CHARTER

OF THE

Town of Hancock

WASHINGTON COUNTY, MARYLAND

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Metes and Bounds Description

HANCOCK

[Corporate Name and Definitions]

Section 1. Corporate name.

This charter is the municipal corporation charter of the Town of Hancock, Maryland, the corporate name of which is The Town of Hancock.

Section 2. Definitions.

(a) The terms "town," "city," "municipality," or "municipal corporation" in this charter shall be construed as synonymous.

(b) Whenever the male gender is used, the provisions of that section shall apply equally to the female gender.

(c) Whenever the term "town manager," "manager," or "clerk–treasurer" is used, the terms shall be considered synonymous if the council has delegated the clerk–treasurer's duties to the town manager pursuant to the provisions of this Charter.

General Corporate Powers

Section 3. General powers.

The municipal corporation here established (or continued), under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and may pass and adopt all ordinances, resolutions, or by–laws necessary or proper to exercise the powers granted herein or under the laws of the State of Maryland and Constitution thereof.

Corporate Limits

Section 4. Description of corporate boundaries.

A description of the corporate boundaries of the town at all times shall be on file with the town clerk or other comparable official and with the Clerk of the Circuit Court of Washington County, Maryland and the Department of Legislative Reference **[**Services**]**, and is incorporated herein and made a part hereof by reference (appendix).

The Council

Section 5. Number of council members; selection; term.

All legislative powers of the town are vested in a council consisting of the Mayor and four council members who shall be elected as hereinafter provided. The Mayor shall hold office for a term of two years or until a succeeding Mayor takes office and the council members shall hold office for a term of four years or until the succeeding council takes office. The regular term of council members shall expire on the second Monday following the election of their successors. Council members holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding council takes office under the provisions of this charter.

Section 6. Qualifications of council members.

Council members shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town.

Section 7. Salary of council members.

Each council member shall receive an annual salary which shall be equal for all council members and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected. The ordinance making any change in the salary paid to the several council members, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding council and shall take effect only as to the members of the next succeeding council.

Section 8. Meetings of council.

The newly elected council shall meet at 7:00 p.m. on the second Monday following its election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings shall be called by the clerk–treasurer upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The mayor and council shall have the right to close its meetings to the public for the purposes set forth in the Annotated Code of Maryland, State Government Article, § 10–501, et. seq. as it now exists and as may be amended from time to time. Applicable State laws shall control and regulate any closed meeting which may be held by the mayor and council. (Amended Resolution #1, 5/30/96, recorded in Liber 5, folio 936.)

Section 9. Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualification of its members.

Section 10. President of council.

The Mayor shall serve as president of the council. The mayor may take part in all discussions, and the Mayor shall have the right to vote. In the absence of the mayor, the council shall elect a councilmember **[**council member**]** to serve as interim president.

Section 11. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the council.

Section 12. Rules and order of business; journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 13. Vacancies in council.

Vacancies in the council shall be filled as provided in § 37 of this charter.

Section 14. Passage of ordinances; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four 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 the date of passage by the council. A fair summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 15. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance, a petition is filed with the clerk–treasurer containing the signatures of not less than twenty per cent (30%) **[**(20%)**]** of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or

disapproval, the council shall have the ordinance, or the part thereof requested for the referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the discretion of the council, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, then operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of § 56, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of §§ 84 and 85. The provisions of this section shall be self–executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 16. File of ordinances.

Ordinances shall be permanently filed by the town manager/clerk–treasurer and shall be kept available for public inspection in accordance with the Annotated Code of Maryland.

The Mayor

Section 17. Selection and term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until the mayor's successor is elected and qualified. The newly elected mayor shall take office on the second Monday following the mayor's election. The mayor holding office at the time this charter becomes effective shall continue to hold office for the term for which elected and until said successor takes office under the provisions of this charter, or until termination by operation of law.

Section 18. Qualifications.

The mayor must have resided in the town for at least one year immediately preceding the date of the election for a mayor and must be a qualified voter of the town.

Section 19. Salary of Mayor.

The mayor shall receive an annual salary as set from time to time by an ordinance passed by the council in the regular course of business. No change shall be made in the salary for any mayor during the term for which the mayor was elected. The ordinance making any change in

the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor.

Section 20. Powers and duties.

(a) *Generally*. – The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

(b) *Appointment and removal of employees and heads of offices, departments and agencies*. – The mayor, with the approval of the council, shall appoint the heads of all offices, departments, and agencies of the town government as established by this charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the mayor, except as may be otherwise provided by the provisions of this Charter or Ordinance. All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the mayor, in accordance with rules and regulations in any merit system which may be adopted by the council.

