CHARTER

OF THE

Town of Church Creek

DORCHESTER COUNTY, MARYLAND

As found in the Public Local Laws of Dorchester County,
1974 Edition, as amended

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CHURCH CREEK

Section 4–1. Incorporated; general powers.

The citizens of the town of Church Creek are a body corporate, by the name of "The Commissioners of Church Creek," with all the privileges of a body corporate, and shall have a common seal and perpetual succession. (P.L.L., 1888, Art. 10, sec. 89; 1930, sec. 118; 1961 Code, sec. 128. 1867, ch. 53.)

Section 4–2. Voters' qualifications; election of Commissioners.

The citizens of Church Creek, of the age of eighteen years and upwards, being citizens of the United States, who have resided therein for the space of six months next thereto preceding, shall elect on the first Monday of April in every second year, accounting from the year eighteen hundred and sixty–seven, at the usual place of holding elections in said town, five Commissioners for said town, who shall have resided within the limits of the same for one year next preceding the election. (P.L.L., 1888, Art. 10, sec. 90; 1930 sec. 119; 1961 Code, sec. 129. 1867, ch. 53; Res. No. 1, New Series, Dec. 5, 1960; Res., 1–74–1, March 18, 1974, sec. 129.)

Section 4–3. Conduct of elections.

Said elections shall be held and conducted as shall from time to time be directed by the laws of the corporation, not inconsistent with the provisions of this subtitle of this Article. (P.L.L., 1888, Art. 10, sec. 91; 1930, sec. 120; 1961 Code, sec. 130. 1867, ch. 53.)

Section 4–4. President of Board of Commissioners.

The said Commissioners, on the first meeting after said election, shall choose some one of their number president of the board, whose duty it shall be to preside at their meetings, and preserve order and give such directions as may be deemed necessary by them to carry into effect the provisions of this subtitle of this Article. (P.L.L., 1888, Art. 10, sec. 92; 1930, sec. 121; 1961 Code, sec. 131. 1867, ch. 53.)

Section 4–5. Commissioners; meetings, vacancies.

They may meet together from time to time as often as occassion **[**occasion**]** may require, upon the business of the town, and not less than once in six months, and if during the time for which they may be elected, any of the Commissioners should die, resign, remove from the said town, or be otherwise disqualified, an election to fill such vacancy on ten days' notice thereof being given by the Commissioners, shall be held, at which all persons qualified as is specified in Section 4–2, shall be entitled to vote. (P.L.L., 1888, Art. 10, sec. 93; 1930, sec. 122; 1961 Code, sec. 132. 1867, ch. 53.)

Section 4–6. Clerk; appointment, duties, compensation.

They shall have power to appoint a clerk and assign his duties, and allow him such compensation for his services as they may think proper, and all ordinances passed by said Commissioners shall be entered by their clerk in a book to be kept by him for the purpose, and shall be open at all times for the inspection of any person interested. (P.L.L., 1888, Art. 10, sec. 94; 1930, sec. 123; 1961 Code, sec. 133; 1867, ch. 53.)

Section 4–7. Fines and forfeitures.

All fines and forfeitures, under the ordinances of the said corporation shall be recoverable as small debts are recoverable. (P.L.L., 1888, Art. 10, sec. 95; 1930, sec. 124; 1961 Code, sec. 134. 1867, ch. 53; Res., 1–74–1, March 18, 1974, sec. 134.)

Section 4–8. Corporate Limits.

