

CHARTER AMENDMENT RESOLUTION NO. 146

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE, ENTITLED "A RESOLUTION TO REPEAL AND REENACT WITH AMENDMENTS SECTION 24 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION), PERTAINING TO THE PUBLICATION OF ORDINANCES, WHEN ORDINANCES TAKE EFFECT, AND THE ADMISSIBILITY OF CODIFICATION IN EVIDENCE."

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 24 of the Charter of the City of Cumberland (1991 Edition) be repealed and reenacted with amendments to read as follows:

Section 24. - Publication of summary of ordinances in newspaper; posting ordinances on city web site required; when ordinances to take effect.

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in a newspaper of general circulation in the city for two (2) consecutive days. The summary shall include the effective date of the ordinance, its subject matter and reference to the fact that its entire text is posted on the city's web site. The entire text of all ordinances shall, as soon as practicable after their passage, be posted on the city's web site until such time as the text is incorporated into the city code, as maintained on-line. Ordinances passed by the mayor and city council shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when posted on the city's web site and bearing on the title pages thereof the words "Ordained and published by the Mayor and City Council of Cumberland," or words of

like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.

[Note: A text edited version showing the changes made is attached hereto as Exhibit A.]

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is 3/5, 2019, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on 4/24, 2019, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until 4/16, 2019, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is 4/24, 2019, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment shall become effective, either as herein provided or following a referendum, the Mayor shall send separately, by registered mail, to the Secretary of the State of Maryland, the Maryland State Department of Assessments and Taxation and the Department of Legislative Reference of Maryland, a complete certified copy of the text

of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS 5 DAY OF March, 2019.


Raymond M. Morriss, Mayor

ATTEST:


Marjorie A. Woodring, City Clerk

The Charter Amendment enacted by the foregoing Resolution became effective this ____ day of _____, 2019.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the 19th day of February, 2019, with ____ votes in affirmation and ____ votes in the negative.

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY, that the foregoing is a true and exact copy of the Charter Amendment Resolution No. _____ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the ____ day of _____, 2019.

I FURTHER CERTIFY, that there was no petition for a referendum on the proposed amendment filed within the required time, and therefore, the same became effective on the ____ day of _____, 2019.

Marjorie A. Woodring, City Clerk

EXHIBIT A

[Note: Additions to the Charter are capitalized and in bold print and deletions are stricken through.]

Section 24. Publication OF SUMMARY of ordinances in newspapers; POSTING OF ORDINANCES ON CITY WEB SITE required; ~~exceptions~~; when ordinances to take effect; ~~admissibility of codification in evidence.~~

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in ~~every issue of each of two newspapers published in said city for three (3) days successively (excluding Sundays), providing the amendments and corrections made in digesting and revision for publication in book form need not be so published~~ **A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO (2) CONSECUTIVE DAYS. THE SUMMARY SHALL INCLUDE THE EFFECTIVE DATE OF THE ORDINANCE, ITS SUBJECT MATTER AND REFERENCE TO THE FACT THAT ITS ENTIRE TEXT IS POSTED ON THE CITY'S WEB SITE. THE ENTIRE TEXT OF ALL ORDINANCES SHALL, AS SOON AS PRACTICABLE AFTER THEIR PASSAGE, BE POSTED ON THE CITY'S WEB SITE UNTIL SUCH TIME AS THE TEXT IS INCORPORATED INTO THE CITY CODE, AS MAINTAINED ON-LINE.** Ordinances passed by the mayor and city council ~~and requiring publication~~ shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when ~~printed and published~~, **POSTED ON THE CITY'S WEB SITE** and bearing on the title ~~page~~ **PAGES** thereof the words "Ordained and published by the Mayor and City Council of Cumberland," or words of like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.