

## CHAPTER 88

(House Bill 37)

AN ACT to repeal and re-enact, with amendments, Section 1189 (M) of the Montgomery County Code (1947 Edition), being Section 104-3 (M) of the 1950 Montgomery County Code, and Section 1295 (M) of the Prince George's County Code (1943 Edition), titles "Montgomery County" and "Prince George's County", sub-title "Takoma Park", as said section was amended by Chapter 331 of the Acts of 1949, providing for the designation of a member of the Council to perform the duties of the Mayor under certain conditions.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 1189 (M) of the Montgomery County Code (1947 Edition), being Section 104-3 (M) of the 1950 Montgomery County Code, and Section 1295 (M) of the Prince George's County Code (1943 Edition), titles "Montgomery County" and "Princes George's County", sub-title "Takoma Park", as said section was amended by Chapter 331 of the Acts of 1949, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

1189 (M) (104-3 (M)).

1295 (M).

The Council shall within ten days after each election determine all questions arising thereon; and any person conceiving himself aggrieved by reason of such decision may appeal to the Circuit Court of Montgomery County, or to the Circuit Court of Prince George's County, depending upon the place of residence of the appellant, which shall hear and determine the same, and determine who shall pay the costs of appeal. In case of a tie vote at any election for Mayor and members of the Council, another election shall be held, after ten days' notice, pursuant to the provisions foregoing in regard to elections. In case of any vacancy in the office of the Mayor or a Councilman by death, resignation or removal from the city, the said vacancy shall be filled by a vote of the Council until the next election for members of the Council. *As soon as practicable after taking office, the Mayor shall, subject to the approval of the Council, designate a Councilman to perform all the duties of Mayor at such times as the Mayor is incapacitated or is absent from the city for more than three days consecutively. Such designation may, with the consent of the Council, be terminated at any time and another Councilman designated instead.*