

CHARTER

OF THE

Town of Eagle Harbor

PRINCE GEORGE'S COUNTY, MARYLAND

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The Department of Legislative Services
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For further information concerning this document contact:

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

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

ARTICLE I

The Town's Powers and Limits

Section 1. General Corporate Powers.

The citizens of the Town of Eagle Harbor, located in Prince George's County, Maryland, within the provisions of this Charter, within the corporate limits legally established from time to time, are hereby constituted and/or continued a body incorporated by the name of the "Town of Eagle Harbor," with all privileges of a body and by that name may have a perpetual succession, sue and be sued, to plead and be impleaded in any court of law or equity, to purchase, hold, sell, and dispose of real, personal and mixed property for municipal purposes, and to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. Within this Charter, the General Ordinances, Notices, and any other official document of the Town of Eagle Harbor, the term "Town" shall mean and refer, as appropriate, to the Town of Eagle Harbor, The Town Commissioners of Eagle Harbor, and/or any official acts of person, agent, official, committee, or entity acting on behalf of the Town.

Section 2. Town's Corporate Limits.

The corporate boundaries of the Town of Eagle Harbor shall be as defined and included within the plat of the Eagle Harbor subdivision, as the said plat is now designated and recorded among the Land Records of the Circuit Court for Prince George's County, Maryland at Liber S.D.H. 3, Folio 22.

Section 3. Recordation of Town's Corporate Boundaries.

The corporate boundaries of the Town of Eagle Harbor shall be filed at all times with the Clerk of the Circuit Court for Prince George's County. In addition, a copy of the corporate boundaries shall be on file in the office of the Mayor or of the Town Treasurer-Clerk. All such descriptions of corporate boundaries shall be recorded and filed in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE II

The Board of Town Commissioners

Section 1. Number, Selection, and Term of Town Commissioners.

All legislative powers of the Town shall be vested in a corporate body designated as the "Board of Town Commissioners for Eagle Harbor," consisting of five (5) Town Commissioners who shall each be elected at-large as hereinafter provided and who shall hold office for a term period of two years or until the succeeding Board of Town Commissioners take [takes] office. The regular term of the Town Commissioners shall expire on the second Friday in September

following the election of their successors who shall take office on the second Saturday in September following their election. Town Commissioners 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 Town Commissioners takes [take] office under the provisions of this Charter.

Section 2. Election of Chairman of the Town Commissioners.

The Town Commissioners shall, at their first meeting after election, elect a Chairman of the Board of Town Commissioners from among its members who shall act as Chairman of the Board of Town Commissioners and the ceremonial Mayor of the Town and shall be identified as the Chairman of the Town Commissioners, the Town Mayor, and/or the Chairman–Mayor.

Section 3. Qualifications of Town Commissioners.

The Town Commissioners shall be at least, twenty–five (25) years of age and qualified voters of the Town for at least one year prior to their election. The Election Clerk, who is appointed by the Chairman–Mayor under § 10 of this Article, shall be the judge of the election and qualification of candidates for election to the Town’s Board of Commissioners. The Election Clerk shall keep a list of the names of all persons who voted at any election and the names of any person who, by them, has been refused the privilege of voting, which list shall be turned over to the Town Commissioners within five (5) days after the election to which it relates.

Section 4. Compensation of the Town Commissioners.

No salary shall be given to any member of the Board of Town Commissioners. The Board of Town Commissioners, however, may establish for themselves, by majority vote, compensation to be received by them for their term while on the Board. If compensation is established, then each Commissioner shall receive an amount that shall be equal for all Town Commissioners and shall be as specified from time to time by an ordinance passed by the Board in the regular course of its business; provided, however, that the compensation specified at the time any Board takes office shall not be changed during the period for which that Board was elected. The ordinance making any change in the compensation paid to the Town Commissioners, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Board of Town Commissioners.

Section 5. Organization and Procedure of Town Commissioners.

The Board of Town Commissioners shall pass laws and by–laws for their own government while in session. The Board shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection.

Section 6. Meetings of the Board of Town Commissioners.

The newly-elected Board shall meet at the Town's designated community center on the first Saturday in September following its election at 11:00 a.m. At that meeting, the Board of Town Commissioners shall meet and establish a regular meeting date and time, and such regular meetings shall not be less frequent than once each month. Special meetings shall be called by the Treasurer-Clerk, upon the request of the Chairman-Mayor or a majority of the members of the Board of Town Commissioners, who shall send out notice of the special meeting at least five (5) days prior to the special meeting. All meetings of the Board of Town Commissioners shall be open to the public except as provided for in Title 10, Subtitle 5 of the State Government Article of the Maryland Annotated Code, and the rules of the Board shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to the any municipal [the municipal] question unless the session or a portion of the session is closed to the public.

