

Annotated Code  
of  
Maryland

Article 23A  
§§ 11-18

*Charter Amendments*



## § 11. Applicability of subheading.

Every municipal corporation in this State shall proceed as in this subheading provided in exercising and applying the powers for the amendment of municipal charters which are granted thereto by Article XI-E of the Constitution of Maryland. (1955, ch. 423.)

**Subheading covers whole field of amendments to charters.** — The provisions of §§ 11 through 18 of this article, enacted to implement Article XI-E of the Maryland Constitution, and particularly to implement § 4 thereof, occupy the whole field of amendments to charters of municipalities. Thus provisions of a former city charter pertaining to amendments to such charter are superseded by this and the following sections by what may be termed a repeal by substitution or a repeal by implication. *Hitchins v. Mayor of Cumberland*, 208 Md. 134, 117 A.2d 854 (1955).

The provisions of §§ 11 through 18 of this article occupy the "whole field" of amendments to charters of home rule municipalities. *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964).

**Charter amendment resolution governed by State law.** — The enactment of a charter amendment resolution for the City of Hagerstown was governed solely by State law and did not have to be enacted as an ordinance subject to mayoral veto in accordance with the procedure set out in the Hagerstown city charter. *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964).

**Requirements for changes in charter by municipal legislative body.** — The legislative body of a municipal corporation lacks the authority to make even nonsubstantive changes in the charter except in conformity with Article XI-E, § 4 of the Maryland Constitution and Article 23A, §§ 11 through 18 of the Maryland Code. 74 Op. Att'y Gen. 183 (1989).

Amendment of charter to eliminate sections repealed by home rule law. - Where sections of the Cumberland Charter, dealing with amendments, ceased to be of any force or effect because superseded by the provisions of this and the following sections, it was proper for the Mayor and Council to adopt a charter amendment resolution proposing to delete such dead sections from the charter. *Hitchins v. Mayor of Cumberland*, 208 Md. 134, 117 A.2d 854 (1955).

Amendment of Cumberland Charter to eliminate requirements for a referendum vote on the issuance of water bonds could be passed under the procedure prescribed by this and the following sections. *Hitchins v. Mayor of Cumberland*, 208 Md. 134, 117 A.2d 854 (1955).

**Methods of obtaining authority not explicitly granted in charter.** — Towns having charters without explicit authority to dispose of property held in a governmental capacity may obtain such authority through general legislation enacted by the

General Assembly pursuant to Md. Const., Article XI-E, § 1, or through amendment of the town charter under Md. Const., Article XI-E, and its implementing legislation contained in Article 23A, §§ 11 through 18, of the Code. *McRobie v. Mayor of Westernport*, 260 Md. 464, 272 A.2d 655 (1971).

**Power of citizens to amend charter.** — This article gives the citizens of a municipality the legal right and power to amend the charter of their town to bring about a form of government contemplated by this article. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

**Shortening terms by process of amendment.** — The fact that the exercise of the right to amend a municipal charter resulted in shortening the terms of the mayor and councilmen of that town, just as the exercise of a power to recall, had one existed, would have done, is coincidental, and does not make the permitted process of amendment the withheld or forbidden process of recall. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Stated in *Blackwell v. City Council*, 94 Md. App. 393, 617 AN 1110 (1993).

Cited in *Woelfel v. Mayor of Annapolis*, 209 Md. 314, 121 A.2d 235 (1956); *Mayor of Annapolis v. Kramer*, 235 Md. 2,31, 201 A.2d 333 (1964).

## § 12. How amendments may be initiated.

An amendment of a municipal charter may be initiated by the legislative body of the municipal corporation or by a petition of qualified voters of the municipal corporation. (1955, ch. 423.)

Stated in *Blackwell v. City Council*, 94 Md. App. 393, 617 A.2d 1110 (1993).

Cited in *Hitchins v. Mayor of Cumberland*, 208 Md. 134, 117 A.2d 854 (1955); *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

## § 13. Initiation by legislative body.

(a) *Initiation of amendment by resolution.* — The legislative body of the municipal corporation, by whatever name known, may initiate a proposed amendment or amendments to the municipal charter, by a resolution which, except as otherwise specified in this subtitle, is ordained or passed as in the usual course of considering resolutions in the government of the municipal corporation by a majority of all the persons elected to the legislative body.

