CHARTER

OF THE

Town of Secretary

DORCHESTER COUNTY, MARYLAND

As found in the Public Local Laws of Dorchester County

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SECRETARY

Section 101. Incorporated; general powers.

The citizens of the town of Secretary, in Dorchester County are hereby constituted a body corporate under the name of the Commissioners of Secretary, and as such have perpetual succession, and by that name may sue and be sued, purchase, hold and dispose of real, personal and mixed property for the benefit of said town, own, use and alter, as may be required, a common seal, and exercise certain other privileges hereinafter specified.

Section 102. Corporate boundaries.

The corporate limits of the said town of Secretary shall be as follows: Beginning of the south bank of the Warwick River at a point west of the Baltimore, Chesapeake and Atlantic Steamboat Wharf, (or by whatsoever name or names the said wharf may be known), where the division line between the said steamboat property and the lands of Mr. R. T. Wright intersects the aforesaid south bank of the Warwick River; thence running with said division line in a south, southeasterly direction to the north side of the public road leading from Secretary to Cambridge; thence in an easterly direction with the north side of said road and causeway, Webster's coal and wood shed on the east bank of the south branch of the Warwick River; thence with the east bank of said south branch to the mouth of a ravine on or near the division line between the lands of Captain George W. Lane and the Tar Kiln track of land thence with the said ravine in an easterly direction to the division line between the lands of Mr. Samuel Webster and Mr. Tilghman; thence with said line in a northerly direction to and with the division line between the lands of Mr. Tilghman and Mr. Slocum and Mr. Tilghman and Mr. B. W. Holland, to and across the East New Market road, and continuing in the same northerly direction across the lands of Mr. Melroshak to the south bank of the north branch of the Warwick River; thence with the said south bank of the north branch to the south end of New or Short Bridge; thence with the middle of the said north branch in a westerly direction to a point in the Warwick River due north from the place of beginning; thence due south to the aforesaid beginning.

Section 103. Qualifications of voters.

All citizens of this State who have resided in said town six months next preceding the date of election, or who own real estate within the corporate limits of Secretary but who live outside of said limits and are at the time legally qualified to vote for State and county officers, shall possess all the qualifications of electors of said town with all the privileges such citizenship implies. (Res. 1982–1, Dec. 25, 1982.)

Section 104. Elections; qualifications for Commissioner.

(a) *Requirements*. On the first Monday of May 1972, an election shall be held between the hours of one and seven o'clock p.m., for the purpose of electing by ballot two commissioners of Secretary, who shall serve for a term of two years, and on the first Monday of May, 1973, an election shall be held between the hours of one and seven o'clock p.m., for the purpose of electing by ballot, two commissioners of Secretary, who shall serve for a term of two

years. On the first Monday of May 1972, an election shall be held between the hours of one and seven o'clock p.m. for the purpose of electing by ballot, a Mayor of Secretary, who shall serve for a term of four years. All shall serve thereafter until their successors are elected and qualified. A person desiring to be a candidate for Mayor or Commissioner shall, at least fifteen days before election, file with the Commissioners a certificate of his candidacy. The Commissioners shall not accept any certificate of candidacy unless the candidate is a qualified voter in, and an actual resident of Secretary. At least ten days before any election the Commissioners shall post in two or more conspicuous places in said town, the names of all persons to be voted upon for Mayor and Commissioners in the approaching election. The Commissioners shall provide a sufficient number of ballots for each election containing the names of all candidates for Mayor and Commissioners to be voted for therein arranged in alphabetical order and in the general form of the ballots used in the County Elections. Any person, eighteen years of age or older, and who has been residing within the corporate limits of the Town of Secretary for a period of six months prior to the date of any such election, or who owns real estate within the corporate limits of Secretary, but who lives outside of said limits, shall have the right to vote. Registrations shall be held at such time or places as the Commissioners may designate. All persons registered on or before April 30, 1972, shall have the right to vote at any and all elections held within the Town of Secretary. Notwithstanding any other provisions of Article 10, the Mayor of Secretary shall have all of the rights, privileges and duties of the President, and he shall preside at all meetings, and shall have the right to vote in case of a tie vote or the lack of a quorum of Commissioners at any meeting. (Res. 1982–2, Dec. 25, 1982.)

