

CHARTER
OF THE
Town of Clear Spring

WASHINGTON COUNTY, MARYLAND

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CLEAR SPRING

ARTICLE I General Corporate Powers

Section 101. Corporate Name.

The inhabitants of Clear Spring within the corporate limits legally established from time to time are hereby constituted and continued a body corporate, by the name of “The Town of Clear Spring” 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. Records of Corporate Boundaries.

The corporate limits or boundaries of the Town of Clear Spring shall be filed at all times with the Clerk of the Circuit Court for Washington County, the Commissioner of the Land Office, The [the] Director of the Department of Legislative Reference [Services] and in the office of the Town Clerk.

Section 202. Description of Corporate Boundaries.

The corporate limits of the Town of Clear Spring may include all the territory within the following boundaries: Beginning on the north margin of the State road, east of said Town, and at a point north 9 degrees 40 minutes west 3 feet distant from a stone marked “82 M. to B.,” running first north 23 degrees west 56–1/2 perches to the northeast corner of a lot of ground owned by P.S.B. Gsell; thence, second, south 63–1/2 degrees, west 112.8 perches, to the northwest corner of George Briscoe’s lot, which adjoins the land of Mrs. Lille B. McDonald; thence, third, with a line of said land south 35 degrees, west 103–1/2 perches, to the southwest corner of a lot owned by Mrs. Mary E. Feidt; thence, fourth, north 81 degrees, east 85 perches, to the northeast corner of the lot of the A.M.E. Church at the intersection of an alley and the Big Spring Road; thence, fifth, north 68 degrees, east 66 perches, across the intervening portions of land to a point in the west margin of the Williamsport Road; thence, sixth, north 33 degrees, west 7 perches, with said road to its intersection with Mulberry Street, at the northeast corner of a lot owned by David L. Houck; thence, seventh, north 55 degrees, east 34–1/2 perches, across the intervening lots to the angle made by a point in an alley at its outer margin adjoining the land of the heirs of J.T. Snyder, deceased; thence, eighth, with said alley north 15 degrees, east 18–1/2 perches, to the northeast corner of the said “State Road” on its northern margin; north 80 degrees 20 minutes, east 10 perches, to the place of beginning; provided, however, that for sanitary and police purposes, the Mayor and Councilmembers of Clear Spring may have and exercise full

power and control for a distance of one-fourth of a mile in every direction from said corporate limits.

ARTICLE III

The Council

Section 301. Number, Selection, Term.

All legislative powers of the Town are vested in a body designated as “The Council of Clear Spring,” consisting of five (5) Councilmembers who are elected as hereinafter provided. The regular term of the Councilmembers is two (2) years or until their successors have been elected and qualified. Newly elected Councilmembers take office on the first Tuesday in January following their election. Each Councilmember holding office at the time this Charter becomes effective will continue to hold office for the term for which the councilmember was elected and until a successor takes office under the provisions of this Charter.

Section 302. Qualifications of Councilmembers.

Councilmembers shall have resided in the Town for at least two years immediately preceding their election and shall be qualified voters of the Town. Councilmembers shall maintain a permanent residence in the Town during their term of office.

Section 303. Salary of Councilmembers.

Each Councilmember may receive an annual salary which shall be equal for all Councilmembers and may 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 specified at the time any Council takes office may not be changed during the period for which that Council was elected. The ordinance making any change in the salary paid to Councilmembers either by way of increase or decrease [decrease] shall be adopted prior to the next municipal election, and shall take effective [effect] only as to the members of the next succeeding Council.

Section 304. Meetings of the Council.

