementioned Land Records
12. North  $52^{\circ} 58' 58''$  East, 624.89 feet to a rebar and cap set; thence continuing with the said dedication area as shown on the aforementioned plat recorded in Plat Book 41 as Page 51 and with the lands conveyed to J. F and R. M. Gordon by a deed recorded in Liber 817 at Folio 392 among the aforementioned Land Records
13. North  $36^{\circ} 32' 54''$  West, 40.00 feet to a P.K. nail set on the centerline of Maryland Route 464; thence along the centerline of said Maryland Route 464, continuing with the said dedication area as shown on the aforementioned plat, with the northerly line of aforementioned lands conveyed to J. F and R. M. Gordon, with the northerly line of the lands conveyed to W. A. and G. L. Arvin by a deed recorded in Liber 491 at Folio 493, with the northerly line of the lands conveyed to W. A. and G. L. Arvin by a deed recorded in Liber 651 at Folio 45, and with the northerly line of the lands conveyed to F. L. and S. K. Cuddlip by a deed recorded in Liber 2174 at Folio 753 among the aforementioned Land Records
14. North  $52^{\circ} 58' 58''$  East, 255.14 feet to a P.K. nail set; thence continuing with the said centerline, with the dedication area as shown on the aforementioned plat, with the northerly line of the lands conveyed to F. L. and S. K. Cuddlip by a deed recorded in Liber 2174 at Folio 753, and with the lands conveyed to R. E. Wheeler by a deed recorded in Liber 1596 at Folio 153 among the aforementioned Land Records
15. 457.80 feet along the arc of a curve deflecting to the right, having a radius of 1269.28 feet (chord: North  $63^{\circ} 18' 55''$  East, 455.33 feet) to a P.K. nail set; thence with all of Line Number 3 of said dedication area as shown on the aforementioned plat entitled "Plat of Lot Created by Public Taking, Biser's Overlook" recorded among the aforesaid Land Records in Plat Book 39 at Page 158 as shown on the aforementioned plat, leaving said Maryland Route 464 and binding with the first (1st) or North  $03^{\circ} 45'$  West, 435.6 foot line of a deed recorded among the Land Records of Frederick County, Maryland in Liber 703 at folio 283, with the ninth (9th) line or south  $03^{\circ} 52' 19''$  East, 525.25 foot line of a deed recorded among the aforesaid Land Records in Liber 2221 at Folio 406 and

with the North 02°56'00" West, 1142.81 foot plat line of a plat entitled "Boundary Survey of Property Now Known as Wire Bender Farm" recorded among the aforesaid Land Records in plat book 15 at page 69 the following course and distance:

16. North 04° 31' 32" West, 2101.81 feet to a point; thence binding with the fourth (4th) and fifth (5th) lines of a deed recorded among the aforementioned Land Records in Liber 1471 at Folio 570 the following two (2) courses:
17. North 84° 49' 31" West, 1365.16 feet to a point; thence
18. North 47° 23' 14" West, 625.85 feet to a point on the North 55°52' East, plat line of a plat entitled "Plat of Rosemont" recorded among the aforesaid Land Records in Plat Book STH1 at Page 95; thence binding with the southerly limits of Lots 50, 51, 52 and part of Lot 56 as shown on said plat:
19. South 50° 00' 32" West, 746.75 feet to a point; thence continuing with the southerly limits of Lots 49, 48, 47 and part of Lot 46 as shown on the aforesaid plat of Rosemont, the following course and distance:
20. South 49° 06' 33" West, 638.64 feet to a stone found; thence continuing with the southerly limits of Lots 46, 45, and 44 as shown on the aforesaid plat of Rosemont the following course and distance
21. South 44° 54' 46" West, 376.71 feet to a t-bar found; thence continuing with the southerly limits of Lots 43, 42, 41, 40, 39, 38, and 37 as shown on the aforesaid plat of Rosemont, with the southerly lines of Parcel 2, Tract 1 and Parcels 1 and 2, Tract 2 of the lands conveyed to Gary R. Cooper and W. Kay Cooper by a deed recorded in Liber 2808 at Folio 907, and with the lands conveyed to R. N. Grove, Jr. and Melody A. Grove by a deed recorded in Liber 879 at Folio 84 among the aforementioned Land Records the following course and distance
22. South 44° 43' 52" West, 1167.79 feet to a point; thence continuing with the lands conveyed to R. N. Grove, Jr. and Melody A. Grove by a deed recorded in Liber 879 at Folio 84 among the aforementioned Land Records the following course and distance
23. South 38° 37' 59" West, 194.08 feet to a rebar and cap set at the beginning of the fourteenth line of the 1957 Town Charter; and running thence with all of said line
24. North 69° 36' 15" West, 1515.00 feet to a point; thence
25. North 57°06'15" West, 558.00 feet to a stone, thence
26. North 48°06'15" West, 337.00 feet to a stone in the southeast line of Maryland Route 17 (former Brunswick Road), thence crossing said Route 17 and the farm formerly owned by Daniel Shafer and now owned by Olive S. Long.
27. North 59°06'15" West, 1,720.00 feet to a point, said point being on the eleventh (11th) or North 20°15' East, 256.18 perch line as described in a conveyance from John A. Hope, Jr. and Lillie V. Hope to the Hope family limited partnership by deed dated December 29, 1994 and recorded among the Land Records of Frederick County, Maryland in Liber 2068 at Folio 896, thence binding with part of said line as now surveyed:
28. North 18°18'45" East, 310.00 feet to a point, said point being on the southerly right-of-way limits of relocated Maryland Route 17 as delineated on State Roads Commission Right-of-Way Plat no. 24594, said point being 40.00 feet left of base line station 17+91.23 as delineated on the aforesaid plat, thence binding with the

southerly limits of said Maryland Route 17 (as shown on Maryland State Road Plats 24595, 29405, 29406) the following thirteen (13) courses:

29. North 48°16'29" West, 483.77 feet to a point, thence
30. South 41°43'31" West, 60.00 feet to a point, thence
31. North 48°16'29" West, 175.00 feet to a point, thence
32. North 17°18'40" West, 116.62 feet to a point, thence
33. North 48°16'29" West, 925.00 feet to a point, thence
34. South 41°43'31" West, 50.00 feet to a point, thence
35. North 48°16'29" West, 225.00 feet to a point, thence
36. North 34°14'19" West, 206.16 feet to a point, thence
37. North 48°16'29" West, 400.00 feet to a point, thence
38. North 64°58'27" West, 52.20 feet to a point, thence
39. North 39°44'38" West, 101.12 feet to a point, thence
40. North 48°16'29" West, 269.21 feet to a point, thence
41. 384.61 feet along the arc of a curve deflecting to the right, having a radius of 1,949.86 feet and a chord bearing and length of North 42°37'27" West, 383.98 feet to a point, said point being 40.00 feet left of baseline station 50+95.93 as delineated on State Road Commission Right-of-Way Plat no. 29406, then leaving said Maryland Route 17 and binding with the first (1st) line as described in a conveyance from Leon B. Enfield et ux to Leon B. Enfield and Shirley G. Enfield, husband and wife, by deed dated June 17, 1991 and recorded among the Land Records of Frederick County, Maryland in Liber 1716 at Folio 1026 and also the centerline of that portion of the Burkittsville-Brunswick Road now abandoned (SRC Plat 35592)
42. North 65°56'34" West, 587.65 feet to a point, thence leaving said centerline of the Burkittsville-Brunswick Road (now abandoned) to cross and include part of the said Liber 1716 at Folio 1026, the following three (3) courses:
43. North 86°59'36" West, 35.80 feet to a point, thence
44. North 65°56'34" West, 22.88 feet to a point, thence
45. North 39°20'44" West, 28.72 feet to a point, said point being at centerline station 0+44.91 of the aforesaid Burkittsville-Brunswick Road as delineated on State Roads Commission Right-of-Way Plat No. 35592, thence binding with said centerline and the first (1st) line of Parcel No. 1 as described in the aforesaid Liber 1716 at Folio 1026 as now surveyed:
46. North 71°59'06" West, 8.49 feet to a point, thence binding with easterly and southerly dedication limits as delineated on Maryland State Roads Plat No. 35592 the following two (2) courses:
47. South 50°39'16" West, 87.73 feet to a point, thence
48. North 39°20'44" West, 32.73 feet to a point, said point being in or near the centerline of Jefferson Pike (Maryland Route 180), thence binding with said Jefferson Pike in or near the said centerline, thence
49. South 43°55'28" West, 436.29 feet to a point, thence
50. South 43°37'02" West, 2,051.86 feet to a point, thence leaving said centerline of Jefferson Pike
51. South 47°01'58" East, 32.61 feet to a concrete monument found, said point being the northeast front corner of Lot 1, Section 1 as delineated on a plat entitled