(b) *Powers*. In order to carry out the meaning and intent of this section, the Commissioners are empowered to do all things and to take any action, by ordinance or otherwise, deemed necessary for the regulation, efficient operation and functions of the election in the Town of Secretary.

Section 105. Commissioners to organize; president, clerk.

On the first regular meeting in July next following each election the Commissioners shall proceed to organize by electing one of their number President and appointing by some capable, well–qualified person, as clerk, whose duty shall be to keep a correct record of all their official proceeding **[**proceedings**]**, and to perform such other duties as the Commissioners may by ordinance designate. Said Clerk shall also act as treasurer of said town, giving to the Commissioners a bond with sufficient security, to be approved by them in the penalty of at least one thousand dollars ($1,000.00), conditioned for the faithful performance of his duties as treasurer.

Section 106. Meetings of Commissioners; compensation, general powers.

(a) After their organization, the Commissioners shall hold regular meetings at a specified place in the corporate limits in the City of Secretary, and such special meetings as may be necessary from time to time upon call by the President. The Mayor and Commissioners shall receive such compensation as may be set from time to time by ordinance passed by the Commissioners in the regular course of business, provided, however, that no change in compensation shall be made for any Mayor or Commissioner during the term in which said

ordinance was passed and said ordinance shall take effect only as to the next succeeding Mayor or Commissioner. The Commissioners shall have full power to make and enforce all such by–laws, rules and ordinances, not in conflict with the laws of this State, as may be required for the prosperity of said town for the comfort, health and convenience of its inhabitants, for the prevention and removal of nuisance and unhealthfulness, and for the suppression of vice and immorality within the town's limits to appoint bailiffs and fix their term of office, to enforce such laws to preserve the peace and good order of the town, and perform such other duties as the Commissioners may assign them and for this purpose said bailiffs are vested with the same power and authority and shall have the same remuneration as constables now have under the laws of this State.

(b) All meetings of the Mayor and Commissioners shall be open to the public, except in special and appropriate circumstances when such meetings as called by the President and/or Mayor, to wit: executive sessions, may be closed in accordance with Subtitle 5 of Title 10 of the Annotated Code of Maryland (1957 Edition, as amended), to wit: the Maryland Sunshine Law. (Res. No. 2003–1, 7–9–03.)

Section 107. Compensation of officers and employees.

The Commissioners shall fix the salaries and amount of remuneration of all officers and employees.

Section 108. Oath of office.

All officers of this corporation before entering upon their duties shall subscribe to an oath to faithfully perform said duties, and a copy of the same shall be filed with the Commissioners.

Section 109. Taxes; tax rate, assessments, tax collections.

In each year an annual levy shall be made by the Commissioners of Secretary between the first and fifteenth day of June, and the Commissioners shall have power to place a tax on all taxable property located within the corporate limits of said town at an equal rate at their discretion for the purpose of defraying the expenses of said town. The assessment of said property for each respective year shall be the same as that used for the same properties by Dorchester County, and the Clerk to said Commissioners shall have ready at the time the annual levy is made a list of all taxable property located within said town showing thereon the name of the owner of said property and its assessment. When the annual levy is made the Commissioners shall fix the rate of tax to be levied against said property and between the first and fifteenth day of August following such levy, the Clerk shall place on said list the amount of taxes due on each property and chargeable to the owner thereof. On or before the fifteenth day of August the said Clerk shall mail to each taxpayer a statement showing the amount of taxes levied on his property for the year. The Commissioners may allow a discount for prompt payment of taxes and may charge interest on delinquent taxes, all of which may from time to time be determined by said Commissioners. If said taxes are not paid by June 15th of the year following such levy, the Clerk shall prepare and have posted within five days thereafter in five or more conspicuous places within the corporate limits of said town, a list of the delinquent taxpayers with the amount

