

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Charter Resolution 297 concerning Amending Charter Sections
pertaining to Public Ways, Sidewalks, and Water & Sewers
(Public Hearing)**

Date: **9/6/2023**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by October 2, 2023**
- In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment
Comment: _____

Casi Boyer Yes No No Comment
Comment: _____

Vicki Jones Yes No No Comment
Comment: _____

Jim Ringsaker Yes No No Comment
Comment: _____

Jason Robertson Yes No No Comment
Comment: _____

Tammy Lynn Schneegas Yes No No Comment
Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 297

Introduced by Council Member Jones

A CHARTER AMENDMENT RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE HAVRE DE GRACE CITY CHARTER SECTION 19 TO AMEND CITY CHARTER SECTIONS 65, 66, 67 AND 68 GENERALLY PERTAINING TO PUBLIC WAYS, SIDEWALKS, AND WATER AND SEWERS

On: September 5, 2023

at: 7:00 p.m.

Charter Amendment Resolution introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for October 2, 2023 at 7:00 p.m.

EXPLANATION
Underlining indicates matter added to existing law.
[Bold Brackets] indicate matter deleted from existing law.
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

29 **WHEREAS**, pursuant to City Charter Section 18 A, The Mayor is the Chief Executive Officer of
30 the City of Havre de Grace and has the duty of general supervision of the City, its employees, and
31 its property; and

32
33 **WHEREAS**, pursuant to Section 63 of the City Charter, “The Director of Public Works, shall be
34 responsible for fleet management and the yacht basin and marina, and all matters relating to the
35 maintenance and operation of the City physical environments including, but not limited to streets,
36 water, waste water, sanitation, City facilities, related capital assets, construction management,
37 maintenance and operation of the physical properties of the City and other duties as assigned; and
38

39 **WHEREAS**, The Mayor and City Council believe it to be in the best interest of the residents of
40 the City of Havre de Grace and in the interest of effective and efficient government to adopt the
41 said amendment to the City Charter to clarify the duties of the Mayor and Director of Public Works
42 under the Charter.

43
44 **NOW, THEREFORE**, it is determined, decided, and resolved by the City Council that the
45 following is hereby approved.

46
47 Section 65 of the City Charter is to be amended as follows, with the words underscored to be added
48 and the words in bold and brackets to be deleted.

49
50 Section 65 Control of public ways.

51
52 The City has control of all public ways in the City, except such as may be under the jurisdiction
53 of the Maryland State Highway Commission. Subject to the laws of the State of Maryland and this
54 Charter the **[City]** Director of Public Works, under the direction of the Mayor and subject to
55 approved budget expenditures, may establish, operate and maintain in good condition the public
56 ways of the City.

57
58 Section 66 of the City Charter is to be amended as follows, with the words underscored to be added
59 and the words in bold and brackets to be deleted.

60
61 Section 66 Powers of City as to public ways.

62
63 The **[City]** Director of Public Works, under the direction of the Mayor and subject to approved
64 budget expenditures, shall have the power to:

- 65
66 A. Establish, regulate and change from time to time the grade lines, width, and construction
67 materials of any City public way or part thereof, bridges, curbs and gutters.
68 B. Grade, lay out, construct, open, extend, and make new City public ways.
69 C. Grade, straighten, widen, alter, improve, or close up any existing City public way or part
70 thereof.
71 D. Pave, surface, repave, or resurface any City public way or part thereof.
72 E. Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public
73 way or part thereof.

- 74 F. Construct, reconstruct, maintain, and repair bridges.
- 75 G. Name City public ways.
- 76 H. Have surveys, plans, specifications, and estimates made for any of the above activities or
- 77 projects or parts thereof.

78
79 Section 67 of the City Charter is to be amended as follows, with the words underscored to be added
80 and the words in bold and brackets to be deleted.

81
82 Section 67 Powers of City as to sidewalks.

83
84 The **[City]** Director of Public Works under the Direction of the Mayor and subject to approved
85 budget expenditures shall have the power to:

- 86
87 A Establish, regulate, and change from time to time the grade lines, width, and construction
88 materials of any sidewalk or part thereof on City property along any public way or part
89 thereof.
- 90 B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter
91 sidewalks on City property along any public way or part thereof.
- 92 C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all
93 ice, snow, and other obstructions.
- 94 D. Require and order the owner of any property abutting on any public way in the City to
95 perform any projects authorized by this section at the owner's expense according to
96 reasonable plans and specifications. If, after due notice, the owner fails to comply with the
97 order within a reasonable time, the City may do the work, and the expense shall be a lien on
98 the property and shall be collectible in the same manner as are town taxes or by suit at law.

99
100 Section 68 of the City Charter is to be amended as follows, with the words underscored to be added
101 and the words in bold and brackets to be deleted.

102
103 Section 68 Water and sewers.

104
105 The **[City]** Director of Public Works, under the Direction of the Mayor and subject to approved
106 budget expenditures, shall have the power to:

- 107
108 A. Construct, operate and maintain a water system and water plant.
- 109 B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- 110 C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.
- 111 D. Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts,
112 installations, and structures of the above plants and systems.
- 113 E. Have surveys, plans, specifications and estimates made for any of the above plants and
114 systems or parts thereof or the extension thereof.
- 115 F. Do all things it deems necessary for the efficient operation and maintenance of the above
116 plants and systems.

117

118 ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2023.

119
120 SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____,
121 2023.

122
123
124
125
126

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

127 _____
128 Stephen J. Gamatoria
129 Director of Administration

William T. Martin
Mayor

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131
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Introduced/First Reading: 9/5/2023
Public Hearing:
Second Reading/Adopted:
Effective Date:

138 LEGISLATIVE HISTORY:

- 139 Chapter 178 of the 1924 *Laws of Maryland* provided for the creation of the Havre de Grace
- 140 Municipal Utilities Commission
- 141 Charter Resolution 108 (1975)
- 142 Charter Resolution 132 (1983)
- 143 Charter Resolution 208 (2000)
- 144 Charter Resolution 209 (2000)
- 145 Charter Resolution 216 (2000)
- 146 Charter Resolution 234 (2002)

