

CHARTER
OF THE
Town of North East
CECIL COUNTY, MARYLAND

*As enacted by Resolution C-93-5-1
Effective July 6, 1993*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I General Corporate Powers

Section

101.

ARTICLE II Corporate Limits

201.

ARTICLE III The Board of Commissioners

- 301. Number, Selection, Term.
- 302. Qualifications of Commissioners.
- 303. Compensation of Commissioners.
- 304. Meetings of the Board.
- 305. Quorum.
- 306. Procedure of Board.
- 307. Vacancies of the Board.
- 308. Ordinances.
- 309. Files of Ordinances.
- 310. Referendum.

ARTICLE IV The Mayor

- 401. Selection and Term.
- 402. Qualifications of Mayor.
- 403. Compensating the Mayor.
- 404. Powers and Duties.
- 405. Mayor's Veto.
- 406. Vacancy in Office of Mayor.
- 407. Vice Mayor.

ARTICLE V General Powers

- 501. General Powers.
- 502. Exercise of Powers.

ARTICLE VI Registration, Nomination and Elections

- 601. Voters.
- 602. Board of Supervisors of Elections.
- 603. Removal.
- 604. Duties.
- 605. Notice.
- 606. Registration.
- 607. Appeal.
- 608. Nominations.
- 609. Election of the Mayor and Commissioners.
- 610. Conduct of Elections.
- 611. Absentee Ballots.
- 612. Special Elections.
- 613. Vote Count.
- 614. Preservation of Ballots.
- 615. Regulation and Control.
- 616. Town Administrator or Town Clerk to Act in lieu of Board of Supervisors of Election [Elections].

ARTICLE VII Finance

- 701. Fiscal Year.
- 702. Budget.
- 703. Budget Adoption.
- 704. Transfer of Funds.
- 705. Over-Expenditure Forbidden.
- 706. Appropriations Lapse After One Year.
- 707. Checks.
- 708. Taxable Property.
- 709. Budget Authorized Levy.
- 710. Notice of Tax Levy.
- 711. When Taxes are Overdue.
- 712. Sale of Tax Delinquent Property.
- 713. Audit.
- 714. Tax Anticipation Borrowing.
- 715. Authorization To Borrow Money.

- 716. Payment of Indebtedness.
- 717. Previous Issues.
- 718. Purchasing and Contracts.

ARTICLE VIII
Administration

- 801. Town Administrator.
- 802. Clerk–Treasurer.
- 803. Town Attorney.
- 804. Authority to Employ Personnel.
- 805. Compensation of Employees.
- 806. Employee Benefit Programs.
- 807. Personnel Policy and Procedures Manual.

ARTICLE IX
Public Ways and Sidewalks

- 901. Definition of Public Ways.
- 902. Control of Public Ways.

ARTICLE X
Water and Sewers

- 1001. Powers.
- 1002. Placing Structures in Public Ways.
- 1003. Obstructions.
- 1004. Entering on County Public Ways.
- 1005. Connections.
- 1006. Charge for Connections.
- 1007. Improper Uses.
- 1008. Extensions Beyond Boundaries.
- 1009. Right of Entry.
- 1010. Pollution of Water Supply.
- 1011. Contracts for Water.
- 1012. Charges.
- 1013. Exceptions.
- 1014. Violations and Penalties.

ARTICLE XI
Special Assessments

- 1101. Power: Special Assessments.
- 1102. Procedure.

ARTICLE XII
Town Property

- 1201. Acquisition, Possession, and Disposal.
- 1202. Condemnation.
- 1203. Town Buildings.
- 1204. Protection of Town Property.

ARTICLE XIII
General Provisions

- 1301. Oath of Office.
- 1302. Official Surety Bonds.
- 1303. Prior Rights and Obligations.
- 1304. Enforcement and Penalties.
- 1305. Effect of Charter on Existing Ordinances.
- 1306. Separability.

ARTICLE XIV
Transitional Provisions

- 1401. Nature of this Article.
- 1402. Transition Between Present and Charter–Mandated Forms of Government.

NORTH EAST

ARTICLE I General Corporate Powers

Section 101.

The inhabitants of North East within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the “Mayor and Commissioners of the Town of North East” with 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.

ARTICLE II Corporate Limits

Section 201.