- “Combined Preliminary/Final Plat, Enfield Division” and recorded among the Land Records of Frederick County, Maryland in plat book 20 at page 112, thence binding with the westerly platted limits of said Lot 1
52. South 43°32'29" West, 220.82 feet to a point, thence
  53. North 61°56'42" West, 34.15 feet to a point, said point being in or near the centerline of the aforesaid Jefferson Pike, thence binding with said Jefferson Pike in or near the centerline
  54. South 43°37'02" West, 119.28 feet to a point, thence
  55. South 41°12'19" West, 720.69 feet to a point, thence leaving the centerline of Jefferson Pike (Maryland Route 180, aka Ridge Road from Frederick to Harpers Ferry) and binding with the eleventh (11th) through ninth (9th) lines as described in the aforesaid Liber 1716 at Folio 1026 (Parcel No. 1) as now surveyed:
  56. South 64°53'54" East, 1,701.15 feet to a point, thence
  57. South 27°53'51" West, 1,567.45 feet to a rebar and cap found, thence
  58. South 72°13'44" East, 1,216.24 feet to a point, thence
  59. South 56°58'53" East, 410.52 feet to a rebar and cap found, thence
  60. South 11°00'50" West, 274.10 feet to a rebar and cap found, said point being the northeast corner of the “Moore Farm” as conveyed in a personal representative’s deed dated September 17, 1996 and recorded in the Frederick County Land Records in Liber 2227 at Folio 303 between Mary Ann Daugherty and Shawn Elaine Daugherty, personal representatives and the Herbert L. Daugherty trust of 1994-cst and the Herbert L. Daugherty trust of 1994-marital, said “Moore Farm” being more particularly described in Liber 409, Folio 503 among the Land Records of Frederick County, Maryland, thence binding with the northerly, westerly and southerly limits of said “Daugherty Trust” property as now surveyed:
  61. North 56°56'06" West, 479.15 feet to a rebar found, thence
  62. North 72°18'39" West, 1,205.59 feet to a point, thence
  63. North 61°38'42" West, 623.03 feet to a rebar found, thence
  64. North 61°23'09" West, 254.92 feet to a rebar and cap found, thence
  65. South 10°04'12" West, 1,285.08 feet to a point, thence
  66. South 64°21'58" East, 196.38 feet to a point, thence
  67. South 60°21'58" East, 80.65 feet to a point, thence
  68. South 64°21'58" East, 349.55 feet to a point, thence
  69. South 64°51'06" East, 642.73 feet to a point, thence
  70. South 68°20'38" East, 625.36 feet to a point, thence
  71. South 70°56'00" East, 835.73 feet to a point, thence
  72. South 18°51'54" West, 16.68 feet to a concrete monument found on the East side of a 14' alley as delineated on a subdivision record plat entitled “Brunswick Industrial Company’s Addition to the Town of Brunswick” and recorded among the Land Records of Frederick County, Maryland in plat book STH 276 at plat 186, thence binding with said East side of said alley
  73. South 18°51'54" West, 464.71 feet to a concrete monument found on the North side of Route 478 (Potomac Street also the road leading from Knoxville to Brunswick) thence

74. South 18°51'54" West, and continuing the same until it intersects the Maryland State Line; thence southeasterly, binding on the Maryland State Line until it intersects a line drawn South 24°51'15" East, from the beginning; and thence reversing the said line so drawn and binding thereon, North 24°51'15" West, to the place of beginning.

(Code 1930, art. 11, § 33; 1943, ch. 740, § 1; 1949, ch. 661, § 1; 11-12-57; Char. Res. 04-06, 04-27-04, Rev. 06/04, (**Char. Res. 08-06, 05-27-08, Char. Res. 08-07, 05-27-08**))

#### Section 16-2.1

(Repealed.) (Char. Res. 04-06, 4-27-04.)

#### Section 16-3. Powers generally.

The mayor and council of Brunswick shall have the power to pass such ordinances not contrary to the laws and constitution of this state as it may deem necessary.

- (1) For the good government of the city.
- (2) For the protection and preservation of the city's property, rights and privileges.
- (3) For the preservation of peace and good order and securing persons and property from violence, danger and destruction.
- (4) For the protection of the health, comfort and convenience of the citizens of Brunswick and visitors thereto or sojourners therein.
- (5) For the appointment of a board of health and defining and regulating its powers and duties.
- (6) For establishing and maintaining a fire department.
- (7) For erecting and maintaining bridges.
- (8) For establishing, maintaining and regulating an adequate police force.
- (9) To prevent, remove and abate or cause to be removed or abated, all nuisances or obstructions in or upon the sidewalks, streets, highways, lanes or alleys, drains or watercourses or in or upon any lot adjacent thereto and to provide for imposing a fine upon any person causing, creating or maintaining any such nuisances or obstructions.
- (10) To open, close and widen or narrow streets, lanes, roads or alleys within the limits of the city.

- (11) To remove or cause to be removed or to render secure any house, building or other structure or objects that may be dangerous to property, health or to the life or to the limbs of persons entering such house or building, passing along or over any of the highways of the city or residing in the neighborhood thereof.
- (12) To make reasonable regulations in regard to buildings to be erected in the city, including a Building Code.
- (13) To make and establish grades upon the streets and highways of the city.
- (14) To cause sidewalks along the public streets and highways of the city to be graded, paved, repaired or made and curbs to be set, at the cost and expense of the abutting property or the owner thereof, which cost and expense shall be a lien upon the abutting property in favor of the Mayor and council until paid. Such lien may be enforced by distrains and sale in the same manner as the collection of corporate taxes are enforced or the mayor and council may, by fine or otherwise, compel the owner or proprietor of any lot to pave or repave the sidewalks or footways of any street adjacent to such lot and to set curbs along the same, agreeably to the ordinances of the city.
- (15) To cause the streets, ways and alleys, the watercourses, drains, sewers and gutters to be macadamized or paved, kept in repair and cleaned.
- (16) To control and protect the public buildings, ground and property of the city.
- (17) To establish, enact, maintain and regulate a station house or lockup in the city for the confinement of violators of the law and ordinance thereof, and such other buildings for municipal purposes as they may deem necessary and proper.
- (18) To levy a tax and impose a license on dogs and bitches and to prevent horses, cattle, goats, swine, dogs and fowl from running at large in the streets of the city and through vacant buildings and lots thereof.
- (19) To regulate and control all offensive trades, manufactures and traffic in offensive fertilizers and other commodities.
- (20) To prohibit hogpens and slaughterhouses within the limits of the city.
- (21) To require a license or permit to be applied for and obtained by the parties or persons hereinafter mentioned, to fix the amounts for such licenses and permits and to prescribe the penalties to be imposed for failure to procure the license or permits and pay for the same. The money paid for any and all such licenses and permits required by ordinance and issued under the order of the mayor and council shall belong to them for the corporate purposes of the city. The mayor and council may, by and under ordinance, require the following parties or

persons, whether individual, firms, associations or incorporated bodies, to apply for and obtain a license or permit:

- (a) All parties or persons, who hawk, peddle, huckster or vend any marketable commodities, wares or merchandise of any description upon or along the streets, alleys or thoroughfares of Brunswick; provided that no license shall be required of the producer, grower or the manufacturer of such marketable commodities.
- (b) All persons who go from house to house or place to place in the city to sell or dispose of any wares, merchandise, marketable articles or other commodities; provided, that no license shall be required of the producer or manufacturer of such marketable articles or commodities and no license shall be required if the party has already a trader's license issued by the city.
- (c) All persons, whether they are persons who travel about or otherwise, not being resident physicians or druggists of the city, who dispose of medicine, remedies, nostrums or patent medicines or who dispense medical advice on the streets or in other places of the city; provided, that nothing herein shall prevent the sale of medicine under an ordinary trader's license. When the sales are made from a wagon, carriage or other vehicle, a license for it may also be required.
- (d) All persons who keep livery stables for the hire of horses, carriages or teams or who keep feed stables.
- (e) The proprietors of circuses, either for showing or parading in the city.
- (f) The proprietors or promoters for any theatrical performance, troupe or company and moving picture exhibition or public entertainment who charge an admission fee. Such persons may be required to procure a license for such performance, exhibition or entertainment.
- (g) The owner or promoter of every merry-go-round or flying horses.
- (h) All keepers or owners of bowling alleys, bowling saloons, billiard saloons, bagatelle saloons and all pool tables and saloons, whether kept or used by a corporation, firm or individual, and all skating rinks.