Section 7. Vacancies in the Board of Town Commissioners.

A vacancy on the Board may be created for any of the following reasons: (1) resignation; (2) death; (3) disqualification; (4) failure of a person elected as a Town Commissioner to qualify within thirty days after his or her election; or (5) any other reason not herein specified upon unanimous vote of all the remaining Board members.

Section 8. Filling Vacancies in the Board of Town Commissioners.

In case of a vacancy on the Board of Town Commissioners for any reason, the Board shall elect a qualified person to fill such vacancy until the next general election at which time, if the seat vacated has not expired, the unexpired term shall be filled by election. Any vacancies on the Board shall be filled by the favorable votes of a majority of the remaining members of the Board. The results of any such vote shall be recorded in the minutes of the Board.

Section 9. Quorum.

Three (3) of the members of the Town Commission shall constitute a quorum for the opening and closing of meetings and the transaction of business. A majority of the Town Commissioners present shall decide the outcome of any matter voted upon except for the passage of any ordinance, any charter amendment resolution, or any resolution authorizing or determining matters relating to tax anticipation, general obligation or revenue indebtedness of the Town. No ordinance (irrespective of the subject matter), no charter amendment resolution (irrespective of the subject matter), and no resolution authorizing or determining matters relating to tax anticipation, general obligation or revenue indebtedness of the Town shall be passed or approved without the favorable votes of a majority of the whole number of members elected to the Town Commission.

Section 10. Treasurer-Clerk.

A. *Appointment.* The Chairman–Mayor shall appoint a Treasurer–Clerk, who shall be approved by the Board, to serve at the pleasure of the Board. The Treasurer–Clerk shall be the chief financial officer of the Town under the supervision of the Board. The Treasurer–Clerk shall serve as Clerk to the Board, attend every meeting of the Board, keep a full and accurate account of the proceedings of the Board, and keep such other records and perform such other duties as may be required by this Charter or the Board.

B. *Compensation.* The Town Commissioners may establish a reasonable compensation for the Treasurer–Clerk, provided however, that the compensation specified for such position at the time any person takes the office of Treasurer–Clerk shall not be changed during the period for which that person was elected.

Section 11. Treasurer’s Bond.

The Town’s Treasurer–Clerk shall give bond to the Town Commissioners in such penalty and with such surety or sureties as said Town Commissioners may require, conditioned upon the faithful performance of the duties of his or her office. The premium on said bond shall be paid for by the Town Commissioners.

Section 12. Health Officers.

The Town Commissioners may annually appoint one or more health officers for the Town who shall perform such duties as the Town Commissioners may require by such health ordinances as they may pass for the protection and preservation of the health of the citizens of the Town.

Section 13. Park Commission.

The Town Commissioners of Eagle Harbor shall have authority to appoint a Park Commission, consisting of five members, for a term of two years. The Park Commission shall have charge and control of all public parks and squares belonging to and controlled by or in the custody of the Town Commissioners.

Section 14. Passage of Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Board of Town Commissioners held not less than six (6) nor more than seventy (70) 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 four (4) members of the Board. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty–one (21) calendar days following approval by the Board. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Board. The exact text of each ordinance shall be posted on a bulletin board in the Town office for twenty (20) successive days following its passage.

Section 15. Processing Referendums.

If, before the expiration of twenty (20) calendar days following the passage of any ordinance by the Board of Town Commissioners, a petition is filed with the Treasurer–Clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Board shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Board’s discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for a referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed that authorizes levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Article VI, §§ 15–16 of this Charter. The provisions of this section shall be self–executing, but the Board may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 16. Filing of Ordinances.

Upon passage, any and all ordinances shall be permanently filed by the Treasurer–Clerk and kept available for public inspection during the normal business hours of the Town. An annual compilation of all public ordinances of general application and continuing force that have been enacted during the year will be supplemented to the most recent Code of Ordinances and filed with the Maryland State Department of Legislative Services.

Section 17. Publication of Ordinances.

After twenty (20) days have elapsed, a fair summary of each ordinance enacted shall be published at least once in a newspaper or newspapers having general circulation in the Town.

Section 18. Appointment of Town Attorney.

The Chairman–Mayor, with the approval of the Board, may appoint a Town attorney. The Town attorney shall be a member of the bar of Maryland Court of Appeals. The Town attorney shall be the legal advisor of the Town and perform such duties in connection as may be required by the Board. His or her compensation shall be determined by the Board. The Town shall have the power to employ such legal consultants as it deems necessary from time to time.