The courses and distances showing the exact original corporate limits of the Town, plus all annexations, are on file at all times with the Clerk of the Circuit Court for Cecil County, the Director of the Department of Legislative Reference [Services] and in the Office of the Clerk–Treasurer of The [the] Town of North East.

The Mayor and Commissioners shall have power to determine the limits of the Town, and extend the same if they deem it expedient, and they shall file with the Clerk of the Circuit Court for Cecil County a description of the boundaries established by them, which shall be deemed a record of the boundaries of the Town.

ARTICLE III The Board of Commissioners

Section 301. Number, Selection, Term.

All legislative powers of the Town are vested in a Board of Commissioners, hereinafter referred to as the Board, consisting of four Commissioners who shall hold office for a term of two years or until the succeeding Board takes office. The regular term of Commissioners shall expire on the first Monday in March following the election of their successors. Legislative powers are exercisable to a limited extent by the Mayor as set forth hereafter in Article IV.

Section 302. Qualifications of Commissioners.

Commissioners shall be at least twenty-one years of age, shall have resided in the Town for at least one year immediately preceding their election, and shall be qualified voters of the Town. They shall maintain a permanent residence in the Town during their term of office.

Section 303. Compensation of Commissioners.

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

Section 304. Meetings of the Board.

The newly elected board shall meet at 7:00 p.m. on the first Monday in March following its election for the purpose or [of] organization, after which the Board shall meet regularly at such [time] as may be prescribed by its rules but not less frequently than twice 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 Board. All meetings of the Board shall be open to the public, unless specifically falling within the exceptions permitting closed sessions or adjournment of an open session to a closed session pursuant to and as provided by State law and Section 10-501 et seq. of the State Government Article of the Annotated Code of Maryland, as modified and amended from time to time. The rules of the Board shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. (Res. No. C-2002-3-1, 4-23-02.)

Section 305. Quorum.

A majority of the Commissioners shall constitute a quorum for the transaction of business; the Mayor shall be counted for purposes of a quorum, provided, however, that no Ordinance shall be approved without the affirmative votes of three members of the Board.

Section 306. Procedure of Board.

The Board shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas and nays and abstentions upon final action on any questions, resolution, ordinance, or at any other time and shall be open to the public for inspection. The Board shall elect from among its members a Vice Mayor who shall preside in the absence of the Mayor and in the event of vacancies as hereafter set forth.

Section 307. Vacancies of the Board.

In the event of a vacancy on the Board for any reason, the Board by a vote of three-fourths or greater, shall appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term.

Section 308. Ordinances.

In order to enable the Board of Commissioners of North East to fully exercise the power conferred upon them by this Charter and the laws of the State of Maryland and to enable them to better promote and preserve the public health, safety and welfare, the Board of Commissioners of North East may pass all ordinances or by-laws that are from time to time necessary.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Board held not less than six (6) nor more than sixty (60) 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 specific 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 all members of the Board.

A. All ordinances, with the exception of Zoning Ordinances or amendments to Zoning Ordinances and emergency ordinances, shall become effective at the expiration of twenty (20) calendar days following passage by the Board. Following passage, a fair summary of all ordinances, with the exception of Zoning Ordinances or amendments to the Zoning Ordinances, shall be published at least once in a qualified newspaper having general circulation in the municipality and shall be posted at the Town Office.

B. Zoning Ordinances or amendments to the Zoning Ordinances shall become effective at the expiration of ten calendar days following a public hearing on the matter, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of a public hearing, together with a summary of the proposed zoning regulation, restriction or boundary, shall be published in a qualified newspaper having general circulation in the municipality each week for 2 successive weeks. The first notice of the public hearing shall be published at least fourteen days before the public hearing. (Res. No. C-2002-3-2, 4-23-02.)

Section 309. Files of Ordinances.

Ordinances shall be permanently filed by the Clerk-Treasurer and shall be kept available for public inspection.

Section 310. Referendum.

If, before the expiration of twenty (20) calendar days following passage of any ordinance subject to referendum, a petition is filed with the Clerk-Treasurer containing the signatures of not less than twenty per centum (20) [(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 Board of Commissioners 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, at the Boards [Board's] discretion, at a special election occurring before the next regular election. No ordinance, or 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, or action of the Board levying property taxes for the payment of indebtedness, or the adoption of the annual Town budget but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges. The provisions of this section shall be self-executing, but the Board may adopt ordinances in furtherance of these provisions and not in conflict with them.