(c) *Reports and recommendations to council*. – The mayor each year shall report to the council the condition of municipal affairs and make such recommendations as the mayor deems proper for the public good and the welfare of the town.

(d) *Supervision of financial administration of government*. – The mayor shall have complete supervision of the financial administration of the town government. The mayor shall prepare or have prepared annually a budget and submit it to the council. The mayor shall supervise the administration of the budget as adopted by the council. The mayor shall supervise the distribution of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(e) *Other powers and duties*. – The mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of the mayor by the council, not inconsistent with this Charter.

General Powers

Section 21. Powers of council enumerated.

(1) *General powers*. – The council shall have the power to enact such ordinances authorized by and not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

The council shall have all of the powers, privileges, immunities, duties and obligations as set forth in Article 23A of the Annotated Code of Maryland, the Constitution of the State of Maryland, and all other applicable laws or regulations of the State of Maryland as are now in force or may be amended from time to time.

(2) *Specific powers*. – The council shall have, in addition, but not limited thereto, the power to pass ordinances not contrary to the laws and Constitution of the State of Maryland for all those specific purposes set forth in Article 23A, Section 2 of the Annotated Code of Maryland, and any other provisions of the public general laws of the State of Maryland that may be applicable, and subject to any provisions to the contrary set forth in this Charter.

(3) *Saving clause*. – The enumeration of any powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. The Mayor and council shall exercise all those powers in addition to those enumerated and granted by the Constitution and the laws of the State of Maryland or its Charter.

Section 22. Exercise of powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances and/or resolutions. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance or the laws of the State of Maryland.

Section 23. Enforcement of ordinances and resolutions.

To ensure the observance of the ordinances and resolutions of the town, the council as the legislative body shall have the power to provide that violations of ordinances and resolutions shall be punishable as misdemeanors or constitute a municipal infraction as provided in Article 23A of the Annotated Code of Maryland, and/or any other applicable statutory provisions, as now prescribed by such statutory provisions or as may be amended from time to time.

Registration, Nomination, and Election

Section 24. Qualifications of voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has been a resident of the State of Maryland for at least thirty (30) days next preceding any town election, (d) is a bona fide resident within the corporate limits of the town of Hancock for thirty (30) days as of the time for closing registration, next preceding any town election, and (e) is registered in accordance with the provisions of this Charter or any ordinance applicable thereto, or in accordance with the provisions of Article 33 of the Annotated Code of Maryland, entitled Election Code, as it now exists or may be subsequently amended, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections.

Section 25. Board of supervisors of elections.

There shall be a board of supervisors of elections, consisting of three members who shall be appointed by the Mayor with the approval of the council on or before the second Monday in January in every second odd-numbered year. The terms of members of the board of supervisors of elections begin on the second Monday in January in the year in which they are appointed and run for four years. Members of the board of supervisors of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as chairperson. Vacancies on the board shall be filled by the Mayor with the approval of the council for the remainder of the unexpired term. The compensation of the members of the board, if any, shall be determined by the council.

Section 26. Same — Removal of members.

Any member of the board of supervisors of elections may be removed for good cause by the council, if in the judgment of the council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges against said member and shall have a public hearing on them before the council if said member so requests within ten days after receiving the written copy of the charges.

Section 27. Same — Duties.

The board of supervisors of elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees to assist it in any of its duties. Any compensation of such persons, if any, shall be subject to the determination and approval of the council.

Section 28. Notice of registration days and elections.

The board of supervisors of elections shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section 29. Registration.

There shall be a registration of persons not registered to vote in the municipal office at all times during its regular office hours. Registration will close at noon on the twenty–fifth (25th) day preceding the municipal election of officers or any special election or referendum. Registration shall be conducted by the clerk–treasurer and other persons in the municipal office so authorized to do so by the board of supervisors of elections. Any bona fide resident within the corporate limits of the town at the time of registration will be eligible to register. Universal voter registration, by bona fide residents of the town for all general and primary elections, as provided for and defined in Article 33 Election Code of the Annotated Code of Maryland as it now exists,

and as may be amended from time to time, shall qualify said person to vote in all municipal elections or referendums provided said registration is effective by noon on the twenty–fifth (25th) day preceding any municipal election of officers, special elections, or referendum. Registration shall be permanent, and no person shall be entitled to vote in town elections unless such person is registered. It shall be the duty of the board of supervisors of elections to keep the registration list up to date by striking from the list persons known to have died or to have moved out of the town limits or have in any manner been subject to removal from the voter registration as provided in this charter or Article 33, Election Code of the Annotated Code of Maryland. The council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a re–registration when necessary. (Amended Resolution 3, effective 11/2/00.)