ARTICLE III Powers of the Board of Town Commissioners

Section 1. General Powers.

(a) *Administrative.* The Board of Town Commissioners shall have the authority 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 the Board.

(b) *Legislative.* The Board of Town Commissioners may pass such ordinances, not inconsistent with the United States 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 the Town and visitors thereto and sojourners therein.

(c) *Financial.* The Board of Town Commissioners shall have complete supervision over the financial administration of the Town government, shall have the authority to prepare an annual budget, to supervise the disbursement of all monies, and to control all expenditures so as to assure the budget appropriations are not exceeded.

Section 2. Specific Powers.

The Board of Town Commissioners shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state for the following specific purposes:

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

(2) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement and to regulate the construction and operation of the doors and means of egress therefrom.

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

(4) *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the Board of Town Commissioners.

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

(6) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town and 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) *Billiards.* To make it unlawful for any person, firm or corporation to keep, maintain, or conduct in Eagle Harbor, a public billiard, pool parlor, or a room with a public pool table or tables, and the Commissioners of Eagle Harbor shall have no authority or power to, and shall not, grant a permit and;/or license for any such activities.

(8) *Bridges.* To erect and maintain bridges.

(9) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the Town and to grant building permits for the same; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and inspections; and to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or in part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.

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

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

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

(13) *Cooperative Activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of any governmental functions.

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

(15) *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.

(16) *Departments.* To create, change and abolish offices, departments or agencies other than offices, departments and agencies established by this Charter and 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.

(17) *Disorderly houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(18) *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 the same and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

(20) *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.

(21) *Filth.* 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, making it collectible by taxes or against the occupant or occupants.

(22) *Finances.* To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose and to have general management and control of the finances of the Town.

(23) *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.

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

(25) *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, however, 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 (50) years.

(26) *Gambling.* To restrain and prohibit gambling.

(27) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points and 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.

(28) *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 the gifts or grants were made.

(29) *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 cause.

(30) *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; and to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health, provided that 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.

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

(32) *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.

(33) *Licenses.* Subject to any restriction 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 and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(34) *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.

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

(36) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(38) *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.

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

(40) *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 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.

(41) *Obstructions.* To removal 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.

(42) *Planning and 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, however, to the limitations and provisions of said Article.

(43) *Parking facilities.* To license, regulate, establish, obtain by purchase, obtain by lease or rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(44) *Parking meters.* To install parking meters on the streets and public places of the Town in such places as it shall, 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 Roads Commission of Maryland must first be approved by the Commission.

(45) *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.

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

(47) *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; and all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

(48) *Property.* To acquire, by conveyance, purchase or gift, real or leasable property for any public purpose; 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' notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the Town.

(49) *Quarantine.* To establish quarantine regulations in the interests of the public health.

(50) *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.

(51) *Regulation and Control of Town Elections.* 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 connecting therewith and for a recount of ballots in case of doubt or fraud.

(52) *Streets and Sidewalks.* To regulate the use of streets, 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 and to prescribe hours for cleaning sidewalks.

(53) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the Town.

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

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

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

Section 3. Savings clause.

The enumeration of powers in Article III, § 2 of this Charter is not to be construed as limiting the powers of the Town to the several subjects mentioned.

Section 4. Exercise of Powers.

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the board of Town Commissioners 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.

Section 5. Enforcement of Ordinances.

To ensure the observance of the ordinances of the Town, the Board of Town Commissioners shall have the power to provide that violation thereof shall be a misdemeanor or an infraction and shall have the power to affix thereto penalties as provided in and pursuant to Article XI, §3 of this Charter. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance or resolution passed under the authority of this Charter shall have the right of appeal within ten (10) days to the Circuit Court of Prince George's County. The Board of Town Commissioners may provide that, where 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.

ARTICLE IV
Voter Qualification, Registration, and Election Procedures

Section 1. Qualifications of Voters.

Every person who is (1) a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the Town for at least six months out of the year immediately preceding any Town election or who owns real property within the Town's corporate limits, (4) is registered in accordance with the provisions of this charter, and (5) establishes proof of residency as required by the Town in §9B of this Article, shall be a "qualified voter of the Town." The Board of Town Commissioners shall be the judge of the qualification of its voters.

Section 2. Election Judges.

The election shall be conducted by three election judges and one election clerk to be appointed by the Board of Town Commissioners prior to each election. In the event that any election judge or election clerk after appointment is unable or declines to serve, the remaining judges shall name someone to take his or her place.

Section 3. Duties of Election Clerk.

The Election Clerk shall be in charge of all Town elections and shall not be a candidate for any elective office during his or her appointment as Election Clerk.

Section 4. Time and Place of Elections.