- (i) All persons who keep or own any dray, cart, wagon or other vehicle for transportation in the city of goods, merchandise or other personal chattels.
  - (j) All telephone and telegraph companies having offices in the city and doing business therein.
- (22) To preserve the cleanliness, health, safety, peace and good order of the city and to protect the lives and property of the citizens thereof.
- (23) To punish and suppress vagrancy, gambling and the sale or giving away of spirituous or fermented liquors, lager beer or intoxicating drinks of any kind within the limits of the city.
- (24) To purchase, construct, receive and hold such real and personal property, including buildings as may be necessary or proper for municipal or other purposes, and to control, operate, dispose of and convey the same for the benefit of the city. Also, to establish a market and to regulate the same, and to license the sale of marketable commodities.
- (25) They shall also have power to provide for the codification of all ordinances of the city and to cause the same to be printed, together with the Charter of the city.
- (26) They shall also have power to grant, for a period not exceeding ten years, upon such terms, rates, fares and charges and conditions as may be presented by ordinances, specified franchises or rights in and relating to any of the public property or places, as the right to use any highway, avenue, street, lane or alley, either on, above or below the surface of the surface of the same, and in and along its waterfront. Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right, shall make provision by way of forfeiture or otherwise of the grant and to secure efficiency of public service at reasonable rates and the maintenance of property in good condition throughout the full term of the grant.
- (27) To suppress, abate and discontinue all nuisances within the corporate limits of the city.
- (28) In addition to the power providing by contract for the lighting of its streets, lanes, alleys, public places and buildings of the city, they shall have the power to construct or purchase, own, improve, extend, repair, maintain and operate an electric light plant for the purpose of lighting the streets, etc., and for furnishing light and power for the use of the citizens thereof and, to this end, to acquire, by gift, grant, lease, purchase or condemnation proceedings, all lands, tenements, rights, ways, privileges and franchises necessary to carry this power into effect.

- (29) To provide for the punishment of any person keeping a vicious or annoying dog and to provide for the killing of any such dog.
- (30) To provide for zoning and the removal of fire hazards. (Code 1930, art. 11, § 43; 1943, ch. 740, § 1.)

Section 16-4. Penalties for violation of city ordinances.

The mayor and council of Brunswick shall have the power to pass ordinances and to fix fines, not to exceed one thousand dollars--\$1,000 in any one case, for a violation of any of the ordinances of the city. In case of nonpayment of any such fines, they may provide by ordinance for the confinement of the party failing or refusing to pay such fine in the County Jail or the county jail for a period not exceeding six (6) months for any single failure to pay a fine. All fines, penalties or forfeitures imposed by this Charter or any ordinance of the mayor and council may be recovered in the name of the mayor and council of Brunswick before a Judge of the District Court of Maryland, as small debts are recovered, and the money arising therefore shall be paid to the mayor and council for the use of the city. (Code 1930, art. 11, § 44; 1943, ch. 740, § 1; Res. 1, 1-11-72.)

Section 16-5. Authority to require prisoners to do certain work.

The mayor and council of Brunswick are authorized and empowered to pass an ordinance authorizing and directing the chief of police of the city to require all persons of sufficient ability who shall be sentenced to imprisonment in the city lockup by the trial magistrate as a punishment of any crime or misdemeanor committed therein to work upon the public streets and highways of the city or to do some work in connection with the improvements thereof as part of the prison discipline and management. (Code 1930, art. 11, § 45; 1943, ch. 740, § 1.)

Section 16-6. Contracts and purchases—Mayor and councilman prohibited from dealing with city.

No person, elected and qualified as mayor or councilman or any person holding any office by election, appointment or otherwise under the provisions of this Charter shall, during the term of his office, enter into any contract to which the city is a party for the construction of any street, alley, sewer, building or other structure. Any person violating the provisions of this section shall be proceeded against by indictment by the circuit court of the county, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both, in the direction of the court. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1.)

Section 16-7. Same—Competitive bidding required for certain material and supplies.

Before the mayor and council makes any purchase of or contract for supplies, materials, or equipment, they shall give ample opportunity for competitive bidding, under such rules and regulations as they from time to time may provide; provided, however, that competitive bids shall not be required for purchases of five hundred dollars (\$500.00) or less. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1; Char. Res. 1976-2, 4-29-76.)

#### Section 16-8. Eminent domain.

The mayor and council of Brunswick are authorized to acquire, by purchase from the owner thereof, any real or leasehold estate, improved or unimproved, right of way easement, water right or watercourse which they may deem expedient or necessary to purchase and hold for the purpose of building sewers and drains, for the purpose of constructing and operating a general sewerage and drainage system of the city or for the purpose of carrying out or exercising any of the privileges and powers granted the mayor and council by law. If the mayor and council cannot agree with the owners or if any of them are absent from the state, or unknown or without legal capacity to contract by reason of infancy, coverture, insanity or otherwise, it shall be lawful for the mayor and council to acquire by condemnation any such real or leasehold estate, improved or unimproved, right of way, easement, water right or watercourse in the same manner and by the same proceedings as are provided for condemnation by corporations under Article 33A of the Annotated Code of Maryland, 1957. (Code 1930, art. 11, § 48; 1943, ch. 740, § 1.)

#### Section 16-9. Effect of Charter.

Nothing contained in this Charter shall affect or in any manner make invalid any of the present ordinances of the mayor and council of Brunswick. Nothing in this Charter shall be construed to release any person from the payment of any taxes now owing by him to the mayor and council of Brunswick. Nothing in this Charter shall affect the tenure of office of the present mayor and council of Brunswick who, by virtue of their election, shall hold office until the mayor and councilmen herein provided for are duly elected and qualified, according to the manner and terms prescribed.

Nothing in this Charter shall be construed to dissolve the corporation known as the mayor and council of Brunswick. Nothing in this Charter shall be construed to release any person from any debt or obligation now due by him to the mayor and council of Brunswick. Nothing in this Charter shall affect in any manner whatsoever the rights, actions, choses in action, suits, either at law or in equity, obligations, properties and effects of the corporation known as the mayor and council of Brunswick. (Code 1930, art. 11, § 54; 1943, ch. 740, § 1.)

#### Section 16-9.1. (See note (1)) Authority to borrow money; issuance of general obligation bonds and tax anticipation notes.

- (a) The mayor and council of Brunswick shall have the power to borrow money for any public purpose, including the refinancing of any outstanding indebtedness, and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issues in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issue and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, the same to be issued and sold in the manner prescribed in sections 31-37, inclusive, of Article 23A of the Annotated Code of Maryland (1966 Replacement Volume), title "Corporations—Municipal," subtitle "Home Rule," subheading "Creation of Municipal Public Debt"; provided, however, that if the ordinance or ordinances authorizing the

issue and sale of any of such bonds or notes shall so specify, the bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation of competitive bids.

- (b) The issuance and sale of such general obligation bonds, or tax anticipation notes, shall constitute a pledge of the full faith and credit of the mayor and council of Brunswick to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances, of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid, in whole or in part, from the proceeds of such benefit assessments or charges, or any combination thereof, as the mayor and council may impose and collect during the life of the bonds, power and authority so to do being hereby specifically granted where appropriate to the public purpose for which the bonds may be issued. In any event, the mayor and council shall, if and to the extent necessary, annually levy upon all property subject to taxation within the corporate limits of Brunswick ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on any such bonds or notes, without limitation as to rate or amount notwithstanding any limitation contained in this Charter or in any other law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect.
- (c) In order to carry out the meaning and intent of this section, the mayor and council are empowered to do all things and to take any action, by ordinance or otherwise, deemed necessary for the regulation, efficient operation and maintenance of any work, plant or system of public improvement, or any part thereof, financed pursuant to the authority of this section.
- (d) The authority and powers contained in this section shall be supplementary to existing law and such authority or powers or any of them may be exercised by the mayor and council of Brunswick notwithstanding any other provision or limitation of law. (2-11-69.)

## **Article II. Elections.**

### **Section 16-10. Registration of voters—Required.**

Registration shall be essential to the right to vote at any election held under the provisions of this article or under the provisions of any Act of the General Assembly of the state, submitting any proposition or question to the decision of the voters of the City of Brunswick. The registration heretofore made in the year 1941, together with such additions, changes and alterations as may have been made in accordance with the law in force at the time of such registration and together with such additions, changes, and alterations as are hereafter lawfully made, shall constitute such registration. (Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 1976-1, 3-3-76; Char. Res. 6-90, 4-4-90.)

Section 16-11. Same—Procedure.

Registration with the Board of Supervisors of Elections, Frederick County, Maryland, by a voter who resides in the City of Brunswick, shall be deemed registration for elections in the City of Brunswick. An individual who wishes to register to vote shall register with the Board of Supervisors of Elections of Frederick County. (Code 1930, art. 11, § 34; 1943, ch. 740, § 1; 5-10-56, § 1; Char. Res. 5-8-73; Char. Res. 2-12-74; Char. Res. 6-90, 4-4-90.)

Section 16-12.

(Repealed.) (Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2-12-74; Char. Res. 6-90, 4-4-90.)

Section 16-13. Qualifications of voters.

Individuals who reside within the corporate limits of the City of Brunswick shall be qualified to vote at any municipal election if they are qualified to vote and are registered as qualified voters pursuant to the laws of the State of Maryland. (1943, ch. 740, § 1; Char. Res. 4-11-72; Char. Res. 6-90, 4-4-90.)

Section 16-14. Nominations of candidates.

(Repealed.) (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) (Char. Res. 06-06, 5-9-06.)

Section 16-15. How conducted generally.