Section 30. Appeal from action of board of supervisors of elections.

If any person is aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action said person may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the circuit court for the county within the time allowed for such appeals.

Section 31. Filing certificate of Nomination/Candidacy.

Persons may be nominated for elective office in the town by filing a certificate of nomination/candidacy at the office of the board of supervisors of elections or town hall or community center at least sixty (60) days preceding the municipal election of officers election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. In addition thereto, no elected officer of the town, except elected officers running for re–election, shall be a candidate or nominee for election to any town public office unless he or she shall have first resigned from his/her then office. If he/she fails to resign upon registering for candidacy and/or upon nomination he/she shall be deemed to have forfeited his/her town public office immediately upon filing. Any such officer of the town who shall become a candidate for election by the people to a public office, other than a town public office, shall automatically forfeit such town position when and if he/she is elected for said public office. No employee or appointed officer of the Town of Hancock shall be eligible to file a certificate of nomination for elective office in the town without first terminating his/her employment. (Amended resolution 6/30/88, 11/2/00, recorded at Liber 9, folio 40.)

Section 32. Election of mayor and council members.

On the last Monday in January, 1973, and on the last Monday in January every two years thereafter an election shall be held for the purpose of electing a Mayor and Council members. At the election to be held on the last Monday in January, 1973, and every two years thereafter, the Mayor shall be elected whose term of office shall be for two years or until his successor is duly qualified. At the election to be held on the last Monday in January of 1973, there shall be elected four council members, the two council members with the highest vote shall serve for a period of four years or until their successors are duly qualified and the third and fourth council members receiving the highest number of votes shall serve for a period of two years or until their

successors are duly qualified. At the election to be held on the last Monday in January of 1975, and every two years thereafter there shall be elected two council members whose term of office shall be for four years or until their successors are duly qualified.

Section 33. Conduct of elections generally.

It is the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 11:00 a.m. to 7:00 p.m. on election days or for longer hours if the council requires it.

The Board of Supervisors of Elections shall arrange for voting by absentee ballot in accordance with the provisions of the election law of the Annotated Code of Maryland as it now exists and/or may be subsequently amended and shall so notify the voters of the same.

Section 34. Special elections.

All special town elections shall be conducted by the board of supervisors of elections in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section 35. Vote count.

Within forty–eight hours after the closing of the polls, the board of supervisors of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the clerk–treasurer of the town, who shall record the results in the minutes of the council.

Section 36. Preservation of votes.

All ballots used in any town election shall be preserved for at least six months from the date of the election.

Section 37. Vacancies.

In case of a vacancy on the council, except for the office of mayor, for any reason, the council shall elect some qualified person to fill such vacancy for the unexpired term of such the person vacating the office. In case of a vacancy in the office of the mayor, the most senior council person who received the highest number of votes when elected, shall immediately become mayor for the unexpired term of the mayor. Any vacancies of any other council member or members for any reason whatsoever shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council. Vacancies shall be filled in the method set forth within fifteen (15) days of said vacancy.

Section 38. Regulation and control by council.

The council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 39. Penalties.

Any person who (1) fails to perform any duty required of said person under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment. The above penalty is in addition to and is not in derogation of any punishment or penalty for violation of an Federal, state or county election laws.

Town Manager

Section 40. Creation of position of town manager.

The position of town manager for the Town of Hancock is hereby created.

Section 41. Appointment of town manager.

The town manager shall be appointed by the Mayor, with the approval of the council. The term of appointment shall be indefinite and the town manager shall serve at the pleasure of the Mayor. The town manager shall be chosen on the basis of accomplishments in organization and planning, and on the basis of experience in administration in a large organization, institution, or political subdivision, with special reference to knowledge and experience in the accepted practices of the duties of the office hereinafter set forth.

Section 42. Compensation of town manager.

The town manager shall receive such compensation as the council shall prescribe.

Section 43. Duties and responsibilities of town manager.

