CHARTER

OF THE

Town of Brentwood

PRINCE GEORGE'S COUNTY, MARYLAND

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BRENTWOOD

CHAPTER 1
General Corporate Powers

Section 100.0.

The citizens of the Town of Brentwood are a body corporate by the name of the Town Council of Brentwood, and by that name may have perpetual succession, sue and be sued, have and use a common seal, and may purchase and hold real estate, or dispose of the same for the benefit of said Town.

CHAPTER 2
Corporate Limits

Section 200.0. Town Boundaries.

The boundaries of the said Town shall be as follows: Beginning at the northernmost corner of the corporation of Mt. Rainier, which is at the intersection of the center line of 34th Street, if extended, with the center line of the Northwest Branch of the Anacostia River; and continuing thence in a southeasterly general direction along the center line of said stream to the intersection of the south eastern line of Czarra's Revised Addition to Brentwood as per flat **[**plat**]** filed among the Land Records of Prince George's County, Maryland, in Plat Book S. D. H. No. 3 at page No. 6 which line is coincident with the northwest side of lot No. 22 in Block H of Holladay Company's Addition to Brentwood as per plat filed in Liber J. W. B. 5 at folio No. 646, one of the aforementioned Land Records of Prince George's County; and running thence along the said southeastern line of Czarra's Revised Addition to Brentwood to a point on the southwest side of Allison Street, formerly Lynn Street, which point is distant 200 feet northwest of the northwest side of 39th Place, formerly Oak Street; as shown on the aforesaid plat of Holladay Company's Addition to Brentwood; thence running parallel to and 200 feet distant from the northwest side of 39th Place, formerly Oak Street, a distance of 600 feet, more or less, to a point on the prolongation of the rear or east side of the lots numbered 2, 3, 4, and 5, fronting on 39th Street, formerly Pine Street, of the aforementioned Holladay Company's subdivision; and running thence in a southerly direction along said rear or east line to the center of Moyer's Mill Race; thence with said mill race to the center line of 39th Place, formerly Park Avenue; thence in a southerly direction along said center line to the center line of alley Ralston and Ray's re–subdivision; thence along center line of said alley to the east side of 40th Street; formerly Ivy Street; thence in a southerly direction on 40th Street, formerly Ivy Street, 30 feet, more or less, to center line of said alley; thence in an easterly direction along center line of said alley to the line of Washington Railway and Electric Company (Rhode Island Avenue) thence 250 feet, more or less, along line of Washington Railway and Electric Company to intersection with Webster Street, formerly John Street; thence in an easterly direction along center line of Webster Street, formerly John Street, 250 feet, more or less; thence in a southerly direction 80 feet more or less; thence in an easterly direction across the right–of–way of the B. & O. Railroad Co.; thence in a

southwesterly direction along said line of right–of–way three quarters of a mile, more or less, to the intersection with the boundary of Mt. Rainier incorporation; thence following the Mt. Rainier boundary line across the right–of–way of the B. & O. Railroad in a northwesterly general direction to the point where the eastern right–of–way of Cedar Lane intersects the center line of Upshur Street, formerly Dewey Street; thence west along the center line of Upshur Street to the center line of 34th Street; thence north along said center line of 34th Street to the end thereof; thence continuing in a straight line until intersecting the center line of the Northwest Branch, which said continued straight line is the prolongation of the center line of 34th Street, if extended, the place of beginning.

CHAPTER 3
The Council

Section 300.0. Composition, Selection and Term.

All legislative powers of the Town shall be vested in a Council consisting of four Councilmembers and the Mayor who shall be elected as hereinafter provided, and who shall hold office for a term of two years or until the succeeding Council takes office. The newly elected Mayor and Councilmembers shall take office on the Tuesday immediately following the first Monday in May. Each Councilmember and the Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected or until his successor or the succeeding Council is elected and takes office under the provisions of this Charter. (Res. No. 86–1, 9–9–86.)