The election for the Town's Board of Commissioners shall be held on the second Saturday in August of each odd-numbered year at a place to be designated by the Board of Town Commissioners, at which election the polls shall remain open from 10:00 a.m. until 6:00 p.m. Suitable ballot boxes, polling places and printed ballots shall be provided by the Election Clerk.

Section 5. Conduct of Elections.

At least thirty (30) days before any election, the Town Commissioners shall insert a notice of elections for two consecutive weeks in a newspaper in general circulation throughout Prince George's County, and shall cause to be posted in five conspicuous places in the Town, notice of said election, designating the place of voting, the operating hours the polls, and the names of the election judges and the election clerk.

Section 6. Candidates for Election.

Any person desiring to become a candidate for any elective office in the Town shall at least forty-five (45) days before an election, file or cause to be filed with the Election Clerk, a petition stating that he or she is a candidate for the office, which petition must be filed by such person and endorsed by at least fifteen registered voters. Upon the filing of said petition the Town Commissioners shall print such person's name upon the ballot with a square opposite each name and there shall appear a statement instructing the voter as to how many persons to vote for.

Section 7. Vote Count.

Immediately upon the closing of the polls, the ballots shall be publicly counted, and the election judges, within two (2) days thereafter, shall make a truthful and correct return to the Chairman-Mayor of the said Town Commissioners, and within ten (10) days thereafter, the Board of Town Commissioners shall meet and declare those qualified persons receiving the highest number of votes duly elected.

Section 8. Procedure for Voting Ties.

In the event two or more persons seeking election to the Board of Town Commissioners receive the same number of votes so that there is no choice for a seat and/or seats on the Board, a new election among the tied candidates shall be immediately proclaimed by the Board of Town Commissioners, which election shall be held on the first available Friday after five (5) days notice is given to the Town pursuant to the terms expressed in Article IV, § 5 of this Chapter.

Section 9. Registration of Voters.

A. There shall be a registration of qualified persons not registered to vote at the Town's designated community center from 12 p.m. to 4 p.m. on the first Saturday in June each year. The Board of Town Commissioners may designate additional days as registration days.

B. Proof of residency, as expressed in § 1 of this Article, is established by the presentation of the following documents during the Town's registration period.

1. A valid and current property deed, mortgage and/or property tax bill indicating current ownership of the Town of Eagle Harbor property by the applicant; or

2. A valid Maryland state driver's license indicating that the applicant resides in the Town of Eagle Harbor and

3. Copies of at least two (2) different bills, i.e., utility, credit, or bank statements, mailed to the applicant at a Town in the last three (3) months.

C. The Board shall cancel a registration of any person that fails to vote at least once at a general or special election within the five (5) preceding calendar years; has been declared to be mentally disabled and/or handicapped by either a court or medical professional; or has failed to meet the qualifications enumerated in Article IV §1 of this Charter. Unless registration is canceled, a person registered and qualified to vote shall not be required to re-register. The Election Clerk shall keep a list of registered voters, updated bi-annually (January 1 and July 1) of each year and shall be responsible for striking from said list any and all persons who have died, been removed from the list, and/or have been disqualified as a voter pursuant to this Article and/or other binding authority.

Section 10. Absentee Votes.

Any registered voter is entitled to vote in the Town election by absentee ballot. It shall be the duty of the Election Clerk to transmit and receive applications for absentee ballots and to provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote. Absentee ballots must be received on or before the election day, prior to the closing of the polls, to be counted. The Election Clerk shall keep, for six (6) months after the close of election, all indentifying information relative to an absentee vote, including all stamped and/or postal service processed envelopes and/or any dated information demonstrating proof of absentee vote and receipt of absentee vote by the Town.

Section 11. List of Eligible Voters.

The list of eligible voters shall be created, maintained, and forwarded by the Election Clerk to the Treasurer-Clerk in accordance with federal and state law.

Section 12. Notice of Election Days.

The Treasurer-Clerk shall give at least thirty (30) days prior notice of every election by an advertisement published in at least one (1) newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town.

Section 13. Removal of Voters from Registry.

An election judge may remove a voter from the registry pursuant to § 3-502 of Article 33 of the Annotated Code of Maryland.

Section 14. Challenges and Appeal of Voter Registration.

A. A person who feels aggrieved by any action of a local board regarding voter registration may file a challenge with that local board pursuant to § 3–602 of Article 33 of the Annotated Code of Maryland (1957 edition, as amended).

B. A party who is aggrieved by the final decision in a hearing by a local board is entitled to judicial review of the decision as provided in § 3–603 of Article 33 of the Annotated Code of Maryland.

Section 15. Certificate of Nomination.