The duties and responsibilities of town manager include the following:

(a) The town manager shall organize, direct and supervise the administration of all department **[**departments**]**, offices, and agencies of the town, including the Police Department,

the Department of Public Works, the Department of Finance, and the Department of Planning. In addition to the town manager there may be department heads including a chief of police, superintendent of public works, and director of planning. However on **[**one**]** individual may serve as head of more than one department if the town Manger **[**manager**]** shall so organize and direct. The town manager shall also serve as clerk–treasurer and shall discharge all duties and responsibilities of that position as provided in the Charter of the Town of Hancock provided that said duties are delegated to the town manager by the Mayor and Council by appropriate resolution. The terms "town manager" and "clerk–treasurer" shall be construed as synonymous in this Charter in said event.

(b) The town manager shall appoint, and when the manager deems it necessary and in the best interest of the town, suspend or remove any town department head or employee for sufficient cause, with the approval of the council. The town manager may authorize any department head to exercise these powers with respect to subordinates in the respective department as provided for in the personnel rules of the town as may be adopted from time to time by the Mayor and Council.

(c) The town manager shall see that all laws, provisions of the Town Charter and acts of the Council are faithfully executed.

(d) The town manager shall attend all public meetings of the Council and shall have the right to participate in discussion at such meetings, but the town manager may not vote.

(e) The town Manger **[**manager**]** shall undertake such research and make reports and recommendations as the council may direct or may deem desirable and in the best interest of the Town of Hancock.

Finance

Section 44. Clerk–Treasurer.

The town manager shall act as clerk–treasurer and carry out the duties of the clerk–treasurer if said duties are delegated to the town manager as set forth in this Charter.

If the Council does not delegate the clerk–treasurer powers to the town manager, then there shall be a clerk–treasurer appointed by the Mayor with the approval of the Council. The clerk–treasurer shall serve at the pleasure of the Mayor. The clerk–treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the clerk–treasurer under the direct supervision of the Mayor.

Section 45. Same — Powers and duties.

Under the supervision of the mayor, the clerk–treasurer shall have authority and shall be required to:

(1) Prepare at the request of the mayor an annual budget to be submitted by the mayor to the council.

(2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(3) Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.

(4) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.

(5) Ascertain that all taxable property within the town is assessed for taxation.

(6) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(7) Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this charter.

Section 46. Same — Bond.

The town manager and/or clerk–treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance or resolution may require.

Section 47. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 48. Budget.

The mayor, on such date as the council by ordinance determines, but at least thirty (30) days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk–treasurer, open to public inspection by anyone during normal business hours.

Section 49. Same — Adoption of Budget.

Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the council is necessary for adoption. The budget shall be effective on July 1;**[**,**]** the commencement of the fiscal year.

Section 50. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 51. Transfer of funds.

Any transfer of funds between major appropriations for different purposes by the mayor must be approved by the council before becoming effective.

Section 52. Over expenditures [Overexpenditures] forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section 53. Appropriations lapse after one year.

All appropriations shall lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpected **[**unexpended**]** and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 54. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the town manager or clerk–treasurer, if a clerk–treasurer has been appointed other

than the town manager, and shall be countersigned by the mayor. In the absence of the mayor, the town manager or council member as designated by a majority of the council by resolution shall countersign said checks.

Section 55. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 56. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section 57. Notice of tax levy.

Immediately after the levy is made by the council in each year, the clerk–treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. The clerk–treasurer shall make out and mail or deliver in person to each taxpayer or taxpayer's agent at their last known address a bill or account of the taxes due from said taxpayer. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on taxpayer's property.

Section 58. When taxes are overdue.

The taxes provided for in § 55 of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the maximum rate provided for by State law for each month or fraction of a month until fully paid. All taxes not paid and in arrears shall be collected as provided in § 58 **[**59**]**.

Section 59. Sale of tax–delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears after they are levied shall be submitted by the clerk–treasurer of the town to the treasurer, collector, or any other official of the County of Washington responsible for the sale of tax–delinquent property as provided by the Annotated Code of Maryland. The official designated herein for the purposes of collection shall proceed to sell and sell in accordance with the

provisions of the Annotated Code of Maryland applicable thereto, said real property at any time thereafter, but in no case later than two years from the date the tax is in arrears.

Failure of the collector or designated official to sell any real property within the two year period shall not affect the validity or the collectability of any tax, or the validity of any sale thereafter made.

Section 60. Fees.

All fees received by an officer or employee of the town government in their official capacity shall belong to the town government and be accounted for to the town. The town shall have the authority and the mayor and council can establish fees and charges from time to time for various services, licenses and other matters, except for utility services, or other services regulated by Federal or State statute or regulation, by resolution at a duly constituted public meeting.

Section 61. Audit.