Section 301.0. Qualifications of Councilmembers.

Members of Council, defined as Councilmembers and the Mayor, shall (a) have been domiciled within the town for not less than 365 days preceding the filing deadline for certification as a candidate as set forth in 508.0 and 508.1, (b) have been a qualified voter of the town of Brentwood for not less than 365 days preceding the filing deadline for certification as a candidate, again as set forth in 508.0 and 508.1. Members of Council shall maintain their physical residence in the town for the entirety of their term of office. The minimum age for Councilmembers shall be twenty–five (25) years of age. The minimum age for the Mayor shall be thirty (30) years of age. (Res. No. 89–1, 3–28–89; Res. No. 2002–01, 2–4–03.)

Section 302.0. Salary of Councilmembers.

Each councilmember shall receive an annual salary which shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected and further provided that such a salary ordinance be approved by the majority of the qualified voters of the municipality voting thereon at a regular or special municipal election. The ordinance making any change in the salary paid to the Councilmembers, either by way of increase or decrease, shall be finally ordained prior to the

municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

Section 303.0. Meeting of the Council.

The newly elected Council shall meet on the first Monday following its election for the purpose of organization, after which the Council shall meet regularly at such time as may be prescribed by its rules, but not less frequently than once each month. Special meetings shall be called at the request of the Mayor or a majority of the Councilmembers. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

Section 304.0. Council to be Judge of Qualifications of its Members.

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the appropriate Maryland State Court.

Section 305.0. Mayor.

The Mayor shall be elected, hold and take office as provided in Section 300.0 of this Charter. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter. The qualifications for Mayor and his salary are provided in Sections 301.0 and 302.0 respectively.

Section 306.0. Functions and Duties of Mayor.

The Mayor, or in his absence, disqualification or incapacity, the Vice Mayor or Mayor Pro Tem, shall perform the following functions:

Section 306.1.

He shall serve as President of the Council, preside at all meetings of the Council, perform all duties consistent with his office, and have a voice and vote in the proceedings of the Council but no veto power. He shall vote last upon the roll call of the Council.

Section 306.2.

He shall be recognized as the head of the Town government for all ceremonial purposes, by the Courts for serving civil processes, and by the governor for purpose of military law.

Section 306.3.

He shall exercise such other powers and perform such other duties as are or may be conferred upon him by this Charter and the ordinances of the Town.

Section 307.0. Vice Mayor and Mayor Pro Tem.

At the first meeting following a regular municipal election, the Council shall choose by resolution one of its members as Vice Mayor to preside in the absence of the Mayor. In the event that the Mayor and designated Vice Mayor should be absent at any meeting of the Council, any member of the Council may be designated Mayor Pro Tem for such meeting.

Section 308.0. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no resolution or ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Council.

Section 309.0. Procedure of the Council.

The Council 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 member. The journal shall be open to public inspection. A separate journal of all resolutions and ordinances passed by the Council shall be maintained by the Town Clerk and shall be open for public inspection.

Section 310.0. Vacancies.

The office of Councilmember shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

Section 311.0. Filling of Vacancies.

In the event the Mayor or any Councilmember dies, resigns, or is removed from office his successor shall be appointed or selected as follows:

If the Mayor’s office is vacated, the Council shall select one of its members to serve as Mayor for the unexpired term or until his successor is elected and qualified.

If a Councilmember's office is vacated, the Mayor shall appoint any qualified person residing within the town to serve the unexpired term of said Councilmember with approval of the Council.

If the Council or Mayor fail to fill the office within thirty days following the occurrence of the vacancy, the Board of Supervisors of Elections shall call a special election to fill the vacancy, to be held not sooner than ninety (90) days and not later than one hundred twenty (120) days following the occurrence. The special election shall be governed by the provisions of this Charter. (Res. No. 89–1, 3–28–89.)

Section 312.0. Forfeiture of Office.

The Mayor or a Councilmember shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony or, (4) fails to attend three regular meetings of the Council without being excused by the Council.