(b) *Contents of resolution.* — In conformity with a requirement imposed upon the General Assembly by Article III, § 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. No charter and no section of a charter may be revised or amended by reference to its title or section only.

(c) *Amendment to embrace only one subject.* — In conformity with a requirement imposed upon the General Assembly by Article III, § 29 of the Constitution of Maryland, every charter amendment adopted by a municipal corporation shall embrace but one subject, and that shall be described in its title.

(d) *Posting resolution.* — The mayor or other chief executive officer of the municipal corporation, by whatever name known, shall give notice by posting and publication of any resolution which proposes an amendment or amendments to the municipal charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted at the town hall or other main municipal building or public place for a period of at least forty days following its adoption.

(e) *Publication of summary.* — A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the municipal corporation not less than four times, at weekly intervals within a period of at least forty days starting immediately after the date of the adoption of the resolution containing the proposed amendment or amendments.

(f) *Effective date of amendment.* — The amendment or amendments so proposed by the legislative body of the municipal corporation shall become and be considered a part of the municipal charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth day after being so ordained or passed, unless on or before the fortieth day after being so ordained or passed there shall be presented to the legislative body of the

municipal corporation, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of this section.

(g) *Petition for referendum.* — The petition shall be signed by twenty per centum or more of the persons who are qualified to vote in municipal general elections of the particular municipal corporation and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the municipal corporation. Each person signing the petition shall indicate thereon both his name and residence address. Upon receiving the petition for a referendum, the legislative body of the municipal corporation is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition as of no effect if it is signed by fewer than twenty per centum of the persons who are qualified to vote in municipal general elections.

(h) *Referendum election.* — If the petition for a referendum complies with the requirements of this section, the legislative body shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at which the question shall be submitted to the voters of the municipal corporation. This may be at either the next regular municipal general election or at a special election, in the discretion of the legislative body. In the event a special election is designated, it shall be held within a period of no less than forty days nor more than sixty days after the final passage of the resolution providing for the referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines when the question is submitted to the voters of the municipal corporation. (1955, ch. 423; 1960, ch. 78; 1961, ch. 314; 1983, ch. 563; 995, ch. 3, § 1; 1997, ch. 14, § 1.)

**Effect of amendments.** — The 1997 amendment, approved Apr. 8, 1997, and effective from date of enactment, substituted "Article- III" for "Article 3" in (b) and (c); and substituted "forty days starting immediately after the date of the adoption" for "forty days after the adoption" in (e).

**Section 29 of Article 111, Md. Const., is made applicable to municipal charter amendments by subsection (c).** — See *Beshore v. Town of Bel Air*, 237 Md. 398, 206 A.2d 678 (1965).

**Zoning classifications germane to subject of annexation.** - The fixing of zoning classifications for newly annexed land is a proper condition and circumstance of annexation, and thus it is germane to the subject. *Beshore v. Town of Bel Air*, 237 Md. 398, 206 A.2d 678 (1965).

**"Resolution" not synonymous with "ordinance."** — The word "resolution" used in this section is not synonymous with "ordinance." *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964).

**Nor subject to provisions relative to "ordinances."** — The word "resolution" was advisedly and deliberately used, so as to point out clearly that charter amendment "resolutions" were not subject to certain provisions relative to "ordinances." *Mayor of Hagerstown v. Lyon*, 6 Md. 222, 203 A.2d 260 (1964).

**And mayor is not member of legislative body.** — The Mayor of Hagerstown was not a member of the legislative body of that city within the meaning of subsection (a) of this section. *Mayor of Hagerstown v. Lyon*, 236 Md. 2, 203 A.2d 260 (1964).

The fact that a statute or charter gives the mayor the right to cast the deciding vote in case a tie does not of itself make him a member of council for any other purpose. *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964).

When the statutes provide that the mayor shall preside at meetings of the municipal council, he is a constituent part of the council certain purposes, and he sits and acts therein, but he is not in any proper sense a member of the council, unless the statutes expressly so provide. *Mayor of Hagerstown v. n*, 236 Md. 222, 203 A.2d 260 (1964).

**Enlargement of publication provisions does not invalidate resolution.** — A publication requirement set out in a resolution, in oral conformity with the objectives sought by this section, is not invalid by reason of its enlargement upon the provisions of this section. *Reed v. President of North East*, 226 Md. 229, 172 A.2d 536 (1961).