A. Persons may be nominated for elective office in the Town by filing a certificate of nomination signed by fifteen (15) registered voters in the Town. Such certificate shall state the following:

- (1) The name of the candidate;
- (2) A statement that the signers of the certificate are registered voters; and
- (3) That the signers support the candidate’s participation in the election.

B. The certificate shall be filed with the Election Clerk at least forty–five (45) calendar days prior to the election. No person shall file for nomination to more than one (1) elective Town public office nor hold more than one (1) elective Town public office at any one (1) time.

Section 16. Special Elections.

All special Town elections shall be conducted by the Treasurer–Clerk in the same manner and with the same personnel, as far as practicable, as regular Town elections.

Section 17. Preservation of Ballots.

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

Section 18. Equal Privileges of Town Residents.

(a) *Gender.* Women shall have equal privileges with men in registering, voting and holding Town offices. Whenever the masculine gender has been used as to any registering, voting or holding Town office, it shall be construed to include the feminine gender.

(b) *Race.* All persons, no matter their racial or ethnic background, shall have equal privileges with regards to registering, voting, and holding Town offices.

(c) *Religion.* All persons, no matter their religious background or affiliation, shall have equal privileges with regards to registering, voting, and holding Town offices.

ARTICLE V Town Employees

Section 1. The Authority to Employ Personnel.

The Town 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. There shall be no discrimination on the basis of race, color, gender, religious affiliation, or sexual orientation in the employment of Town employees.

Section 2. The Authority to Establish a Merit System.

The Town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Board of Town Commissioners shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The Town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system as provided in State law.

Section 3. Definition of Unclassified and Classified Service.

The civil service of the Town shall be divided into the unclassified and classified service.

(a) *Unclassified Service.* The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(i) The Board of Town Commissioners, and persons appointed to fill vacancies in these positions.

(ii) The Treasurer–Clerk and Town Attorney.

(iii) The heads of all offices, departments and agencies and members of Town boards and commissions.

(iv) Part–time, temporary, and unpaid offices and positions.

(b) *Classified Service.* The classified service shall comprise all positions not specifically named in subsection (a) of this Section. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section 4. Compensation and Benefits.

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Board of Town Commissioners, subject to the restrictions imposed upon establishing the salaries of the councilmen. The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the Town for such programs.

Section 5. Retirement.

The Town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town.

Section 6. Prohibitions and Penalties.

(a) *Prohibitions.* No person in the classified service of the Town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the Town shall continue in such positions after becoming a candidate of nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the Town shall either directly or indirectly give, render, or pay money, service, or other valuable thing to any person for, or on account of, or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party, or political purpose whatsoever from any person holding a position in the classified service of the Town; no person holding a position in the classified service of the Town shall make any contribution to the campaign funds or [of] any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political campaign of any political party or candidate for public office, further than in exercise of his right as a citizen to express his opinion and to cast his vote.

(b) *Penalties.* Any person who by himself or with others, willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the Town service, and shall, if he or she is an officer or employee of the Town, immediately forfeit the office or position he holds.

ARTICLE VI The Town's Finance

Section 1. Powers and Duties of the Treasurer–Clerk.

Under the supervision of the Commissioners, the Treasurer–Clerk shall have authority and shall be required to:

- (a) prepare at the request of the Town Commissioners an annual budget to be submitted to the Town Commissioners.
- (b) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the Town Commissioners may require, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the Town Commissioners may require, a complete financial report to the Town Commissioners.
- (e) Ascertain that all taxable property within the Town is assessed for taxation.
- (f) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
- (g) Do such other things in relation to the fiscal or financial affairs of the Town as the Town Commissioners may require or as my [may] be required elsewhere in this Charter.

Section 2. Surety Bond.

The Treasurer–Clerk shall provide a bond with such corporate surety and in such amount as the Town Commissioners by ordinance may require.

Section 3. The 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 4. Submission of the Budget.

The Chairman–Mayor of the Board of Town Commissioners, on such date as the Town Commissioners by ordinance shall determine, but at least thirty–two (32) days before the beginning of any fiscal year, shall submit a budget to the Town Commissioners. 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 be equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Treasurer–Clerk, open to public inspection by anyone during normal business hours.

Section 5. Adoption of the Budget.

Before adopting the budget, the Town Commissioners shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Town Commissioners may insert new items or may increase or decrease the items of the budget. Where the Town Commissioners shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such 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 Town Commissioners shall be necessary for adoption of the budget.

Section 6. Appropriations.

No public money may be expended without having been appropriated by the Town Commissioners. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 7. The Transfer of Funds.

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

Section 8. Over–Expenditures Prohibited.