ARTICLE IV

The Mayor

Section 401. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until a successor is elected and qualified. The newly elected Mayor shall take office on the first Monday in March following election.

Section 402. Qualifications of Mayor.

The Mayor shall be at least twenty-one years of age, must have resided in the Town for at least one year immediately preceding election and must be a qualified voter of the Town. The Mayor shall maintain a permanent residence in the Town during the term of office.

Section 403. Compensating the Mayor.

The Mayor may receive compensation in lieu of salary as set from time to time by an ordinance passed by the Board in the regular course of business. No change shall be made in the compensation for any Mayor during the term for which he was elected. The ordinance making any change in the compensation 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 404. Powers and Duties.

1. *General.* 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.

2. *Appointments.* The Mayor, with the approval of the Board, shall appoint the heads of all offices, departments and agencies of the Town government as established by this Charter or by ordinance. The Mayor shall also create any Boards and Commissions deemed necessary and, with the approval of the Board, name the individuals who serve on said Boards and Commissions.

3. *Reports.* The Mayor shall report twice annually to the Board the condition of municipal affairs and make such recommendations as the Mayor deems proper for the public good and the welfare of the Town.

4. *Board meetings.* The Mayor shall serve as presiding officer at all Board meetings. The Mayor may participate in all discussions and vote only whenever that vote is necessary in order for an action to be taken. The Mayor's vote may be counted in order to create the necessary affirmative votes for the passage of an ordinance, the number of votes necessary to declare an Emergency Ordinance, or the number of votes necessary to fill a vacancy on the Board.

5. *Finances.* The Mayor shall have complete supervision over the financial administration of the Town government. The Mayor shall prepare or have prepared annually a budget and submit it to the Board. The Mayor shall supervise the administration of the budget as adopted by the Board. The Mayor shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded and shall provide the Board with Quarterly Financial Reports.

6. *Other.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required by the Board but not inconsistent with this Charter.

Section 405. Mayor's Veto.

Upon the passage of any Ordinance, Resolution or other official action by the Commissioners, it shall be delivered to the Mayor who, within ten (10) working days thereafter may approve or veto it. If the Mayor vetoes such action, it shall be returned to the Commissioners with the reasons for the veto stated in writing. The Board may reconsider the vetoed action, but no later than as its next two meetings. The Commissioners may, by the affirmative vote of three Commissioners, enact Ordinances, Resolutions or any other authorized official actions over the veto of the Mayor. Any Ordinance which has been neither approved nor vetoed by the Mayor shall be deemed passed on the fourteenth day after passage, and shall be published thereafter and subject to Referendum as hereinbefore set forth.

Section 406. Vacancy in Office of Mayor.

If, within a period of one year following any election the office of Mayor becomes vacant due to the death, resignation, or any other incapacity, a special election shall be held to elect a successor to serve the remainder of the present term. The Vice Mayor shall serve as Mayor during any such times of vacancy until the successor is sworn in. If such a vacancy occurs after the first year of the present term, the Vice Mayor shall become Mayor for the remainder of the term. In such event, the Board shall have a vacancy and it may be filled as set forth in Section 307.

Section 407. Vice Mayor.

There shall be a Vice Mayor who, in the absence of the Mayor, shall preside and who, as set forth in Section 406, may complete the term of Mayor if the vacancy occurs after the Mayor completes the first year of a term. The Vice Mayor shall be elected from among the members of the Board, by the Board at its first or second meeting in March of each year after the new Board has convened.

ARTICLE V

General Powers

Section 501. General Powers.

1. The Board shall have the power to pass all such 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 and visitors in the Town.

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

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

(2) *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.

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

(4) *Appropriations* – to appropriate municipal moneys for any purpose within the powers of the Board.

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

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

(7) *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.

(8) *Bridges* – to erect and maintain bridges.

(9) *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.

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

(11) *Codification of Ordinances* – to provide for the codification of all ordinances.

(12) *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.

(13) *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.

(14) *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.

(15) *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.

(16) *Dogs* – to regulate the keeping of dogs in the Town and to provide, wherever the country [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.