**Effective date of initiated amendments.** — An amendment initiated by the legislative body is not effective until it is: (1) posted, by a complete and exact copy, for at least forty days following its adoption; (2) a fair summary of the proposed amendment is published in a newspaper of general circulation not less than four times at weekly intervals within a period of at least forty days after adoption, and (3) a forty-day time period after passage of the resolution has elapsed without receipt of a petition for referendum. *Blackwell v. City Council*, 94 Md. App. 393, 617 A.2d 1110 (1993).

To the extent resolutions were not nullities when enacted by reason of improper effective date stated, they became immediately invalid and inoperative upon the passage of forty days without posting and publication. *Blackwell v. City Council*, 94 Md. App. 393, 617 A.2d 1110 (1993).

**Timeliness of notice.** — A citizen is not properly notified of the right to petition a resolution containing a proposed charter amendment to referendum by posting and publication

months after that right has expired. *Blackwell v. City Council*, 94 Md. App. 393, 617 A.2d 1110 (1993).

The posting and publication of notice of a charter amendment five and one-half months after the stated effective date of the amendment does not and cannot comply with the mandated requirement provided for the amendments of the charters of municipal corporations. *Blackwell v. City Council*, 94 Md. App. 393, 617 A.2d 1110 (1993).

**Amendments held valid.** — Amendments of the charter of a municipal corporation, adopted pursuant to the power granted by § 3 of the Municipal Home Rule Amendment (Article XI-E of the Maryland Constitution) and this article, increasing the borrowing limit of the municipality, the limit on the rate of taxation and the authorized bonded indebtedness and eliminating mandatory requirements for referenda on bond issues and limitations on the entire amount of public debt, are valid. *Woelfel v. Mayor of Annapolis*, 209 Md. 314, 121 A.2d 235 (1956).

**Applied** in *City of College Park v. Cotter*, 309 Md. 573, 525A.2d 1059 (1987).

**Stated** in *Hitchins v. Mayor of Cumberland*, 208 Md. 134, 117 A.2d 854 (1955).

**Cited** in *Mayor of Annapolis v. Kramer*, 235 Md. 231, 201 A.2d 333 (1964); *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970); *City of Frederick v. Quinn*, 35 Md. App. 626, 371 A.2d 724 (1977); *O.C. Taxpayers for Equal Rights, Inc. v. Mayor of Ocean City*, 280 Md. 585, 375 A.2d 541 (1977); *Town of New Market, Inc. v. Milrey, Inc.-FDI Partnership*, 90 Md. App. 528, 602 A.2d 201 (1992).

## § 14. Initiation by petition.

(a) *Petition; resolution of legislative body setting time for referendum.* — Twenty per centum or more of the persons who are qualified to vote in municipal general elections in the particular municipal corporation may initiate a proposed amendment or amendments to the municipal charter, by a petition presented to the legislative body of the municipal corporation, by whatever name known. The petition shall contain the complete and exact wording of the proposed amendment or amendments, and the proposed amendment or amendments shall be prepared in conformity with the several requirements contained in subsections (b) and (c) of § 13 of this subtitle. Each person signing it shall indicate thereon both his name and residence address. Upon receiving the petition, the legislative body is directed to verify that any person who signed it is qualified to vote in municipal general elections, and shall consider the petition as of no effect if it

is signed by fewer than twenty per centum of the persons who are qualified to vote in municipal general elections. If the petition complies with the requirements of this section, the legislative body shall by resolution, passed as in its normal legislative procedure, and not later than sixty days after the petition shall have been presented to it, specify the day and the hours for the election at which the question shall be submitted to the voters of the municipal corporation. This may be at either the next regular municipal general election or at a special election, in the discretion of the legislative body. In the event a special election is designated, it shall be within a period of not less than forty days nor more than sixty days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting machines when the question is submitted to the voters of the municipal corporation.

(b) *Adoption of amendment by resolution.* — Provided, however, that if the legislative body shall approve of the amendment or amendments provided for in the petition presented to it under subsection (a) above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by such legislative body and in compliance with the provisions of § 13 of this article. (1955, ch. 423; 1961, ch. 314.)