The financial books and accounts of the town shall be audited annually as required by Article 19, Uniform System of Accounts, of the Annotated Code of Maryland, as it now exists and as may be subsequently amended from time to time.

Creation of Municipal Public Debt

Section 62. Authority to borrow money, issue bonds and tax anticipation notes.

(a) Authority to borrow.

(1) During the first 6 months of any fiscal year, the town may borrow in anticipation of the collection of the property tax imposed for that fiscal year, any [and] may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing.

(2) Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than 6 months after the beginning of the fiscal year in which they are issued.

(3) No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed 50 percent of the property tax imposed for the fiscal year in which the notes or other evidences of indebtedness are issued.

(4) All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued.

(5) The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

(b) Public sale; notice of sale; price; issuance for cash or other valuable consideration; signatures and seals; marketing agreements.

(1) Municipal bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids, as determined by the resolution or ordinance authorizing the issuance of the bonds or notes.

(2) (i) Any public sale of municipal bonds or notes may be held only after 1 or more insertions of a notice of the sale in either a newspaper of general circulation in the town or a publication having a circulation primarily among the investment and financial community.

(ii) The first insertion of the notice of sale shall be published at least 10 days before the date fixed for sale.

(3) (i) Municipal bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes, as provided in the authorizing resolution or ordinance.

(ii) The resolution or ordinance that authorizes the municipal bonds or notes may provide for prior redemption of the bonds or notes.

(iii) Municipal bonds or notes may be issued, sold, and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing resolution or ordinance.

(4) Municipal bonds or notes may be issued for either cash or other valuable consideration.

(5) The official signatures and seals affixed to any municipal bonds or notes may be imprinted in facsimile.

(6) The town may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for security any tendered option granted to holders.

(c) The town shall have the power to borrow money for any proper public purpose in accordance with the provisions of the Annotated Code of the Public Laws of Maryland in addition to and not in derogation of this section if so authorized.

The municipal corporation shall also have and retain all powers set forth in Title 9 of the Environmental [Environment] Article and any other powers to borrow money, finance projects or negotiate agreements pertaining to same.

(d) The town may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purposes of enhancing the marketability of, or as security for[,] the bonds or notes, and for security of any tendered option granted to holders.

Section 63. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 64. Previous issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth.

Section 65. Purchasing and contracts.

All purchases and contracts for the town government shall be administered by the clerk–treasurer. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars ($5,000) shall be made on written contract. The clerk–treasurer shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The council may reject any or all bids in whole or in part within its discretion, and readvertise within its sole discretion if it is determined to be in the best interest of the citizenry. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Amended Resolution effective 9/20/95, recorded in Liber 5, folio 705.)

Personnel

Section 66. Clerk to council.

The clerk–treasurer shall serve as clerk to the council. The clerk shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. The clerk shall keep such other records and perform such other duties as may be required by this charter or the council.

Section 67. Town attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney is the legal advisor of the town and shall perform such duties in this connection as may be required by the council or the mayor. The town attorney's compensation shall be determined by the council. The town has the power to employ such legal consultants as it deems necessary from time to time.

Section 68. Authority to employ personnel.

The town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government. The town shall not employ any elected town public official in a regular salaried or hourly position except in an emergency declared by the majority of the council. (Amended Ord., 6–30–88.)

Section 69. Merit system authorized.

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioners of State Personnel for the administration of its merit system, as provided in State law.

Section 70. Unclassified and classified service.

(a) *Civil service divided into unclassified and classified service.* – The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service.* – The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The mayor, the council members, and persons appointed to fill vacancies in these positions.

(2) The town manager.

(3) The clerk–treasurer and the town attorney.

(4) The heads of all offices, departments, and agencies and members of town boards and commissions.

(5) Part–time, temporary, and unpaid offices and positions.

(c) *Classified service.* – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section 71. Prohibitions and penalties.

(a) *Prohibitions.* – If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with the person's appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political party or candidate for public office, further than in the exercise of the person's right as a citizen to express their opinion and to cast their vote.

(b) *Penalties.* – Any person who by themself or with others wilfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than the maximum set forth in the provisions of Article 23A of the Annotated Code of Maryland, Section 3, as it now exists or as it may be subsequently amended. Any person who is convicted under this section for a period of five years is ineligible for appointment to or employment in a position in the town service, and, if the

person be an officer or employee of the town, same shall immediately forfeit the office or position which said person holds.

(c) The penalty provisions set forth in this section are not to be construed as in derogation of any other applicable laws pertaining to violations of the Election Code of the State of Maryland or any other governmental agency, but are in addition thereto.

