

CHARTER

OF THE

Town of Cecilton

CECIL COUNTY, MARYLAND

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CECILTON

ARTICLE I General Corporate Powers

Section 101.

The inhabitants of Cecilton within the limits legally established from time to time are hereby constituted and continued a body corporate by the name of the “Mayor and Council of Cecilton” 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 of Cecil County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference [Services] and in the municipal office of the Town of Cecilton. All the officials named in this section are directed to file or record all such descriptions of corporate boundaries in a suitable place, properly indexed, and available for public inspection during normal business hours.

ARTICLE III The Council

Section 301. Number, Selection, Term.

All legislative powers of the Town are vested in a Mayor and Council who shall be elected as hereinafter provided and who shall hold office for a term of two (2) years or until the succeeding Council takes office. The regular term of Council Members shall expire on the first Monday in May following the election of their successors. Council Members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter.

Section 302. Qualifications of Council Members.

Council Members shall be at least twenty-one (21) 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 residence in the Town during their term of office.

Section 303. Salary of Council Members.

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

Section 304. Meetings of the Council.

The newly elected Council shall meet at 7:00 p.m. on the first Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk-Treasurer upon request of the Mayor or a majority of the members of the Council. Except as provided by State law, all meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

Section 305. Quorum.

A majority of Council Members shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Council Members.

Section 306. Procedure of the Council.

The Council 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 question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to the public for inspection.

Section 307. Vacancies on the Council.

In the event of a vacancy on the Council for any reason, the Council, by majority vote of the remaining members of the Mayor and Council, shall appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term.

Section 308. Ordinances.

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (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 specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all members of the Council.

(b) Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following passage by the Council.

(c) Each ordinance shall be published at least once in a newspaper having general circulation in the municipality. (Res. 3/12/81.)

Section 309. Files of Ordinances.

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

ARTICLE IV
The Mayor

Section 401. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold for a term of two (2) years or until his successor is elected and qualified. The newly elected Mayor shall take office on the first Monday in May following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which the Mayor was elected and until the Mayor’s successor takes office under the provisions of this Charter.

Section 402. Qualifications of Mayor.

The Mayor shall be at least twenty–one (21) years of age, must have resided in the Town for at least one year immediately preceding his election and must be a qualified voter of the Town. The Mayor shall maintain a permanent residence in the Town during the Mayor’s term of office.

Section 403. Salary of the Mayor.

The Mayor shall receive a [an] annual salary as set from time to time by an ordinance passed by the Council in the regular course of business. No change shall be made in the salary for any Mayor during the term for which the Mayor was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally

ordained prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor.

Section 404. Powers and Duties.

(a) *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.

(b) *Appointments.* The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor, in accordance with rules and regulations which may be adopted by the Council.

(c) *Reports.* The Mayor each year shall report to the Council the conditions of municipal affairs and make such recommendations as the Mayor deems proper for the public good and the welfare of the Town.

(d) *Council Meetings.* The Mayor shall serve as the presiding officer at all Council meetings. The Mayor may express the Mayor's views concerning any matter and shall possess the same voting privileges as other Council Members.

(e) *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 Council. The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *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 of the Mayor by the Council, but not inconsistent with this Charter.

Section 405. Vacancy in the Office of Mayor.

If, within the period of one year following any mayoral 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. If such a vacancy occurs after the first year of the present term, the Council shall elect one of their members to serve as mayor until the next regularly scheduled election.

ARTICLE V
General Powers

Section 501. General Powers.

(a) The Council shall have the power to pass all such ordinances not contrary to the Constitution and the laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Town.

(b) In addition to all the powers granted to the Council by this Charter or any other provision of law, the Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.

Section 502. Enumeration of Specific Powers.

(a) *Specific Powers.* The Council 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) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining, theatrical or other public amusements.

(3) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Commission.

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

(5) *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 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.

(6) *Codification.* To provide for the codification of all ordinances which have been or may hereafter by [be] passed.

(7) *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.

(8) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys, or other public places at certain hours in accordance with State and federal law.

(9) *Dangerous Conditions.* 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.

(10) *Dogs.* To regulate the ownership of dogs in the Town and to provide for the disposition of homeless and/or unlicensed dogs.

(11) *Explosives.* 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.

(12) *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; to appropriate municipal monies for any purpose within the powers of the Council; to borrow money in accordance with the provisions of this Charter.

(13) *Fire.* To contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards; to forbid and prohibit the use of fire-hazardous buildings and structures; to regulate or prevent the use of bonfires, explosives, or any other similar matters which may endanger persons or property; to take all other measures necessary to control and prevent fire in the Town.