**Stated** in *Hitchins v. Mayor of Cumberland*, 208 Md. 134, 117 A.2d 854 (1955).

**Cited** in *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

## § 15. Posting and publication.

The mayor or other chief executive officer of the municipal corporation, by whatever name known, shall give notice by posting and publication of any submission of a proposed charter amendment to the voters thereof. For not less than the four weeks immediately preceding the election at which the question is to be submitted a complete and exact copy of the wording of the

proposed amendment or amendments shall be posted at the town hall or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Notice of the election, together with a fair summary of the proposed amendment or amendments, shall be published in a newspaper of general circulation in the municipal corporation, not less than once in each of the four weeks immediately preceding the election. (1955, ch. 423; 1960, ch. 78; 1995, ch. 3, § 1.)

## § 16. Referendum.

(a) *Conduct of election; ballots; expenses.* — On the day and during the hours specified for any referendum, the proposed charter amendment or amendments shall be submitted to the qualified voters of the municipal corporation. The official or officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far as relevant to the referendum election on the proposed charter amendment or amendments. It is the intent of this section that the referendum election shall be conducted generally according to the procedures and practices observed for regular municipal elections, except as specifically or necessarily modified by the provisions of this subheading. The wording specified by the legislative body of the municipal corporation, in the resolution providing for a referendum on the charter amendment or amendments, shall be placed on the ballots or voting machines used at the referendum election. The expenses of the referendum election shall be defrayed by the municipal corporation.

(b) *Officials to tally and certify result.* — The official or officials charged with the duty to arrange for and conduct the referendum, promptly following the closing of the polls, shall tally the results thereof, and shall forthwith certify the results of the referendum to the mayor or other chief executive officer of the municipal corporation.

(c) *Proclamation of result; effective date of amendment.* — If a majority of those who vote on

any question so submitted to the voters of the municipal corporation shall cast their votes in favor of the proposed charter amendment or amendments, the mayor or other chief executive officer of the municipal corporation shall so proclaim publicly within ten days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed charter amendment or amendments shall become a part of the charter of the municipal corporation, according to its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed charter amendment or amendments, the mayor or other chief executive officer likewise shall so proclaim, adding to his proclamation the statement that the proposed charter amendment or amendments contained in said question are null and void and of no effect whatsoever. (1955, ch. 423.)

## **§ 17. Form and registration of amendments.**

(a) *Form.* — In any proposal to amend an existing charter of a municipal corporation, the new matter, if any, to be added to the charter shall be indicated by being underscored or in italics or typed or printed completely in capital letters and all matter to be eliminated from the existing charter, if any, shall be indicated in its proper place by enclosing such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections the words of such new section or sections shall also be underscored or in italics or typed or printed completely in capital letters or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in entirety any section or sections of the existing charter, the matter intended to be repealed need not be written out in full and enclosed in either double parentheses or boldface brackets.

(b) *Citation of original section.* — The resolution to amend a charter shall identify the

source of the existing section or sections, citing the code or other publication or amendment in which appears the most recent text of the section or sections to be amended.

(c) *Consecutive numbering.* — Amendments to the charter of any municipal corporation shall be in a consecutively numbered series.

(d) *Repeal of other sections.* — The resolution to amend a charter shall provide specifically (and not simply by implication) for the repeal of any section or sections of the existing charter which are inconsistent with the amended section or sections.

(e) *Rescission.* — A proposal to amend a charter, whether initiated by the legislative body of the municipal corporation or by a petition of qualified voters of the municipal corporation, may not be rescinded after its adoption by the legislative body or after its formal submission in a petition, in any manner other than that of another charter amendment.

(f) *Registration.* — At the time a charter amendment or amendments become effective by reason of having been ordained or passed by the legislative body of the municipal corporation, or at the time of making public proclamation as to the vote on any question containing a proposed charter amendment or amendments which have been adopted, the mayor or other chief executive officer of the municipal corporation shall send the information concerning the charter amendment or amendments to the Department of Legislative Services as provided in § 9A of this article.

(g) *Not effective until registered.* — The charter amendment or amendments are not effective and shall not be applied or considered as if effective, unless and until it or they have been registered as required in subsection (f) of this section. (1955, ch. 423; 1961, ch. 314; 1973, ch. 529; 1974, ch. 166; 1976, ch. 628, § 3; 1983, ch. 78, § 1; 1997, ch. 635, § 9; ch. 636, § 9.)