- (a) On the first Tuesday in August in the year 1956 there shall be selected by the qualified voters of the City of Brunswick a mayor who shall have certain qualifications as hereinafter prescribed, and who shall hold office for a term of four years or until his successor is duly elected and qualified.
- (b) There shall also be selected on the first Tuesday in August in the year 1956 and on the first Tuesday in August every four years thereafter, by the qualified voters of the City of Brunswick three council members who shall have certain qualifications as hereinafter prescribed, and who shall hold office for a term of four years, or until their successors are duly elected and qualified.
- (c) There shall also be selected on the first Tuesday in August in the year 1958 and on the first Tuesday in August every four years thereafter, by the qualified voters of the City of Brunswick, three council members who shall have certain qualifications as hereinafter prescribed, and who shall hold office for a term of four years, or until their successors are duly elected and qualified.
- (d) Candidates for the above named offices are nominated by petition for the general election.
- (e) The City of Brunswick does not conduct Primary Elections.

(f) The council may by ordinance provide for other details not herein enumerated. In every election, whether such election be the regular election or any special election, the polls shall be opened at eight o'clock A.M. and closed at eight o'clock P.M.

(g) The use of voting machines is hereby authorized for all regular and special municipal elections in the City.

(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. 2-93, 7-14-93.) (Rev. 9/93) (Char. Res. 06-06, 5-9-06.)

Section 16-16. Clerks and judges of election.

(Repealed.) (Code 1930, art. 11, § 34; 1943, ch. 740, § 1; Char. Res. 2-12-74.) (Char. Res. 06-06, 5-9-06.) *Covered by Ordinance*

Section 16-17. Election returns; filing of certificates.

(Repealed.) (Code 1930, art. 11 § 34; 1943, ch. 740, § 1; Char. Res. 2-12-74; Char. Res. 2-93, 7-14-93.) (Rev. 9/93) (Char. Res. 06-06, 5-9-06.) *Covered by Ordinance*

Section 16-18. Bribing, etc., of voters prohibited.

(Repealed.) (Code 1930, art. 11, § 34; 1943, ch. 740, § 1.) (Char. Res. 06-06, 5-9-06.) *Covered by Ordinance*

Section 16-19. Appeals of election results.

The city council shall receive all election returns and determine all questions arising thereon. Any person conceiving himself aggrieved by the reason of such decision may appeal to the circuit court for the county, which shall hear and determine the same and determine who shall pay the costs of appeal. In case of a tie vote in any election for mayor, members of the council or any proposition or question submitted to the voters, another election shall be held within twenty days thereafter pursuant to the provisions of this Charter in regard to elections. In case of a vacancy of the office of mayor or council member by death, resignation, disqualification or removal from the city, the council shall, within twenty days thereafter, order a special election to be held within 120 days, unless a general election falls within this 120 day time frame to fill such vacancy. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-20. Recall of elective officers—Generally.

A. A mayor or council member may be removed from office at any time by voters qualified to vote for a successor to that office pursuant to the procedure set forth in subsection B. hereof.

B. Procedure

1. A petition in substantially the form set forth in subsection C. hereof shall be filed with the City Administrator which contains the signatures of 20% of registered voters and a statement of the reasons for the recall.

Sufficient reason for recall shall be limited to the following:

- (a) Failure to uphold the oath of office;
  - (b) Malfeasance (wrongdoing or misconduct) in office;
  - (c) Misfeasance (the performance of lawful action in an illegal or improper manner) in office;
  - (d) Nonfeasance (failure to act or do what ought to be done) in office;
  - (e) Conviction of a criminal offense of a felony category;
  - (f) Engaging in illegal conduct involving moral turpitude, fraud or deceit;
  - (g) Engaging in conduct involving mismanagement or misappropriation of public funds, a gross abuse of public authority or a substantial and specific danger to public health, safety or welfare;
  - (h) Coercion of any City employee into taking illegal or improper action or taking any retaliatory action against any City employee because of that employee's disclosure of information relating to illegal and improper action in the City Government;
  - (i) Gross negligence or incompetence in the performance of public duties;
  - (j) Engaging in personal conduct injurious to the reputation and well-being of the government of this City and its' citizens;
  - (k) Failing or refusing to perform, or acting contrary to, an official duty or obligation imposed by the City's Charter or duly enacted law or ordinance;
  - (l) The inability or incapacity to properly perform public duties due to a permanent or chronic physical or mental ailment or other incapacitating defect.
2. Each signer shall state his or her name and address and shall indicate the date on which he or she signed the petition. A signature shall be valid for ninety (90) days, except that signatures valid at the time of the submission of a petition to the City Administrator for review for sufficiency shall remain valid until a referendum election on a valid petition is concluded or the expiration of the ten-day period set forth in Subsection B.5 below for amendment and resubmission of a deficient petition, whichever is later. Each signer shall print his or her name legibly beneath his or her signature.
  3. Each signer shall make an oath or affirmation, under penalty of perjury, that he or she is a registered voter in the City of Brunswick and that the stated date of signature is accurate.
  4. After initial examination for sufficiency by the City Administrator, a petition shall be given to the Frederick County Board of Elections for validation of signatures.
  5. If a petition is found to be insufficient by either the Administrator or the County Board of Election, the petitioners shall be so notified by the City Administrator. The

petition may be amended by the petitioners and resubmitted within ten days of the date on which the petitioners are notified of the insufficiency.

6. If a petitioner is found to be sufficient, the petitioners shall be so notified by the City Administrator and the petition shall be submitted to the Mayor and Council who shall by resolution fix a date for an election upon the petition to be held no earlier than fifteen (15) days, nor later than ninety (90) days from the date that the petitioners are notified that the petition is sufficient.
7. No recall petition shall be filed against any person until that person shall have been in office for at least three months, nor shall any recall petition deal with more than one public official. The election shall be held in accordance with Section 16-15 of this Charter.
8. The question on the ballot shall read: "Should \_\_\_\_\_(name of official) be removed from the office of \_\_\_\_\_?" Yes or No?
9. If a majority of the persons voting in the recall election vote in favor of removal of the official, the office shall be deemed vacant upon the certification of the election results by the Frederick County Board of Elections.
10. Promptly after a recall election in which the voters remove an official from office, an election shall be called to fill the office at the next regular City election or, in the Council's discretion, at a special election occurring before the next regular election.

C. A recall petition shall contain the following:

1. A statement: "We petition the Mayor and Council of Brunswick to hold an election to recall (name of official) from the office of \_\_\_\_\_ for the following reason(s):
2. A statement of the reason(s) for the recall Authentication: "Each signer of this petition affirms under penalty of perjury that he or she is a registered voter in the City of Brunswick, MD and that the date indicated below his or her signature is the date upon which he or she signed this petition."

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Printed Name	Signature	Address	Date
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(repeated as necessary to fill a standard sheet)

Petition circulator's statement:

"I affirm, under penalty of perjury, that I am a registered voter in the City of Brunswick, MD and that I described the contents of this petition to each signer and am satisfied that each signer understands the nature of the petition and the responsibilities which accompany the signing of it."

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Printed Name

Signature

Address

Section 16-21. Same—Successor to serve unexpired term; incumbent eligible as candidate.

The successor of any officer removed by recall shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the city clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The method of removal shall be cumulative and additional to the methods heretofore provided by law. (Code 1930, art. 11, § 42; 1943, ch. 740, § 1.)

**Article III. Mayor.**

Section 16-22. Election.

The inhabitants of the City of Brunswick qualified to vote at any municipal election held therein shall on the first Tuesday in August, 1956, and in every fourth year thereafter, as hereinbefore provided, elect by a ballot a person of known integrity, experience and sound judgment, at least twenty-one years of age, a citizen of the United States and for not less than one year next preceding the election a resident of the city, to be mayor of the City of Brunswick. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; 5-10-56, § 1; Char. Res. 4-11-72; Char. Res. 1-79, 8-7-79.) (Char. Res. 06-06, 5-9-06.)

Section 16-23. Term of office.

The term of mayor shall commence on the second Tuesday in August succeeding his election and continue for four years, and until his successor shall be elected and qualified. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; 5-10-56, § 1; Char. Res. 12-10-74.)

Section 16-24. To be executive officer of city; powers and duties generally.

The mayor, by virtue of his office, shall be the chief executive officer of the City of Brunswick. He shall see that the ordinances are fully and faithfully executed and observed. He shall exercise a general supervision over the various municipal activities and shall report to the council the condition of municipal affairs. It shall be his duty to make such suggestions as are proper for the wise, prudent and economical government and management of the city. The mayor shall preside at all meetings of the council; he may debate all questions before the council and, in case of a tie vote, except in passage of ordinances, he shall decide the same. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1.)

Section 16-25. Mayor pro tempore to be ex officio mayor during sickness or absence of mayor.

In case of sickness or necessary absence of the mayor, the mayor pro tempore shall be ex officio mayor of the City of Brunswick during the continuance of such sickness or necessary absence. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; 5-10-56, § 1.)

Section 16-26. Salary.

The mayor shall receive the monthly salary of eight hundred dollars (\$800.00) and no other compensation whatever; provided, that the mayor may be reimbursed for any expense actually incurred in prosecuting the official business of the municipality. Such salary shall become effective on the second Tuesday in August, 2000. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; 1943, ch. 879, § 1; 1951, ch. 94, § 1; 3-10-67, § 1; Res. 1-84, 4-4-84; Res. 00-1, 9-01-99.) (See note (4)) (Rev. 11/00)

Section 16-27. Veto power.