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 expenditures of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditures pursuant to this Charter. Any contract, verbal or written, made in violation of the Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts of the borrowing or spending of money for capital improvements to be financed in whole or in part by issuance of bonds, or monies otherwise borrowed by the Town, 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 9. Lapse of Appropriations; Unexpended Funds.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be

considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 10. Issuance and Signing of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by both the Treasurer–Clerk and the Chairman–Mayor or by the Chairman–Mayor and a member of the Board of Town Commissioners.

Section 11. Taxable Property.

All real property and all tangible personal property within the corporate limits of the Town or personal property which may have a situs there by reason of the residence of the owner therein is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 12. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Treasurer–Clerk. The Board of Town Commissioners may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than five thousand dollars (\$5,000.00) shall be made on written contract. The Treasurer–Clerk shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the lowest responsible bidder, taking into consideration such factors (but not by way of limitation) as quality of goods and work, time of delivery or completion and past performances of the bidder. All such written contracts shall be approved by the Board of Town Commissioners before becoming effective. The Board shall have the right to reject all bids and re–advertise. The Town, at any time, at its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for or re–advertising for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the Town may require.

Section 13. Possession of and Accounting for Fees.

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

Section 14. Auditing.

The financial books and accounts of the Town shall be audited annually.

Section 15. Power of Town to Levy Special Taxes and 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 water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof 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 assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town and any other item of cost which may reasonably be attributed to the project.

Section 16. Procedure for Special Assessments.

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 Board of Town Commissioners.

B. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

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 Board of Town Commissioners by ordinance. Before levying any special assessment charges, the Board of Town Commissioners shall hold a public hearing. The Treasurer-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 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 Treasurer-Clerk 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 Treasurer-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 Treasurer–Clerk shall have completed publication and service of notice as provided in this section. Following the hearing, the Treasurer–Clerk, at 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 for the county within ten (10) days after the levying of any assessment by the Board of Town Commissioners.

F. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Board of Town Commissioners may determine. The Board of Town Commissioners shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Board of Town Commissioners.

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 Treasurer–Clerk.

ARTICLE VII Town Holdings

Section 1. 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 2. 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 a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland (1951 Edition, as amended), title, “Eminent Domain.”

Section 3. Acquisition and Maintenance of Buildings for Town Government.

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

Section 4. Protection.

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 VIII
Public Ways and Sidewalks

Section 1. Public Ways.

The term “public ways,” as used herein, shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 2. Control and Maintenance by Town; Exceptions.

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, the Town Charter, and the Town’s Ordinances, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town.

Section 3. Powers of Town Regarding Public Ways.

Regarding public ways, the Town shall have the power to:

- A. Establish, regulate and change from time to time the grade lines, width and construction materials of any Town public way or part thereof, bridges, curbs and gutters.
- B. Grade, lay out, construct, open, extend and make new Town public ways.
- C. Grade, straighten, widen, alter, improve or close up any existing Town public way or part thereof.
- D. Pave, surface, repave or resurface any Town public way or part thereof.
- E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any Town public way or part thereof.
- F. Construct, reconstruct, maintain and repair bridges.

G. Name Town public ways.

H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

Section 4. Powers of Town Regarding Sidewalks.

Regarding sidewalks, the Town shall have the power to:

A. 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. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on Town property along any public way or part thereof.

C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.

D. 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 shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

Section 5. Powers of Town Regarding Weed Control.

A. The Town Commissioners shall have the power to prevent or abate, by appropriate ordinance, all nuisances in the Town which are so defined at common-law, by the Charter, and/or by the laws of the State of Maryland, whether the same be herein specifically named or not, to regulate and control the cutting of weeds, grass or deleterious, unhealthful growth or other noxious matter that may be growing, lying, or located on any lot, place or area with the Town.

B. The Town Commissioners shall have the power, upon the failure of an owner to comply after proper notice by the Town, to abate the nuisance or correct the condition authorized to be controlled or regulated by this section, and charge the owner, occupant, and/or agent of the property and/or record a lien against the property, in the appropriate amount, which shall be collectable by the Town in the same manner as taxes or by suit at law.

ARTICLE IX Water and Sewers

Section 1. Powers of Town.

The Town shall have the power to:

- A. Construct, operate, and maintain a water system and water plant.
- B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- E. Have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 2. Submission of Plans and Written Approval Required Prior to Construction of Structures in Public Ways; Penalties.

Any public service corporation, company or individual, before beginning any construction 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 may 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 stormwater systems, the Town may order it removed.

Section 3. Removal of Obstructions Upon Notice; Use of Condemnation Powers; Penalties.

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 Article VII, § 2 of this Charter. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 4. Right of Entry on County Public Ways; Notification Required.