**Editor's note.** — Section 9, chs. 635 and 636, Acts 1997, effective July 1, 1997, provides that "any reference in the Annotated Code rendered obsolete by this Act shall be corrected by the publisher of the Annotated Code, the Michie Company, in consultation with the Executive Director of Legislative Services, with no further action required by the

General Assembly. The Michie Company shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 9 of chs. 635 and 636, appropriate changes have been made in (f).

**Purpose of subsection (a).** — The objective of subsection (a) of this section is to permit those who are considering legislation to ascertain, quickly and easily, proposed new legislation or changes in the old. *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964); *O.C. Taxpayers for Equal Rights, Inc. v. Mayor of Ocean City*, 280 Md. 585, 375 A.2d 541 (1977).

Defectively titled act not treated as "existing" law. - An act which is defectively titled, and therefore invalid under a public general law of the State, need not be treated as the "existing" law. *O.C. Taxpayers for Equal Rights, Inc. v. Mayor of Ocean City*, 280 Md. 585, 375 A.2d 541 (1977).

**Literal compliance not required.** — Where subsection (a) of this section was not literally complied with, but the record showed that no member of the city council could have possibly been deceived as to the contents of the resolution, and the changes proposed, nor was the public misled, the provisions of subsection (a) of this section did not constitute conditions precedent which must be strictly adhered to in order that a proposed and passed resolution might become effective; and the resolution was not invalidated by failing to comply literally with the section. *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964).

**Penalty.** — Neither subsection (a) of this section nor any other statute states the "penalty" for failing to have a charter amendment resolution in the prescribed form for presentation, or what effect, if any, such failure has upon the validity of the resolution if later passed. *Mayor of Hagerstown v. Lyon*, 236 Md. 222, 203 A.2d 260 (1964).

## **§ 17A. Compilation of measures enacting, amending or repealing charter provisions; copies; statement as to referendum; annual inquiry; noncompliance; printing and indexing.**

(a) *Compilation of measures enacting, amending or repealing charter sections during calendar or fiscal year — Generally.* — At the end of each calendar or fiscal year, each municipal corporation shall furnish in a convenient and legible compilation a complete set of the measures dealt with during that year which enact, amend, or repeal sections in its municipal charter. The measures in the compilation shall be in a numerical sequence, beginning with No. 1, and in a separate series for each year.

(b) *Same — Availability of copies for inspection.* — Copies of this compilation shall be made available for inspection at the office of the mayor and town council, by whatever name known, during normal business hours; and copies shall be kept on permanent record in the same office. The foregoing copies shall be furnished without charge, and the county also may make other copies available at a reasonable cost to any person.

(c) *Same — Copies to Department of Legislative Services.* — Not later than March 1 of the next succeeding year, the municipal corporation, without charge, shall furnish copies of the compilation to the Department of Legislative Services as provided in § 9A of this article.

(d) *Statement as to referendum.* — In addition to furnishing copies of the compilation, the municipal corporation shall provide to the Department of Legislative Services as provided in § 9A of this article, a statement concerning any referendum on any proposed charter amendment.

(e) *Annual inquiry as to enactment, amendment or repeal of charter provisions.* — At the end of each calendar year the Department of Legislative Services shall address an inquiry to each municipal corporation inquiring whether or not during that calendar year or its latest fiscal year it has enacted, amended or repealed any portion of its municipal charter. The municipal corporation shall promptly answer the inquiry and shall verify that copies of all such enactments, amendments, or repeals have already been sent to the Department.

(f) *Noncompliance.* — If the municipal corporation fails or refuses to supply copies of this compilation and of the results of any referenda thereon to the Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year, the Department shall promptly certify that fact to the State Comptroller, who then may order the discontinuance of all funds, grants or State aid which the municipal corporation is entitled to

receive under State law. The section refers specifically to all funds, grants or State aid which the municipal corporation is entitled to receive under applicable provisions of State law relating to the income tax, the tax on racing, the recordation tax, the admissions and amusement tax, and the license tax.

