CHARTER

OF THE

Town of Loch Lynn Heights

GARRETT COUNTY, MARYLAND

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LOCH LYNN HEIGHTS

Corporate Name and Definitions

Section 1. Corporate name.

This charter is the municipal corporation charter of the town of Loch Lynn Heights, the corporate name of which is Mayor and Council of Loch Lynn Heights.

Section 2. Definitions.

The term “town,” “city,” “municipality,” or “municipal corporation” in this charter shall be construed as synonymous.

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 to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

Corporate Limits

Section 4. Description of corporate boundaries.

A description of the corporate boundaries of the town (city) at all times shall be on file with the town clerk or other comparable official and with the clerk of the court of the county. The corporate boundaries are as follows:

Parcel 1.

BEGINNING for the same at the southerly limits of the Baltimore and Ohio Railroad right of way and the easterly margin of the road known as the Wonderly Road, and at a point on said road which is North 71 degrees; South 7 degrees East, 76 and 8/10 feet; thence South 70 degrees East, 245 feet; thence South 39 degrees and 45 minutes East, 714 feet; thence South 42 degrees and 45 minutes East, 993 feet; thence South 21 degrees and 15 minutes East; 1,002 feet to a point on the easterly margin of said road which said point is North 82 degrees 35 minutes East, 31 feet from a cement post standing on the westerly margin of said road; thence North 82 degrees and 35 minutes East, 844 feet to a cement post; thence North 27 degrees and 35 minutes East, 1,574 feet to a cement post; thence South 62 degrees and 25 minutes East, 456 and 6/10 feet to a cement post which is the original beginning of Military Lots Nos. 880 and 919; thence

running with the first line of said Military Lot No. 919; thence North 27 degrees and 35 minutes East, 1,650 feet to a planted stone marked F.G.; thence North 78 degrees East, 36 feet to a point on the east margin of a road known as the Oakland–Gorman Road; thence with east margin of said road; thence North 27 degrees and 45 minutes East, 100 feet; thence North 40 degrees East, 100 feet; thence North 24 degrees and 30 minutes East, 235 feet; thence North 19 degrees West, 85 feet; thence North 49 degrees and 15 minutes West, 168 feet; thence North 59 degrees West, 239 feet; thence North 41 degrees and 30 minutes West, 160 feet; thence North 55 degrees West, 100 feet; thence North 52 degrees and 30 minutes West, 242 feet; thence North 73 degrees West, 90 feet to a cement post standing on the southerly limits of the Baltimore and Ohio Railroad right of way; thence with said limits of said Baltimore and Ohio Railroad right of way; thence South 71 degrees and 35 minutes West, to the point of beginning.

Parcel 2.

Beginning at a corner fence post found at the end of the third line of Military Lot 917, and in the northeasterly line of the property owned now or formerly by Charles J. Martin (Liber 132 at folio 96), and at a point described as a concrete post at the original beginning of Military Lots 880 and 919 in the description of the corporate boundaries in the Municipal Charter of Loch Lynn Heights; thence, with part of the said third line and part of the first line of Military Lot 919, and the outline of the limits of Loch Lynn Heights (North 27 degrees and 35 minutes East 1650 feet), a municipal corporation, North 23 degrees East, 450.00 feet to a set 5/8th inch by 36 inch iron rebar and plastic cap marked 126, hereinafter called “iron pin”; thence, leaving said military lot line, and the outline of said municipal corporation, South 67 degrees East, 800 feet to a set iron pin; thence 23 degrees West 450 feet to an iron pin set in the fence line marking the fourth line of Military Lot 917; thence with part of said fourth line, North 67 degrees West, 800 feet to the beginning, containing 8.26 acres, more or less (Res. 1998–1, 5–21–98.)

The Council

Section 5. Number of councilmen; selection; term.

All legislative powers of the town are vested in a council consisting of four councilmen who shall be elected as hereinafter provided and who shall hold office for a term of two years or until the succeeding council takes office. The regular term of councilmen shall expire on the first Monday in January of the year following election of their successors. Councilmen 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 councilmen.

