

THE TOWN OF MOUNT AIRY, MARYLAND

**CHARTER AMENDMENT
RESOLUTION NO. 2022-3**

**A RESOLUTION TO AMEND ARTICLE II ENTITLED
“COUNCIL”, SECTION C2-13 ENTITLED “LEGISLATIVE PROCEDURE”
OF THE CHARTER OF THE TOWN OF MOUNT AIRY FOR THE PURPOSE OF
IMPOSING A MORATORIUM. WITH CERTAIN EXCEPTIONS, ON THE
CONSIDERATION OF LEGISLATION BY THE TOWN COUNCIL BETWEEN
THE MONTH BEFORE A TOWN ELECTION FOR MAYOR AND/OR
COUNCILMEMBERS AND THE NEXT REGULAR MEETING OF THE COUNCIL
AFTER SAID ELECTION, AND WITH RESPECT TO CERTAIN PLANNING AND
ZONING ACTIONS, BETWEEN MARCH 1 IN A TOWN ELECTION YEAR FOR
MAYOR AND/OR COUNCILMEMBERS AND THE FIRST REGULAR MEETING
OF THE TOWN COUNCIL AFTER SAID ELECTION**

WHEREAS, pursuant to Article XI-E of the Constitution of Maryland Article of the Md. Code Ann. as currently in effect and Md. Code Ann., Local Gov’t. Article §4-301 *et seq.* as currently in effect, and the Town Charter, Section C12-7, the Town Council of Mount Airy, the legislative body of the Town, has the authority to amend the Charter of the Town, in accordance with the procedures set forth therein; and

WHEREAS, the Town Council has deemed it necessary and advisable to amend the Town Charter in order to impose a moratorium, with certain exceptions, on the consideration of certain legislation and other matters by the Town Council between the month before a Town election for Mayor and/or Councilmembers and the first regular meeting of the Town Council after said election, and in the case of certain planning and zoning actions between March 1 in a Town election year for Mayor and/or Councilmembers and the first regular meeting of the Town Council after said election; and

WHEREAS, a public hearing was held on this proposed Charter Amendment on February 6, 2023 as required by Md. Code Ann., Local Gov’t. Article §4-304(a)(2) before this Charter Amendment Resolution was considered for adoption; and

WHEREAS, the Town Council having determined that the proposed changes are in the best interests of the Town and its citizens, hereby enacts those changes to the Town Charter; and

WHEREAS, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Hall building or other public place for forty (40) days following its adoption by the Council and a fair summary of the Charter amendment shall be published in a newspaper of general circulation in the Town at least four (4) times, at weekly intervals, within the forty (40) days following adoption of this Charter Amendment Resolution; and

WHEREAS, promptly after this Charter Amendment Resolution becomes effective, either as herein provided or following referendum, the Mayor of the Town shall send or cause to be sent to the Maryland Department of Legislative Services in accordance with Md. Code Ann., Local Gov't. Article §§4-308 and 4-109, the following information concerning this Charter Amendment Resolution: (i) the complete text of the Charter amendment; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council or in a referendum; and (iv) the effective date of the Charter amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Article II of the Town Charter entitled "Council", Section C2-13 entitled "Legislative procedure" be and is hereby repealed and reenacted with amendments as follows:

§C2-13. Legislative procedure.

* * *

C. Except as set forth in Subsection D below, the Council shall not consider, hold hearings on, discuss in open or closed meetings at which a quorum of the Town Council is present or vote on:

- (1) Any ordinances or charter amendment resolutions between the month before a Town election for Mayor and/or Councilmembers, and the first regular meeting of the Town Council after said election; and
- (2) Any ordinance proposing changes to Chapters 25, 98 or 112 of the Town Code, individual zoning map amendment applications, applications for zoning reclassification, sketch layout plans for mixed use development projects or annexation resolutions between March 1 in a Town election year for Mayor and/or Councilmembers and the first regular meeting of the Town Council after said election.

D. Subsection C above does not apply to:

- (1) Budget and budget amendment ordinances;
- (2) Resolutions other than charter amendment or annexation resolutions;
- (3) Emergency ordinances as determined by a 4/5ths majority of the whole Council pursuant to subsection B above; and
- (4) Consideration, discussion, and voting on whether to override a veto by the Mayor of any ordinance in order to meet the time frame for overriding a veto set forth in Section C2-14 below.

Section 2. That any provisions of the Town Charter inconsistent with these amendments be and are hereby repealed.

BE IT RESOLVED BY THE AUTHORITY AFORESAID, that this Charter Amendment Resolution shall take effect on the 25th day of April, 2023, on the fiftieth (50th) day after adoption of this Charter Amendment Resolution by the Council unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't. Article §§4-304(d) and 4-307 on or before the fortieth (40th) day following its adoption.

Approved this 3rd day of March, 2023 by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier, President of the Council

ATTEST:

Pamela Reed, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This 3rd day of March, 2023.

Thomas V. McCarron, Town Attorney

Note: Matter underlined is new material to be added to existing law. Matter in [brackets] and ~~striketrough~~ is proposed to be deleted from existing law.