(a) *Open sessions.* The newly elected Council shall meet at 8:00 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 may be called by the Town Clerk upon written request of the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the Town will have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

(b) *Closed sessions.* The Council may meet in closed session or adjourn an open session to a closed session to:

(1) discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees or officials over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;

(2) protect the privacy or reputation of individuals with respect to a matter that is not related to public business;

(3) consider the acquisition of real property for a public purpose and matters directly related thereto;

(4) consider the investment of public funds;

(5) consider the marketing of public securities;

(6) consult with legal counsel to obtain legal advice;

(7) consult with staff, consultants or other individuals about pending or potential litigation;

(8) conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(9) discuss public security if the council determines that public discussion would constitute a risk to the public or to public security, including the deployment of police services and staff and the development and implementation of emergency plans;

(10) conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(11) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

(12) before a contract is awarded or bids are presented, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the Council to participate in the competitive bidding or proposal process; or

(13) to discuss any other matter that under State law may be discussed in closed session.

(c) *Procedure for closing sessions.* Before the Council meets in closed session, a majority of the Council must vote in favor of closing the session. The vote must be conducted and recorded in accordance with State law, and a written statement of the reason for closing the meeting must be made in accordance with State law. The Council shall limit discussion in closed session to the topic stated as the reason for closing the meeting. (Res. No. 2-98, 5-27-98.)

Section 305. Council to be Judge of Qualifications of its Members.

The Council shall be the judge of the election and qualification of its members.

Section 306. Quorum.

A majority of the Councilmembers shall constitute a quorum for the transaction of business, but no ordinance may be approved nor any other action taken without the favorable votes of a majority of the Councilmembers.

Section 307. Procedure of Council.

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas, nays, or abstentions upon final action of any question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to public inspection.

Section 308. Vacancies on the Council.

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

Section 309. Ordinances.

(a) In order to enable the Council of Clear Spring to fully exercise the power conferred upon them by this Charter and to enable them to better promote and preserve the public health, safety and welfare, the Councilmembers of Clear Spring may pass all ordinances or by-laws that are from time to time necessary.

(b) An ordinance may be passed, amended, rejected or have its consideration deferred at any regular or special Council meeting held not less than six (6) days or more than sixty (60) days after the meeting at which it was introduced.

(c) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following approval of the full body of the Council. Any emergency ordinance shall become effective on the date specified in the ordinance, but never until it has been approved unanimously by the Council.

(d) Each ordinance shall be posted on the Town Hall Bulletin Board for one week after it becomes effective.

Section 310. Files of Ordinances.

Ordinances shall be permanently filed at the Town Hall in a binder marked "ORDINANCES" and shall be made available for public inspection.

ARTICLE IV
The Mayor and Vice Mayor

Section 401. Selection and Term.

Two of the five (5) Council members shall also serve as the Mayor and Vice Mayor of the Town of Clear Spring. They are elected as hereinafter provided. They shall also hold office for a term of two (2) years or until their successors are elected and qualified. The Mayor and Vice Mayor holding office at the time this charter becomes effective will continue to hold office for the term for which they were elected and until their successors take office under the provisions of this Charter.

Section 402. Qualifications of the Mayor and Vice Mayor.

The Mayor and Vice Mayor must have resided in the Town for at least two years immediately preceding their election, be at least twenty-one (21) years of age, and must be qualified voters of the Town. They must maintain permanent residence in the Town during their terms of office.

Section 403. Salary of the Mayor and Vice Mayor.

The Mayor and Vice Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary for any Mayor or Vice Mayor during the term for which they were elected. The ordinance making any change in the salary paid to the Mayor or Vice Mayor, either by way of increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor and Vice Mayor. The Mayor and Vice Mayor may not hold a dual salaries, that is, they may not be paid both in their capacities as Mayor and Vice Mayor and as Councilmembers.

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, with the approval of the Council, 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 condition of municipal affairs and make such recommendations as is proper for the public good and the welfare of the Town.

(d) *Finances.* The Mayor shall have complete supervision over the financial administration of the town government. The Mayor shall prepare, if requested by the Council, an annual budget and submit such to the Council. The Mayor shall supervise the disbursement of all monies and have control over all expenditures to assure that the budget appropriations are not exceeded.

(e) *Council Meetings.* The Mayor shall serve as President of the Council. The Mayor may take part in all discussions and shall have a vote on all issues before the Council.