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 Prince George's 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 5. Connections to Water and Sewer Mains; Disposition of Cesspools, Privies and Wells; Penalties.

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 be required to 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. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 6. Connection Charges.

The Town may make a charge, the amount to be determined by the Town Commissioners, 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 7. Prevention of Waste or Improper Use of System.

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 8. Operation and Maintenance of Private Systems; Penalties.

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 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 9. Extension of Water and Sewer Mains.

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

Section 10. Right of Entry for Access to Installations; Penalties.

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 11. Pollution of Water Supply Prohibited; Penalties.

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 12. Contracts for Water or Sewage Removal.

The Town, if it deems 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 13. Service Rates and Charges; Collection.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Treasurer-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 X
Town's Bonds and Borrowing

Section 1. Bonds, Generally.

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

Section 2. 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 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 centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Board of Town Commissioners shall have the powers to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 3. General Obligation Borrowing.

(a) The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this Section.

(b) As determined by or provided for in the authorizing ordinance and/or resolution of the Town Commissioners, the general obligation bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication or dissemination of the notice of sale, as determined by the Town Commissioners by ordinance or resolution;

(2) For a price or prices that may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Town Commissioners; and

(4) For cash or other valuable consideration.

(c) The ordinance or resolution that authorizes the general obligation bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity, at such price or prices at, above or below par value as determined or provided for by the Town Commissioners, and for the manner of publishing or otherwise giving notice of such redemption, and may contain such other provisions regarding the terms, conditions, issuance, sale and delivery of such bonds, notes or other evidences of indebtedness as the Town Commissioners may determine necessary or desirable.

(d) The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the general obligation bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(e) The official signatures and seals affixed to any of the general obligation bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

(f) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the sale of municipal obligations at competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the Town and/or in a generally recognized financial journal such as *The Bond Buyer*, or any notice of sale may be disseminated solely in electronic form and/or by any other then-commercially reasonable manner for the sale of municipal obligations, as determined by the Town Commissioners by ordinance or resolution.

(g) Any resolution adopted by the Town Commissioners pursuant to this section may be introduced and adopted in a single session and shall not be subject to petition to referendum, notwithstanding the provisions of any other section of this Charter.

(h) In connection with the authorization of its general obligation bonds, notes or other evidences of indebtedness, the Town may pledge to the payment thereof, or provide that such obligations shall be payable in the first instance from, any other sources of revenue available to the Town.

(i) The power and obligation of the Town to pay any and all general obligation bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter or other applicable law shall be unlimited except as hereinabove provided, and the Town shall levy ad valorem taxes upon all taxable property in the Town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon without limitation of rate or amount.

(j) Pursuant to an ordinance or resolution passed in accordance with this section, the Town Commissioners may delegate to one or more named elected or appointed officials of the Town the authority to make on behalf of the Town any such determinations with respect to any general obligation borrowing as they deem appropriate.

(k) The power conferred on the Town under this section of the Charter shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the Town by Maryland public general or public local law, and the Town may authorize, issue and secure any such general obligation debt in conformity with this Charter and/or any other applicable law.

(l) All general obligation bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter, as amended, and all ordinances and resolutions 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 4. Long-Term Borrowing.

A. Such borrowing or indebtedness shall be evidenced by the issuance of general obligation coupon bonds, the same to be issued, sold and delivered in accordance with the terms and conditions of an ordinance or ordinances passed in conformity with and pursuant to the

authority of §§ 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), Title, "Corporations—Municipal;" Subtitle, "Home Rule;" Subheading, "Creation of Municipal Public Debt;" provided, however, that if the ordinance or ordinances authorizing the issuance of said bonds shall so specify, said bonds may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids.

B. The maturing principal of and interest of said bonds may be paid, in whole or in part, from the proceeds of such benefit assessments or connection or service charges, or any combination thereof, as the Town of Eagle Harbor may levy, impose, and collect from time to time during and for any period of time not exceeding the life of said bonds, power and authority so to do being hereby specifically granted.

Section 5. Revenue Bonds, Notes or Other Evidences of Indebtedness.

(a) In addition to any other authority conferred by applicable law, the Town shall have the power to borrow money to finance or refinance undertakings for the accomplishment of any of the purposes, objects and powers of the Town and, in connection therewith, to issue bonds, notes or other evidences of indebtedness (including refunding bonds, notes or other evidences of indebtedness), all of which shall be fully negotiable and payable as to both principal and interest solely from, and secured solely by, a pledge of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken in whole or in part by issuance of said bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Town Commissioners, or (5) any combination of (1), (2), (3) or (4). Any and all of such revenue bonds, notes or other evidences of indebtedness shall not be general obligations of the Town and shall never constitute an indebtedness or a charge against the general credit or taxing powers of the Town within the meaning of any constitutional, statutory or charter provision limiting or restricting the issuance or sale of bonds, notes or other evidences of indebtedness of the Town, and shall never constitute or give rise to any pecuniary liability of the Town.