BEGINNING at a spike in the center line of Md. Rt. 16 approximately 3000′ Northeasterly of the intersection of said Md. Rt. 16 with Md. Rt. 335, said beginning point is coordinated on the Maryland State Plane Coordinate System as N 247015.72 E 1044131.11, thence running in the datum of said Maryland State Plane Coordinate System, (1) S 8º 44′ 46″ W 3579.50′ to a concrete monument on the Northeasterly edge of Md. Rt. 335; thence running (2) N 85º 43′ 22″ W 2244.28′ to a spike in the center line of Md. Rt. 16 as set over a culvert across said road; thence running (3) along several courses of the high water line of Church Creek, N 17º 29′ 44″ W 162.28′ to a point; thence running (4) N 23º 29′ 55″ E 250.80′ to a point; thence running (5) N 55º 18′ 17″ W 158.11′ to a point; thence running (6) N 3º 56′ 43″ W 290.69′ to a point; thence running (7) N 81º 15′ 14″ W 394.59′ to a point; thence running (8) N 35º 32′ 16″ W 258.07′ to a point; thence running (9) S 80º 32′ 16″ W 304.14′ to a point; thence running (10) N 10º 47′ 03″ W 213.78′ to a point; thence running (11) N 50º 11′ 40″ W 624.82′ to a point; thence running (12) N 25º 20′ 46″ E 210.24′ to a point; thence running (13) N 33º 23′ 54″ W 353.60′ to a point; thence running (14) leaving said high water line of said Church Creek, N 73º 27′ 38″ E 4533.32′ to the point and place of beginning, passing over a concrete monument 10.00′ from the beginning of said course. Containing 216.351 acres of land as shown on a survey entitled "Survey of the Corporate Limits of Church Creek", prepared by Andrews, Miller & Assoc., Inc., October 20, 1975. (P.L.L., 1888, Art. 10, sec. 96; 1930, sec. 125; 1961 Code, sec. 135. 1867, ch. 53; Char. Amend. No. 1975–1, 1–20–76.)

Section 4–9. Powers; taxes; tax collector.

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

(2) *Specific powers*. The council shall have, in addition to but not in substitution of the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided as follows:

(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 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 to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

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

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

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

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

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

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

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

(21) *Emminent [Eminent] domain*. To condemn land and property in accordance with the procedures approved 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 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 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 to 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 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 thereof to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

(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 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.

(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 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 all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(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 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 to proprietary capacity; to control, protect, and maintain public buildings, grounds, and property of the town.

(50) *Quarantine*. To establish quarantine regulations in the interest 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) *Sanitary Districts*. To place all or any part of the City located within the corporate limits in any sanitary district created by Dorchester County or any other governmental agency.

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

(54) *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.

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

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

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

(58) *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.

(59) *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. (P.L.L., 1888, Art. 10, sec. 97; 1930, sec. 126; 1961 Code, sec. 136. 1867, ch. 53; Res. No. 2, New Series, Dec. 5, 1960; Res., 1–74–1, March 18, 1974, sec. 136; Char. Amend. No. 1978–1, 4–25–78.)

Section 4–10. Bailiff; appointment, duties.

They shall have full power and authority, annually, to appoint a bailiff, whose duty it shall be to preserve the peace and good order of the town, and to perform such other duties as may be assigned him by them; and for this purpose he is vested with power and authority as a peace officer. (P.L.L., 1888, Art. 10, sec. 98; 1930, sec. 127; 1961 Code, sec. 137. 1867, ch. 53; Res., 1–74–1, March 18, 1974, sec. 137.)

Section 4–11. Streets; powers as to.

They shall have full power and authority to straighten and widen old streets, and to lay out and grade new ones, when in their discretion the same may be necessary; and they shall have full power to provide for the payment of damages and expenses incurred in widening or opening the streets aforesaid, by levying an assessment upon the whole of the assessable property of the town, or upon the property of persons benefited thereby. (P.L.L., 1888, Art. 10, sec. 99; 1930, sec. 128; 1961 Code, sec. 138. 1867, ch. 53.)

Section 4–12. Restriction as to certificates of debt.

Nothing contained in this subtitle of this Article shall be so construed as to authorize the corporation to issue any device, token, note, certificate, or evidence of debt, to be used as currency. (P.L.L., 1888, Art. 10, sec. 100; 1930, sec. 129; 1961 Code, sec. 139. 1867, ch. 53.)

Section 4–13. Industrial and commercial development.

The Commissioners of Church Creek shall have the same authority to provide funds for industrial development and in the same manner as counties are authorized by Article **[**45A**]** 45–A of the Annotated Code of Maryland (1957 Edition) entitled "Industrial Development". In addition thereto The Commissioners of Church Creek shall have the authority to apply for loans and/or grants and to make loans and/or grants to private businesses or concerns as authorized by Secs. 460 through 466, inclusive, of Art. 41 of the Annotated Code of Maryland as the same is now or may hereafter from time to time be amended. (Char. Amend. No. 1980–1, 5–27–80.)