



City of Bowie

Regular City Council Meeting

Monday, November 4, 2024
Council Chambers - 8 p.m.

AGENDA

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. QUORUM**
- IV. AGENDA ADDITIONS/DELETIONS/AMENDMENTS**
- V. CITIZEN PARTICIPATION**
- VI. PRESENTATIONS**
- VII. CITY BOARDS AND COMMITTEES**
- VIII. COUNCIL ANNOUNCEMENTS**
- IX. CITY MANAGER'S REPORT**
- X. CONSENT AGENDA**
 - A.** Approval of October 21, 2024 Council Meeting Minutes
 - B.** Adoption of Proclamation P-15-24 Observing Veteran's Day, November 11, 2024
 - C.** Adoption of Proclamation P-16-24 Proclaiming the Month of November as Municipal Government Works Month in the City of Bowie
 - D.** Adoption of Resolution R-75-24 Accepting the Construction of the Right of Way Improvements Constructed Under the Permit Row 0001-21 at 8811 Elm Avenue and Releasing the Construction Securities Required Therewith
 - E.** Adoption of Resolution R-76-24 Authorizing the Issuance of a Purchase Order to KCI Technologies, Inc. for Task Order/RFP#3-19 in the Amount of \$33,579.68 in Accordance with the Master Contract Approved on October 31, 2018
 - F.** Introduction of Ordinance O-9-24 Re-Adopting the Code of the City of Bowie Consisting of Chapters 1 Through 28, Inclusive, With Amendments to Update References to State Laws and Regulations, to Update References to State, County, M-NCPPC and City Departments and/or Agencies, and to Make Other Minor Grammatical and Nonsubstantive Changes, and Authorizing the Publication and Updating of the Amended Code and the City Charter by General Code
- XI. OLD BUSINESS**
 - A.** Briefing by Prince George's County Fire Chief Tiffany Green - The Prince George's County Fire Chief will brief Council on Fire Security in the City on Election Day and update on EMT recruits that will be housed at the City's volunteer stations

- B. Adoption of Charter Amendment Resolution CAR-1-24 Amending Sec. 2 "To Be Filed Certain Places," Sec. 18A. "Express Powers," Sec. 89 "Establishment, Taxes, Administration," and Sec. 98 "Charter Revision Procedures; Miscellaneous" of the City Charter to Amend Outdated References to State Law and to Departments of the State - **Public Hearing/Eligible For Action**
- C. Adoption of Charter Amendment Resolution CAR-2-24 Amending Sec. 4 "Qualifications of Councilmembers," of the City Charter to Add That a Councilmember Cannot Have Been Convicted of or Plead Guilty, Nolo Contendere or Entered an Alford Plea, to a Misdemeanor Involving Assault, Battery or Moral Turpitude - **Public Hearing/Eligible For Action**
- D. Adoption of Charter Amendment Resolution CAR-3-24 Amending the Following Sections of the Charter of the City of Bowie: Sec. 6 "Meetings," Sec. 8 "Chairperson," Sec. 9 "Quorum," Sec. 39 "Powers and Duties," Sec. 44 "Adoption of Budget," Sec. 47 "Expenditures in Excess of Appropriations Forbidden," Sec. 73 "City's Powers With Respect to Sidewalks," Sec. 74 "Powers of the City," and Sec. 83 "Right of Entry by City Employees" to Correct Typographical and Grammatical Errors - **Public Hearing/Eligible For Action**
- E. Adoption of Charter Amendment Resolution CAR-4-24 Amending Sec. 32 "Special Elections," and Sec. 33 "Counting Votes; Declaring Results" of the City Charter to Correct References to the City Board of Elections - **Public Hearing/Eligible For Action**

XII. NEW BUSINESS

XIII. ADJOURNMENT AND MOVE TO CLOSED SESSION

- A. To adjourn to closed session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(7): "To consult with counsel to obtain legal advice."

Note: The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 11/6/2024 and 11/9/2024 at 7:00 p.m., and [web-streamed live](#).

For a closed-captioned version of the meeting video, please go to <https://www.youtube.com/user/cityofbowiemd/playlists> and select the 2024 Council Meetings list. Once the meeting video opens, be sure to click on "CC" button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - MONDAY, NOVEMBER 18, 2024 - COUNCIL CHAMBERS - 8:00 P.M.

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, OCTOBER 21, 2024

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, October 21, 2024, in Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag of the United States of America.

QUORUM:

In attendance were Mayor Adams, Councilmembers Brady, Estève, Ndebumadu (arrived 8:33 p.m.), Rogers, and Truesdale, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez and Staff.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

None.

CITIZEN PARTICIPATION:

1. Les Kaunitz, Rambling Lane – Comments attached for the record.

PRESENTATIONS:

- A. Police Chief Preston recognized the promotions of Captain Liberati as the City's Deputy Police Chief and Sergeant Saunders as Captain.
- B. Ms. Mary Ellen Winlund, Chair of the Community Outreach Committee, spoke on the importance of raising awareness on Domestic Violence.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Rogers motioned to appoint Ms. Krystle Kime to the Green Team Executive Committee as a Regular Member for a 2-year term. Councilmember Esteve seconded the motion. Motion passed 5-0.

Mayor Adams swore in Ms. Kime to the committee.

COUNCIL ANNOUNCEMENTS:

Councilmember Truesdale commented that the Interfaith Coalition Group received a grant to help the residents that were displaced by the fire in their building earlier this year. He also participated as a member of the Farm and Agriculture Committee from Metropolitan Washington Council of Governments in a farm tour exploring agriculture practices.

Councilmember Esteve commented that he has received great comments from residents stating that they are really enjoying the different City events that have been held this year.

Mayor Adams congratulated HUD on their 50th Anniversary and thanked Mr. Jesse Buggs for the work he has accomplished with them..

CITY MANAGER'S REPORT:

City Manager Lott reported on the major system failures the ice arena had this past weekend causing it to be closed. Staff is working on 3 possible outcomes. Finding the parts needed which is difficult since the system is so old, rebuild it, or find a controller comparable to the one we have that would work with the system currently in place.

CONSENT AGENDA:

Councilmember Esteve motioned to approve Consent Agenda items: A) Approval of October 7, 2024 Council Meeting Minutes; B) Adoption of Resolution R-67-24 Approving the Award of the City's Community Outreach Committee FY25 Grants; C) Adoption of Resolution R-68-24 Approving the Award of the City's Arts Committee FY25 Grants; D) Adoption of Resolution R-69-24 Approving the Award of the City's Education Committee FY25 Grants; E) Adoption of Resolution R-70-24 Waiving the Bidding Requirements of Section 61 "Purchasing and Contracting" of the City Charter, for Good Cause Shown, to Allow the City to Enter Into a Contract with Lewis Tree Service for Street Tree Trimming in City Right-of-Ways; F) Adoption of Resolution R-71-24 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie and Awarding a Contract to Visu-Sewer East, LLC in the Amount of \$200,000 for Sewer Manhole Rehabilitation, by Piggybacking a Frederick County Sanitation Authority, DBA Frederick Water (Virginia) Contract; G) Adoption of Resolution R-72-24 Accepting Bid Proposal for Drainage Swale Maintenance from Sunny Acres Landscaping, Inc. in the Amount of \$50,000; H) Adoption of Resolution R-73-24 Authorizing the Issuance of a Purchase Order to A. Morton Thomas & Associates, Inc. for Task Order/RFP#3-18 in the Amount of \$29,583.29 in Accordance With the Master Contract Approved on October 31, 2018; I) Adoption of Resolution R-74-24 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie to Accept the Quote of CDI, LLC for CrowdStrike Software, and Authorizing the City Manager to Enter Into an Agreement with CrowdStrike. Councilmember Brady seconded the motion. Motion passed 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

A. Chief Preston briefed Council on the department's activities. The department currently has 14 sworn vacancies and 5 civilian vacancies, calls for service are on par from last year at this time, and an increase of about 70% in commercial burglaries. The department has hired a vendor to help with

marketing and recruitment efforts. Community outreach has been going well, Citizens Academy as well as the RAD classes will resume in 2025.

Deputy Chief Liberati presented the results of the Stop Sign Camera Pilot Program which were placed in 5 different locations throughout the City. Out of the 2,718 recordings, 1,491 would have been violations.

Councilmember Brady asked how do these cameras work, are they images, videos? He would also like to see this incorporated for right turns on red. Deputy Chief Liberati said they are pictures of tags, as well as video which will ultimately be the determining factor of the violation.

If Council decides to proceed with this program, they will have to work with the County on legislation for it.

ADJOURNMENT AND MOVE TO CLOSED SESSION:

Councilmember Esteve motioned to adjourn the regular City Council meeting and go into Closed Session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(3): "To consider the acquisition of real property for a public purpose and matters directly related thereto," and §3-305(b)(7): "To consult with counsel to obtain legal advice." Councilmember Rogers seconded the motion. Motion passed 6-0. The meeting adjourned at 9:16 p.m.