The mayor shall have the power to veto any order, resolution or ordinance which shall in any way whatsoever effect the interest and welfare of the City of Brunswick. Such order, resolution or ordinance, when passed by the council, shall be sent to the mayor for his approval. The mayor may return the same with his approval or disapproval written thereon and signed by him to the meeting at which it was passed or he may have until the next regular meeting to return the same. If returned with his disapproval, it shall not become a law unless subsequently at the meeting to which it was returned, or at the next regular meeting thereafter, it be passed by the unanimous vote of all the councilmen present and entitled to vote. If not returned at all to the next regular meeting of the council, it shall become a law notwithstanding the mayor's failure to approve.

No member of the council who is a stockholder in any corporation or any employee of any corporation, partnership or individual benefited by the passage of such order, resolution or ordinance shall be entitled to vote in favor of such order, resolution or ordinance after the same has been vetoed by the mayor. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1.)

Section 16-28. Concurrence with council in city business; signature of council minutes.

The concurrence of the mayor with a majority of the council shall be necessary for the transaction of corporate business and contracts made by the City of Brunswick, but it shall not be necessary to note in the minutes the approval of the mayor of each transaction therein stated or acted upon by the council. The city administrator shall present to the mayor the corrected and approved minutes of each meeting of the council and the mayor shall sign his name to such minutes to signify his approval of all the matters and transaction therein recorded, he shall note his disapproval at the foot of the minutes, and such disapproval shall be an effective veto of the action so disapproved of, unless such veto is overruled by the unanimous vote of the council present and entitled to vote. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/94)

Section 16-29. Authority to suspend councilmen, officials and employees.

The mayor may suspend from office, subject to review and final action by the council, any official or employee appointed or employed by the mayor and council of Brunswick for any neglect of duty or improper conduct in his office. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; 1943, ch. 879, § 1; 1951, ch. 94, § 1.)

Section 16-30. Authority as to denial of licenses for certain shows or entertainment.

The mayor shall have the power to direct the city administrator not to issue a license for any show, circus, theatrical performance or other entertainment whenever, in his judgment, the production of such show or entertainment would tend to demoralize the community or create a disturbance or disorder or be against the best interests of the city; provided, however, that if the council should by a unanimous vote authorize the issuing of such license, then the same shall be issued by the administrator. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/94)

Section 16-31. Appointment of certain city officials.

At the first regular meeting after each regular election for mayor and after the qualification of the newly elected members or as soon thereafter as may be convenient, the mayor, with the advice and consent of the council, shall appoint one person to be city administrator, one person to be attorney and counsel to the mayor and council, one person to be director of public facilities, one person to be superintendent of public works, one person to be assistant superintendent of public works, one person to be chief of police, one person to be assistant chief of police, one firm to be city engineer, one person to be auditor, one person to be superintendent of water/wastewater, and one person to be assistant superintendent of water/wastewater, all of whom shall hold office for four years and until the qualification of their successors. The mayor, with the advice and consent of the council shall appoint such other officers and committees as may be required for the conduct and regulation of municipal affairs. The mayor shall have the sole power of appointments of all officers provided for in this section, subject to the confirmation by a majority of all the members elected to the council, which confirmation shall not be later than the next regular meeting after the receipt of such appointments. If the council fails to take action within the stated time, then the person nominated shall be to all intents and purposes such officer as if he had been confirmed by the city council.

If the council shall by the required vote and in the prescribed time refuse to confirm such nomination, the mayor shall, at the next regular meeting of the council send to it another name for such office. The duties of the city council and mayor shall continue to be as above prescribed until a confirmation is had or a failure to act by the council. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; Char. Res. 1974; Char. Res. 2-93, 7-14-93; Char. Res. 1-94, 11-93.) (Rev. 9/94)

Section 16-32. Filling of vacancies in certain city offices.

All vacancies occurring in the offices which the mayor has the power to fill, subject to the ratification or confirmation of the city council, shall be filled by the mayor temporarily until

a qualified successor can be found. As soon as a qualified successor to fill the vacancy can be found the mayor shall present the successor's name to the council for confirmation at the next regular meeting. The mode and manner of procedure in such cases shall be the same as provided in this article for other appointments by the mayor and confirmation by the council. Any person appointed by the mayor to fill any vacancy in any office shall hold the same until his successor has been confirmed by the council; during such temporary appointment the title of the person so appointed shall be preceded by the word "acting." (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; Char. Res. 81-1, 4-2-81.)

#### Section 16-33. Oath of office.

Before entering upon his office, the mayor shall qualify by taking the oath of office before the clerk of the circuit court of the county. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1.)

#### Section 16-34. Administration of oath of office to councilmembers and certain appointed officials.

The councilmembers and all persons appointed by the mayor and confirmed by the council shall, before entering upon the discharge of their respective duties, qualify by taking before the mayor an oath to faithfully perform the duties of their respective offices and that they will support the laws and Constitution of the United States and of this state. A test book shall be kept by the mayor which shall be signed at the time of taking such oath by each official. After the qualifications, the mayor shall issue to each official a commission signed by himself, with the corporate seal attached. (Code 1930, art. 11, § 35; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

### **Article IV. City Council.**

#### Section 16-35. Membership: qualifications. (See note (2))

The council shall consist of six members at large who shall hold office for four years or until the qualifications of the successors. Each shall be at least twenty-one years of age, a citizen of the United States, and for one year next preceding his election a resident of the city. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1; 1943, ch. 878, § 1; 1951, ch. 94, § 1; 5-10-56, § 1; Char. Res. 4-11-72; Char. Res. 2-93, 7-14-93.) (Rev. 9/93) (Char. Res. 06-06, 5-9-06.)

#### Section 16-36. Salary of councilmembers.

Each member of the city council shall receive a monthly salary of Three Hundred Dollars (\$300.00) and no other compensation whatever; provided, that the members of the council may be reimbursed for any expenses actually incurred in prosecuting the official business of the municipality.

Such salary shall become effective on the second Tuesday in August, 2000, as to those individual Council members who take office on that date, and thereafter as to any Council member who takes office for a new term or is elected to fill any unexpired term of a former Council member. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1; 1943, ch. 878, § 1; 1951, ch. 94,

§ 1; 5-10-56, § 1; 3-10-67, § 1; Res. 2-84, 4-4-84; Char. Res. 2-93, 7-14-93; Res. 00-2, 9-01-99.)  
(See note (5)) (Rev. 11/00)

Section 16-37. Meetings.

The members-elect of the city council shall meet on the second Tuesday in August succeeding their election and shall take before the mayor the oath of office required by this chapter, and they shall meet on the second Tuesday in every month thereafter or as often as may be necessary to discharge the duties of their office. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1; Char. Res. 12-10-74.)

Section 16-38. Mayor pro tempore; special meetings; quorum; rules and bylaws of the Council.

The city council shall elect one of their number mayor pro tempore to serve at the pleasure of the council until his successor is elected who, in the absence of the mayor, shall be clothed with all the powers and authority of the mayor. The mayor, or in his absence the mayor pro tempore, or any four members of the council, may call such meetings of the council, from time to time, as they may deem necessary, due notice of which shall be given. When the call is made by four members, it shall be in writing and signed by them. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance shall be adopted without the affirmative vote of four members. The council shall pass rules and bylaws for their government while in session. (Code 1930, art. 11, § 36; 1943, ch. 740, § 1.)

**Article V. City Officers and Commissions.**

Section 16-39. City Administrator.

There shall be a City Administrator appointed by the Mayor with the approval of the Council. He or she shall serve at the pleasure of the Mayor. His compensation shall be determined by the Council. He or she shall exercise the following duties under the supervision of the Mayor:

- A. Administration. The City Administrator shall:
1. Attend all meetings of the Mayor and Council and provide for the recording and maintaining of minutes of meetings.
  2. Attest the seal of the City on all resolutions, ordinances, bonds, notes and other official documents executed by the Mayor with the authority of the Council.
  3. Be responsible for maintaining the minutes, ordinances, resolutions and other official records of the City.

4. Assist the Mayor in the development and execution of administrative policies in the City.
  5. Advise the Mayor with regard to personnel matters concerning City office personnel.
  6. Supervise and manage the City office.
  7. Coordinate the City's economic and community development program within the policies established by the Mayor and Council.
- B. Finance. Under the supervision of the Mayor exercise the financial powers of the City and:
1. Assist the Mayor in the preparation of an annual budget to be submitted to the Council.
  2. Supervise and be responsible for the disbursement of City monies and control expenditures to adhere to the limits of the annual budget enacted by the Mayor and Council.
  3. Maintain a general accounting system for the City in such form as the Council may require, not contrary to state law.
  4. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the Mayor.
  5. Ascertain that all taxable property within the City is assessed for taxation.
  6. Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the City, and all other revenues for whose collection the City is responsible, and receive any funds receivable by the City.
  7. Have custody of all public monies belonging to or under the control of the City, except as to funds in control of any set of Trustees and have custody of all bonds and notes of the City.
  8. Do such other things in relation to the fiscal or financial affairs of the City as the Mayor or the Council may require or as may be required elsewhere in this Charter. (Code 1930, art. 11, § 37; 1943, ch. 740, § 1; Res. 2-90, 1-3-90.)