Section 313.0. Impeachment Proceedings.

Section 313.1. Grounds.

An elected officer may be impeached if he is accused of committing an offense involving malfeasance, misfeasance, or nonfeasance in office.

Section 313.2. Procedure to Impeach.

In order to bring impeachment proceedings against any elected official, the Council must pass a resolution listing the charges, the official to be impeached, and the time of the hearing. The council may vote on an impeachment resolution if it receives a valid petition naming the official and the charges. The petition is valid only if it contains the signatures of twenty–five per centum (25%) of all registered voters in the town.

Upon passage of an impeachment resolution the Council shall notify the elected official named in the resolution of his impending impeachment. Such notification shall consist of a copy of the resolution certified by the Town Clerk listing the charges against him and the day, hour, and place of the hearings. The Council may, by a three–fourths (3/4) majority, vote to suspend from office the impeached official until the hearings are complete. (Res. No. 89–1, 3–28–89.)

Section 313.3. Hearings.

Throughout the impeachment hearings and final vote of the Council, the impeached official shall take no part in Council deliberations and votes, but shall be regarded as a defendant. The Council shall act as a board of inquiry and shall elect from its members a chairman to preside over the hearings. A quorum for the proceedings shall consist of a majority of the Council. The Town Attorney shall act as prosecutor in behalf of the town. In the course of the hearings, the Council shall have the power to

(a) administer oaths and affirmations,

(b) issue subpoenas,

(c) rule on offers of proof and receive relevant evidence

(d) take or have taken depositions

(e) regulate the course of the hearings, and

(f) settle procedural issues by consent of both parties.

The defendant shall have sufficient opportunity to answer all evidence brought against him. The defendant shall be immediately removed from office if a three–fourths (3/4) majority of the Council votes to convict him.

Section 313.4. Reinstatement and Compensation.

If the accused officer is acquitted, he shall be reinstated in office for the remainder of his term with the full rights and privileges granted an elected official. The reinstated officer shall receive any salary withheld from him during his suspension.

CHAPTER 4
Powers of the Council

Section 400.0. General and Specific Powers.

Section 401.0.

The Council shall have the general 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 the Town and visitors thereto and sojourners therein.

Section 401.1. Misdemeanors and Municipal Infractions.

To ensure the compliance with the Ordinances and General Laws of the Town, and the laws of other jurisdictional authorities directly effecting **[**affecting**]** the Town, the power is hereby granted to designate a violation of these Ordinances and General Laws as either a general Ordinance breach punishable as a criminal misdemeanor or a municipal infraction. The definition, description and scope of criminal misdemeanors and municipal infractions shall be

contained within the Ordinance of the Town of Brentwood, Maryland. (Charter Amendment 80–1, February 7, 1980.)

Section 402.0. Specific Powers.

The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

Section 402.1. Advertising.

To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

Section 402.2. 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.

Section 402.3. Amusements.

To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

Section 402.4. Appropriations.

To appropriate municipal monies for any purpose within the powers of the Council.

Section 402.5. Auctioneers.

To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

Section 402.6. Band.

To establish a municipal band, symphony orchestra or other musical organization, and to regulate the conduct and policies thereof.

Section 402.7. 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 the same; to formulate a building code and to appoint a building inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

Section 402.8. Codification.

To provide for the codification of all ordinances which have been or may hereafter be passed.

Section 402.9. 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.

Section 402.10. 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.

Section 402.11. Curfew.

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

Section 402.12. Departments.

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

Section 402.13. Disorderly Houses.

To suppress bawdy houses, disorderly houses and houses of ill fame.

Section 402.14. Dogs and Cats.

To regulate the keeping of dogs and cats in the Town and to provide, wherever the County does not license or tax dogs and cats, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and cats on which no license fee or taxes are paid.

Section 402.15. Elevators.

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

Section 402.16. 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.

Section 402.17. 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.