Section 72. Retirement system.

The town may do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town.

Section 73. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by resolution passed by the council, subject to the restrictions imposed upon establishing the salaries of the council members and the mayor.

Section 74. Employee benefit programs.

The town may provide for participation in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public monies of the town for such programs, and enter into contractual agreements pertaining to same in accordance with the provisions of this Charter.

Public Ways and Sidewalks

Section 75. Definition of public ways.

The term "public ways" as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 76. Control of public ways.

The town shall have control of all public ways in the town except those that are under the jurisdiction of the State Highway Administration. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town.

Section 77. Powers of town as to public ways.

The town may:

(1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.

(2) Grade, lay out, construct, open, extend, and make new town or public ways.

(3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.

(4) Pave, surface, repave, or resurface any town public way or part thereof.

(5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.

(6) Construct, reconstruct, maintain, and repair bridges.

(7) Name town public ways.

(8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

(9) Regulate any construction of or placing of or changing the location of any utility infrastructure to regulate and require any and all individuals, firms or corporations utilizing any rights of way or public ways in the town for improvements, construction or infrastructure as may be requisite for the appropriate maintenance of any town water or sewer system.

(10) The town has all other powers not enumerated herein pertaining to public ways provided by the laws of the State of Maryland.

Section 78. Powers of town as to sidewalks.

The town may:

(1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.

(2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.

(3) Require that the owners of any property abutting on a sidewalk keep the sidewalk in good repair, clear of all ice, snow, and other obstructions.

(4) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according

to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

(5) The town has all other powers not enumerated herein pertaining to sidewalks provided by the laws of the State of Maryland.

Water and Sewers

Section 79. Powers of town as to water and sewers.

The town may:

(1) Construct, operate and maintain a water system and water plant.

(2) Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.

(3) Construct, operate and maintain a storm water drainage system and storm water sewers.

(4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems for the efficient and orderly operation of said facilities. Provided, however, that the council does not have the authority to sell or lease or convey, the entire water or sewer system unless it submits the question of said sale or lease to the qualified voters of the town for approval or disapproval in accordance with the provisions of town Property § 86 or any other applicable provisions of this Charter or the laws of the State of Maryland.

(5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

(7) Make a charge, the amount to be determined by the council for each connection made to the town's water or sewer system, and to assess appropriate charges for water and sewer usages and rates or other charges as the council deems advisable or required from time to time. Said fees and charges may be revised and/or changed from year to year and shall be established with the provisions of the applicable provisions of the Annotated Code of Maryland.

All charges provided for are to be billed and collected by the clerk–treasurer, and if bills are unpaid within thirty (30) days, or in accordance with the policies promulgated and adopted by ordinance by the council or in accordance with the laws of the State

of Maryland, then service may be disconnected. All charges shall be a lien on the property, collectable in the same manner as town taxes or by suit at law.

(8) To promulgate any rules or regulations and pass any ordinances pertaining to the operation, maintenance and control of any water or sewage drainage systems or any other related matters.

(9) Contract with any party or parties inside or outside the town, to obtain water or to provide for the removal of sewage.

(10) To establish a water board and/or other commission to manage the water system and/or department.

(11) The town has all other powers not enumerate herein pertaining to water and sewer provided by the laws of the State of Maryland.

Electric Service

Section 80. Powers of town as to electric service.

The town may:

(1) Own, operate, modify and maintain an electric light and power plant, and to distribute for charge electricity produced by the plant.

(2) Construct, operate and maintain all necessary appurtenances and fixtures for the distribution and sale of electricity in the corporate limits of the town.

(3) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installation and appurtenances in reference to said electrical distribution system. Provided, however, that the council does not have the authority to sell or lease or convey, the entire electric utility system unless it submits the question of said sale or lease to the qualified voters of the town for approval or disapproval in accordance with the provisions of Town Property § 86 or any other applicable provisions of this Charter of the laws of the State of Maryland.

(4) Enter into agreements for the purchase of energy and electricity for distribution and sale as a utility in the town of Hancock.

(5) Promulgate any rules or regulations and pass any ordinances pertaining to the operation, maintenance and control of the electric utility system subject to and in accordance with the Public Service Commission regulations and any Federal acts, ordinances or regulations applicable.

(6) Charge for electricity and distribution thereof to the customers in accordance with applicable town rules, regulations or ordinances validly enacted and/or all applicable Public Service Commission acts, rules and regulations and Federal acts and regulations. All charges shall be billed and collected by the clerk–treasurer unless otherwise specified by the council.