Awilda Hernandez, MMC
City Clerk

I took advantage of the opportunity to attend the Economic Development Committee meeting in October. I have to say it was an eye opener. The City of Bowie is working to gain more businesses to support the citizens of the locality. Also, businesses add to the revenue needed to keep the city running well and to provide a good path forward. At the meeting I heard comments by just about everyone who are business operators within the city

The complaints regarded the PG County Department of Development, Permitting and Enforcement (DPIE) and the way the department handles permit requests and how it operates. What I heard was that DPIE costs a business an additional \$40,000 a year with delays regarding permits and approvals. That is a big deal when it comes to opening and operating a business. One has to sell a lot of candy bars to pay for that.

Another complaint is that DPIE does not have a specific operative plan that guides one through the permitting and approval process. It's almost like each step in the process is determined at the time when the process is in play. The other issue is that DPIE is insensitive to timely processing and that presents a costly problem for the applicant. DPIE will have applicants make numerous trips to the county office and many times they determine there are more requirements needed that were not disclosed at the beginning of the process. As I said before, it's like there is no defined process so one has to guess your best.

If the The City of Bowie is to gain more businesses and maintain what is already in place then changes must be made to the operation of DPIE. Currently DPIE is a business killer!

I suggest that a collaborative strategy be started to work with other localities in an effort to have PG County examine these issues and correct the operations of DPIE

We have a great city council here in Bowie and since the city is a large municipality in PGC, the council should make every effort to emerge as an organizer with other municipalities to rectify DPIE issues. As I understand it, there is a PG County Chapter of the Maryland Municipal League that could be an entity to begin such an effort. Unfortunately, PGC moves slowly so I recommend starting as soon as possible in this effort.

I am not trying to destroy DPIE, just make it a value-added entity that serves PG County well.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4 before closing the meeting.

1. **Recorded vote to close the meeting:** Date: 10-21-24; Time: 9:15; Location: City Hall;
Motion to close meeting made by: Estevé Seconded by Rogers;
Members in favor: All; Opposed: None;
Abstaining: _____; Absent: _____.

2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) ☐ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) ☐ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) ☒ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) ☐ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) ☐ "To consider the investment of public funds"; (6) ☐ "To consider the marketing of public securities"; (7) ☒ "To consult with counsel to obtain legal advice"; (8) ☐ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) ☐ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) ☐ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) ☐ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) ☐ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ☐ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) ☐ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) ☐ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) ☒	Real Property Acquisition	
§3-305(b) ☒	Consult with Legal Counsel	
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

4. This statement is made by Samuel J. Adams, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

- For a meeting closed under the statutory authority cited above:

Time of closed session: 9:27

Place: City Hall

Purpose(s): (3) Property Acquisition (7) Consult with legal counsel

Members who voted to meet in closed session: TA, WA, DB, ME, CT, RN

Persons attending closed session: Adams, Rogers, Brady, Estep, Truesdale, Wabumadu, Levan, Lott, & Neary

Authority under § 3-305 for the closed session: (3) (7)

Topics actually discussed: Race Track Road Property Acquisition

Actions taken: _____

Each recorded vote: _____

- For a meeting recessed to perform an administrative function (§ 3-104): Time: _____

Place: _____

Persons present: _____

Subjects discussed: _____

PROCLAMATION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
OBSERVING VETERANS' DAY, NOVEMBER 11, 2024

WHEREAS, in 1918, on the eleventh hour of the eleventh day in the eleventh month, the “war to end all wars” was over; and

WHEREAS, on November 11, 1919, President Woodrow Wilson proclaimed that the reflections of Armistice Day be filled with solemn pride and gratitude; and

WHEREAS, in 1954, President Eisenhower signed legislation designating November 11 as Veterans’ Day – through which a grateful nation may pay proper homage to all its veterans; and

WHEREAS, every November 11th, the veteran’s organizations of Bowie gather with their fellow citizens to recognize the service of all veterans to the United States of America.

NOW, THEREFORE, BE IT PROCLAIMED that the Council of the City of Bowie, Maryland does hereby honor all those men and women who have bravely and proudly served their country as members of the Armed Forces of the United States of America as we all gather on this 11th day of the 11th month.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on November 4, 2024.

Attest:

Timothy J. Adams, Mayor

Awilda Hernandez, City Clerk

PROCLAMATION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
PROCLAIMING THE MONTH OF NOVEMBER AS
MUNICIPAL GOVERNMENT WORKS MONTH IN BOWIE

WHEREAS, the City of Bowie was incorporated in 1916; and

WHEREAS, Maryland is home to 156 other municipalities; and

WHEREAS, municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, in an effort to educate citizens about municipal government and the importance of their participation, the City of Bowie is proud to promote municipal government awareness; and

WHEREAS, municipalities have enhanced the quality of life for their respective residents maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play and explore.

NOW, THEREFORE, BE IT PROCLAIMED that the Council of the City of Bowie, Maryland hereby joins the Maryland Municipal League in declaring November to be Municipal Government Works Month in Bowie, Maryland.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on November 4, 2024.

Attest:

Timothy J. Adams, Mayor

Awilda Hernandez, City Clerk



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: 8811 Elm Avenue, Performance and Payment Bond Releases
Resolution R-75-24

DATE: 10/31/2024

The Public Works Department received a request from Arundel Station Homes, LLC to acceptance the Right of Way Improvements constructed on Elm Avenue. The improvements included a standard 20-foot-wide concrete driveway, concrete curbs and gutters, three street trees and milling overlaying the street affected by WSSC utility installation. These improvements were required as a condition to construct a single-family home at 8811 Elm Avenue.

Issuing agent: Atlantic Specialty Insurance Co.

- Performance Bond No. 810014261 in the amount of \$21,604.00
- Payment Bond No. 810014260 in the amount of \$8,642.00

The Director of Public Works has documented that all work has been completed in accordance with plans and specification for the noted improvements.

I concur with the above recommendation and request your approval of Resolution R-75-24.

ATTACHMENTS: 1. 20241104 - Resolution R-75-24

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ACCEPTING THE CONSTRUCTION OF THE RIGHT OF WAY
IMPROVEMENTS CONSTRUCTED UNDER THE PERMIT
ROW 0001-21 AT 8811 ELM AVENUE AND RELEASING THE CONSTRUCTION
SECURITIES REQUIRED THEREWITH

WHEREAS, the owner, Arundel Station Homes, LLC provided securities for permit number ROW 0001-21 to guarantee payment and completion of construction of right of way improvements located at 8811 Elm Avenue; and

WHEREAS, the City of Bowie Directors of Public Works and Planning have certified that the work required by the subject permit has been completed according to plans and specifications, as-builts received, release of liens received; and

WHEREAS, all requirements of Section 21B-18 of the Bowie City Code, concerning approval and acceptance of work, have been fulfilled; and

WHEREAS, it is in the best interest of the City to accept the construction of the right of way improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the City does hereby accept the construction of the right of way improvements located at 8811 Elm Avenue, and authorizes the City Manager to release the securities provided by Arundel Station Homes, LLC for permit number ROW 0001-21.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on November 4, 2024.

ATTEST:

THE CITY OF BOWIE, MARYLAND

 Awilda Hernandez
 City Clerk

 Timothy Adams
 Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Award RFP/Task Order #3-19 Evaluation of Commercial Applications for MS4 Permit Reporting - Resolution R-76-24

DATE: 10/31/2024

On October 31, 2018, the City entered into an Architect/Engineering Open End Agreement for Category 3-Stormwater Management and Ecological (Design & CMI) with KCI Technologies, Inc. (KCI) of Sparks, MD; Rummel, Klepper & Kahl, LLP (RK&K), of Baltimore, MD; A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD; Brudis & Associates, Inc. (BAI), of Columbia, MD; and BayLand Consultants & Designs, Inc., (BayLand) of Columbia, MD. Professional Services delivered through these Agreements are negotiated and procured on a Task Order basis as the City's needs arise.

On October 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate with KCI for RFP/Task Order #3-19 Evaluation of Commercial Applications for MS4 Permit Reporting under the Architect/Engineering Open End Agreement. A Proposal was received and accepted from KCI for this task and selected based on cost, capacity to perform in a timely manner and understanding of the project.

In accordance with City Charter Section 61(b)(4), a fee of \$33,579.68 for the required services was negotiated. This is within the amount budgeted in the FY25 Administrative Professional Services Account.

The Public Works Department recommends that Council authorize the issuance of a Purchase Order to KCI for Task Order/RFP#3-19 pursuant to the Master Contract approved on October 31, 2018.

I concur with the recommendation of the Public Works Department and request your approval of Resolution R-76-24.