Section 402.18. 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.

Section 402.19. Fire.

To suppress fires and prevent the dangers thereof; 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; and to take all other measures necessary to control and prevent fires in the Town.

Section 402.20. Gambling.

To restrain and prohibit gambling.

Section 402.21. Garbage.

To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

Section 402.22. 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.

Section 402.23. 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.

Section 402.24. Health.

To protect and preserve the health of the Town and its inhabitants; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; 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.

Section 402.25. 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.

Section 402.26. Liens.

To provide that any valid charges, taxes or assessments made against any real or personal property within the Town shall be liens upon such property, to be collected as municipal taxes are collected. Taxes which are liens on personal property are also liens on real property of the same taxpayer within the town boundaries.

Section 402.27. Lights.

To provide for the lighting of the Town.

Section 402.28. Livestock.

To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, rabbits, cats, pigeons, 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.

Section 402.29. 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.

Section 402.30. Noise.

To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns or any other offensive noises.

Section 402.31. Nuisances.

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

Section 402.32. 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.

Section 402.33. 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.

Section 402.34. Parking Meters.

To install parking meters on the streets and public places of the Town in such places as they shall by ordinance determine, and by ordinance 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 said State Administration.

Section 402.35. 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.

Section 402.36. Police Force.

To establish, operate, and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of constables in this State.

Section 402.37. Police Powers.

To prohibit, suppress, and punish within the Town all vice, prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

Section 402.38. Property.

To acquire by conveyance, purchase or gift, real 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 days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

Section 402.39. Regulations.

To adopt by ordinance and enforce within the corporate limits: police, health, sanitary, fire, building, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

Section 402.40. 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 cleaning sidewalks.

Section 402.41. Sweepings.

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

Section 402.42. Vehicles.

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

Section 402.43. Voting Machines.

To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

Section 402.44. 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.

Section 402.45. 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 403.0. Exercise of Powers.

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 404.0. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held no less than six nor more than sixty days after the meeting at which any 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 provisions that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative vote of three members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of thirty (30) calendar days following passage by the Council. A reasonable summary of each ordinance shall be published in a newspaper or newspapers having general circulation in the Town.

Section 405.0. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Chapter 6. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon the adoption or at such time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re–enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency

ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 406.0. Referendum on Ordinances.

No ordinances passed by the Mayor and Town Council shall go into effect until after the expiration of thirty days after its passage, unless otherwise provided by the laws of this State. If within thirty days from the date of its passage a petition protesting against it and signed by fifty percent (50%) of the registered voters of the Town shall be filed with the Town Clerk, such ordinance shall be immediately suspended, and the Mayor and Council shall submit it to a vote of the duly qualified voters of said Town at the next election; provided, however, that if the next election shall occur more than ninety days thereafter, the Mayor and Town Council shall call a special election for the purpose of deciding whether such proposed ordinance shall or shall not become a law, and the same shall become operative or repealed by a majority of the votes cast at this election.

CHAPTER 5
Registration, Nomination and Elections

Section 500.0. Regular Elections.

The election for all elective Town officers shall be held on the first Monday of May of odd–numbered years at a place to be posted in five (5) public places, the location of which shall be generally spread throughout the Town; at least ten (10) days before said election. The polling places shall remain open between the hours of 7 a.m. and 8 p.m. or longer at the discretion of the Council. (Res. No. 2002–2, 2–4–03.)

Section 501.0. Qualifications of Voters.

Every person shall be a qualified voter who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age on or before the date of the Town election, (c) is a resident of the Town of Brentwood, (d) is a registered voter in accordance with Section 506.2 of this Charter and (e) is not convicted of an infamous crime as defined in 506.2. (Res. No. 2002–2, 2–4–03.)

Section 502.0. Board of Supervisors of Elections.

The Board of Supervisors of Elections shall consist of a chief election judge, who shall serve as the chairman of the Board of Supervisors of Elections, and two (2) election officials. (Res. No. 2002–2, 2–4–03.)