thereon owed by each, and a warning thereon that unless such taxes are paid on or before the 1st day of September following, the properties upon which said taxes are levied, or so much thereof as may be necessary shall be sold to enforce payment of said taxes. The real estate of any taxpayer shall be held responsible for the payment of any taxes on said real estate owned by him, and on personal property assessed to him in said town. All assessment for taxes shall become prior liens over all other adverse claims and liens against the respective property. If any taxes are unpaid on September 1st, in the year following in which the levy therefor was made, it shall be the duty of the Clerk of the said Commissioners thereafter to proceed to sell a sufficient amount of said property for the payment of said taxes, interest and costs, and his procedure shall be as follows: As to real property, the tax sale shall be made according to and subject to the provisions of the sub–title "Tax Sales" in Article 81 of the Annotated Code of Maryland. As to personal property, the Clerk shall between the first and thirty–first days of October each year following the year in which a levy is made advertise for sale at public auction the properties upon which taxes remain unpaid, which advertisement shall be inserted in some newspaper published in Dorchester County for at least once not later than ten days before the day of sale. A taxpayer may at any time before the actual sale of property pay the taxes due thereon with interest and cost to the date of payment, in which event, said property shall not then be sold. On the day appointed and designated in the advertisement for sale, the Clerk shall attend at the place named and proceed to sell the personal properties advertised and on which the taxes remain unpaid to that time or so much of said properties as may be necessary to pay said taxes, interest and cost. A taxpayer or a lien holder in interest shall have twelve months after the day of sale in which to redeem the personal property sold by paying the taxes, interest and cost, which interest shall be at the rate of fifteen percent (15%). At the expiration of twelve months after said sale the Clerk shall report to the Circuit Court for Dorchester County, Under **[**under**]** oath, the sales of all personal property made by him for taxes and which have not been redeemed. The Court shall order a nisi thereon warning all persons in interest that unless said taxes, interest and cost are paid by a day to be designated in said order, the sale so made will be ratified and confirmed, and after the expiration of the time designated in said order nisi, the Court shall ratify and confirm all sales made and reported that have not been redeemed. After said sales are confirmed by said Court, the Commissioners shall have authority to grant and convey any personal property sold to the respective purchasers thereof when but not before the entire sale price therefor shall be paid.

Section 110. Supervision and maintenance of streets.

The corporation shall assume the supervision of all public highways in said town, not under the supervision of the County or State, to keep the same properly repaired; and the Commissioners shall have the power to repair, widen or extend old streets, lay out new ones and open the same; condemn rights of way or acquire the same by purchase, assess damages in the premises and pay the same out of any moneys in the treasury not otherwise appropriated, according to State laws in such cases made and provided, whenever the welfare of the town and the condition of the treasury shall justify such proceedings.

Section 111. County payment of road funds.

The County Commissioners of Dorchester County shall annually pay to the Commissioners of the Town of Secretary seven hundred and fifty dollars out of the taxes levied

and collected for roads in said county, to be applied by the Town Commissioners for corporate purposes; provided, that all payments heretofore made by the County Commissioners of Dorchester County to the County Commissioners of Secretary for the corporate purposes of said town, shall be and the same are hereby ratified and confirmed.

Section 112. General powers of town.

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, 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 nights.

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. *Elevator*s. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

21. *Emminent* ***[****Eminent****]*** *domain*. To condemn land and property in accordance with the procedures provided in Title 12 of the Real Property Book **[**Article**]** of the Annotated Code of Maryland (1974 Edition, as amended).

22. *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.

23. *Filth*. To compel the occupant of any premises, building or outhouse situated in the town, if it has become after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to access the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

24. *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.

25. *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 take all other measures necessary to control and prevent fires in the town.

26. *Food*. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products.

27. *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.

28. *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.

29. *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.

30. *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 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.