(7) The town has all powers not enumerated herein pertaining to an electrical utility system provided by the laws of the State of Maryland.

General Utility Powers

Section 81. Entering on county public ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary, to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, storm water sewers, or electrical utility system provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 82. Extensions beyond boundaries.

The town may extend its water or sewerage systems beyond the town limits.

Section 83. Exception.

The provisions of this subheading shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subheading, as to the particular powers included in the authorization.

Special Taxing Districts

Section 84. Power of town to levy special assessments.

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidence of indebtedness issued in anticipation of the collection of special

assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project.

In addition thereto, but not limited thereto, the town may exercise all powers pertaining to special taxing districts as set forth in Article 23A, Section 44(a) of the Annotated Code of Maryland or pursuant to any other applicable public general law of the State of Maryland as it now exists or may be subsequently amended from time to time.

Section 85. Procedure.

[(a)**]** *Provided*. – The procedure for special assessments, wherever authorized in this charter, is as provided in this section:

(b) *Assessment of cost*. – The cost of the project being charged for shall be assessed according to the front **[**front foot**]** rule of apportionment or some other equitable basis determined by the council.

(c) *Amount*. – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty–five percent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Uniformity of rates*. – When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) *Levy of charges; public hearing; notice*. – All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The clerk–treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, and the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk–treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk–treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to appeal*. – Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

(g) *Payments; interest*. – Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

(h) *When due; lien on property; collection*. – All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(i) *Clerk–treasurer*. – All special assessments shall be billed and collected by the clerk–treasurer.

Town Property

Section 86. Acquisition, possession and disposal.

The town may acquire in accordance with the provisions of Article 23A of the Annotated Code of Maryland as it now exists or as may be amended from time to time, by conveyance, purchase or gift, real, personal, mixed or leaseable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any property so acquired when no longer needed for the public use in accordance with the provisions of Article 23A after having given at least twenty (20) days notice of the proposed conveyance; to control, protect and maintain public buildings, grounds, and property of the town, provided, however, that said Mayor and council shall not have the power and authority to sell or lease to any person, association, or corporation the light, water, or sewer system of the said town without submitting the question of said sale or lease to the qualified voters of said town for approval or disapproval and that if the majority of the said voters voting on the said question shall be against such sale or lease, then the said Mayor and council shall not sell or lease same. (Amended, former Section 16-21, Powers Enumerated (48) Property – effective 1/26/05, recorded Liber 10, folio 537.)

Section 87. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12, Eminent Domain, of the Real Property Article of the Annotated Code of Maryland as it now exists or as it may be amended from time to time.

General Provisions

Section 88. Oath of office.

(a) *Oath required.* – Before entering upon the duties of their offices, the mayor, the council members, the clerk treasurer **[**clerk–treasurer**]**, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or seat in the town government shall take and subscribe to the following oath or affirmation: "I ....., do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ....., according to the Constitution and laws of this State."

(b) *Before whom taken and subscribed.* – The mayor shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the mayor.

Section 89. Official bonds.

The town manager/clerk–treasurer and such other officers or employees of the town as the council or this charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town.

Section 90. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.

Section 91. Effect of charter on existing ordinances.

(a) *Ordinances, etc., not in conflict with this charter remain in effect.* – All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) *Ordinances, etc., in conflict with charter repealed*. – All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter are repealed to the extent of such conflict.

Section 92. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

APPENDIX

Metes and Bounds Description of the Town of Hancock

The following description is recorded in the Office of the Clerk of the Circuit Court for Washington County, Maryland at Liber ___ Folio ___ among the Acts, Ordinances and Resolutions for Incorporated Towns, and is also on file with the Department of Legislative Reference **[**Services**]** for the State of Maryland as required by the provisions of Article 23A of the Annotated Code of Maryland. The plat of the corporate boundaries set forth is on file with the Clerk–Treasurer, Town Hall, Hancock, Maryland, as is also recorded at plat Folio ___ at the Land Records of Washington County, Maryland.

APPENDIX

CORPORATE LIMITS
TOWN OF HANCOCK
SUMMARY OF ANNEXATIONS

1996 Annexation, effective date December 23, 1966.

Recorded among the Land Records of Washington County, Maryland, at Liber 555, folio 764 through 770. Date of recording: March 1, 1973.

Agreement of Annexation: Londontown Manufacturing Company, Daniel R. Fleming and wife, date June 30, 1966.