(17) *Elevators* – to require the inspection and licensing of elevators and to prohibit their use when unsafe, dangerous, or unlicensed.

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

(19) *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 officers and to assess the expense thereof against property, making it collectible by taxes or against the occupant or occupants.

(20) *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.

(21) *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 [fire-hazards] 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.

(22) *Food* – to inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(23) *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.

(24) *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.

(25) *Grants-in-Aid* – to accept gifts and grants of Federal, State, and County funds from the Federal, State and County governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(26) *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 to their welfare or happiness.

(27) *Health* – to protect and preserve the health of the Town and its inhabitants; 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 Secretary of Health and Mental Hygiene, the County Board of Health, or any public general or local law relating to the subject of health.

(28) *House Numbers* – to regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the Town at the owner’s expense, such expense to constitute a lien upon the property collectible as tax moneys.

(29) *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 purpose.

(30) *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 amusements or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

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

(32) *Lights* – to provide for the lighting of the Town.

(33) *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.

(34) *Markets* – to obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

(35) *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.

(36) *Noise* – to regulate or prohibit unreasonable ringing [of] bells, crying of goods, or sounding of whistles and horns.

(37) *Nuisances* – to prevent or abate by appropriate ordinance all structures thereon for the benefit of the Town and its inhabitants; and to convey any real or [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.

(38) *Quarantine* – to establish quarantine regulations in the interest of the public health.

(39) *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.

(40) *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.

(41) *Sweeping* – to regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome material into any public way or on any public or private property in Town.

(42) *Taxicabs* – to license, tax, and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters, and expressmen, and all other persons pursuing [pursuing] like occupations.

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

(44) *Voting Machines* – to purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(45) *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.

(46) *Regulation of wharves and boats* – to determine upon and regulate all matters relating to the building of wharves in said Town, to regulate the moving of rafts, arks, and boats, and to prevent all nuisances and obstructions from being placed in the waters of the North East River in front of said Town.

(47) *Regulations* – to adopt by ordinance and enforce within the corporate limits, police, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Chapter [Charter].

(48) *Streets* – to construct, maintain and improve the streets and to control the public ways of the Town; to erect and maintain bridges; to provide for the lighting of the Town.

[3.] *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 502. Exercise of Powers.

For the purpose of carrying out the powers granted in this sub–title or elsewhere in this Chapter [Charter], the Board may pass all necessary ordinances. 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.

ARTICLE VI
Registration, Nomination and Elections

Section 601. Voters.

Each person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty (30) days preceding any Town election, and (d) 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 602. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members who shall be appointed by the Mayor within [with] the approval of the Board of Commissioners every year. The terms of the members of the Board of Supervisors of Elections begin on the first Monday in October in the year in which they are appointed and run for one year. 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 the term of office. The Board of Supervisors of

Elections shall appoint one of its members as Chairman. Vacancies on the Board of Supervisors of Elections shall be filled by the Mayor with the approval of the Board of Commissioners for the remainder of the unexpired term. The compensation of the members of the Board of Supervisors of Elections shall be determined by the Board of Commissioners. (See note (1))

Section 603. Removal.

Any member of the Board of Supervisors of Elections may be removed for cause by the Board of Commissioners, if in the judgement of the Board of Commissioners 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 the Supervisor and shall have a public hearing on them before the Board of Commissioners if requested within ten (10) days after receiving the written copy of the charges.

Section 604. Duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all Town elections. The Board of Supervisors of Elections may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Board of Commissioners.

Section 605. Notice.

The Board of Supervisors of Elections shall give at least two (2) 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 606. Registration.

1. Registration by a Town resident with the Cecil County Board of Supervisors of Election [Elections] shall be deemed registration for Town elections, provided that the application for such registration is received by a Maryland election officer no later than 9:00 p.m. on the fifth Monday prior to an election.

2. *Open Registration.* Qualified voters may register to vote at the Town Hall, during business hours, throughout the year.

3. The Board of Commissioners, by ordinance, shall adopt and enforce and [all] provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when necessary.

Section 607. Appeal.

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the names of any persons, or by any other actions, he may appeal to the Board of Commissioners. Any decision or action of the Board of Commissioners upon such appeals may, in turn, be appealed to the Circuit Court of Cecil County not later than the third Tuesday preceding the election.