Section 16-40.

(Repealed.) (Code 1930, art. 11, § 37; 1943, ch. 740, § 1; Res. 2-90, 1-3-90.)

Section 16-41.

(Repealed.) (Code 1930, art. 11, § 37; 1943, ch. 740, § 1; Res. 2-90, 1-3-90.)

Section 16-42.

(Repealed.) (Code 1930, art. 11, § 37; 1943, ch. 740, § 1; Res. 2-90, 1-3-90.)

Section 16-43. Finance commission—Composition; salary.

(Repealed.) (Code 1930, art. 11, § 38; 1943, ch. 740, § 1; Res. 7-9-74.)

Section 16-44. Same—Advisory powers as to city finances and appointments by mayor.

(Repealed.) (Code 1930, art. 11, § 38; 1943, ch. 740, § 1; Res. 7-9-74.)

Section 16-45. Auditor—Nominations.

There shall be an auditor for the City of Brunswick. On or before the fifteenth day of August in each year in which the mayor is elected, the mayor-elect shall send to the council a list containing the names of two or more qualified certified public accountants as nominees for the office of city auditor. (Code 1930, art. 11, § 39; 1943, ch. 740, § 1; Char. Res. 7-9-74; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-46. Same—Appointment: oath.

On or before the fifteenth day of August in the year the mayor is elected, the mayor, with the advice and consent of the council, shall appoint one of such nominees as city auditor. Before taking office, the city auditor shall take and subscribe before the mayor an oath that he will well and truly perform the duties of his office. (Code 1930, art. 11, § 39; 1943, ch. 740, § 1; Char. Res. 7-9-74; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-47. Same—Powers and duties; salary.

The city auditor shall make a careful examination of the books, accounts and statements of the city clerk, treasurer and collector and of such other matters relating to such offices, as the mayor and council may direct, and shall report in writing to the mayor and council the result of his examinations as soon as practical. For his services he shall receive a sum as the mayor and council may fix. The auditor is hereby authorized and empowered to require the production before him of the books, accounts and papers of the mayor and council, to examine upon oath administered by him, the mayor or any councilman or any matter touching the affairs of the mayor and council or to examine, upon oath administered by him, any person as a witness whom he may be advised has important information in regard to the conduct and acts of the mayor or councilmen in matters pertaining to their office.

He shall have power to issue process compelling such witnesses to attend before him, which shall be directed to the chief of police of Brunswick, and it shall be the duty of the chief of police to serve such process promptly. Any mayor or councilman who shall refuse to allow an examination of all the books and accounts of his office and any witness duly served with process who shall refuse to testify upon oath touching the conduct or acts of the mayor and council or as to the books, accounts and papers of such offices shall, on indictment and conviction thereof, be fined not more than five hundred dollars, in the discretion of the court; provided, however, that the examination of such books, accounts and papers shall be made in the office of the mayor and council. (Code 1930, art. 11, § 39; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-48. Non-Discrimination.

The Mayor and Council of Brunswick prohibit discrimination against any employee, applicant for employment or individual with whom the Mayor and Council of Brunswick may contract for the provision of goods and services on the basis of (1) political or religious opinion or affiliation, marital status, race, color, creed, or national origin, or (2) sex or age, except when sex or age constitutes a bonafide occupational qualification, or (3) the physical or mental handicap of a qualified handicapped individual. (Res. No. 3-88, 4-27-88.)

Section 16-49. (Repealed by Res. No. 2-88, 4-27-88.)

Section 16-50. (Repealed by Res. No. 2-88, 4-27-88.)

Section 16-51. (Repealed by Res. No. 2-88, 4-27-88.)

Section 16-52. Chief of police—Oath; term of office. (See note (6))

The chief of police of Brunswick, before entering upon the discharge of his duties, shall take the required oath. He shall hold office for four years, and until his successor has been appointed and qualified. (Code 1930, art. 11, § 41; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-53. Same—Salary.

The chief of police of Brunswick and other police of the city shall receive such compensation as may be determined by the mayor and council. (Code 1930, art. 11, § 41; 1943, ch. 740, § 1.)

Section 16-54. Same—Appointment of assistant and other police; powers and duties of same.

The mayor of Brunswick shall appoint an assistant chief of police and such other police as urgent necessity may require, all of whom shall be vested and clothed with all the powers and authority conferred upon the chief of police by this Charter.

(Code 1930, art. 11, § 41; 1943, ch. 740, § 1.)

Section 16-55. Same—Powers and duties; arrest without warrant.

The chief of police of the City of Brunswick shall be vested and clothed with all the power and authority of a sheriff at common law and with those powers which a municipality has been authorized by the State of Maryland to extend to a police force. Anyone resisting him or interfering with him in the discharge of his duties shall be guilty, upon conviction in the circuit court for Frederick County or in the District Court of Maryland for Frederick County in the same manner and to the same extent as if he had resisted or interfered with a police officer. The chief of police shall assist the mayor in the enforcement of the ordinances, and to that end, he shall have the authority to make arrests, issue citations, and take those appropriate measures to enforce the ordinances of the City. He shall be authorized to serve, deliver or post any order or notice that, under any law, ordinance of the town or this charter is to be served, delivered or posted. He shall be authorized, as a peace officer, to maintain and preserve peace, good order and good conduct within the limits of the city and among all persons found therein. The chief of police shall attend the meetings of the council. The chief of police shall perform such other duties mentioned in this Charter or as the mayor and council shall assign him by ordinance or otherwise. (Code 1930, art. 11, § 41; 1943, ch. 740, § 1.)

**Article VI. Taxation.**

Section 16-56. Authority of city generally.

The Mayor and Council of Brunswick are hereby authorized to use the state and county assessment on all real and personal property of any person or business within the corporate limits of the City which is subject to such assessment for state and county taxes. They shall have the power to levy and collect taxes on all real property of any person or business in the City, not exceeding for general purposes in any one year eighty cents on each one hundred dollars of assessable real property. They shall have the power to levy and collect on any assessable business personal property in the City, at a rate or rates set by the City Council from time to time on each one hundred dollars of assessable personal property. They shall also levy and collect the taxes required to meet the interest and redeem at maturity all bonds legally issued. (Code 1930, art. 11, § 44; 1943, ch. 740, § 1, Char. Res. 08-02.)

Section 16-57. Mayor and Council may exempt hospitals, charitable institutions, and manufacturers from municipal taxation by ordinance.

The Mayor and Council of Brunswick may, in their discretion, by general ordinance, exempt from any or all municipal taxes or other municipal charges any or all of the taxable real or personal property, in whole or in part, of any hospitals or charitable institutions located within the corporate limits of the City, but any ordinance, resolution, or contract which exempts any such property for a period longer than five years shall be absolutely void in all respects whatsoever. (Code 1930, art. 11, § 51; 1943, ch. 740, § 1.)

The Mayor and Council of Brunswick, in their discretion, may by general ordinance exempt, in whole or in part, stock in business, tools, implements, and the like, and/or raw materials in the possession of a person or business engaged in the business of manufacturing in the City from any personal property tax levied in accordance thereunder.

The Mayor and Council of Brunswick, in their discretion whenever it seems expedient for the encouragement of growth and development of manufacturers and manufacturing in the City, upon the sworn application of any person or business actually engaged in the business of manufacturing in the City before the annual revision of the tax list, may abate, in whole or in part, taxes for any one (1) year on any assessable business real or personal property which may be levied for City purposes. (Char. Res. 08-02)

#### Section 16-58. Advertisement of tax levy.

The annual tax levy shall be made by ordinance by the City Council on or before the first (1<sup>st</sup>) day of each year. It shall be the duty of the City Administrator and tax collector, as soon as the annual tax levy is made and certified for collection, to give notice by advertisement in one newspaper published or circulated in Brunswick, which notice shall state the applicable tax rates, time from which the taxes bear interest and shall warn all persons and businesses of their liability to be published as delinquent taxpayers and to have their property sold unless the taxes, with which they are respectively charged, are paid on or before the first day of January next ensuing. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93) (Char. Res. 08-02)

#### Section 16-59. Tax bills.

The city administrator and tax collector shall, immediately after the annual tax levy is made, make out the bills of each taxpayer, to which notice similar to that provided for in the preceding section shall be annexed, and shall forward the bill by mail or otherwise to the person to whom taxes have been assessed or his agent. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

#### Section 16-60. Sale of property for delinquent taxes—List of delinquent property.

Immediately after the first day of January in each and every year, the city administrator and tax collector shall make out an alphabetical list of taxes due and in arrears, which list shall contain the name of the person assessed with property upon which taxes are due and in arrears, a brief description of the property and such references to title as will render the same certain of identification and the amount of taxes levied and in arrears, with interest and costs accrued and to accrue thereon to the date of sale, to which list shall be appended a notice that if the taxes are not paid on or before the second Monday in April next ensuing together with the interest accrued thereon and a proportional cost of advertising and fees, he will proceed, at 10:00 A.M. on the second Monday in April at the mayor's office in the City of Brunswick, to offer the property assessed or so much thereof as may be necessary for sale to the highest bidder for cash, which list and notice shall be published in a newspaper, published or circulated in Brunswick for two

successive weeks prior to the first Monday in March. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-61. Same—How sale conducted generally.