(14) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article [Articles] 23 and 78 of the Annotated Code of Maryland (1957 edition, as amended). No franchise shall be granted for a longer period than fifty (50) years.

(15) *Grants-in-Aid.* To accept gifts and grants of federal or State funds, and to expend the same for any lawful public purpose, agreeable to the conditions under which the grants or gifts were made.

(16) *Hawkers.* To license, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets or public places of the Town and to revoke such licenses for cause.

(17) *Health.* To protect and preserve the health of the Town and its inhabitants; to regulate, inspect, and abate any buildings, structures, or places which cause or may cause any unsanitary conditions or conditions detrimental to health. To compel the occupant of any premises, building or outhouse situated in the Town, when the same 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 such property. Provided, however, that the exercise of these powers shall not 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.

(18) *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 collectable as tax monies.

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

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

(21) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, and other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of any such ordinance in effect concerning this matter.

(22) *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 the same be herein specifically named or not; to prohibit, to control location of, or to require the removal from the Town of all its trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.

(23) *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.

(24) *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; to install parking meters along Town streets.

(25) *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.

(26) *Planning and Zoning.* To exercise the power as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland (1957 edition, as amended) subject however to the limitations and provisions of said article.

(27) *Police Force.* To establish, operate, and maintain a police force.

(28) *Police Powers.* To prohibit, punish, and suppress vagrancy, vice, gambling, and the owning or keeping of houses of ill fame within the limits of the Town. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of he [the] municipality and beyond those limits for one-half mile, or for so much of the distance as does not conflict with the powers of another municipal corporation.

(29) *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 public use, after having given at least twenty (20) days public notice of the proposed conveyance; to control[,] protect and maintain public buildings, grounds and property of the Town.

(30) *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 Charter.

(31) *Sidewalks.* To construct, maintain, and improve sidewalks and regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow, ice or other obstructions; to prescribe hours for clearing and cleaning sidewalks.

(32) *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.

Section 503. Exercise of Powers.

For the purpose of carrying out the powers granted in this sub-title or elsewhere in this Charter, the Council 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.

Section 504. Enforcement.

To ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof shall be a misdemeanor or a municipal infraction and to affix thereto penalties that do not exceed the maximum penalties prescribed by law.

ARTICLE VI

Registration, Nomination, and Elections

Section 601. Voters.

Every person who (a) is a legal resident of the Town of Cecilton and a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided in the Town for thirty (30) consecutive days preceding the Town election, and (d) is registered in accordance with the provisions of this Charter, (Section 606), is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all Town elections. (Res. No. 2002-07, 1-15-03.)

Section 602. Board of Election Supervisors.

There shall be a Board of Election Supervisors consisting of four (4) members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in June. Two members shall be alternately appointed each year except that for the initial appointment, two members shall be appointed to only serve a one year term, and two members shall be appointed to serve for a two year term. Thereafter, all member's terms shall run for two years. In the event of a member's resignation or removal, a successor shall be appointed to fill that portion of the former member's unexpired term. The terms of each member of the Board of Election Supervisors shall begin on the first Monday in June in the year in which they are appointed. Members of the Board of Election Supervisors shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. Each member of the Board of Election Supervisors shall be compensated for any election days worked, not less than \$75.00 per person, and paid within thirty (30) days from the date of the election. The Mayor and Council at their discretion may at any time, through an ordinance revision, increase the amount of compensation paid to the Board of Election Supervisors. (Res. No. 2002-07, 1-15-03.)

Section 603. Removal.

Any member of the Board of Election Supervisors may be removed for good cause by the Council, if in the judgment of the Council, the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Election Supervisors will have a public hearing before the Council if the member so requests in writing

within ten (10) days after receiving the written copy of the charges against the member. (Res. No. 2002-07, 1-15-03.)

Section 604. Duties.

(a) The Board of Election Supervisors shall be in charge of the registration of the voters, nomination of candidates, and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses or other compensations shall be paid to such appointee except as provided by the Council.

(b) Policies and procedures for the conduct of elections in the Town of Cecilton shall be observed as set forth and adopted by Town Council. (Res. No. 2002-07, 1-15-03.)

Section 605. Notice.

The Board of Election Supervisors 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. (Res. No. 2002-07, 1-15-03.)

Section 606. Voter Registration.