Section 608. Nominations.

Persons may be nominated for elective office in the Town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the 2nd Monday in January 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 609. Election of the Mayor and Commissioners.

1. Two (2) Commissioners shall be elected on the second Monday of February in even numbered years to serve terms of two (2) years beginning the first Monday of March, in even numbered years. On the second Monday of February, in odd numbered years, an election shall be held for a Mayor and two (2) Commissioners to serve terms of two (2) years beginning the first Monday in March in odd numbered years.

2. In the case of any precise tie between two candidates for Mayor or for two (2) candidates for Commissioner, which would prevent one of them from holding office, a run-off election shall be held within the next thirty (30) days.

Section 610. Conduct of Elections.

1. Elections shall be on a non-partisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the Charter, arranged in alphabetical order by office with no party designation of any kind.

2. The Board of Supervisors of Elections shall keep the polls open from 7:00 A.M. TO [to] 7:00 P.M. on election days, or such other hours as may be designated by the Board.

Section 611. Absentee Ballots.

1. Any qualified voter registered to vote in the Town of North East is entitled to vote in any municipal election by absentee ballot.

2. The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to elections.

Section 612. 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 613. Vote Count.

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular and absentee ballots, 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 Board of Commissioners.

Section 614. Preservation of Ballots.

All ballots and records used in any Town election shall be preserved by the Board of Supervisors of Elections for at least six (6) months from the date of the election.

Section 615. Regulation and Control.

The Board of Commissioners shall have 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 616. Town Administrator or Town Clerk to Act in lieu of Board of Supervisors of Election [Elections].

The Mayor, with the approval of the Board of Commissioners, may designate the Town Administrator or Town Clerk to act in lieu of an established Board of Supervisors of Election [Elections].

ARTICLE VII

Finance

Section 701. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July and shall end the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 702. Budget.

The Mayor shall submit a budget to the Board, on such date as the Board by ordinance shall determine, but at least thirty–two (32) days before the beginning of any fiscal year. 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 703. Budget Adoption.

Before adopting the budget the Board shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the Town. The Board may insert new items or may increase or decrease the items of the budget. Where the Board shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount of at least equal to such total proposed expenditures. A favorable vote of at least a majority of the total elected membership of the Board shall be necessary for adoption.

Section 704. Transfer of Funds.

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

Section 705. Over–Expenditure Forbidden.

No officer or employee shall during any budget year 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 amount appropriate for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this section shall be null and void. Nothing in this section contained [Nothing contained in this section], however, shall prevent 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 such contract is made, when such contract is permitted by law.

Section 706. Appropriations Lapse After One Year.

All appropriations shall lapse at the end of the budget year to the extent that [they] shall not have been 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 707. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Clerk–Treasurer or an authorized agent and shall be counter–signed by the Mayor or an authorized agent.

Section 708. Taxable Property.

All the real property and/or business personal property within the corporate limits of the Town shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and County taxes. No authority is given by this section to impose taxes on property which is exempt from taxation by any Act of the General Assembly.

Section 709. Budget Authorized Levy.

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

Section 710. Notice of Tax Levy.

The Town may authorize or designate an individual corporation or entity to act as its duly authorized designee and/or agent for the purpose of mailing or delivering bills and accounts of taxes due and/or for the collection of any and all taxes due.

Each year after the tax levy is made, a bill or account of the taxes due shall be mailed or delivered in person to each taxpayer or an authorized agent at the last known address of the taxpayer. This bill or account shall contain a statement of the amount of real estate property and/or business 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 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 assessed property. (Res. No. C-2000-3-1, 8-8-00.)

Section 711. When Taxes are Overdue.

The taxes provided for in Section 710 of this Charter will be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. Unpaid taxes shall bear interest while in arrears at the rate of two-thirds of 1% for each month or fraction of a month that such tax is overdue. Payments must be received by the Town or individual, corporation or other entity duly authorized by the Town as its designee or agent to collect said payments prior to the close of the last business day of the month in order to avoid additional interest being due. All taxes not paid and in arrears after the last day of the following February shall be collected as provided in Section 712 and shall also be assessed a tax penalty equal to the County's collection fee. (Res. No. C-94-06-03, 8-9-94; Res. No. C-2000-3-1, 8-8-00.)