On the second Monday in April, the city administrator and tax collector shall, at the hour and place named in the advertisement required by the preceding section, proceed to sell the property assessed or so much thereof as may be necessary, beginning with the first on the list and so on in order upon which taxes, interest, costs and fees shall not have been paid. He shall continue such sales on each secular day, legal holidays excepted, from 10:00 A.M. until 3:00 P.M., until every parcel shall have been offered. Should the city administrator and tax collector, by reason of illness or other disability be unable to attend and conduct such sale, the deputy shall conduct such sale. In such case, the deputy shall make the affidavit to the report of sale as provided by law. The real estate of a delinquent taxpayer may be sold to pay corporation taxes, whether there be personal property or not.

Whenever it shall be unnecessary for the city administrator and tax collector to sell the entire real property with which a delinquent taxpayer is assessed, he shall estimate the quantity thereof which, in his judgment, will be sufficient to pay the taxes in arrears, interest, costs and expenses above set forth and shall require a competent surveyor to lay off and make a plat and description of the same. The part so laid off shall be sold by the plat and description so made.

It shall be sufficient in the advertisement of the list of delinquent taxpayers to designate the quantity of land to be sold from the property described as per plat and description to be exhibited at the time of sale. In case of sale, the city administrator and tax collector shall file such plat and description with his report of sale; provided, however, that if the city administrator and tax collector shall deem it impracticable to divide the property assessed, he shall set aside the vote. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-62. Same—Report to circuit court; confirmation of sale by court; distribution of proceeds.

The city administrator and tax collector shall, within thirty days after the close of a sale of property for delinquent taxes, make a full report thereof to the circuit court for the county, setting forth his proceedings in the premises in detail, showing to whom and at what price such several parcels were respectively sold, the amount of taxes and interest accrued, the pro rata of costs and advertising such sale and all other expenses and the surplus fund in each instance. With such report, he shall file a copy of the printed list and notice of sale.

The court shall examine such proceedings. If the same appear to be regular and the provisions of the law in relation thereto have been complied with, the court shall order notice to be given by advertisement warning all persons interested in the property sold to be and appear in the court by a certain day to be named in such order, to show cause, if they have any, why such sale should not be ratified and confirmed. After hearing the objections, if any, the court, in its discretion, shall in one order ratify and confirm all sales so made and then entitled to be ratified and confirmed, and the purchaser thereof, shall, on payment of the purchase money, have a good

title to the property sold, subject only to the owner's right to redeem. But, if in the judgment of the court, good cause is shown against the ratification of the sale of any parcel of land or other property, the city administrator and tax collector shall, within thirty days, proceed to a new sale of such property and bring the proceeds into court, out of which shall be paid the purchase money paid to the city administrator and tax collector on such rejected sale, all taxes assessed on such property since such sale and all costs and expenses properly incurred in the court, with interest on all such sums from the time of payment, but such sale shall not be set aside if the provisions of the law appear to have been substantially complied with. The burden of proof shall be on the exceptant to show the same to be invalid. For the purpose of making a just distribution of the proceeds of any sale ratified and confirmed, the court may pass all such orders as may be just and equitable and shall have as full and complete jurisdiction as though it were sitting as a court of equity. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-63. Same—Redemption by owner; conveyance by City Administrator when property not redeemed.

Whenever real estate shall be sold by the city administrator and tax collector, the person who was the owner thereof prior to the sale may redeem same within the period of twelve calendar months from the date of such sale by paying into court, to be paid to the purchaser thereof, the amount of the purchase money, all subsequent taxes paid by the purchaser and all court costs, with interest thereon, at the rate of fifteen percent per annum from the date of sale and the date of the payment of such taxes and costs, respectively.

After the expiration of such period of twelve calendar months; provided, that the property has not been redeemed and the sale has been finally ratified and confirmed by the court, the city administrator and tax collector then in office shall, at the expense of the purchaser, by a good and sufficient deed, executed and acknowledged according to law, convey to the purchaser the parcel of land sold to him. The deed of the successor in office of the city administrator and tax collector who makes the sale shall be valid in law as though it had been executed and delivered by the last named city administrator and tax collector. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

Section 16-64. Same—Authority of mayor and council to purchase property.

The mayor and council of Brunswick may purchase, in their discretion, at a tax sale, any property offered for sale for the payment of taxes; provided that they shall not bid a sum greater approximately than the taxes in arrears on such property and the interest and expenses of sale and costs. They may sell and convey or lease the same, as in their judgment and discretion shall be deemed best for the interest of the city. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1.)

Section 16-65. Same—Personal property.

If any person shall be assessed upon the assessment books of the city with personal property only and the amount of taxes levied thereon shall remain unpaid on the first day of January next succeeding the annual levy of taxes in the city, the city administrator and tax collector shall, within one month after the first day of January in each year or within one month

after the discovery of any property belonging to such delinquent, levy upon such portions of the personal property assessed to such delinquent taxpayers, as may be necessary to pay such taxes, interest, costs and fees, as herein provided, in the same manner as the sheriff of the county is authorized by law to levy upon property on execution on judgments issued out of the circuit court for the county and shall advertise and sell such property in the same manner as is required by law in case of sales of personal property by the sheriff of the county and deliver the property so sold to the purchaser thereof. For the purpose of the levy of the sale, the city administrator and tax collector shall have all the powers lawfully exercised by the sheriff of the county in enforcing executions on judgments of the circuit court for the county and shall, if necessary, have the same powers prescribed by law for the levy upon and sale of shares of stock in any association or corporation which the sheriff of the county may possess in enforcing executions on judgments of the court. The city administrator and tax collector shall be entitled to receive out of the proceeds of sales made under this section the same fees and allowances as are allowed by law to the sheriff of the county on executions. Out of the proceeds of sale of such personal property, the city administrator and tax collector shall pay all costs and expenses incident to such sale and the taxes in arrears thereon, together with interest, and the surplus, if any shall be paid over to such delinquent taxpayer.

This section shall be construed as an addition to, and not as a substitution for, the powers of the city administrator and tax collector to collect taxes assessed upon personal property by suit. It is hereby expressly provided that the city administrator and tax collector, if he deems such course advisable, may proceed to collect any and all taxes due upon such personal property by suit, in the name of the mayor and council of Brunswick, before any justice of the peace, in and for the county or in the circuit court for the county. (Code 1930, art. 11, § 47; 1943, ch. 740, § 1; Char. Res. 2-93, 7-14-93.) (Rev. 9/93)

## **Article VII. Taxicabs.**

### Section 16-66. "Taxicab" defined.

The word "taxicab," when used in this article, shall mean a taxicab as defined in section 361 of Article 23 of the Annotated Code of Maryland, 1957. (1951, ch. 93, § 1.)

### Section 16-67. Authority of city to regulate taxicabs.

The mayor and council of Brunswick are hereby authorized and empowered to enact ordinances providing regulations for the operation of taxicabs in the city and for the registration and fixing requirements for the owners and operators of the taxicabs so as to protect the safety, health and general welfare of the city and its residents, citizens and occupants; provided, that such regulations are not in conflict with the laws of the state and regulations adopted by the commissioner of motor vehicles. (1951, ch. 93, § 1.)

### Section 16-68. Aid from state public service commission.

The mayor and council of Brunswick shall be empowered to request the aid of the public service commission of the state in the determination of rates which may be established under this

article. The public service commission shall be empowered to extend such aid as may be requested from time to time by the mayor and council of Brunswick in the determination of rates so far as such aid is consistent with the statutory powers conferred upon such commission by the laws of the state. (1951, ch. 93, § 1.)

Section 16-69. Penalty for violation of city taxicab ordinance.

The violation of any of the provisions of any ordinance enacted pursuant to this article shall be considered a misdemeanor. Upon conviction thereof before a trial magistrate of the city or other competent court, the offender shall be subject to a fine of not exceeding twenty-five dollars for each offense and, in default of payment of the fine, to imprisonment for not exceeding twenty-five days. (1951, ch. 93, § 1.)

**Article VIII. Waters and Sewers.**

Section 16-70. Powers.