(a) Registration with the Cecil County Board of Elections by a citizen who maintains legal residence within the corporate limits of the Town of Cecilton shall be deemed registered for Town elections. There shall be a registration every year on the first Monday of March of qualified persons not already registered to vote.

(b) If necessary for the performance of the registration or the convenience of the citizens of the Town, the Mayor may designate additional days as registration days. Registration may also be made at the Town Office during normal office hours until thirty (30) days prior to an election.

(c) Qualified voters shall register by filing the official Voter Registration Application for the Town of Cecilton, certifying that he/she is (1) a legal citizen of the United States, (2) a resident of the of the Town for not less than thirty (30) consecutive days, (3) is not less than eighteen (18) years of age, (4) is not under guardianship for mental disability, (5) has not been convicted of any felony without a pardon, (6) is not under sentence, or probation, or parole following conviction for any crime that is a felony, treason, perjury, or any crime involving any element of deceit, fraud, or corruption.

(d) Voter registration shall be permanent, and no person is entitled to vote in Town elections unless that person is registered. The Board of Election Supervisors shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the Town.

(e) Voter registrations may be limited to municipal elections within the Town of Cecilton and not for the county or general elections by so indicating on the registration form. The Board of Election Supervisors shall then provide such residents with a Town of Cecilton voter registration card.

(f) The Council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for re-registration when necessary. (Res. No. 2002-07, 1-15-03.)

Section 607. Appeal.

If any person is aggrieved by the action of the Board of Election Supervisors in refusing to register or in striking off the name of any person, or by any other action, that person may appeal to the Council. Any decision or action of the Council upon such appeals may, in turn, be appealed to the District Court of Cecil County within ten (10) days of the decision or action of the Council. (Res. No. 2002-07, 1-15-03.)

Section 608. Candidate Nominations.

The Board of Election Supervisors shall give at least two (2) weeks notice of candidacy for nomination in the upcoming 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 Town. Persons may be nominated for elected office in the Town by filing a "Certificate of Nomination" at the office of the Board of Election Supervisors on or after the first Monday in March up to but not including the first Monday in April 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. Any candidate so nominated must be a legal resident of the Town and be a registered voter thereof. (Res. No. 2002-07, 1-15-03.)

Section 609. Election of the Mayor and Council Members.

(a) On the first Monday in May in every odd-numbered year, an election will be held for a Mayor and two (2) Council Members who shall be elected for two (2) year terms. On the first Monday in May in every even-numbered year thereafter, an election will be held for two (2) Council Members who shall be elected for a two-year term.

(b) In the case of any precise tie between two (2) or more candidates for Mayor or Council, which would prevent one of them from holding office, a run-off election shall be held within the next thirty (30) days. (Res. No. 2002-07, 1-15-03.)

Section 610. Conduct of Elections.

(a) 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 this Charter, arranged in alphabetical order by office with no party designation of any kind.

(b) A candidate may not linger at the polls but must exit the area immediately upon casting a ballot.

(c) The Board of Election Supervisors shall keep the polls open from 7:00 a.m. to 7:00 p.m. on election days, or such other hours as may be designated by the Council.

(d) Electioneering will be permitted at the polls on the day of election as long as it is conducted not less than one hundred (100) feet away from the polling entrance. Distance will be measured and clearly marked prior to the opening of the polls. (Res. No. 2002-07, 1-15-03.)

Section 611. Absentee Ballots.

(a) Any qualified voter registered to vote in the Town of Cecilton is entitled to vote in any municipal election by absentee ballot.

(b) The Board of Election Supervisors shall mail absentee ballots to qualified voters, at the written request of those voters, not less than fifteen (15) days prior to the election. Qualified voters, or an authorized agent, may apply in person to the Board of Election Supervisors for an absentee ballot up to and including the day before election day in cases where he or she finds that they will be unable to attend the polling location on election day. Absentee ballots must be received by the Board of Election Supervisors by 7:00 p.m. on election day.

(c) Absentee ballots will be date stamped on the envelope as they are received and the ballots and envelopes will be retained for a period of six months after the election. (Res. No. 2002-07, 1-15-03.)

Section 612. Special Elections.

All special Town elections shall be conducted by the Board of Election Supervisors in the same manner and with the same personnel, as far as practicable, for regular Town elections. (Res. No. 2002-07, 1-15-03.)

Section 613. Vote Count.

Immediately upon the closing of the polls, the polling place shall be cleared of all persons other than the Board of Election Supervisors. The Board of Election Supervisors shall tally and determine the validity of all the votes cast, including absentee ballots, for each candidate or question, and shall certify the results of the election to the Administrator and the Clerk-Treasurer of the Town, who shall post the election results in a public place as well as report the results for the minutes of the next meeting of the Town Council. (Res. No. 2002-07, 1-15-03.)