(b) Any and all revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section shall be authorized by ordinance. Any such ordinance may prescribe, among other things, certain matters pertaining to such revenue bonds, notes or other evidences of indebtedness including, without limitation, the form and tenor thereof; the terms, provisions and conditions thereof; the manner or method of issuance and sale thereof (which may be at public sale following the solicitation of competitive bids, or by private negotiated sale without advertisement or publication of the notice of sale or solicitation of competitive bids, as the Town Commissioners may deem appropriate and which need not be in the manner set forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time); the time or times of

issuance thereof; and any and all other details incident to any such revenue bonds, notes or other evidences of indebtedness and the issuance, sale and delivery thereof of any and all transactions relating thereto; and any such ordinance may authorize and empower the Town Commissioners by resolution to determine, set forth or provide for any and all of the foregoing matters and to do any and all things necessary, proper, desirable or expedient in connection with the issuance, sale and delivery of any such revenue bonds, notes or other evidences of indebtedness and any and all transactions relating thereto, provided that such ordinance sets forth a maximum principal amount of revenue bonds, notes or other evidences of indebtedness to be issued for such undertaking and generally describes the project or projects to be accomplished. A resolution adopted pursuant to this section may be introduced and adopted at a single session of the Town Commissioners, may not be petitioned to referendum and shall become effective immediately upon its adoption. Pursuant to an ordinance or resolution passed in accordance with this section, the Town commissioners may delegate to one or more named elected or appointed officials of the Town the authority to make on behalf of the Town any such determinations with respect to any revenue borrowing as they deem appropriate.

(c) Any revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section may be secured by a trust agreement, indenture or similar instrument between the Town and a corporate trustee, which may be any entity with trust powers within or without the State of Maryland. The authorizing ordinance or resolution (if any) may, among other matters, approve or provide for the approval of the form of the trust agreement, indenture or similar instrument. The authorizing ordinance, the resolution (if any) or the trust agreement, indenture or similar instrument may pledge or assign all or any part of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said revenue bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Town Commissioners, or (5) any combination of (1), (2), (3) or (4). Any such ordinance, resolution, trust agreement, indenture or similar instrument may set forth the rights and remedies of the holders of the revenue bonds, notes or other evidences of indebtedness; may restrict the individual right of action by the holders of such revenue bonds, notes or other evidences of indebtedness; may contain whatever provisions for the protection and enforcement of the rights and remedies of the holders of any such revenue bonds, notes or other evidences of indebtedness as the Town Commissioners may deem reasonable and proper; and, in addition to the foregoing, may contain whatever other provisions the Town Commissioners may deem reasonable, desirable or proper for the security of the holders of any such revenue bonds, notes or other evidences of indebtedness.

(d) All revenue bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter, as amended, and all ordinances and resolutions 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 6. 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 under the authority of the Town's Charter or ordinances 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, without limitation of amount. 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 the Town's Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

ARTICLE XI

General Provisions

Section 1. Oath of Office.

Before any elective or appointive officer of the Town of Eagle Harbor shall enter upon his or her duties, he or she shall make an oath before some other officer authorized to administer oaths in Prince George's County, Maryland stating that he or she will diligently and faithfully discharge the duties of his or her office and that he or she shall file a certificate of such oath, with the Treasurer-Clerk or the Chairman-Mayor of the Board of Town Commissioners, which shall become part of the record of said Town.

All 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; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and laws of this state." All elected officials of the Town shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the County or before one of the sworn deputies of the Clerk of the Court.

Section 2. Prior Rights and Obligations.

All right, title and interest held by the Town or any other person or corporation at the time this Charter is adopted in and to any lien acquired under any prior Charter of the Town are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses 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 3. General Penalties.

A. *Misdemeanor.* 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 thereof before the District Court of Maryland, by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for sixty (60) days in the County Detention Center, in the discretion of the Court. 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 (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. *Municipal infractions.* The Town's Board of Commissioners may provide that violations of any municipal ordinance shall be a municipal infraction within the terms of Article 23A, § 3(b), of the Annotated Code of Maryland, as the same may be amended from time to time, and is further empowered to provide for the same by ordinance.

Section 4. Effect of Charter on existing law and rules.

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 according to the provisions of 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 be and the same hereby are repealed to the extent of such conflict.

Section 5. Severability.

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 nor the context in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of 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.