Councilmen shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town. In the event any person elected to the council shall cease to be a resident in said town, he shall immediately cease to hold or exercise said position and said vacancy shall be filled as provided hereinafter.

Section 7. Salary of councilmen.

Each councilman shall receive twenty dollars ($20.00) for each meeting attended or 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 councilmen, 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 7:30 p.m. on the first 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 mayor or a majority of the members of the council. The council shall keep its meetings open to the public and shall provide reasonable opportunities for the public to be heard. Provided however, that the council may hold executive sessions as permitted by Subtitle 5 of Article 10 of the State Government Article, Subtitle "Meetings" of the Annotated Code of Maryland. (Res. No. 2002–01, 9–25–02.)

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 and vice–president of council.

The mayor shall serve as president of the council. The mayor may take part in all discussions, but he shall have no vote, except to break a tie. The council shall elect a vice–president of the council from among its members, who shall act as president of the council in the absence of the president of the council.

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 questions, 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 § 39 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 three 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 approval by the mayor or passage by the council over his veto. Each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council.

Section 15. Veto.

All ordinances passed by the council shall be promptly delivered by the clerk to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances to the clerk within six days after delivery to him (excluding the first day, including the last day, and excluding any Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of three–fourths of the whole council within thirty–five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within six days of its delivery, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him.

Section 16. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance by the mayor or passage of any ordinance over the mayor's veto, a petition is filed with the clerk containing the signatures of not less than twenty per centum (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 referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, 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, the 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 § 62, 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 §§ 92 and 93. The provisions of this section shall be self–executing, but the council may adopt ordinances in futherance of these provisions and not in conflict with them.

Section 17. File of ordinances.

Ordinances shall be permanently filed by the clerk and shall be kept available for public inspection.

Section 18. Selection and term.

The mayor shall be elected as hereinafter provided and shall hold the office for a term of two years or until his successor is elected and qualified. The newly elected mayor shall take office first Monday of January of the year following his election. The mayor holding office at the time this charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this charter. In the event any person elected mayor shall cease to be a resident in said town, he shall immediately cease to hold or exercise said office and said vacancy shall be filled as provided hereinafter.

Section 19. Qualifications.

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

Section 20. Salary.

The mayor shall receive thirty dollars ($30.00) for each meeting attended or 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 he 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 21. 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) *Appointments 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. 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 he deems proper for the public good and the welfare of the town.

(d) *Veto.* – The mayor shall have the power to veto ordinances passed by the council as provided in § 15.

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

(f) *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 him by the council, not inconsistent with this charter.

General Powers

Section 22. Powers of council enumerated.

(1) *General powers.* – The council shall have the power to pass all such ordinances 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.

(2) *Specific powers.* – The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.

(3) *Advertising.* – To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(4) *Aisles and doors.* – To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(5) *Amusements.* – To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(6) *Appropriations.* – To appropriate municipal moneys for any purpose within the powers of the council.

(7) *Auctioneers.* – To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(8) *Band.* – To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

(9) *Billboards.* – To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.

(10) *Bridges.* – To erect and maintain bridges.

(11) *Buildings.* – To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(12) *Cemeteries.* – To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(13) *Codification of ordinances.* – To provide for the codification of all ordinances.

(14) *Community services.* – To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

(15) *Cooperative activities.* – To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(16) *Curfew.* – To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(17) *Dangerous improvements.* – To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(18) *Departments.* – To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

(19) *Dogs.* – To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

(20) *Elevators.* – To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(21) *Explosives and combustibles.* – To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(22) *Filth.* – To compel the occupant of any premises, building, or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper offices and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(23) *Finances.* – To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(24) *Fire.* – To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire–hazardous buildings and structures permanently or until the conditions of town fire–hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(25) *Food.* – to **[**To**]** inspect and to require the condemnation of, if unwholsesome **[**unwholesome**]**, and to regulate the sale of, any food products.

(26) *Franchises.* – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(27) *Garbage.* – To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(28) *Grants–in–aid.* – To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(29) *Hawkers.* – To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or their welfare or happiness.

(30) *Health.* – To protect and preserve the health of the town and its habitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the county board of health, or any public general or local law relating to the subject of health.