Section 712. 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 Section 711 of this Charter shall be turned over by the Clerk-Treasurer to

the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by State law.

Section 713. Audit.

The financial books and accounts of the Town shall be audited annually in a manner determined by the Board but not contrary to applicable State law.

Section 714. Tax Anticipation Borrowing.

In addition to any other borrowing power which the Town may presently have, from whatever sources derived, and notwithstanding any other provision or limitation of public local law, the Town shall have the power to borrow money and incur indebtedness, from time to time, for any public purpose, in anticipation of the collection of taxes or revenues, or both, direct or indirect, and to issue tax anticipation notes, notes in the nature of commercial paper or other evidences of indebtedness (hereinafter collectively referred to as “notes”) which shall be a first lien upon the proceeds of such taxes and revenues. All notes shall be authorized by ordinance, which ordinance shall not be subject to the referendum provision of Section 310 of this Charter and which shall be fully effective upon its final passage. The Town shall have the power to determine by such ordinance the form and terms and all other matters concerning the issuance and sale of notes, including, without limitation:

1. the manner of sale of such notes, which may be by private negotiation without notice of sale or solicitation of competitive bids;
2. the purchase price for such notes, which may be at, above or below the par value thereof;
3. the medium of payment therefor, which may be cash or other consideration;
4. the rate or rates of interest payable thereon, which may vary from time to time; such notes may be non-interest bearing;
5. the date or dates of maturity of such notes, provided, however, that no notes shall mature later than eighteen months from their respective dates of issue; and
6. any additional security for such notes, including, but not limited to, a trust indenture with a corporate trustee or trustees, which may be any trust company or a bank having the powers of a trust company within or without the State, a letter of credit, line of credit or any other credit arrangement with a bank or lending institution.

Section 715. Authorization To Borrow Money.

In addition to any other borrowing power which the Town may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public local law;

1. The Town may borrow money and incur indebtedness, from time to time, for any public purpose, and evidence that borrowing or indebtedness by the issue and sale of its general obligation bonds, notes issued in anticipation thereof, or other evidences of indebtedness (hereinafter collectively referred to as “bonds”).

2. All bonds shall be authorized by ordinance, which ordinance shall not be subject to the referendum provision of Section 310 of this Charter and shall be fully effective upon its final passage. The Town shall have the power to determine by such ordinance the form and terms and all other matters concerning the issuance and sale of bonds, including, without limitation:

a. the manner of sale of such bonds, which may be by private negotiation without notice of sale or solicitation of competitive bids;

b. the purchase price for such bonds, which may be at, above or below the par value thereof;

c. the medium of payment therefor, which may be cash or other consideration;

d. the rate or rates of interest payable on such bonds, which may vary from time to time; such bonds may be non-interest bearing;

e. the date or dates of maturity of such bonds.

3. The Town may pay the maturing principal of and interest on bonds, to the extent practicable, from the revenues, if any, of the particular project or improvement for which the bonds were issues [issued], notwithstanding any limitation contained in any other law.

4. In addition to any other sources of payment for the principal of and interest on the bonds, the Town may pay the maturing principal of and interest on such bonds, in whole or in part, from the proceeds of such capital contribution charges, connection charges (including area connection charges related to the cost of base plant construction as well as the actual cost of connection), ready to serve charges, service charges, charges for upkeep, benefit use charges, and any other charges or impositions as the Town may levy, impose and collect from time to time during the life of such bonds, the power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law.

5. In addition to any other sources of payment for the principal of and interest on such bonds, the Town may also pay the maturing principal of and interest on such bonds, in whole or in part, from the proceeds of such benefit assessments as the Town may levy, impose and collect

from time to time during the life of such bonds, the power and authority so to do being hereby specifically granted, notwithstanding any limitation contained in any other law.

6. If the bonds issued pursuant to this section are in the form of bond anticipation notes, the principal of and interest on such notes shall be payable to the bearer or registered holder thereof out of the first proceeds of sale of the bonds in anticipation of which such notes were issues [issued], or from tax or other revenues which shall have been previously determined and applies [applied] to the payment of the notes and the interest thereon.