(f) *Ceremonial Head.* The Mayor shall be recognized as the head of the town government for all ceremonial purposes.

(g) *Duties of Vice Mayor.* The Vice Mayor shall assume the power and duties of the Mayor in the absence or incapacitation of the Mayor.

(h) *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 him by the Council, but not inconsistent with this Charter.

ARTICLE V

General Powers

Section 501. 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.

Section 502. 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) *Administrative.* To create, change, or abolish offices and departments and to assign additional functions to offices and departments but not including the power to create, change, abolish or discontinue any office or department or to transfer any function of an office or department established by this Charter.

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

(3) *Aisles.* 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.

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

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

(6) *Billboards and Signs.* To regulate, restrain, or prohibit the erection or maintenance of billboards, 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.

(7) *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 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 by [be] made safe or be taken down.

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

(9) *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.

(10) *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.

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

(12) *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.

(13) *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 Mayor and Council; to borrow money in accordance with the provisions of this Charter.

(14) *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 fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

(15) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television systems, (following current FCC regulations) and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article 23 and Article 78 of the Annotated Code of Maryland (1957 edition, as amended). No franchise may be granted for a period longer than fifty (50) years.

(16) *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 same for any lawful public purpose, agreeably to the conditions under which gifts or grants were made.

(17) *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 causes or may cause unsanitary conditions or conditions detrimental to health; that nothing herein may be construed to affect in any manner any of the powers and duties of the State Department of Health and Mental Hygiene and Health Department of Washington County, or any public, general or local law relating to the subject of health.

(18) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the county jail for such purpose.

(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 inside or outside of the town's boundaries, may be liens upon such property, to be collected as property taxes are collected.

(21) *Lights.* To provide for the lighting of the Town.

(22) *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.

(23) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined by common law, by this Charter, or by the laws of the State of Maryland, whether the same 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, and control the location of, or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and boundaries. This listing is by way of enumeration, not limitation.

(24) *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.

(25) *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.

(26) *Parking Meters.* To install parking meters on the streets and public places of the Town in such places as they may by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration of Maryland must first be approved by the Administration.

(27) *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.

(28) *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 provisions and limitations of said article.

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

(30) *Police Powers.* To prohibit, suppress, and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefore, 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. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipally [municipality] and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(31) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town, and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

(32) *Sidewalks.* To 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 or other obstructions; to prescribe hours for clearing and cleaning sidewalks.

(33) *Streets.* To construct, maintain and improve the streets and to control the public ways of the Town and to erect and maintain bridges.

(34) *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 503. Exercise of Powers.

For the purpose of carrying out the powers granted in this subtitle 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 is not prescribed, then in such manner as may be prescribed by ordinance.

ARTICLE VI Nominations and Elections

Section 601. Qualifications of Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, and (c) has resided within the corporate limits of the Town for thirty (30) days preceding any Town election, is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all Town elections.

Section 602. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members who shall be appointed annually by the Councilmembers on or before the first Monday in October. The terms of the members of the Board of Supervisors of Elections shall begin on the first Monday in October in the year in which they are appointed and shall run for one (1) year. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall elect one of its members as Chairperson. vacancies [Vacancies] on the Board shall be filled by the Councilmembers for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

Section 603. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges for removal. There shall be a public hearing on the charges before the Council, if the member of the Board so requests, within ten (10) days after receiving the written copy of the charges.

Section 604. Duties.

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

Section 605. Notice.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof on the Town Hall Bulletin Board.

Section 606. Appeal of the Actions of the Board of Supervisors of Elections.

If any person is aggrieved by the action of the Board of Supervisors of Elections by any 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 Washington County within thirty (30) days of the decision or action of the Council.

Section 607. Nominations.

(a) Persons may be nominated for elective office in the Town by filing a certificate of nomination with the Board of Supervisors of Elections on or before the first Monday in October of each year. Such certificate shall identify the office being sought and contain the name and

signature of the candidate and such other information necessary to determine his or her proper qualifications for that office.