Property: Plat prepared by J. B. Ferguson dated June 2, 1966 (Liber 555, folio 766) entitled Area of Annexation, Town of Hancock ...

Plat prepared by J. B. Ferguson & Co., Inc., recorded at Plat 287B among the Plat records of Washington County, Maryland, dated June 2, 1966, entitled Area of Annexation, Town of Hancock, Washington County, Maryland. Date of recording: _____.

Plat of Corporation Boundaries, Hancock, Washington County, Maryland, prepared by J. B. Ferguson, & Co., filed and recorded among the Plat Records of Washington County, Maryland on March 2, 1967, receipt Number 42186.[1] Also Plat recorded Liber 287A, 287C (Kirk).

1968 Annexation, effective date June 14, 1968.

Recorded among the Land Records of Washington County, Maryland, at Liber 555, folio 771 through 778. Date of recording: March 1, 1973.

Agreement of Annexation: Roy E. Pittman and wife, James S. B. Resley and wife, dated March 18, 1968.

Property: Plat J. B. Ferguson Co., Inc. entitled Area of Annexation, Town of Hancock, Washington County, Maryland, prepared March 6, 1968, recorded at Liber 555, folio 773 on March 1, 1973. Metes and Bounds description dated February 7, 1968 attached of the annexed area.[2]

1970 Annexation, effective date July 16, 1970.

Recorded among the Land Records of Washington County, Maryland, at Liber 555, folio 779 through 793 on March 1, 1973.

Agreement of Annexation: Fleetwood Enterprises, Board of Education, Albert G. Creek and wife, William H. Hess and wife, Mayor and Council of Hancock, Adele M. Cohill Donnelly and Ralph H. Donnelly, and Tri–State Cable TV, Inc., dated April 15, 1970.

Property: Three tracts. Metes and bounds description contained in Agreement and Resolution of the area annexed.[3]

1972 Annexation, effective date April 23, 1973.

Recorded on May 10, 1973, at Liber 560, folio 14 through 23 among the Land Records of Washington County, Maryland.

Annexation Agreement: Genuine Parts Company, A. Hart McKinley, Jr., and wife, dated December 1, 1972.

Property: Three tracts described in metes and bounds description prepared by J. B. Ferguson & Co., recorded therewith.

1976 Annexation, effective date March 31, 1977.

Recorded on March 31, 1977, at Liber 2 folio 91 through 95 among the Acts, Ordinances and Resolutions for Incorporated Towns in Washington County, Maryland.

Annexation Agreement: Hancock Mobile Homes, Inc., dated November 2, 1976.

Property: Described on a plat prepared by J. B. Ferguson Engineering, Inc., attached, dated August 18, 1976 at Liber 560 folio 96 among Land Records of Washington County, Maryland.

1978 Annexation, effective date February 25, 1978.

Recorded on February 27, 1978, at Liber 2, folio 174 through 178 among the Acts, Ordinances and Resolutions for Incorporated Towns in Washington County, Maryland.

Annexation Agreement: Norhan, Inc., dated December 5, 1977.

Property: Metes and bounds description set forth in Agreement of Annexation recorded at Liber 2 folio 174.

1979 Annexation, effective dated April 30, 1979.

Recorded on May 17, 1979, at Liber 2, folio 250 through 255 among the Acts, Ordinances and Resolutions for Incorporated Towns in Washington County, Maryland.

Annexation Agreement: Hancock Mobile Homes, Inc., dated January 10, 1979.

Property: Two tracts described in Agreement and Resolution of Annexation by metes and bounds.

The above documents are recorded among the Land Records of Washington County, Maryland, the Acts, Ordinances and Resolutions of Incorporated Towns of Washington County, Maryland and are on file with the Department of Legislative Reference [Services] of the State of Maryland as required by provisions of Article 23A of the Annotated Code of Maryland. The above are also incorporated in Section 4 of the Charter of the Town of Hancock by reference and made a part thereof.

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[1] Plat does not appear to include the plat recorded at Plat Folio 287B. Plat referred to as 287B appears to be the same plat recorded at Liber 555, folio 766 among the Land Records of Washington County, Maryland on March 1, 1973, dated June 2, 1966 prepared by J. B. Ferguson & Co., Inc. Plat 287A and 287C appear to refer to the same annexations.

[2] The plat referred to herein has a notation indicating "Annexation of 1966" on a portion thereof for definitive reference purposes.

[3] The Agreement refers to a plat attached. It is not attached and recorded with the Agreement. The original is presumed on file in the office of the Town Manager.