ATTACHMENTS: 1. 20241104 - Resolution R-76-24

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO KCI
TECHNOLOGIES, INC. FOR TASK ORDER/RFP#3-19 IN THE AMOUNT OF
\$33,579.68 IN ACCORDANCE WITH THE MASTER CONTRACT
APPROVED ON OCTOBER 31, 2018

WHEREAS, on October 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate with KCI Technologies, Inc. (KCI) for RFP/Task Order #3-19 Evaluation of Commercial Applications for MS4 Permit Reporting; and

WHEREAS, an RFP was issued to KCI which has an open ended professional services agreement with the City for Stormwater Management and Ecological Design; and

WHEREAS, for this Task, the City received and accepted a Proposal from KCI based on cost, capacity to perform in a timely manner and understanding of the project; and

WHEREAS, in accordance with City Charter 61(b)(4) a fee of \$33,579.68 for the required services was negotiated. This is within the amount budgeted in the FY25 Administrative Professional Services Account.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council authorizes the issuance of a Purchase Order to KCI for Task Order/RFP#3-19 pursuant to the Master Contract approved on October 31, 2018.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Meeting on November 4, 2024.

ATTEST:

Awilda Hernandez, City Clerk

Timothy J. Adams, Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Amending the Code of the City of Bowie Consisting of Chapters 1 Through 28
Ordinance O-9-24

DATE: 10/31/2024

Council have expressed the need to have the City's Charter and Code reviewed and updated to enhance the city's governance, operations, and service delivery. City staff contracted General Code, a vendor specializing in codification and unique code solutions.

The City Charter and Code has gone through a complete organizational analysis, legislative evaluation, and legal analysis by the vendor as well as City staff and City Counsel. The next step is for Council to discuss the proposed amendments, hold public hearings to gather feedback from the community, and adopt the City Code Amendments.

Per section §18A.9 of the City of Bowie Charter, the Council of the City of Bowie ("the City Council") is authorized to provide for the codification of all ordinances.

Ordinance O-9-24 is for introduction only. The Public Hearing will be scheduled for November 18, 2024.

ATTACHMENTS:

1. 20241104 - Ordinance O-9-24
2. 20241104 - Bowie Code Adoption Ordinance Schedule A

AN ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE
RE-ADOPTING THE CODE OF THE CITY OF BOWIE CONSISTING OF
CHAPTERS 1 THROUGH 28, INCLUSIVE, WITH AMENDMENTS TO UPDATE
REFERENCES TO STATE LAWS AND REGULATIONS, TO UPDATE
REFERENCES TO STATE, COUNTY, M-NCPPC AND CITY DEPARTMENTS
AND/OR AGENCIES, AND TO MAKE OTHER MINOR GRAMMATICAL AND
NONSUBSTANTIVE CHANGES, AND AUTHORIZING THE PUBLICATION AND
UPDATING OF THE AMENDED CODE AND THE CITY CHARTER BY
GENERAL CODE

WHEREAS, via Ordinance O-19-1989 the Council of the City of Bowie (“the City”) formally adopted and enacted as law, all Council legislation, ordinances and resolutions enacted as law on or before the effective date of Ordinance O-19-1989 as the “Code of the City of Bowie, 1989”; and

WHEREAS, since 1989, the City Code and the City Charter have been published by the City through the City Clerk and updated from time to time by the City Clerk to reflect ordinances and charter amendment resolutions as they were adopted; and

WHEREAS, the City Code and City Charter are published on the City’s website; and

WHEREAS, the City hired General Code to create a City Charter and City Code to be published in a manner so as to be more broadly available and to make it easier for residents, elected officials, consultants and contractors to find, access and share information; and

WHEREAS, City Charter, §18A.9 authorizes the Council of the City of Bowie (“the City Council”) to provide for the codification of all ordinances; and

WHEREAS, in preparing the re-codification of the City Code, certain minor grammatical and nonsubstantive changes were made in one or more of the Code provisions; and

WHEREAS, it is the intention of the City Council that all such changes be adopted as part of the Code as if the sections of the City Code so changed had been formally amended to read as such; and

WHEREAS, the City Council also desires to re-adopt the Code of the City of Bowie in its entirety with amendments to update references to various outdated laws and regulations, as well as departments and agencies of the Federal, State, County and City governments, and to then have it and the City Charter published by General Code.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the City Council, that the ordinances of the City of a general and permanent nature adopted by the City Council, as revised and codified, and consisting of Chapters 1 through 28, are re-adopted as the Code of the City of Bowie (the "Code"). The provisions of the Code, insofar as they are substantively the same as those in force immediately prior to the re-enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1989 Code, as amended and supplemented.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the City Council, that the Code, as re-adopted herein, shall contain minor grammatical and other changes of a non-substantive nature, updated references to State laws and regulations, and updated references to State, County, the Maryland-National Capital Park and Planning Commission, and City departments, all as identified below and set forth in the attached Schedule A, and made a part hereof.

1. References to Article 23A of the Annotated Code of Maryland are amended to be the Local Government Article of the Annotated Code of Maryland and provisions transferred by the State legislature from former Article 23A to the Local Government Article and renumbered during said transfer are, where appropriate, renumbered herein.
2. The title "Chairman" is amended to "Chairperson."
3. The titles "Board of Election Supervisors," "Board of Supervisors of Elections" and "Board of Supervisors" are amended to "Board of Elections."
4. The title "City Clerk-Treasurer" is amended to "City Clerk."
5. References to the State Motor Vehicle Department are amended to the State Motor Vehicle Administration.
6. The terms "soil erosion and sediment control permit" and "sediment and erosion control permit" are amended to "erosion and sediment control permit."

Section 3. **BE IT FURTHER ORDAINED**, by the City Council that the City Code, as hereby amended, shall be published by General Code as the Code of the City of Bowie and shall be amended from time to time by General Code as instructed by the City.

Section 4. **BE IT FURTHER ORDAINED**, by the City Council that all ordinances of a general and permanent nature introduced or enacted, and/or which became effective on or before the effective date of this Ordinance, and not included in the Code are recognized to continue in force and effect and shall be added to the Code of the City of Bowie published by General Code.

Section 5. **BE IT FURTHER ORDAINED**, by the City Council that additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. **BE IT FURTHER ORDAINED**, by the City Council that each section of this Ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. **BE IT FURTHER ORDAINED**, by the Council of the City of Bowie, that this Ordinance shall become effective thirty (30) days after its enactment by the City Council provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie at a regular meeting on the _____ day of _____, 2024.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the _____ day of _____, 2024.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez, City Clerk

By: _____
Timothy J. Adams, Mayor

APPROVED AS TO FORM AND SUFFICIENCY:

Elissa D. Levan, City Attorney

City of Bowie

Code Adoption Ordinance

Schedule A

Chapter 1. General Provisions.

Section 1-6 Misdemeanor; municipal infractions; general penalty; continuing violations.

* * *

B. Fine for misdemeanor. Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be a misdemeanor, ~~where~~ IF no specific penalty is provided therefore, the violator of any such provision of this Code or any ordinance shall be punished by PENALTY SHALL BE a fine not to exceed \$500 or imprisonment for A PERIOD NOT TO EXCEED 30 days, or both. Each day any violation of any provision of this Code or of any ordinance continues shall constitute a separate offense.

C. Municipal Infractions

* * *

(5) Right of Administrative Review. A person charged with a municipal infraction shall be informed of the right to request review of the issuance of the citation by the Administrative Review Board in accordance with Chapter 1A of the Code of the City of Bowie. A person who requests review of the issuance of a citation by the Administrative Review Board must do so within fifteen (15) days of the issuance of the citation. A hearing before the Administrative Review Board will be scheduled as soon as practicable, but no later than ~~thirty (30)~~ SIXTY (60) days, after receipt of a request for review.

* * *

(8) Certain violations declared infractions. Except as otherwise specifically stated within each Chapter, violation of the following ordinances are hereby declared to be municipal infractions of the City Code: Chapter 1, Section 9; Chapter 3; ~~Chapter 4, Section 4-6(a), (b), (c), (d), (g), (h) and (i);~~ Chapter 5; Chapter 6; Chapter 10; Chapter 11; Chapter 13; Chapter 15; Chapter 16, Sections 1 through 7 and 10; Chapter 17, Sections 1(a) through 1(e), 1(h), 1(k), 1(m), 1(n), 1(p), 1(r) through 1(y); Chapter 18; Chapter 22; Chapter 25; Chapter 26 and Chapter 27 and any other violation of ordinances that are specifically declared to be municipal infractions from time to time by the City Council.

Sec. 1-8. Interference with city personnel engaged in enforcement activities.

* * *

B. Violation of this section shall be ~~deemed~~ a misdemeanor, ~~and, upon conviction thereof, punishment shall be~~ PUNISHABLE by a fine of not more than \$500, ~~nor less than \$50,~~ or by imprisonment for not more than 30 days, or both.

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Chapter 1A. Administrative Review Board.

Section 1A-4. Request for review.