(g) *Printing and indexing of compilations and statements.* — The Department of Legislative Services shall receive the several compilations and statements thus delivered to it. The titles of the laws of the several municipal corporations which amend their charters shall be arranged in a logical and convenient order and shall be delivered to the State printer for inclusion in the Session Laws of the General Assembly for its regular session in that year. The titles of the laws of the municipal corporations which amend their charters shall be printed and identified as such, and they shall be indexed with or in a supplemental volume to the laws enacted by the General Assembly. (1967, ch. 410, § 1; 1969, ch. 512; 1971, ch. 36; 1973, ch. 522; 1975, ch. 394, § 1; 1976, ch. 628, § 3; 1983, ch. 78, § 1; 1988, ch. 110, § 1; 1997, ch. 635, § 9; ch. 636, § 9.)

**Editor's note.** - Section 9, chs. 635 and 636, Acts 1997, effective July 1, 1997, provides that "any reference in the Annotated Code rendered obsolete by this Act shall be corrected by the publisher of the Annotated Code, the Michie Company, in consultation with the Executive Director of Legislative Services, with no further action required by the General Assembly. The Michie Company shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 9 of chs. 635 and 636, appropriate changes have been made throughout the section.

## § 17B. Compilation of municipal corporation charters.

(a) *Required.* — The Department of Legislative Services shall compile the charters of all municipal corporations in this State into a single publication.

(b) *Update.* — The Department shall update the compilation of charters on a regular basis. (1983, ch. 78, § 3; 1997, ch. 635, § 9; ch. 636, § 9.)

**Editor's note.** - Section 9, chs. 635 and 636, Acts 1997, effective July 1, 1997, provides that "any reference in the Annotated Code rendered obsolete by this Act shall be corrected by the publisher of the Annotated Code, the Michie Company, in consultation with the Executive Director of Legislative Services, with no further action required by the General Assembly. The Michie Company shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 9 of chs. 635 and 636, appropriate changes have been made in (a).

## § 17C. Documents to be forwarded to Hall of Records Commission.

At least once each year the Department of Legislative Services shall forward all documents that it receives under this article to the State Archives for permanent retention and storage. (1983, ch. 78, § 3; 1984, ch. 286, § 5; 1997, ch. 635, § 9; ch. 636, § 9.)

**Editor's note.** - Section 9, chs. 635 and 636, Acts 1997, effective July 1, 1997, provides that "any reference in the Annotated Code rendered obsolete by this Act shall be corrected by the publisher of the Annotated Code, the Michie Company, in consultation with the Executive Director of Legislative Services, with no further action required by the General Assembly. The Michie Company shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 9 of chs. 635 and 636, appropriate changes have been made in this section.

## § 17D. Annual publication of code of ordinances.

(a) *Duty to annually provide supplement or new edition.* — For the purpose of providing ready access to a current compilation of the municipal corporation's ordinances, the mayor and city council (by whatever name known) of each municipal corporation in the State subject to Article XI-E of the Constitution of Maryland, and the Mayor and City Council of Baltimore, shall provide annually (if the municipal corporation during the past year has enacted any ordinances appropriate for codification) for the editing, preparation, publication, and sale or other distribution of a supplement to its most recent code of ordinances, or of a new edition of the code.

(b) *Contents of supplement or new edition.* — A supplement shall contain all public ordinances of general application and continuing force which for the municipal corporation are in effect and have been enacted or amended since publication of the most recent code of public ordinances; and a new code shall contain all public ordinances of general application in effect for the municipal corporation at the time of publication. A supplement or a code need not contain ordinances of less than general application and continuing force, including (without limitation) the budget ordinance.

(c) *"Ordinance" defined.* — For the purposes of this section, an ordinance is any legislative enactment (by whatever name known) of general application and continuing force for the municipal corporation, other than a public local law referred to in § 32A of Article 25 of this Code.

(d) *Appropriation.* — Each municipal corporation shall levy and appropriate its public funds for expenditures necessary under this section. (1976, ch. 685; 1977, ch. 47; 1983, ch. 78, § 2.)

## **§ 18. Codification of amendments.**

The exact text of any amendment or amendments to the charter of any municipal corporation, adopted as in this subheading specified, shall thereafter be included in any subsequent edition or codification of the charter of the municipal corporation, until altered, modified or repealed by a subsequent amendment or amendments to the charter. (1955, ch. 423; 1961, ch. 314.)

*Note: This abstract of the Maryland Code was prepared by Councilman George Wiggers for the purpose of study by the Forest Heights Town Council and others interested in the conduct of Town affairs. It is not intended for use in any legal proceeding. 3/29/01*