7. The issuance of such bonds shall constitute a pledge of the full faith and credit of the Town to the payment of the principal of and interest on such obligations when due; the prompt payment of the principal of and interest on such bonds shall be made from unlimited ad valorem taxation and other revenues lawfully available for the purpose described in the authorizing ordinance or ordinances. In any event, the Town shall annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide, together with any other funds lawfully available for the purpose, for the payment of the maturing principal of and interest on such bonds, without limitation as to rate or amount.

8. Nothing contained in this section shall be deemed or construed to impair the terms or conditions of any bonds of the Town issued prior to the effective date of this section.

Section 716. 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 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. 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, 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.

Section 717. 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 718. Purchasing and Contracts.

Purchases for the Town government shall be prescribed by ordinance as adopted by the Board. That ordinance shall set forth the procedure, limits and authority of each person who, on behalf of the Town, makes purchases. In the absence of the adoption of said ordinance, purchases shall be made by the Clerk-Treasurer under the direction of the Board.

ARTICLE VIII

Administration

Section 801. Town Administrator.

The Town Administrator shall be responsible for the general operation and management of the Town Government and shall be chief administrative officer and chief personnel officer.

All Department Heads shall report to the Town Administrator and shall be evaluated by the Town Administrator. The Town Administrator and the Department Heads shall be the responsible parties for choosing employees at any level below that of Department Head. Department Heads shall be appointed by the Mayor with the advice of the Town Administrator and subject to the confirmation of the Board.

The Town Administrator shall assist the Mayor and Commissioners in preparation of the budget and shall be responsible for any and all other duties specifically assigned by the Mayor and the Board.

Section 802. Clerk–Treasurer.

The Clerk–Treasurer shall serve as clerk to the Mayor and Commissioners. The Clerk–Treasurer shall attend every meeting of the Board and keep a full and accurate account of the proceedings of the Board. The Clerk–Treasurer shall keep such other records and perform such other duties as may be required by this Charter or the Board. In the absence of the Clerk–Treasurer, an Assistant Clerk–Treasurer may perform the duties of the Clerk–Treasurer.

Section 803. Town Attorney.

The Mayor, with the approval of the Board, may appoint a Town Attorney. The Town Attorney shall serve at the pleasure of the Board whose compensation shall be determined by the Board. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Board. The Town shall have the power to employ other legal consultants as it deems necessary from time to time.

Section 804. Authority to Employ Personnel.

The Board shall have the power to provide for 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, which officers and employees shall be chosen in accordance with this Charter, the Code of Ordinances and the Personnel Policy and Procedures Manual.

Section 805. Compensation of Employees.

The Compensation of all officers and employees of the Town shall be as set from time to time by the Board by establishing pay scales, grade and increments.

Section 806. Employee Benefit Programs.

The Town may provide for or participate in hospitalization, retirement, and other forms of benefits for its officers and employees, and may expend public moneys of the Town for such programs.

Section 807. Personnel Policy and Procedures Manual.

The Town shall have a Personnel Policy and Procedures Manual which may be amended from time to time by a resolution of the Board in accordance with this Charter and the Code of Ordinances of the Town of North East.

ARTICLE IX
Public Ways and Sidewalks

Section 901. 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 902. Control of Public Ways.

The Town has control of all public ways in the Town except as may be under the jurisdiction of the Maryland 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.

ARTICLE X
Water and Sewers

Section 1001. Powers.

The Town shall have the power:

1. To construct, operate, and maintain a water system and water plant.
2. To assess fees, charges and assessments, including but not limited to deposits, connection fees, costs of construction of main or service water lines, major facilities charges, etc.
3. To require the submission of plans and specifications for construction and to approve, disapprove or conditionally approve said plans.

4. To construct, operate and maintain a storm water drainage system and storm water sewers.

5. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations, and structures of the above plants and systems.

6. To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

7. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 1002. Placing Structures in Public Ways.

Any public service corporation, company or individual, before beginning any construction, placing or relocation 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. If any unauthorized main, conduit, pipe, or other structure interferes with operation of the water, sewerage, or storm water systems, the Town may order it removed.

Section 1003. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, 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 shall, upon reasonable notice, 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 in Section 1102.

Section 1004. 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, or storm water sewers provided for in this Charter. Unless required by the state or 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 1005. Connections.

The Town shall provide a connection with water mains for all property abutting on any public way in which a water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed.

Section 1006. Charge for Connections.