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D. An aggrieved person shall abide by the decision of the Board which shall be deemed a final resolution of the matter in the review of an action of the City Manager pursuant to Chapter 5 of the Code of the City of Bowie. In matters involving a municipal infraction, where the decision of the Administrative Review Board is to reverse the citation, the citation may be transmitted by the City Manager to the District Court after notification to the City Council. If the Board determines that a violation of a provision of the Code has occurred and that the Code Enforcement Officer's action was correct, the violation must be corrected within a time period established by the Board, not to exceed thirty (30) days from the date on which the decision of the Board was issued. If the violation remains uncorrected after the ~~time-day~~ period within which the Board has established the violation should be corrected, the City Manager shall request adjudication of the case through the District Court in accordance with State law.

Chapter 2. Administration.

Sec. 2-2. Duty to turn records over to successors.

The City ~~Councilmen~~ COUNCILMEMBERS shall turn over to their successors after each election, when they shall have qualified and entered on the duties of their office, all the books, papers, and records and other City properties in their possession.

Sec. 2-15. Duty to classify positions.

The Director of Human Resources shall recommend classification of all of the positions in the personnel system, assigning to each the appropriate title, experience capacity, knowledge, skill and other qualifications including the minimum prerequisites to be required for appointment. This classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, and authority over character of work[,] are included within the same CLASSIFICATION AND THE schedule of compensation can be made to apply with equity under like working conditions to all positions within the class. The classification plan so recommended shall be transmitted to the Mayor and Council for adoption. The Director of Human Resources may reclassify positions within the limits of the annual adopted budget. Every position in the personnel system shall be allocated to one of the classes and thereafter the position title and class so established shall be used in all personnel, fiscal and other documents and correspondence of the City.

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Sec. 2-58. Grievance procedure.

(a) The grievance procedure herein described shall apply only to bargaining unit employees pursuant to the provisions of this Chapter.

(b) Grievances or disputes between any bargaining unit employee and the City may be settled in the following manner:

* * *

(4) Step 4. If the grievance is still unsettled either party may within fifteen (15) days of the City Manager's response to the Step 3 Notice, by written notice to the other, request arbitration. The arbitration proceedings shall be conducted by an arbitrator as provided below:

(a) The Maryland Department of Labor, ~~Licensing, and Regulation~~ is hereby designated as the first choice of both parties to function as the arbitrator.

* * *

Sec. 2-69. Administration.

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H. The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of ~~State Government Article, Title 15, Subtitle 8,~~ TITLE 5, SUBTITLE 8 OF THE GENERAL PROVISIONS ARTICLE OF THE Annotated Code of Maryland for elected officials.

I. The Commission may recommend changes to this article that, in the Commission's opinion, may be required for the City to be in compliance with the requirements of ~~State Government Article, Title 15, Subtitle 8~~ TITLE 5, SUBTITLE 8, OF THE GENERAL PROVISIONS ARTICLE OF THE Annotated Code of Maryland, and shall forward any such recommended changes and amendments to the City Council for its consideration.

* * *

Sec. 2-77. Definitions.

For the purpose of this Chapter, the following words and phrases shall ~~describe~~ HAVE the meanings respectively ascribed to them by this section:

* * *

(b) Ex parte communication shall not include:

1. Technical advice, explanations or other communications among Councilmembers, subject to the requirements of ~~§ 10-501 et seq. ("Meetings"), State Government~~ TITLE 3 OF THE GENERAL

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PROVISIONS ARTICLE OF THE Annotated Code of Maryland, or with City staff, City engineers or legal counsel rendered by the request of the Council or one of its members;

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Chapter 3. Amusements, Carnivals, Fairs or Similar Uses.

Sec. 3-3. Adoption of Environmental Noise Control.

Pursuant to the authority of Title 3 of the ~~Health-Environmental~~ ENVIRONMENT Article of the Annotated Code of Maryland, amusements, carnivals, fairs or similar uses in the City shall be fully subject to the provisions of the environmental noise standard, sound level limits, and noise control rules and regulations of the State of Maryland and the laws and regulations of the City unless the City enacts more restrictive regulations.

Sec. 3-6. Permit--Required and Conditional.

(A) It shall be unlawful for any person to erect any temporary structures to be used as an amusement, carnival, fair or similar use whatsoever within the limits of the City without having first made application for and received permission to do so by receiving a temporary use ~~and occupancy~~ permit from the City Manager.

* * *

Sec. 3-12. Insurance and Inspections.

The City Manager shall determine that the applicant has made provisions for public liability and workmen's compensation insurance, AND approval by the ~~County Department of Health and Fire Inspections, sanitary facility needs and~~ APPROPRIATE DEPARTMENTS OF THE COUNTY, INCLUDING BUT NOT LIMITED TO THE DEPARTMENT OF HEALTH, FIRE/EMS DEPARTMENT, AND DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT. ~~f~~Food handling and preparation shall be approved by the health inspectors.

Chapter 4. Animal Control.

Sec. 4-1. Definitions.

As used in this Chapter, the following terms shall have the meaning indicated below unless otherwise expressly stated or the context clearly indicates a different intention.

* * *

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g) Cruelty shall mean every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted including but not limited to the failure to provide an animal with nutritious food in sufficient ~~quality~~ QUANTITY, necessary veterinary care, proper drink, air, space, shelter or protection from the weather, or beating, torturing or tormenting an animal.

* * *

Sec. 4-7. General provisions.

a) All animals located or kept within the City of Bowie shall be cared for in accordance with “The Proper Animal Care Standards for Enforcement of Anti-Cruelty Laws” adopted by the Prince George’s County Animal ~~Control~~ SERVICES Division. Copies of the Standards may be obtained upon request from the City Clerk.

* * *

e) Cruelty to animals. Cruelty to animals is hereby prohibited as set forth in ~~Article 27~~ SUBTITLE 6 OF TITLE 10 OF THE CRIMINAL LAW ARTICLE of the Annotated Code of Maryland, ~~§ 59 et seq.~~, as amended from time to time. Said provisions of ~~Article 27~~ SUBTITLE 6 are hereby incorporated by reference as if fully set forth herein. Pursuant to ~~Article 27, § 59~~ § 10-604 OF THE CRIMINAL LAW ARTICLE of the Annotated Code of Maryland, ~~cruelty to animals~~ ABUSE OR NEGLECT OF AN ANIMAL is a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment not to exceed 90 days, or both.

Furthermore, mutilation of animals as defined and set forth in ~~Article 27, § 59~~ § 10-606 OF THE CRIMINAL LAW ARTICLE of the Annotated Code of Maryland is hereby prohibited. The penalty for such act shall be as set forth in ~~§ 59(b)~~ § 10-606(C) OF THE CRIMINAL LAW ARTICLE, a fine of ~~NOT EXCEEDING~~ \$5,000 and/or imprisonment not to exceed three years, or both.

* * *

Sec. 4-8. Confinement of animal biting a person or other animal.

* * *

e) If, at the time of exposure, the owner fails to provide proof of a valid rabies vaccination for the animal in question, the animal will be examined by a licensed veterinarian at the owner’s expense or observed by the Prince George’s County ANIMAL SERVICES Division ~~of Animal Control~~ or an animal control officer immediately after the ten-day confinement period.

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Sec. 4-22. Enforcement.

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e) Penalty. Violations of Sections 4-4, 4-5(b), 4-6, 4-7(a), (b), (c), and (d), 4-8, 4-13, 4-14, 4-16, 4-17, and 4-18 of this Chapter shall be deemed a municipal infraction subject to the provisions of Chapter 1, Sec. 6 of this Code and shall be punishable, subject to Sec. 1-6, by a fine of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred dollars (\$200.00) for every subsequent offense. Failure to pay said fine will subject the violator to the enforcement provisions of Chapter 1, Sec. 6 of this Code. Violation of any section of this chapter not specifically deemed a municipal infraction shall constitute a misdemeanor punishable by a fine not exceeding \$100 or imprisonment for NO MORE THAN 30 days, or both. Each day any violations of any provision of this Chapter shall continue, shall constitute a separate offense.

Chapter 5. Building and Property Maintenance.

Sec. 5-2A. Enforcement authority for Maryland Building Performance Standards.

In conformance with the Annotated Code of Maryland, ~~Article 28, Section 8-116~~ LAND USE ARTICLE, § 20-513, the Prince George's County government and its designated officers are exclusively responsible for enforcing compliance with the Maryland Building Performance Standards. Such responsibility shall include, but is not limited to, plan review and inspections.

Sec. 5-7. Standards.

(a) SCOPE. The provisions of this section shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure constructed for the purpose of human occupancy and the premises on which it stands shall comply with the conditions herein prescribed as they may apply thereto.

(b) EXTERIOR PROPERTY AREAS. The exterior property areas of any residential or commercial structure, whether occupied or unoccupied, shall comply with the following requirements:

1. Landscaping of premises.

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D. The requirements of Subsection (A) above shall have no application in the following areas of the City:

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I. Vegetated wetlands, as defined in ~~the Annotated Code of Maryland Natural Resources Article 9 and COMAR 08.05.04~~ TITLE 16 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND COMAR 26.23 AND 26.24.

