

CHARTER AMENDMENT RESOLUTION NO. 01-2020

**A CHARTER AMENDMENT RESOLUTION OF
THE COUNCIL OF THE TOWN OF NORTH BEACH, MARYLAND,
AMENDING THE TOWN CHARTER FOR THE PURPOSE OF
REMOVING THE REQUIREMENT THAT THE TOWN PUBLISH A
FAIR SUMMARY OF AN ADOPTED ORDINANCE IN A NEWSPAPER
OF GENERAL CIRCULATION, UNLESS SPECIFICALLY REQUIRED
BY STATE LAW, AND ADDING OTHER METHODS OF PUBLICATION**

WHEREAS, the Charter of the Town of North Beach, Maryland (“the Town”) provides in Section 19-311 that a fair summary of any ordinance adopted by the Town Council must be published in a newspaper of general circulation; and

WHEREAS, the Town Council believes that the requirement of newspaper publication is obsolete and unduly expensive and that other forms of communication are better suited to providing actual notice of Council actions to members of the general public, while also being less expensive; and

WHEREAS, the Town Council wishes to amend the Town Charter to remove the requirement of publication of fair summaries of adopted ordinances in a newspaper of general circulation in the Town, unless otherwise required by law, and replace it with alternative methods of publication.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF NORTH BEACH, MARYLAND on this ___ day of November, 2020, that pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Md. Code Ann., Local Gov’t Article, §§ 4-301 through 4-314, Section 19-311, “Ordinances”, of the Charter of the Town of North Beach, Maryland shall be and is hereby amended to read as follows:

19-311. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced at any regular or special meeting of the Council. After introduction, an ordinance may be passed at the next regular or special meeting, held not less than 10 days after introduction or at the second subsequent regular or special meeting. If not passed within the above time frame, the ordinance must be reintroduced. It shall be passed , or passed as amended, or rejected , or its consideration deferred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative votes of five members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the Mayor or passage by the Council over his veto. ~~[A fair summary of each ordinance shall be published at least twice in a county newspaper and also posted in the Town Hall.]~~ An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Council. WHERE REQUIRED BY STATE LAW, A FAIR SUMMARY OF EACH ORDINANCE ADOPTED BY COUNCIL SHALL BE PUBLISHED IN A NEWSPAPER

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Capitals and underlining ABC : Indicates matter to be added

OF GENERAL CIRCULATION IN A MANNER COMPLYING WITH THE REQUIREMENTS OF SUCH LAW. A FAIR SUMMARY OF EACH ORDINANCE ADOPTED BY THE COUNCIL SHALL BE POSTED IN THE TOWN HALL AND ON THE TOWN'S WEBPAGE, SENT OUT VIA THE TOWN'S LISTSERV. THE TOWN SHALL SEND A TEXT MESSAGE TO RESIDENTS SUBSCRIBING TO THE TOWN'S TEXT MESSAGE ALERT SYSTEM, IF ANY, THAT AN ORDINANCE IS AVAILABLE FOR REVIEW ON THE TOWN'S WEBPAGE. THE TEXT MESSAGE SHALL INCLUDE A REFERENCE TO THE GENERAL SUBJECT OF THE ORDINANCE.

Section 2. BE IT FURTHER RESOLVED by the Council of the Town of North Beach that all ordinances and resolutions enacted by the Council of the Town of North Beach prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for any such ordinance or resolution is not granted to the Town of North Beach by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this resolution.

Section 3. BE IT FURTHER RESOLVED by the Council of the Town of North Beach that this Resolution amending the Charter of the Town of North Beach shall not alter ownership, title or control of any property in which the municipal corporation had an interest prior to the effective date of the Charter adopted by this Resolution; nor shall the adoption of this Resolution amending the Charter for the municipal corporation affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the Town of North Beach prior to the effective date of the Charter and all such liabilities, debts and other obligations shall continue to be fulfilled and satisfied by the municipal corporation; nor shall the adoption of this Resolution amending the Charter for the Town of North Beach affect the term of office or incumbency of any Town Council or any appointed member of any department, office, board, Commission, committee, agency or other unit of the Town, and the continuity of every department, office, board, commission, committee, agency or other unit of the Town government is retained, it being the intent of the Town Council in the adoption of this Resolution that the affairs of the municipal corporation be continued without interruption and without substantial changes in the form or manner of government under the amended Charter.

Section 4. BE IT FURTHER RESOLVED by the Council of the Town of North Beach that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provision or any other application of this Resolution or of the Charter that can be given effect without the invalid provision or application, and to this end, all the provisions of this Resolution and of the Charter are declared to be severable.

Section 5. BE IT FURTHER RESOLVED by the Council of the Town of North Beach that this Charter Amendment Resolution is adopted this ___ day of November 2020, and that upon adoption by the Council of the Town of North Beach, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Municipal Building for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town of

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North Beach not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 6. BE IT FURTHER RESOLVED that the Amendments initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Town of North Beach, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Council of the Town of North Beach, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 7. BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council of the Town of North Beach, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 8. BE IT FURTHER RESOLVED that the Town Clerk of the Town of North Beach is instructed to carry out the provisions of Sections 6 and 7 hereof, and as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Town Council Meeting at which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 7, and shall further complete and execute the Certificate of Effect required by State law.

INTRODUCED by the Council of the Town of North Beach, Maryland at a regular meeting on the ____ day of _____, 2020.

PASSED by the Council of the Town of North Beach, Maryland at a regular meeting on the ____ day of _____, 2020.

By order of the Mayor and Council

Mike Benton, Mayor

ATTEST:

Stacy Milor

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