(b) No person may file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

Section 608. Election of the Mayor, Vice Mayor and Council.

(a) Beginning on the first Monday in November, 1988, and every second year thereafter, one Vice Mayor and one councilmember shall be elected to serve for terms of two (2) years.

(b) Beginning on the first Monday in November, 1989, and every second year thereafter, one Mayor and two councilmembers shall be elected to serve for terms of two (2) years.

(c) Newly elected officials of the Town shall take office on the first Tuesday in January following their election.

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

Section 609. 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) It shall be the duty of the Board of Supervisors of Elections to provide a suitable place or places for voting and suitable ballot boxes and/or voting machines for each general and special election.

(c) The Board of Supervisors of Elections shall keep the polls open from 3:00 P.M. to 7:00 P.M. on election days, or such other hours as may be designated by the Council.

Section 610. Absentee Ballots.

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

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

Section 611. Special Elections.

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections.

Section 612. Vote Count.

(a) Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Town Clerk who shall record the results in the minutes of the Council.

(b) The candidate for the office of Mayor with the highest number of votes in the general election shall be declared elected as Mayor.

(c) The candidate for the office of Vice Mayor with the highest number of votes in the general election shall be declared elected as Vice Mayor.

(d) The one (1) candidate for Council, beginning on the first Monday in November, 1988, and every second year thereafter, with the highest number of votes in the general election shall be declared a town Councilmember.

(e) The two (2) candidates for Council, beginning on the first Monday in November, 1989, and every second year thereafter, with the highest number of votes in the general election shall be declared as town Councilmembers.

Section 613. Preservation of Ballots.

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

Section 614. 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 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 615. Town Clerk to Act in lieu of Board of Supervisors of Elections.

The Mayor, with the approval of the Council, may designate the Town Clerk to act in lieu of an established Board of Supervisors of Elections whenever such a situation is preferable.

Section 616. Violations and Penalties.

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

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 a budget to the Council, on such date as the Council by ordinance may 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 Town Clerk open to public inspection by anyone during normal business hours.

Section 703. Budget Adoption.

(a) Before adopting the budget the Council shall hold a public hearing thereon after due notice has been given on the Town Hall Bulletin Board. The Council may insert new items or shall increase or decrease the total proposed expenditures. For any increases, 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 an ordinance. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

(b) If the budget is not approved by July 1, a majority vote of the Council shall be necessary to extend the current budget for a single thirty day period. Expenditures for that period shall not exceed one-twelfth (1/12) of the annual expenses provided in the budget of the previous fiscal year.

Section 704. Appropriations – Approval.

No public money may be expended without having been approved and appropriated by the Council.

Section 705. Transfer of Funds.

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

Section 706. 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, may prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 707. Appropriations Lapse After One Year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the succeeding budget year.

Section 708. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by two out of the three following town officials: the Mayor, the Vice Mayor and the Treasurer.

Section 709. Taxable Property.

All real 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 710. 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 711. Notice of Tax Levy.

Each year after the tax levy is made, the Town Clerk shall mail or have delivered in person to each tax payer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real estate 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 his property.

Section 712. When Taxes are Overdue.

The taxes provided for in Section 709 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 of two-thirds of one per centum [centum] (2/3%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 713.

Section 713. Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 712 of this Charter shall be turned over by the Town Clerk to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by State law.

Section 714. Fees.

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

Section 715. 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 716. 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 a first lien upon the proceeds of such tax and shall mature and be paid not later than the end 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 percent (50%) of the property tax levy for the fiscal year in which such notes or other evidence 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 717. 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 (1957 edition, as amended), title "Municipal Corporations," sub-title "Creation of Municipal Public Debt."

Section 718. 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 may be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 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 ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth.

Section 720. Purchasing and Contracts.