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V. Any other area required to be vegetated by reason of the application of ~~the City Zoning Ordinance, Subdivision Ordinance, Site Plan Ordinance, Stormwater Management Ordinance,~~ CHAPTER 21A, SOIL EROSION AND SEDIMENTATION CONTROL, CHAPTER 21B, STORMWATER MANAGEMENT CONTROL, OR CHAPTER 26, ZONING, OF THE CITY CODE or any other ordinance or provision of law.

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7. Accessory Structures. AN ACCESSORY STRUCTURE IS ~~Any~~ANY building or structure, the use of which is incidental to that of the main building or residence and which is located on the same lot or ground, including but not limited to, the following: fences, walls, attached or detached garages, gazebos, storage sheds and buildings. Accessory structures shall be maintained in good repair, be structurally safe and sound, and be free from rust, corrosion and graffiti. Storage tents, whether temporary or permanent, are not accessory structures and, therefore, are prohibited.

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Sec. 5-14. Hearings.

Any person aggrieved by an action of the City Manager or a City code enforcement ~~official~~ OFFICER under the provisions of this article may, within 15 days of receipt of notice of action by the City Manager or City code enforcement ~~official~~ OFFICER, request a hearing before the Administrative Review Board. Hearing requests shall be on forms provided by the City Manager and shall be filed with the City Manager who will notify the appellant in writing of the time and place set for the hearing. A hearing shall not operate to stay the action of the City unless the City Manager stays the action for good cause. The hearing shall be open to the public and records and minutes shall be maintained by the said ~~Committee~~ BOARD at all such hearings. Within ~~40~~ 30 days after said hearing, the ~~Committee~~ BOARD shall make a recommendation to the City Manager as to the reversal, modification or affirmation of the action complained of, and shall issue its recommendation in writing and provide a copy thereof to the person aggrieved.

Chapter 6. Elections.

Sec. 6-1. Definitions; gender references; computation of time.

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

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Board Liaison. The person chosen by the Board pursuant to ~~Section 6-43(B) of Article 33 of the Annotated Code of Maryland, (1957 Edition)~~ § 3-403 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, as amended, to work with the County Board in the development and implementation of a plan of universal registration.

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Sec. 6-32. Interpretation of chapter.

Unless an interpretation to the contrary is clearly intended from the context in which it appears, each provision of this chapter shall be interpreted in conformity with ~~article 33~~ THE ELECTION LAW ARTICLE of the Annotated Code of Maryland, ~~1957 edition~~, as amended.

Sec. 6-43. Universal registration.

* * *

(c) Upon receipt of notice from the County Board of its designated liaison, the County Board liaison and the Board liaison shall conduct meetings at a mutually agreed upon time with other appropriate persons, if required, for the purpose of developing a schedule and plan for implementing universal registration. The plan shall include:

* * *

5. Procedures for obtaining, updating, and maintaining in the County Board files ~~and~~ the voter history of registrants on the list who vote in City Elections; and 6. Procedures for obtaining, updating, and maintaining changes to the boundaries and election districts that result from annexations, subdivision development, street name changes, street abandonments, redistricting and other changes. 7. Procedures of the City for providing the information required by Section 6-5.

* * *

Sec. 6-63. Same--Effect of question concerning the validity of signature.

On any petition, including an associated or ~~included~~ RELATED set of petitions, submitted to the City Manager under the applicable provisions of ~~article 23A of the Annotated Code of Maryland, 1957 edition,~~ THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, as amended, any question concerning the validity of the signature of any person on the petition affects that signature only and does not affect or impair any other portion of the petition.

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Sec. 6-68. Appointment of campaign treasurer; candidate joining ticket or slate.

(a) Each candidate for, ~~or~~ election to, public office, upon or before, and as a condition precedent to qualifying as such candidate, shall appoint one campaign treasurer and shall file the name and address of the campaign treasurer with the board as provided in subsection (c) of this section. A campaign treasurer shall be a resident of the City and have resided in the City for one year prior to the date of his or her appointment. Every treasurer so appointed shall accept such appointment, in writing, prior to filing thereof. The board shall not accept any certificate of candidacy unless the name of the treasurer has been filed with it as provided in this subsection. Nothing herein contained shall prevent a candidate from naming himself or herself as treasurer.

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Chapter 9, Finances.

Section 9.3. Same--Issuance and Sale.

The bonds shall be issued and sold upon the full faith and credit of the City pursuant to a resolution of the Council (the "resolution") which may be introduced, read and finally passed at any regular or special public meeting of the Council; provided, however, that the resolution may not be finally passed until there has been published in a newspaper of general circulation in the City a notice stating that the City proposes to borrow money under the provisions of this ARTICLE and that the passage of a resolution for that purpose will be considered at a regular or special meeting of the Council to be held at the place, date and time stated in the notice and that such notice shall have been published not less than two nor more than 14 days prior to the stated meeting.

Section 9.5. Same--Execution.

The Bonds shall be executed in the name of the City and on its behalf by the Mayor, whose signature may be by facsimile. The corporate seal of the City, or a facsimile of it, shall be imprinted on the Bonds, and attested by the manual signature of either the City Manager or of the City Clerk. In the event THAT any ~~official whose~~ OFFICIAL'S signature THAT appears on the Bonds has become invalid after the date of issue or award thereof, the Bonds shall, nevertheless, be valid and legally binding obligations of the City in accordance with their terms.

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Chapter 11. Health and Sanitation.

Sec. 11-5. Public Health Officer.

* * *

(d) In order to accomplish the purposes of this section, the Public Health Officer shall be designated as a code enforcement officer and vested with the authority to issue municipal infraction citations as set forth in § 1-6 of the City Code and to provide evidence in the trial of any such citation or in any other action or matter arising in connection THEREWITH, including an injunctive action brought pursuant to § 1-6A of the City Code. The Public Health Officer is further authorized to seek the assistance of City Attorney to procure administrative warrants for the inspection of buildings or structures if necessary to the performance of his or her duties under this Section.

Sec. 11-7. Penalties.

EXCEPT WHERE OTHERWISE PROVIDED, Violations in VIOLATIONS OF this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 1, Section 6 and 6A of this Code. The penalties for violating sections of this Chapter shall be One Hundred Dollars (\$100.00) for the first offense and Four Hundred Dollars (\$400.00) for every subsequent offense. (

Chapter 12. Cable Communications.

12-2. Definitions and word usage.

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B. Definitions.

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(29) OVS: An open video system that complies with 47 U.S.C. § ~~653~~ 573, as amended.

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Chapter 14. Motor Vehicles and Traffic.

Sec. 14-14. Impoundment procedures.

(a) Conformity with State law. The procedures to be followed for impoundment of vehicles are as set

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(b) forth below and shall substantially conform to the MD. Code Ann., Transp., Sections 25-204 to ~~25-210~~ 25-209, as amended from time to time.

* * *

Sec. 14-15.

* * *

(b) Procedures for impounding a vehicle shall be as set forth in Section 14-14 of this Chapter and shall substantially conform to the ~~MD. Code Ann. Tr.~~ TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, Sections 25-204 to ~~25-210~~ 25-209, as amended from time to time.

Chapter 16, Offenses – Miscellaneous.

Sec. 16-11. Unauthorized removal of water from fire hydrants.

* * *

(c) Penalty imposed by notices. All notices of violation of this section shall impose upon the recipient a fine of Two Hundred Fifty Dollars (\$250). The fine shall be paid to the City Office DEPARTMENT of Finance within seventy-two (72) hours of issuance. In the event such fine is not paid within the time allowed, a summons shall be initiated before a judicial officer and any person found to be guilty of violation of this section shall be guilty of a misdemeanor and shall be subject to a fine not exceeding Five Hundred Dollars (\$500) and imprisonment not exceeding ninety (90) days or both such fine and imprisonment.

Chapter 17. Park Rules and Regulations.

Sec. 17-2. Rules.

The following are adopted as the City Park Rules:

* * *

(aa) All REQUESTS FOR use of specific park facilities, such as athletic fields, picnic areas, lakes, streams, rivers, amphitheaters, tennis courts, multipurpose courts, tot lots, zoos, gazebos, park shelters, parking lot and open space areas, by individuals, groups or organizations for the purpose of monopolizing all or part of the park facilities must be made in writing to the City Manager.

* * *

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Chapter 18A. Planning.

Sec. 18A-10. Same-Copy of article to be sent to applicant on zoning or subdivision matter-City Council Hearing.

* * *

Whenever the due date of the City of Bowie's response to the County Council or the MARYLAND-NATIONAL CAPITAL Park and Planning Commission requires it, the City Council may schedule its hearing even if it has not received the impact statement and/or the BAPB report of the same called for hereunder.

Chapter 21A. Soil Erosion and Sedimentation Control.