Section 614. Preservation of Ballots.

All ballots in any Town election shall be preserved for at least six (6) months from the date of the election at which time they shall be destroyed by shredding or similar means.

Documentation of each Town election shall be maintained on file within the records of the Town office for a period of five (5) years and then similarly destroyed. (Res. No. 2002-07, 1-15-03.)

Section 615. Regulation and Control.

The Council 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. Election Clerk to Act in Lieu of Board of Election Supervisors.

The Mayor, with the approval of the Council, may designate [the an] [an] Election Clerk to act in lieu of an established Board of Election Supervisors whenever such is deemed necessary. (Res. No. 2002-07, 1-15-03.)

Section 617. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinance passed thereunder, or (c) willfully or corruptly does anything which will, or will tend to, affect fraudulently any registration, nomination, or election, shall be deemed guilty of a violation of this Article. Any officer or employee of the Town government who is convicted of a violation under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

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 on 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 prepare and submit, or supervise the preparation of, a budget to the Council, on such date as the Council 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 Council shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the Town or by mailing a notice to each property taxpayer who resides in the jurisdiction. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, its [it] shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for the adoption.

Section 704. Transfer of Funds.

Any transfer of funds between major appropriations for different purposes must be approved by a vote of two-thirds of the entire membership of the Council 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 appropriated 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, 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 a contract is made, when such a 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 unexpected [unexpended] and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 707. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Clerk-Treasurer and shall be countersigned by the Mayor or the Mayor's authorized agent.

Section 708. Taxable Property.

All 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.

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 his/her agent at the last known address. 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 the property.

Section 711. When Taxes are Overdue.

The taxes provided for in Section 710 of this Charter shall 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. They shall bear interest while in arrears at the rate specified by State law until paid. The Town shall provide for the semiannual payment of property taxes as specified by State law. All taxes not paid and in arrears after [the] last day of March shall be collected as provided in Section 712.

Section 712. Sale of 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 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. Fees.

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

Section 714. Audit.

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

Section 715. Tax Anticipation Borrowing.

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be first a lien upon the proceeds of such tax and shall mature and be paid no later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per cent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 716. Authorization to Borrow Money.

The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37 inclusive of Article 23A of the Annotated Code of Maryland.

Section 717. 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 and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such a pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 718. Revenue Bonds.

The Town shall have the power to issue revenue bonds for one or more revenue-producing projects that serve a proper public purpose. Prior to issuance of revenue bonds, the Council shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the Town shall not be pledged for the payment of revenue bonds.

Section 719. 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 by ordinance 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 720. Purchasing and Contracts.

Purchases for the Town shall be made by the Clerk/Treasurer under the direction of the Mayor and Council. The Council shall provide by ordinance for rules and regulations regarding the use of competitive bidding for Town purchases and contracts including the level of expenditures below which competitive bids are not required.

ARTICLE VIII
Administration

Section 801. Town Administrator.

(a) The Mayor and Council may appoint a Town Administrator to be the Chief Administrative Officer of the Town. The Town Administrator shall serve at the pleasure of the Mayor and Council. The compensation for the Town Administrator shall be set by an ordinance to be passed by the Mayor and Council. The Town Administrator need not be a resident of the Town.

(b) *General Powers and Duties.* The Town Administrator shall be responsible for the day to day operations of the Town government and shall be responsible for carrying out the policies determined and approved by the Mayor and Council.

(c) *Enumeration of specific powers and duties.* The Town Administrator shall:

(1) Attend Council meetings and may take part in discussion, but the Town Administrator shall not have a vote.

(2) Except as otherwise provided in this Charter, shall with the approval of [the] Mayor and Council hire, employ, suspend, or remove for sufficient cause all employees of all offices, department [departments], and agencies of the Town Government as established by this Charter or by Ordinance.

(3) Direct and supervise the administration of all offices, departments, and agencies of the Town, except as otherwise provided by this Charter or by ordinance.

(4) Report monthly to the Mayor and Council the condition of municipal affairs and make such recommendations as the Town Administrator deems proper for the public good and welfare of the Town.

(5) Prepare, or have prepared, annually a budget and submit it to the Mayor and Council in accordance with the provisions of Article VII, Section 702.

(6) Supervise the administration of the budget as adopted by the Mayor and Council.