(31) *House numbers.* – To regulate and issue the numbering of new constructions.

(32) *Jail.* – To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purposes.

(33) *Licenses.* – Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

(34) *Liens.* – To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

(35) *Lights*. – To provide for the lighting of the town.

(36) *Livestock.* – To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

(37) *Markets.* – To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the town.

(38) *Minor privileges.* – To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills, and advertisements, and display of goods, wares, and merchandise.

(39) *Noise.* – To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

(40) *Nuisances.* – To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(41) *Obstructions.* – To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(42) *Parking facilities.* – To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off–street parking.

(43) *Parking meters.* – To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

(44) *Parks and recreation.* – To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(45) *Police force.* – To establish, operate, and maintain a police force. All town policemen, within the municipality shall have the powers and authority of constables in this State.

(46) *Police powers.* – To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(47) *Property.* – To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

(48) *Quarantine.* – To establish quarantine regulations in the interest of the public health.

(49) *Regulations.* – To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(50) *Sidewalks.* – To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(51) *Sweepings.* – To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public or private property in the town.

(52) *Taxicabs.* – To license, tax, and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupation.

(53) *Vehicles.* – To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(54) *Voting machines.* – To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

(55) *Zoning.* – To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

(56) *Saving clause.* – The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

Section 23. Exercise of powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner as may be prescribed by ordinance.

Section 24. Enforcement of ordinances.

The Mayor and Town Council may provide that violations of any Town Ordinance shall be a "municipal infraction" as defined by Article 23A, Section 3 of the Annotated Code of Maryland unless the violation is declared to be a felony or misdemeanor by State Law. All "municipal infractions" shall be considered civil offenses and shall be handled in accordance with the procedure set forth in Article 23A, Section 3 of the Annotated Code of Maryland or any amendments thereto. The Mayor and Council shall from time to time by resolution establish the level of fines to be imposed for all such "municipal infractions." Nothing contained in this section shall prohibit or prevent the town from seeking other legal remedies such as injunctions, criminal prosecution, or damages in a civil action pursuant to Article 23A, Section 3 of the Annotated Code of Maryland or Section 7.01 of Article 66B Annotated Code of Maryland as amended. (Res. No. 2003–02, 6–25–03; Res. No. 2004–01, 9–22–04.)

Registration, Nominations and Elections

Section 25. Qualifications of voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the State of Maryland for at least one year next preceding any town election, (4) has resided within the corporate limits of the town for six months next preceding any town election, and (5) is registered in accordance with the provisions of this charter, is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

Section 26. Elections.

The clerk shall be in charge of the registration of voters, nominations, and all town elections. The clerk may appoint, with the approval of the council, election clerks or other employees to assist him in any of his duties.

Section 27. Notice of registration days and elections.

The clerk 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 28. Registration.

There shall be a registration on the first Monday in April in every year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the mayor may designate additional days as registration days. Registration shall be permanent, provided persons entitled to vote have voted in a town election within a five (5) year period of registration, and no person is entitled to vote in town elections unless he is registered. The clerk shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town or who have not voted within a five (5) year period. The council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a reregistration when necessary.

Section 29. Appeal from action of clerk.

If any person is aggrieved by the action of the clerk in refusing to register or in striking off the name of any person, or by any other action he 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 30. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the clerk on or before the first Monday in October next preceding the town 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.

Section 31. Primary election; municipal meeting or convention.

(a) *Time of holding; conduct of primary election.* – A primary election or municipal meeting or convention shall be held in the town on the third Monday in October in every year, in order to select candidates for the general election on the First Monday in November. The primary election shall be conducted generally as specified in this subtitle for the conduct of special and general elections. Candidates' names shall appear in alphabetical order for the office sought, on the ballots or voting machine labels, with no party designation of any kind. If not more than four persons have filed as candidates for the office of councilman, or if not more than two persons have filed for the office of mayor, or if not more than two persons have filed for the office of treasurer, no primary election shall be held as to that office or those offices. In such instances those nominated for mayor or treasurer or the nominees for councilmen shall be considered as nominees and their names shall be placed on the ballots or voting machines at the general election on the first Monday in November. Of the candidates participating in the primary election, the two persons receiving the highest number of votes cast for the office of mayor and the office of treasurer and the four candidates receiving the highest number of votes cast for the office of councilman shall be named and considered as nominees at the general municipal election following.