Sec. 21A-3. Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings respectively assigned to them in this section:

* * *

K. "Developer," means a person undertaking, or for whose benefit any or all activities covered by this ordinance are commenced or carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within the definition. SEE "OWNER/DEVELOPER."

* * *

LL. "Wetlands" means any area that has saturated soils for periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding, as defined in the Annotated Code of Maryland ~~Natural Resources Article, Title 9 and COMAR 08.05.04~~ ENVIRONMENT ARTICLE, TITLE 16, AND COMAR TITLE 26, SUBTITLES 23 AND 24.

Sec. 21A-6. Erosion and sediment control plans--contents of.

* * *

B. At a minimum, an applicant shall submit the following information:

6. A general description of the predominant soil types on the site, as described by the appropriate soil survey information available through the local Soil Conservation District or the ~~USDA Natural Resources Soil Conservation Service~~ UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE.

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Chapter 21B. Stormwater Management Control.

Sec. 21B-9A. Stormwater management plans.

A. Review and approval of stormwater management plans

* * *

2. The City shall perform a comprehensive review of the stormwater management plans for each phase of site design. Coordinated comments will be provided for each plan phase that reflect input from all appropriate agencies, including but not limited to the District and the ~~Departments of Planning and Public Works~~ DEPARTMENT OF PLANNING AND SUSTAINABILITY AND THE DEPARTMENT OF PUBLIC WORKS of the City. All comments from the City and other appropriate agencies shall be addressed and approval received at each phase of project design before subsequent submissions.

* * *

Chapter 22. Streets and Sidewalks.

Sec. 22-29. Professional engineer's signature required; permit exceptions.

(a) All plans submitted for approval shall be prepared and signed by a professional engineer or land surveyor ~~registered~~ LICENSED to practice in the State. The use of a rubber stamp replica or impression seal is required on all plans. All plans submitted for approval shall conform to the standards and specifications and this Article, unless prior approval has been given for exceptions.

* * *

Sec. 22-44. Grades.

Approved grades shall be established by the MARYLAND-NATIONAL CAPITAL PARK AND Planning Commission when within the limits of the regional district. Only such grades shall be used that meet the approval of the City Manager. No grade shall be less than one percent (1%) nor more than ten percent (10%) except under unusual conditions, as determined by the City Manager.

Chapter 23. Special Taxing Districts.

Sec. 23-1. Special Taxing District Defined.

* * *

(b) Authority. Pursuant to ~~Article 23A, § 44~~ DIVISION IV, TITLE 21, SUBTITLE 4, PART I, OF THE LOCAL GOVERNEMENT ARTICLE of the Annotated Code of Maryland and Section 89 of the City Charter, a special taxing district may be created for purpose of financing the design, construction, establishment, extension, alteration or acquisition of adequate storm drainage systems, for the purpose of

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financing the design, acquisition, establishment, improvement, extension, operation or alteration of public parking facilities or pedestrian malls, for the purpose of financing the design, acquisition, erection, construction, improvement and maintenance of street and area lighting and for the purpose of financing the design, acquisition, establishment, improvement, extension, operation, alteration, or maintenance of a ride sharing or bus system and levy on all real and personal property within the district an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on obligations incurred for the district and the costs of operating and maintaining district facilities and activities.

* * *

Chapter 24, Taxation.

Sec. 24-3. City homeowners' supplemental property tax credit.

* * *

(f) The submission of a false or fraudulent application or the withholding of information by any person in order to obtain a homeowners' supplemental property tax credit under this section is a misdemeanor, and a person convicted of said offense shall be subject to a fine of not more than \$1,000 or imprisonment for not more than ~~one year~~ SIX MONTHS or both for each violation.

* * *

Sec. 24-5. Tax credit for certain law enforcement officers and rescue workers or surviving spouses.

(a) Definitions. In this section, the following words have the meanings indicated:

* * *

(6) "Law enforcement officer" has the meaning described in ~~Maryland Code Annotated, Public Safety Article, § 3-101(e)~~ § 3-201(F) OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

* * *

Chapter 24A. Refund of Excess Special Taxing.

Section 24A-1: Definitions.

* * *

(b) "Special Taxing District." A special district created by Ordinance of the Council of the City of Bowie, Maryland in accordance with the authority contained in Sections 88 and 89 of the Charter of the City of Bowie, Maryland, and ~~Article 23A, Section 44~~ DIVISION IV, TITLE 21, SUBTITLE 4, OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland.

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Chapter 25. Water and Sewer System.

Sec. 25-10. Procedure for approval.

* * *

(h) Judicial review. All final determinations of the Council shall be reviewable by the Circuit Court for Prince George's County in accordance with ~~Chapter 1100, Subtitle B, "Administrative Agencies Appeal From"~~ TITLE 7, CHAPTER 200, JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY DECISIONS, of the Maryland Rules, provided that notwithstanding the provisions of ~~Subtitle B, Chapter 1100~~ TITLE 7, CHAPTER 200, the decision of the Circuit Court for the county shall be final and no further appeal will be filed with ~~the State Court of Appeals or any other state appellate court~~, either by way of mandamus, injunction, certiorari or otherwise.

Sec. 25-13. Use of Public Sewers.

* * *

(f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~Administrator~~ City Manager and shall be located as to be readily and easily accessible for cleaning and inspection.

* * *

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~~Strikethrough:~~ Indicates language deleted from the City Code.
*** Asterisks: Indicate language in the City Code that remains unchanged, which is not reproduced in the ordinance.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Amending City Charter Sec. 2, Sec. 18A, Sec. 89 and Sec. 98
Charter Amendment Resolution CAR-1-24

DATE: 10/31/2024

Council have expressed the need to have the City's Charter and Code reviewed and updated to enhance the city's governance, operations, and service delivery. City staff contracted General Code, a vendor specializing in codification and unique code solutions.

The City Charter and Code has gone through a complete organizational analysis, legislative evaluation, and legal analysis by the vendor as well as City staff and City Counsel. The next step is for Council to discuss the proposed amendments, hold public hearings to gather feedback from the community, and adopt the Charter Amendments.

Pursuant to MD Code Ann., Local Gov't, Division II, Title 4, Subtitle 3, the City Council of the City of Bowie, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3, and that the amendment to the Charter of the City of Bowie, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage.

Charter Amendment Resolution CAR-1-24 is scheduled for Public Hearing and Adoption.

ATTACHMENTS: 1. 20241104 - Charter Amendment Resolution CAR-1-24

A CHARTER AMENDMENT RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING SEC. 2, “TO BE FILED CERTAIN PLACES,” SEC. 18A, “EXPRESS
POWERS,” SEC. 89, ESTABLISHMENT, TAXES AND ADMINISTRATION,” AND
SEC. 98, CHARTER REVISION PROCEDURES; MISCELLANEOUS” OF THE
CITY CHARTER TO AMEND OUTDATED REFERENCES TO STATE LAW AND
TO DEPARTMENTS OF THE STATE

WHEREAS, pursuant to MD Code Ann., Local Gov’t, Division II, Title 4, Subtitle 3 (“Subtitle 3”), the City Council of the City of Bowie, a Maryland municipality, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3; and

WHEREAS, the City of Bowie is in the process of codifying its charter and code; and

WHEREAS, during the codification process it came to City staff’s attention that the City Charter contains outdated references to State law and to departments of the State of Maryland; and

WHEREAS, staff has recommended the changes set forth herein; and

WHEREAS, a public hearing was conducted regarding the proposed amendments to the City Charter as is required by Subtitle 3 and City Charter, Section 98, prior to the adoption of this Charter Amendment Resolution; and

WHEREAS, the City Council of the City of Bowie desires to correct the outdated references set forth in the City Charter.

Section 1: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 2, To be filed in certain places, of the Charter of the City of Bowie is amended as follows:

Sec. 2. To be filed in certain places.

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

BOLD CAPITALS: Indicate matter added to existing law.
 Asterisks * * * Indicate matter retained in existing law but omitted herein
 [Boldface brackets]: Indicate matter deleted from the existing law.

Section 2: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 18A, Express powers, of the Charter of the City of Bowie is amended as follows:

Sec. 18A. Express powers.

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

* * *

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

* * *

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

* * *

40. PURCHASES THROUGH [PURCHASING BUREAU] **OFFICE OF STATE PROCUREMENT**: To provide for the purchase of materials, supplies, and equipment through the [Purchasing Bureau] **OFFICE OF STATE PROCUREMENT** of the State Department of General Services whenever desirable.

* * *

BOLD CAPITALS: Indicate matter added to existing law.
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Section 3: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 89, Establishment, Taxes, Administration, of the Charter of the City of Bowie is amended as follows:

Sec. 89. Establishment, Taxes, Administration.