(a) Purchases for the Town government shall be made by the Town Clerk under the direction of the Council. The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

(b) All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than ten thousand dollars (10,000.00) shall be made utilizing competitive bids and written contracts. The Council may choose to solicit bids either by advertising in a local newspaper [newspaper] or by contacting at least three local contractors by telephone. The contract, in writing, shall be awarded to the bidder who offers the lowest or best bid, with quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Council shall have the right to reject all bids and readvertise. The Town at any time in its discretion may employ its own forces for the

construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

(c) All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the Council. (Res. No.1-98, 5-27-98.)

ARTICLE VIII

Administration

Section 801. Town Clerk.

A Town Clerk may be appointed by the Mayor and Council. The Clerk shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. The Clerk shall keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 802. Town Treasurer.

A Town Treasurer may be appointed by the Mayor and Council. The Treasurer shall be the financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter shall be exercised by the Treasurer under the direct supervision of the Council.

Section 803. Town Attorney.

The Mayor with the approval of the Council may appoint a Town Attorney. The Attorney shall serve at the pleasure of the Council and any compensation for this position shall be determined by the 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 Town 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 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 shall have 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.

Section 903. Public Ways: Powers.

The Town shall have the power:

- (a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridge, curbs, and gutters.
- (b) To grade, lay out, construct, open, extent [extend], and make new town public ways.
- (c) To grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (d) To pave, surface, repave, or resurface any town public way or part thereof.
- (e) To install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.
- (f) To construct, reconstruct, maintain, and repair bridges.
- (g) To name town public ways.
- (h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 904. Sidewalks: Powers.

The Town shall have the power:

(a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.

(b) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.

(c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(d) To require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this Section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense may be a lien on the property and may be collectible in the same manner as are town taxes or by suit at law.

ARTICLE X

Water and Sewer

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 sewerage 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 plant systems.

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

(f) To do all things it deem [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 of or placing of or changing the location of any main, conduit, pipe, or other

structure in the public ways of the Town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as shall be imposed by the Town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. 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, or other structures, in, on, or over any public way in the Town or in the County which impede the establishment, construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers 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 sewers provided for in this Charter. Unless required by the State or County, the Town need not obtain any permit or pay any charge for these operations, but it must notify the County of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 1005. Connections.

The Town shall provide a connection with water 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. The Town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed.

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

Section 1008. Private Systems.

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

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. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor.

Section 1011. Pollution of Water Supply.

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

Section 1012. Contracts for Water.

The Town, if it deems it advisable, shall 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-serve charges, or other charges as it deems necessary for water supplied and for the

removal of sewage. These charges are to be billed and collected by the Town Clerk and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

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 project out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment shall include the direct cost hereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be [be] 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 [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 [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 Town Clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits 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 Town Clerk shall

present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Town Clerk shall have completed publication and service of notice as provided in this section. Following the hearing the Council in its discretion may vote to proceed with the project and may levy the special assessment.

(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 assessment installments shall be overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(h) All special assessments shall be billed and collected by the Town Clerk.

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.

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 in [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 in the "Real Property" Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts [of] 1974.

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 Councilmembers, the Town Clerk, the Clerk/Collector, and the Treasurer, 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 judgement, diligently and faithfully, without partiality or prejudice, execute the office of according to the Constitution and Laws of this State.”

(b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Washington 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, or before the Clerk of the Circuit Court for Washington County or before one of the sworn deputies of the Clerk.

Section 1302. Official Surety Bonds.

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

Section 1303. Prior Rights and Obligations.

All right, title, and interest held by the Town or any other person or corporation at the time this Charter is adopted, and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty[,] liability, or penalty whatever existing at the time this

Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offense already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 1304. Misdemeanors.

Every act or omission which by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the Circuit Court for the county within which the offense is committed by a fine not exceeding \$1,000 dollars and imprisonment for 6 months in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1305. Effect of Charter on Existing Ordinances.

(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 this Charter are repealed to the extent of such conflict.

Section 1306. Separability.

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