(b) *Town meeting or convention.* – Candidates for the general election may be chosen at a town meeting or convention, at the time specified herein. Such meeting or convention for the selection of candidates shall be conducted generally according to accepted parliamentary procedure. In other respects, nominations at town meetings or conventions, wherever applicable, shall be conducted as specified herein for primary elections.

Section 32. Elective Officers.

The elective officers of the town shall be a mayor and four (4) councilmen, all of whose term shall be for two years, however, two (2) of the councilmen shall be elected annually. (Res. No. 2002–02, 9–25–02.)

Section 33. Election of Town Officers.

A. If after the first Monday in October next preceding the town election the minimum number of certificates of nomination is filed for each office for which an election shall be proper, the clerk is authorized and directed to cancel the election with respect to said office or offices after giving public notice thereof by publication for two successive weeks in a newspaper or newspapers having general circulation in the town and by posting a notice thereof in some public place or places in the town, and to certify as elected to candidate or candidates thereof who have filed a valid certificate of nomination pursuant to Section 30 of the Charter.

B. On the first Monday in November of every year, if more than the minimum number of certificates of nomination were filed at the office of the clerk for a particular position, the qualified voters of the town shall elect town officers with respect to said office or offices. (Res. No. 2006–01, 6–21–06.)

Section 34. Conduct of elections generally.

It is the duty of the clerk 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 clerk shall keep the polls open from 12:00 p.m. to 6:00 p.m. on election days or for longer hours if the council requires it.

Section 35. Special elections.

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

Section 36. Vote count.

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

with the highest number of votes in the general election shall be declared elected as mayor. The candidate for treasurer with the highest number of votes in the general election shall be declared elected as treasurer. The two candidates for councilman with the highest number of votes in the general election shall be declared elected as councilmen.

Section 37. Preservation of ballots.

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

Section 38. Vacancies.

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. In case of a vacancy in the office of mayor for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. In case of a vacancy in the office of treasurer for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the council or in the office of mayor or in the office of treasurer 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.

Section 39. Women.

Women shall have equal privileges with men in registering, voting, and holding town offices.

Section 40. 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 41. Penalties.

Any person who (1) fails to perform any duty required of him under the provision 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.

Section 42. Clerk.

There shall be a clerk appointed by the mayor with the approval of the council. He shall serve at the pleasure of the mayor. His compensation shall be determined by the council. The clerk may also be appointed by the mayor with the approval of the council to serve as treasurer. (Res. No. 2002–02, 9–25–02.)

Section 43. Treasurer.

There shall be a treasurer appointed by the mayor with approval of the council. He shall serve at the pleasure of the mayor. The 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 treasurer under the direct supervision of the mayor. His compensation shall be determined by the council. The treasurer may also be appointed by the mayor with the approval of the council to serve as clerk. (Res. No. 2002–02, 9–25–03.)

Section 44. Same – Powers and duties.

Under the supervision of the mayor, the 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 45. Same – Bond.

The treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance may require at the expense of the town.

Section 46. 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 47. Budget.

The mayor, on such date as the council by ordinance determines, but at least thirty–two 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 extimates **[**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 treasurer, open to public inspection by anyone during normal business hours.

Section 48. Same – Adoption.

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.

Section 49. 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 50. 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 51. 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 or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section 52. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any 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 53. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the treasurer and shall be countersigned by the mayor.

Section 54. 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 55. 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 56. Notice of tax levy.

Immediately after the levy is made by the council in each year, the treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. 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 his property.

Section 57. 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 rate to be set by the mayor and town council by its resolution, and such rate shall be within the legal rate provided for by Maryland law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § 58. (Res. No. 2003–01, 4–23–03.)

Section 58. Sale of tax–delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by § 57 of this charter shall be turned over by the treasurer to the official of the county responsible for the sale of tax–delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by State law.

Section 59. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town.

Section 60. Audit.