(a) Authority and purpose. Pursuant to [Article 23A, subsection 44] **DIVISION IV, TITLE 21, SUBTITLE 4 OF THE LOCAL GOVERNMENT ARTICLE** of the Maryland Annotated Code, the City of Bowie may establish Special Taxing Districts for the following purposes: (1) financing the design, construction, establishment, extension, alteration or acquisition of adequate storm drainage systems; (2) financing the design, acquisition, establishment, improvement, extension, operation or alteration of public parking facilities or pedestrian malls; (3) financing the design, acquisition, erection, construction, improvement and maintenance of street and area lighting; (4) financing the activities of commercial management authorities; and (5) financing the design, acquisition, establishment, equipping, improvement, extension, operation, alteration or maintenance of public bus or ride sharing systems. The City may levy on all real and personal property, within the districts, an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or obligations of the City issued for these purposes as the principal and interest become due, and to pay the costs of operating and maintaining these facilities.

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Section 4: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 98, Charter revision procedures; miscellaneous, of the Charter of the City of Bowie is amended as follows:

Sec. 98. Charter revision procedures; miscellaneous.

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

Amendments to the Charter can be made by the Council or by residents only pursuant to Article XI-E of the Constitution of the State of Maryland. As set forth in State law, a Charter amendment shall be ordained or passed in the usual course of considering resolutions in the City. City procedures require a public hearing on a Charter amendment. A fair summary of the

BOLD CAPITALS: Indicate matter added to existing law.
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[amending]**AMENDMENT** proposed by the Council must be posted in the municipal building and published in a newspaper at least four times at weekly intervals within a period of forty (40) days after the adoption of the amendment by the Council. The Charter amendment will become effective fifty (50) days after enactment unless a proper petition for referendum signed by twenty percent (20%) of the registered voters, is presented to the Council within forty (40) days after its enactment. The referendum election shall take place at the next regular municipal election or at a special election at the direction of the Council.

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

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

Copies of the City's laws and Charter are available to residents in the municipal building. Additionally, Maryland law requires the City to provide copies of its laws and amendments, including Charter amendments, to the Department of Legislative [Reference] **SERVICES** as they are enacted. The City must also prepare an update of its laws on an annual basis which update should include all Charter amendments which have been enacted ([Article 23A, Subsection 17D,] **§ 4-110 OF THE LOCAL GOVERNMENT ARTICLE OF THE** Annotated Code of

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Maryland). The Department of Legislative [Reference] **SERVICES** compiles municipal charters into a single document which is available as a public document both at the Department and at libraries. Additionally, the Department is required to forward these documents to the State Archives for permanent storage and retention at least once a year.

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

Section 5: **BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted this _____ day of November, 2024, and that the amendment to the Charter of the City of Bowie, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage. A complete and exact copy of this Resolution shall be posted in the City Hall building for forty (40) days following its passage by the City, and a fair summary of the Charter Amendment shall be published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals, also within the forty (40) days following its passage by City.

Section 6: **BE IT FURTHER RESOLVED** that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Bowie City Manager shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of Bowie or in a referendum; and (iv) the effective date of the Charter Amendment.

Section 7: **BE IT FURTHER RESOLVED** that the City Manager of the City of Bowie, Maryland be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 5 and 6 hereof as evidence of compliance herewith; and the City Clerk shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of November, 2024.

PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of November, 2024.

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 Asterisks * * * Indicate matter retained in existing law but omitted herein
 [Boldface brackets]: Indicate matter deleted from the existing law.

WITNESS:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams, Mayor

APPROVED AS TO FORM
AND SUFFICIENCY:

Elissa D. Levan, City Attorney

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Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Amending City Charter Sec. 4
Charter Amendment Resolution CAR-2-24

DATE: 10/31/2024

Council have expressed the need to have the City's Charter and Code reviewed and updated to enhance the city's governance, operations, and service delivery. City staff contracted General Code, a vendor specializing in codification and unique code solutions.

The City Charter and Code has gone through a complete organizational analysis, legislative evaluation, and legal analysis by the vendor as well as City staff and City Counsel. The next step is for Council to discuss the proposed amendments, hold public hearings to gather feedback from the community, and adopt the Charter Amendments.

Pursuant to MD Code Ann., Local Gov't, Division II, Title 4, Subtitle 3, the City Council of the City of Bowie, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3, and that the amendment to the Charter of the City of Bowie, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage.

Charter Amendment Resolution CAR-2-24 is scheduled for Public Hearing and Adoption.

ATTACHMENTS: 1. 20241104 - Charter Amendment Resolution CAR-2-24

A CHARTER AMENDMENT RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING SEC. 4, “QUALIFICATIONS OF COUNCILMEMBERS”, OF THE
CITY CHARTER TO ADD THAT A COUNCILMEMBER CANNOT HAVE BEEN
CONVICTED OF OR PLEAD GUILTY, NOLO CONTENDERE OR ENTERED AN
ALFORD PLEA, TO A MISDEMEANOR INVOLVING ASSAULT, BATTERY OR
MORAL TURPITUDE

WHEREAS, pursuant to MD Code Ann., Local Gov’t, Division II, Title 4, Subtitle 3 (“Subtitle 3”), the City Council of the City of Bowie, a Maryland municipality, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3; and

WHEREAS, the City of Bowie is in the process of codifying its charter and code; and

WHEREAS, during the codification process, General Code recommended changes to City Charter, Sec. 4, Qualifications of Councilmembers, to require that councilmembers, in addition to not having been convicted of a felony, that they not have been convicted of a misdemeanor involving assault, battery or moral turpitude; and

WHEREAS, a public hearing was conducted regarding the proposed amendments to the City Charter as is required by Subtitle 3 and City Charter, Section 98, prior to the adoption of this Charter Amendment Resolution; and

WHEREAS, the City Council of the City of Bowie desires to add the suggested change to the City Charter.

Section 1: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 4, Qualifications of Councilmembers, of the Charter of the City of Bowie is amended as follows:

Sec. 4. Qualifications of Councilmembers.

Each Councilmember shall be at least eighteen years of age, shall have resided in the City **FOR** at least one (1) year immediately preceding the date of election, shall be a qualified voter in the City, and shall not have been convicted of either a felony[,] or **A MISDEMEANOR INVOLVING ASSAULT, BATTERY, OR MORAL TURPITUDE**, [been convicted of,] or **HAVE** entered a plea[, leading to a conviction of a misdemeanor involving assault, battery, fraud or a crime of moral turpitude] **OF GUILTY OR NOLO CONTENDERE OR AN ALFORD PLEA TO SUCH A CRIME**. Each Councilmember shall be a resident of the council district[, which] **THAT** the candidate seeks to represent at the time of filing for candidacy and during [the] **HIS OR HER** full term of office.

BOLD CAPITALS: Indicate matter added to existing law.
 Asterisks * * * Indicate matter retained in existing law but omitted herein
 [Boldface brackets]: Indicate matter deleted from the existing law.

Section 2: BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this _____ day of November, 2024, and that the amendment to the Charter of the City of Bowie, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage. A complete and exact copy of this Resolution shall be posted in the City Hall building for forty (40) days following its passage by the City, and a fair summary of the Charter Amendment shall be published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals, also within the forty (40) days following its passage by City.

Section 3: BE IT FURTHER RESOLVED that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Bowie City Manager shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of Bowie or in a referendum; and (iv) the effective date of the Charter Amendment.

Section 4: BE IT FURTHER RESOLVED that the City Manager of the City of Bowie, Maryland be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 hereof as evidence of compliance herewith; and the City Clerk shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of November, 2024.

PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of November, 2024.

WITNESS:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams, Mayor

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Asterisks * * * Indicate matter retained in existing law but omitted herein
[Boldface brackets]: Indicate matter deleted from the existing law.

APPROVED AS TO FORM
AND SUFFICIENCY:

Elissa D. Levan, City Attorney

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Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Amending City Charter Sec. 6, Sec. 8, Sec. 9, Sec. 39, Sec. 44, Sec. 47, Sec. 73, Sec. 74 and Sec. 83
Charter Amendment Resolution CAR-3-24

DATE: 10/31/2024

Council have expressed the need to have the City's Charter and Code reviewed and updated to enhance the city's governance, operations, and service delivery. City staff contracted General Code, a vendor specializing in codification and unique code solutions.

The City Charter and Code has gone through a complete organizational analysis, legislative evaluation, and legal analysis by the vendor as well as City staff and City Counsel. The next step is for Council to discuss the proposed amendments, hold public hearings to gather feedback from the community, and adopt the Charter Amendments.

Pursuant to MD Code Ann., Local Gov't, Division II, Title 4, Subtitle 3, the City Council of the City of Bowie, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3, and that the amendment to the Charter of the City of Bowie, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage.

Charter Amendment Resolution CAR-3-24 is scheduled for Public Hearing and Adoption.