The mayor and council of Brunswick shall have the following authority and power:

- A. To construct, operate and maintain a water supply system and water plant.
- B. To construct, operate and maintain a sanitary sewerage system, a sewerage treatment plant and storm water sewers and drainage system.
- C. To inspect, reconstruct, enlarge, alter, repair, improve or dispose of the above plants and systems and all parts, installation and structures thereof.
- D. To have surveys, plans, specifications and estimates made for any of the above plants or systems or parts or extensions thereof.
- E. To assess fees, charges and assessments, including but not limited to deposits, connection fees, and service charges in connection with the construction, operation, use, and maintenance of the above systems.
- F. To require the submission of plans and specifications for construction of the above systems, and to approve, disapprove or conditionally approve said plans and specifications.
- G. To inspect and regulate the use and operation of any such plant or system or parts thereof in any manner which it deems to be in the public interest.
- H. To enact and pass all ordinances or resolutions which it may deem necessary and proper to execute the objects specified in this Article, to regulate the management, protection, and use of the above plants and systems, and to do all things which it deems necessary for the efficient operation and maintenance of the above plants and systems.
- I. To engage in any act or procedure authorized by the law of the State of Maryland, as it may exist or be amended from time to time. (Code 1930, art. 11, § 49; 1943, ch. 740, § 1; Char. Res. 04-05, 4-27-04.)

Section 16-71. Authorization of work by town.

Any individual, firm, corporation or entity may be required by the mayor and council of

Brunswick or its designee to submit plans and obtain written approval prior to beginning any construction of or placing or changing the location of any main, conduit, pipe or other structure in the public ways of the City. Such approval may be subject to such limitations as may be imposed by the mayor and council or its designee. The mayor and council may order the removal of any unauthorized or unapproved main, conduit, pipe or other structure which interferes with the operation of the City water, sewerage, or storm water systems. (Code 1930, art. 11, § 49; 1943, ch. 740, § 1; Char. Res. 04-05, 04-27-04.)

#### Section 16-72. Obstructions.

Any individual, firm, corporation or entity which has mains, pipes, conduits or other structures in, on or over any public way in the City and which impede the establishment, construction or operation of any sewer or water main or storm water sewer shall, upon reasonable notice, remove or adjust the obstructions at their own expense and to the satisfaction of the City. (Code 1930, art. 11, § 50; 1943, ch. 740, § 1; Char. Res. 04-05, 04-27-04.)

#### Section 16-73. Connections; charges.

When any water main or sanitary sewer is declared ready for operation by the City, all abutting property owners, after reasonable notice, may be required to connect all fixtures with the water or sewer main. The City may charge, in an amount to be determined by the mayor and council, for each connection made to the City's water and sewer mains. The mayor and council may establish and collect such charges, service fees, rates, water rent and other charges in accordance with the law of the State of Maryland. The manner and amount of such charges, fees, rates and rents shall be established by the mayor and council by resolution. All such charges, fees, rates and rents shall be liens upon the real estate on which the water or sewer services were used and may be collected in the same manner as real estate taxes are collected. (Char. Res. 04-05, 04-27-04.)

#### Section 16-74. Extensions beyond boundaries.

The City shall have the authority, but shall not be obligated, to extend its water system or its sewer system beyond the corporate limits of the City. (Char. Res. 04-05, 04-27-04.)

#### Section 16-75. Acquisition of property.

The mayor and council shall have the authority to acquire by gift, purchase, lease or condemnation any land, improvements, rights of way, sources of water or other property of any kind or interest, either in fee or as an easement, for the purpose of establishing, operating, extending or maintaining the water system, water plant, sanitary sewerage system, sewerage treatment plant or storm water sewers. Any condemnation proceedings shall be brought and conducted in accordance with the law of the State of Maryland. (Char. Res. 04-05, 04-27-04.)

### **Article IX. (Repealed.)**

### **Article X. Special Assessments.**

#### Section 16-76. Authority of City to levy special assessments.

The City shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the design, installation, construction, maintenance, repair and removal of water mains, sanitary sewer mains, storm water sewers, roads and public ways and sidewalks or parts thereof, curbs, gutters, walls and retaining walls, and other public improvements and projects, and to provide for the payment of all or any part of the above improvements and projects out of the proceeds of such special assessment. The cost of any improvement or project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the improvement or project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, and the reasonable charges for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the improvement or project. (Char. Res. 03-03, 4-8-03.)

#### Section 16-77. Procedure

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

- (a) **Costs.** The cost of the improvement or project shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the mayor and council.
- (b) **Assessment.** The amount assessed against any property for any improvement or project shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the City and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per cent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- (c) **Classes.** The mayor and council may, when it considers it to be beneficial, divide the affected property into different classes to be charged different rates, but except for this, any rate shall be uniform.
- (d) **Levy; hearing.** All special assessment charges shall be levied by the mayor and council by ordinance. Before levying any special assessment charges, the mayor and council shall hold a public hearing. Notice shall be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the mayor and council and be heard concerning the proposed

project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. If the owner is unknown or is absent, then the affected property may be posted with the notice. The City Administrator shall present at the hearing a certificate of publication and mailing, or posting as the case may be, of copies of the notice; however, failure to present such certificate shall not invalidate the proceedings. The date of the hearing shall be set at least ten and not more than thirty days after the newspaper publication as provided in this section. Following the hearing the mayor and council, in its discretion, may vote in accordance with regular legislative procedures to proceed with the project and may levy the special assessment.

- (e) **Judicial Review.** Any interested person aggrieved by the levying of any special assessment under the provisions of this section may, within thirty days after the levying of any assessment by the mayor and council, request judicial review of the levying of the assessment in accordance with the provisions of the Maryland Rules pertaining to Judicial Review of Administrative Agency Decisions.
- (f) **Payment.** The mayor and council may make the special assessments payable in annual or more frequent installments over such period of time, not to exceed twenty years, and in such manner, as the mayor and council may determine. The mayor and council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the mayor and council. The mayor and council may provide that the entire special assessment, or any remaining portion thereof, shall be paid in full in the event of a sale, conveyance, or other transfer of any or all of the property.
- (g) **Overdue.** All special assessment installments shall be overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as City taxes or any other means permitted by law for the collection of taxes.
- (h) **Bills.** All special assessments shall be billed and collected by the City Administrator or the Treasurer for Frederick County. (Char. Res. 03-03, 4-8-03.)

## NOTES

- (1) The resolution which adopted this section designated it as section 16-10. Since a section numbered 16-10 is in existence, this section has been designated as 16-9.1.
- (2) For case holding that a vested remainder interest in real property does not satisfy the property requirements of this section, see *Flynn v. Parker*, 130 Md. 429, 100 Atl. 739.
- (3) The Act from which this article is derived was approved April 15, 1937, and took effect as of the date of passage.
- (4) Charter Resolution 1-80, which would have raised the Mayor's salary to \$500, was defeated in a referendum held on August 5, 1980.
- (5) Charter Resolution 2-80, which would have raised the salary of members of the City Council to \$200, was defeated in a referendum held on August 5, 1982.
- (6) Although this section specifies a 2-year term of office for the chief of police, Section 16-31 was amended in 1974 to provide for a 4-year term for the chief of police and other city officials. That section apparently supersedes this section.
- (7) Charter Resolution 3-92, effective December 11, 1991, changed the corporate name of Brunswick from Town to City. The resolution changed every reference in the charter from "town" to "city." The entire charter was reprinted in September, 1992 to reflect this change.
- (8) Resolution BR-R00-06, effective October 27, 2000, provided for the annexation of 141.35257 acres of land, more or less. Resolution 02-05, effective May 10, 2002, provided for the annexation of 455.7 acres of land, more or less. These resolutions, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this charter. (See Note (10) below.)
- (9) Charter Resolution 03-03, effective April 23, 2003, to repeal Article X. "Streets, Sidewalks and Improvements" and sections 16-76, 16-77 and 16-78 thereof; to enact new Article X authorizing the City of Brunswick to levy and collect taxes in the form of special assessments for certain public improvements and projects; and to set forth the procedure to levy and collect such assessments.
- (10) Charter Resolution 04-05 repealed Article VIII, "Waterworks" and sections 16-70, 16-71, and 16-72, to enact a new Article VIII authorizing the City of Brunswick to acquire, construct, operate, maintain and to exercise other authority pertaining to a water supply system, a water plant, a sanitary sewer system, a storm water drainage system and a sanitary disposal plant system in the City of Brunswick.
- (11) Charter Resolution 04-06 amended sections 16-2 and 16-2.1 of this Charter, setting forth

the revised corporate boundaries of the City of Brunswick.

- (12) Charter Resolution 06-06, effective May 9, 2006, repealed sections 16-14, 16-16, 16-17, and 16-18 and amended sections 16-15, 16-22, and 16-35 regarding elections in the City of Brunswick.
- (13) Charter Resolution 08-07, effective May 27, 2008, provided for the reduction of the corporate boundaries of the Mayor and Council of Brunswick, a Municipal Corporation of the State of Maryland and in so doing to repeal and re-enact with amendments Section 16-2, entitled "Boundaries", of the charter to provide for the de-annexation of 0.64840 acres of land, more or less and recorded among the land records of Frederick County, Maryland, in liber 7121 at folio 596. Charter Resolution 08-06, effective May 27, 2008, provided for the enlargement of the corporate boundaries of the City of Brunswick and in so doing to repeal and re-enact with amendments Article I, entitled "IN GENERAL", Section 16-2, entitled "Boundaries", of the Charter of the City of Brunswick; to provide for the annexation of 126.21549 acres of land, more or less and recorded among the land records of Frederick County, Maryland, in liber 7121 at folio 609.