(7) Supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(8) Perform other such duties as may be prescribed by this Charter or as may be required by the Mayor and Council, not inconsistent with this Charter.

Section 802. Clerk–Treasurer.

The Clerk–Treasurer shall serve as the clerk to the Mayor and Council. The Clerk–Treasurer shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. The Clerk–Treasurer [Clerk–Treasurer] shall keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 803. Town Attorney.

The Mayor, with the approval of the Council, may appoint a Town Attorney. The Town Attorney shall serve at the pleasure of the Mayor and Council and compensation shall be determined by the Mayor and Council. 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 Council. 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 Mayor and Council shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government.

Section 805. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Mayor and Council, subject to the restriction imposed upon establishing the salaries of the Mayor and Council.

Section 806. Employee Benefit Programs.

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

Section 807. Prohibition.

No employee in the service of the Town shall continue in such position after becoming a candidate for nomination or election to any public office in the Town.

Section 808. Town Engineer.

The Mayor, with the approval of the Council, may appoint a Town Engineer, who shall serve at the pleasure of the Mayor and Council. The Town Engineer shall perform such duties in this connection as may be required by the Council. The qualifications of the Town Engineer shall be established by the Mayor and Council.

**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 such 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:

- (a) To construct, operate, and maintain a water system and water plant.
- (b) To construct, operate, and maintain a sanitary sewage system and a sewage treatment plant.
- (c) To construct, operate, and maintain a storm water drainage system and storm water sewers.
- (d) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (e) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(f) 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 the 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, to other structures, in, on, or over nay [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 obstruction at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Section 1202.

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, sanitary sewerage system, sewage treatment plant, or storm water system 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 the condition not inferior to that existing before.

Section 1005. Connections.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by 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 Council, for each connection made to the Town's water or sewer mains. This charge shall be uniform throughout the Town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section 1007. Improper Uses.

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

Section 1008. Private Systems.

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

Section 1009. Extensions Beyond Boundaries.

The Town shall have the power to extend its water or sewerage systems beyond the Town limits.

Section 1010. Right of Entry.

Any employee or agent of the Town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the Town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the Town or in the county served by the Town's water or sewage disposal system.

Section 1011. Pollution of Water Supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water in the Town water supply system.

Section 1012. 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 1013. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready to serve charges as it deems necessary for water supplied and for the removal of sewage.

All charges shall be a lien on the property, collectible in the same manner as the Town taxes or by suit of law.

Section 1014. Violations and Penalties.

To ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof shall be a misdemeanor or a municipal infraction and to affix thereto penalties that do not exceed the maximum penalties prescribed by law.

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 service of the administrative staff of the Town, and any other item of cost which may be reasonably attributed to the project.

Section 1102. Procedure.

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

(a) 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 Council.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property.

(c) 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.

(d) All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys,

may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Clerk–Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Council in its discretion, may vote to proceed with the project and may levy the special assessment.

(e) 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 of the Council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty (40) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(g) All special assessments installments shall be overdue (6) six months after the date on which they become 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.

(h) 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 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. Before the acquisition or disposal of any property by the Town, Mayor and Council must adopt an Ordinance authorizing the purchase or sale of the property.

Section 1202. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be public purpose. The manner of procedure in case of any condemnation proceedings shall be that established by State law.

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.

(a) Before entering upon the duties of their offices, the Mayor, the Councilmen, 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 Constitutions and Laws of this State.”

(b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the 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 and employees of the Town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town.

Section 1303. Prior Rights and Obligations.

All right, title, and interest held by the Town or any other person or corporation at the time the 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 action, both civil and criminal, pending, or which any 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.

(a) To ensure the observance of ordinances of the Town, the Mayor and Council have the power to provide that violation thereof shall be a misdemeanor, unless specified as a municipal infraction, and shall have the power to affix thereto penalties of a fine, and/or imprisonment, for any amount and/or any time up to the maximum authorized by the State of Maryland for municipalities to impose for the violation of its laws. Any person subject to any fine, forfeiture or penalty has the right to appeal to the Circuit Court of Cecil County in accordance with the provisions of law. The Mayor and Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) The Mayor and Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For the purpose of this section a municipal infraction is a civil offense.

(c) A fine for any amount up to the maximum authorized by the State of Maryland for municipalities to impose for the violation of its laws may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of the citation, unless otherwise provided by law. Each day a violation continues shall constitute a separate offense.

(d) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(e) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

Section 1305. Effect of Charter on Existing Ordinances.

(a) 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.

(b) 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 the Charter shall be and the same hereby 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 so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.