31. *Health*. To protect and preserve the health of the town and its inhabitants; 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 sanitary **[**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.

32. *House numbers*. To regulate the numbering of houses and lots and to compel owners to renumber them, or in default at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

33. *Housing*. To provide for a code of minimum housing standards.

34. *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.

35. *Licenses*. Subject to any restrictions imposed by the 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.

36. *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.

37. *Lights*. To provide for the lighting of the town.

38. *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.

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

40. *Minor privileges*. To regulate or prevent the use of the 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.

41. *Noise*. To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

42. *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 such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

43. *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.

44. *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.

45. *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 Roads Commission of Maryland must first by **[**be**]** approved by the Commission.

46. *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.

47. *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.

48. *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.

49. *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, whether held in a governmental of **[**or**]** proprietary capacity to control, protect and maintain public buildings, grounds and property of the town.

50. *Quarantine*. To establish quarantine regulations in the interests of the public health.

51. *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.

52. *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 from **[**front**]** thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

53. *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 way or on any public or private property in the town.

54. *Taxicabs*. To license, tax and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

55. *Vehicles*. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

56. *Voting machines*. To purchase, lease, borrow, install and maintain voting machines for use in town elections.

57. *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.

58. *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 113. Bailiff; duties.

The bailiff shall perform duties as the Commissioners shall direct; he shall preserve the peace, prevent disorderly or irregular meetings of persons, and he shall enforce all ordinances that may be enacted by the Commissioners; he shall enforce all ordinances that may be enacted by the Commissioners; he shall serve all notice or process required by said Charter, or any ordinance passed by virtue thereof, and his return duly endorsed thereon shall be evidenced of the facts therein stated.

Section 114. Borrowing power.

(a) *Purposes; procedure*. The Commissioners shall have the power to borrow money for any public purpose, including the refinancing of any outstanding indebtedness and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issued in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issue and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, the same to be issued and sold in the manner prescribed in Sections 31–37, inclusive, of Article 23A of the Annotated Code of Maryland (1966 Replacement Volume), title “Corporations – Municipal,” subtitle “Home Rule,” subheading “Creation of Municipal Public Debt,” provided, however, that if the ordinance or ordinances authorizing the issue and sale of any of such bonds or notes shall so specify, the bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation of competitive bids.

(b) *Requirements*. The issuance and sale of such general obligation bonds, or tax anticipation notes, shall constitute a pledge of the full faith and credit of the Commissioners of Secretary to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances, of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid, in whole or in part, from the proceeds of such benefit assessments or charges, or any combination thereof, as the Commissioners may impose and collect during the life of the bonds, power and authority so to do being hereby specifically granted where appropriate to the public purpose for which the bonds may be issued. In any event, the Commissioners shall, if and to the extent necessary, annually levy upon all property subject to taxation within the corporate limits of the town of Secretary ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on any such bonds or notes, without limitation as to rate or amount, notwithstanding any limitation contained in Section 19–9 of this Code or in any other law and the issuance and sale of any bonds or notes shall constitute a covenant to that effect.

(c) *Powers*. In order to carry out the meaning and intent of this section, the Commissioners are empowered to do all things and to take action, by ordinance or otherwise, deemed necessary for the regulation, efficient operation and maintenance of any work, plant or system of public improvement, or any part thereof, financed pursuant to the authority of this section. The authority and powers contained in this section shall be supplementary to existing law and such authority or powers or any of them may be exercised by the Commissioners notwithstanding any other provision or limitation of law.

Section 115. Vacancies in office.

If any vacancy should occur in the office of Mayor by reason of resignation, death, removal from office, change of residence, failure to qualify, or otherwise, the then acting President of the Commissioners shall be designated to fill the vacancy occurring in the office of the Mayor and shall act in that capacity until the next election of Mayor or until his successor is duly elected and qualified. The vacancy occurring in the office of Commissioner by such action shall be filled by appointment by the remaining three Commissioners and shall serve in such capacity until his successor is duly elected and qualified.