The financial books and accounts of the town shall be audited annually as required by § 40 of Article 19 of the Annotated Code of Maryland.

Section 61. Tax anticipation borrowing.

During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. 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 six months after the beginning of the fiscal year in which they are issued. 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 fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 62. Authority for borrowing; Payment of indebtedness.

(a) The Mayor and Town Council of Loch Lynn Heights shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other certificates of indebtedness in the manner prescribed in Section 62(b).

(b) As determined by and provided in the authorizing ordinance of the Mayor and Town Council, the bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale; and if by public sale, after one (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, the first insertion of the notice of sale to be published at least ten (10) days before the date fixed for the sale;

(2) For a price or prices which may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or as determined by a method approved by the Mayor and Town Council;

(4) For either cash or other valuable consideration; and

(5) With or without a reservation of the right of redemption.

(c) 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, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(d) 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 as to rate or amount. The full 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, hereafter 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. (Res. No. 2006–02, 10–25–06.)

Section 63. 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 64. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the Mayor and/or the Clerk/Treasurer or such other individual appointed by the Mayor and approved by a majority vote of the Town Council. The Council shall provide for the rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts by ordinance. (Res. No. 2007-01, 9-26-07.)

Personnel

Section 65. Clerk to council.

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

Section 66. 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 adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His 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 67. Authority to employ personnel.

The town may 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.

Section 68. 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 Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section 69. 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 councilmen, and persons appointed to fill vacancies in these positions.

(2) The clerk, treasurer and the town attorney.

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

(4) 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 70. 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 his 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 his right as a citizen to express his opinion and to cast his vote.

(b) *Penalties.* – Any person who by himself 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 one hundred dollars ($100.00), or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. 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 he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section 71. 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 72. Compensation of employees.

The compensation of all board members of the Planning Commission, Board of Appeals, election judges and employees of the town shall be set from time to time by majority vote of the council. (Res. No. 2002–03, 1–1–03.)

Section 73. Employee benefit programs.

The town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public moneys of the town for such programs.

Public Ways and Sidewalks

Section 74. Definition of public ways.

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

Section 75. Control of public ways.

The town has 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 76. 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 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.

Section 77. 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 clear of all ice, snow, and other obstructions.

Water and Sewers

Section 78. Powers of town.

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.

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

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

Section 79. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interfers **[**interferes**]** with the operation of the water, sewerage, or storm water systems, the town may order it removed.

Section 80. Obstructions.

All individuals, firms, or corporations having mains, pipes, conditions, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in § 95. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

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, or storm water sewers provided for in this charter. Unless required by the count **[**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. Connections.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by this town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 83. Same – Charge.

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section 84. Changes in plumbing, etc., to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 85. Private systems.

The town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 86. Extensions beyond boundaries.

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

Section 87. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance

notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section 88. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section is a misdemeanor.

Section 89. Contracts for service.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage.

Section 90. Charges.

The town may charge and collect such service rates, water rents, ready–to–serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the clerk–treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

Section 91. 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 Assessments

Section 92. 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 evidences 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.

Section 93. 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 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 per centum (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 shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, 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 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 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 collected in the same manner as town taxes or by suit at law.

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

Section 94. Acquisition, possession and disposal.

The town may acquire real, personal, or mixed property within the corporate limits of the town for any public purpose by purchase**[,]** gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof.

Section 95. 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 of the Real Property Article of the Code.

Section 96. Town buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

General Provisions

Section 98. Oath of office.

(a) *Oath required.* – Before entering upon the duties of their offices, the mayor, the councilmen, the clerk, the treasurer, and all other persons elected or appointed to any office of profit or trust 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 99. Official bonds.

The 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 100. 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 if this charter had not been adopted, together with all rights and remedies in 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 101. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this charter, unless otherwise provided, shall be punishable upon conviction by the District Court sitting in the county within which the offense is committed by a fine not exceeding one hundred dollars ($100.00) or imprisonment for thirty days in the county jail, or both, in the discretion of the court. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 102. Effect of charter on existing ordinances.

(a) *Ordinances, etc., not in conflict with 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 103. 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.