The Town may make a charge, the amount to be determined by the Board, for each connection made to the Town's water 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 1007. Improper Uses.

In order to prevent any unauthorized use of water or improper use of water by leakage or waste, the Town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 1008. Extensions Beyond Boundaries.

The Town shall have the power to extend its water system beyond the Town limits.

Section 1009. Right of Entry.

Any employee or agent of the Town, while in the necessary pursuit of his official duties with regard to the water system operated by the Town, shall have the right of entry, for access to water 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 system.

Section 1010. 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.

Section 1011. Contracts for Water.

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 1012. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

Section 1013. Exceptions.

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

Section 1014. Violations and Penalties.

Any violation of the provisions of this article, or failure to comply with the requirements thereof, shall be deemed a misdemeanor and subject to penalties as set forth in Section 1204 of this Charter.

ARTICLE XI

Special Assessments

Section 1101. Power: Special Assessments.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of municipal improvements and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment 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 1102. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

1. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Board.
2. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits according to the property.
3. 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.
4. All special assessment charges shall be levied by the Board by ordinance. Before levying any special assessment charges, the Board 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, 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 Board 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 or 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 certification 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 Board in its discretion, may vote to proceed with the project and may levy the special assessment.

5. 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 of the County within twenty–one (21) days after the levying of any assessment by the Board.

6. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years, and in such manner as the Board may determine. The Board 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 Board.

7. All special assessment installments shall be overdue six (6) 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.

8. All special assessments shall be billed and collected by the Clerk–Treasurer.

ARTICLE XII
Town Property

Section 1201. Acquisition, Possession, and Disposal.

The Town may acquire real, personal, or mixed property within or outside of 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 1202. Condemnation.

The Town shall have the power to condemn property of any kind, or interest there or franchise connected therewith, in fee or as in easement, within or outside of 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 shall be deemed to be public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the “Real Property” Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts of 1974 and Article III, Section 40A of the Maryland State Constitution.

Section 1203. Town Buildings.

The Town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the Town government.

Section 1204. Protection of Town Property.

The Town shall have the power to do whatever may be necessary to protect Town property and to keep all Town property in good condition.

ARTICLE XIII

General Provisions

Section 1301. Oath of Office.

1. Before entering upon the duties of their offices, the Mayor, the Commissioners, the Clerk–Treasurer, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government, shall take and subscribe 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”.

2. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Cecil 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 1302. Official Surety Bonds.

The Clerk–Treasurer and such other officers or employees of the Town as the Board or this Charter may require, shall give bond in such amount and with such sureties as may be required by the Board. The premiums on such bonds shall be paid by the Town.

Section 1303. 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 offense 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 1304. Enforcement and Penalties.

To assure the observance of the Ordinances of the Town, the Board has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment not exceeding six (6) months, or both such fine and imprisonment. The Board also has the power to provide that violation of the Ordinances of the Town shall be a municipal infraction and has the power to affix thereto penalty of a fine not exceeding four hundred dollars (\$400.00) for any single, initial violation or two hundred dollars (\$200.00) for each repeat or continuing violation. The violation of any provision of the Ordinances of the Town is a misdemeanor unless specifically declared therein to be a municipal infraction. Any person subject to any fine, forfeiture, or penalty by virtue of any Ordinance passes [passed] under the authority of this Charter has the right to appeal within ten (10) days to the District Court for Cecil County. The Board may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1305. Effect of Charter on Existing Ordinances.

1. 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 in accordance with provisions of authority granted in this Charter.

2. 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 shall be and the same hereby are repealed to the extent of such conflict.

Section 1306. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid shall appear, 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.

ARTICLE XIV

Transitional Provisions

Section 1401. Nature of this Article.

The provisions of this Article relate to the transition from the existing form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1402. Transition Between Present and Charter-Mandated Forms of Government.

In order that this Charter may become operative promptly after it becomes law, the present form of government, as such is concerned with the powers and duties of the Mayor and Commissioners, shall continue in effect until the form of government provided in the Charter, concerning the same subject matter, becomes effective after the next municipal election.

NOTES

(1) In Section 602 the reference “December” was changed to “October” in the 1995 Supplement pursuant to correspondence from the Town of North East to the Department of Legislative Reference in December 1994 that explained that the change was simply a technical correction.