ATTACHMENTS: 1. 20241104 - Charter Amendment Resolution CAR-3-24

A CHARTER AMENDMENT RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING THE FOLLOWING SECTIONS OF THE CHARTER OF THE CITY OF
BOWIE: SEC. 6 “MEETINGS,” SEC. 8 “CHAIRPERSON,” SEC. 9 “QUORUM,”
SEC. 39, “POWERS AND DUTIES”, SEC. 44 “ADOPTION OF BUDGET,” SEC. 47
“EXPENDITURES IN EXCESS OF APPROPRIATIONS FORBIDDEN,” SEC. 73
“CITY’S POWERS WITH RESPECT TO SIDEWALKS,” SEC. 74 “POWERS OF
THE CITY,” AND SEC. 83 “RIGHT OF ENTRY BY CITY EMPLOYEES” TO
CORRECT TYPOGRAPHICAL AND GRAMMATICAL ERRORS

WHEREAS, pursuant to MD Code Ann., Local Gov’t, Division II, Title 4, Subtitle 3 (“Subtitle 3”), the City Council of the City of Bowie, a Maryland municipality, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3; and

WHEREAS, the City of Bowie is in the process of codifying its charter and code; and

WHEREAS, during the codification process it came to light that several provisions of the City Charter contain typographical and/or grammatical errors; and

WHEREAS, a public hearing was conducted regarding the proposed amendments to the City Charter as is required by Subtitle 3 and City Charter, Section 98, prior to the adoption of this Charter Amendment Resolution; and

WHEREAS, the City Council of the City of Bowie desires to correct these errors prior to the codification of the City Charter.

Section 1: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 6, Meetings, of the Charter of the City of Bowie is amended as follows:

Sec. 6. Meetings.

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

BOLD CAPITALS: Indicate matter added to existing law.
Asterisks * * * Indicate matter retained in existing law but omitted herein
[**Boldface brackets**]: Indicate matter deleted from the existing law.

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Section 2: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 8, Chairperson, of the Charter of the City of Bowie is amended as follows:

Sec. 8. Chairperson.

The Mayor shall serve as Chairperson of the Council. The Mayor may take part in all discussions, and may vote on all matters coming before the Council. At the first Council Meeting following each Regular City Election, the Council shall elect a Mayor Pro Tem to serve as the Chairperson of the Council in the absence of the Mayor. The term of the Mayor Pro Tem shall be until the next Regular City Election. In the event of the resignation of the Mayor Pro Tem or if the Mayor Pro Tem becomes the Mayor as provided for in Section [36(a)] **35.A** of this Charter, the Council shall elect a new Mayor Pro Tem at its next meeting to serve the balance of the term.

Section 3: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 9, Quorum, of the Charter of the City of Bowie is amended as follows:

Sec. 9. Quorum.

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

Section 4: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 39, Powers and duties, of the Charter of the City of Bowie is amended as follows:

Sec. 39. Powers and duties.

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

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8. Maintain a general accounting system for the city in the form [as] **APPROVED BY** the Council, but not contrary to state law;

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Section 5: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 44, Adoption of budget, of the Charter of the City of Bowie is amended as follows:

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Sec. 44. Adoption of budget.

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

Section 6: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 47, Expenditures in excess of appropriations forbidden, of the Charter of the City of Bowie is amended as follows:

Sec. 47. Expenditures in excess of appropriations forbidden.

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

Section 7: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 73, City's powers with respect to sidewalks, of the Charter of the City of Bowie is amended as follows:

Sec. 73. City's powers with respect to sidewalks.

The City shall have the power:

(a) to establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on City property along any public way or part thereof[.];

(b) [To]TO grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on City property along any public way or **PART** thereof [.]

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 Asterisks * * * Indicate matter retained in existing law but omitted herein
 [Boldface brackets]: Indicate matter deleted from the existing law.

(c) [To]TO require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions[,]; and

(d) [To]TO require and order the owner of any property abutting on any public way in the City to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work, and the expense shall be a lien on the property collectible in the same manner as City taxes or by suit at law.

Section 8: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 74, Powers of the City, of the Charter of the City of Bowie is amended as follows:

Sec. 74. Powers of the city.

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

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Section 9: NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bowie, Maryland, that § 83, Right of entry by City employees, of the Charter of the City of Bowie is amended as follows:

Sec. 83. Right of entry by City employees.

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

Section 10: BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this _____ day of November, 2024, and that the amendments to the Charter of the City of Bowie, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 and § 4-307 within 40 days following its passage. A complete and exact copy of this Resolution shall be posted in the City Hall building for forty (40) days following its passage by the City, and a fair summary of the Charter Amendment shall be

BOLD CAPITALS: Indicate matter added to existing law.
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 [Boldface brackets]: Indicate matter deleted from the existing law.

published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals, also within the forty (40) days following its passage by City.

Section 11: **BE IT FURTHER RESOLVED** that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Bowie City Manager shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Charter Amendment Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of Bowie or in a referendum; and (iv) the effective date of the Charter Amendment.

Section 12: **BE IT FURTHER RESOLVED** that the City Manager of the City of Bowie, Maryland be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 10 and 11 hereof as evidence of compliance herewith; and the City Clerk shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the Council of the City of Bowie, Maryland at a Regular Meeting on the ____ day of November, 2024.

PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on the ____ day of November, 2024.

WITNESS:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams, Mayor

APPROVED AS TO FORM
AND SUFFICIENCY:

Elissa D. Levan, City Attorney

BOLD CAPITALS: Indicate matter added to existing law.
Asterisks * * * Indicate matter retained in existing law but omitted herein
[Boldface brackets]: Indicate matter deleted from the existing law.



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Amending City Charter Sec. 32 and Sec. 33
Charter Amendment Resolution CAR-4-24

DATE: 10/31/2024

Council have expressed the need to have the City's Charter and Code reviewed and updated to enhance the city's governance, operations, and service delivery. City staff contracted General Code, a vendor specializing in codification and unique code solutions.

The City Charter and Code has gone through a complete organizational analysis, legislative evaluation, and legal analysis by the vendor as well as City staff and City Counsel. The next step is for Council to discuss the proposed amendments, hold public hearings to gather feedback from the community, and adopt the Charter Amendments.

Pursuant to MD Code Ann., Local Gov't, Division II, Title 4, Subtitle 3, the City Council of the City of Bowie, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3, and that the amendment to the Charter of the City of Bowie, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage.

Charter Amendment Resolution CAR-4-24 is scheduled for Public Hearing and Adoption.

ATTACHMENTS: 1. 20241104 - Charter Amendment Resolution CAR-4-24

A CHARTER AMENDMENT RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING SEC. 32, “SPECIAL ELECTIONS,” AND SEC. 33, “COUNTING
VOTES; DECLARING RESULTS” OF THE CITY CHARTER TO CORRECT
REFERENCES TO THE CITY BOARD OF ELECTIONS

WHEREAS, pursuant to MD Code Ann., Local Gov’t, Division II, Title 4, Subtitle 3 (“Subtitle 3”), the City Council of the City of Bowie, a Maryland municipality, is authorized to amend its Charter, provided it complies with the procedures established in Subtitle 3; and

WHEREAS, the City of Bowie is in the process of codifying its charter and code; and

WHEREAS, during the codification process it came to staff’s attention that the City Charter contains two references to a Board of Supervisors of Elections, however, they should be the Board of Elections; and

WHEREAS, staff has recommended that these references be changed; and

WHEREAS, a public hearing was conducted regarding the proposed amendments to the City Charter as is required by Subtitle 3 and City Charter, Section 98, prior to the adoption of this Charter Amendment Resolution; and

WHEREAS, the City Council of the City of Bowie desires to correct the references to the Board of Elections.

Section 1: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 32, Special elections, of the Charter of the City of Bowie is amended as follows:

Sec. 32. Special elections.

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

Section 2: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bowie, Maryland, that § 33, Counting votes; declaring results, of the Charter of the City of Bowie is amended as follows:

Sec. 33. Counting votes; declaring results.

After the closing of the polls, the [board of supervisors of elections]**BOARD OF ELECTIONS** shall determine the vote cast for each candidate or question and shall certify the results of the

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election to the City Manager who shall cause the results to be recorded in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The candidate for Councilmember for each Council district with the highest number of votes shall be declared elected as Councilmember.

Section 3: BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this _____ day of November, 2024, and that the amendment to the Charter of the City of Bowie, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't Art., § 4-304 within 40 days following its passage. A complete and exact copy of this Resolution shall be posted in the City Hall building for forty (40) days following its passage by the City, and a fair summary of the Charter Amendment shall be published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals, also within the forty (40) days following its passage by City.

Section 4: BE IT FURTHER RESOLVED that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Bowie City Manager shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of Bowie or in a referendum; and (iv) the effective date of the Charter Amendment.

Section 5: BE IT FURTHER RESOLVED that the City Manager of the City of Bowie, Maryland be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 3 and 4 hereof as evidence of compliance herewith; and the City Clerk shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of November, 2024.

PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on the _____ day of November, 2024.

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WITNESS:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams, Mayor

APPROVED AS TO FORM
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