Section 502.1.

On or before March first in each and every year that there is a regular Town election, the Mayor and Town Council shall appoint one qualified voter of said Town, not holding any other office thereunder, to serve **[**as**]** a chief election judge, who shall act as registration official and

judge of any election held during the two years succeeding his appointment, and said chief election judge shall be authorized to administer oaths in the performance of his duties hereinafter set forth. In case of a vacancy occurring in said office of chief election judge, the Mayor and Town Council shall appoint a qualified person to fill said vacancy occurring in said office. The chief election judge shall receive such compensation as shall be determined by the Mayor and Town Council for each and every day he may be required to serve as judge of elections or as registration official. (Res. No. 2002–2, 2–4–03.)

Section 502.2.

The Mayor and Town Council shall also appoint two (2) qualified voters of said Town, not holding any other office thereunder, to serve as election officials for the two years succeeding their appointment, to assist the chief election judge in his duties during the course of any election held during their term, and may, at the request of the chief election judge, serve as registration officials, for the purpose of making convenient to the citizens of the Town the opportunity to register to vote. The election officials shall receive such compensation as shall be determined by the Mayor and Town Council for each and every day they may be required to serve as election officials for the purpose of registration or assisting the chief election judge in the conduct of elections. (Res. No. 2002–2, 2–4–03.)

Section 503.0. Removal of Members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council, if in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges. (Res. No. 2002–2, 2–4–03.)

Section 504.0. Duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, certification of candidates, and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties. (Res. No. 2002–2, 2–4–03.)

Section 505.0. Notice of Registration Days and Elections.

The Board of Supervisors of Elections shall give at least two weeks notice of every regular registration day and every election by an advertisement published in some County newspaper having general circulation in the Town and by posting notice thereof in some public place or places in the Town. (Res. No. 2002–2, 2–4–03.)

Section 506.0. Registration.

Section 506.1. Time of Registration

There shall be registration on the first and second Mondays of April of each election year between the hours of 7 a.m. and 8 p.m., of qualified persons not registered to vote. If necessary, for the performance of registration or the convenience to the citizens of the Town, the Council may designate additional days as registration days. Notwithstanding the foregoing, no person shall be permitted to register to vote from 8:00 p.m. on the second Monday in April until the second Monday in May beginning at 9:00 a.m. (Res. No. 2002–2, 2–4–03.)

Section 506.2. Registration Procedure.

The chief judge of elections shall be furnished by the Council with a well–bound registration book, for which he shall be responsible. All persons registering to vote shall present proof of identification, which shall include but not be limited to a passport, a birth certificate, or a valid driver's license, and shall swear or affirm under penalty of perjury that they (a) are a citizen of the United States, (b) are a resident of Maryland, Prince George's County and the Town of Brentwood, (c) will be eighteen (18) years of age by the date of the next Town election, (d) are not under guardianship for mental disability, (e) have not been convicted more than once of an infamous crime (defined below) with a pardon, (f) are not under sentence or probation or parole following conviction for an infamous crime, and (g) that all the information given in the process of registering to vote is true. Infamous crime is defined as any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption. (Res. No. 2002–2, 2–4–03.)

Section 506.3. Registration by Mail.

The Council may provide for voter registration by mail. Such registration program shall be established and administered by the general rules and regulations set forth by the State Administrative Board of Election Law. The information required on these forms shall be supplied by the applicant under penalties of perjury. (Res. No. 2002–2, 2–4–03.)

Section 506.4. Revision of Registration Books.

The registration books shall be reviewed by the chief election judge and or **[**and/or**]** his designate, before each regular and/or special Town election. Registered voters who are deceased, or who have moved out of the Town of Brentwood, shall be automatically removed from the registration list and will be ineligible to vote. If any registered voter has not voted in five (5) years, his name shall automatically be removed from the registration list and he will be ineligible to vote. Citizens removed from the registration list by failure to vote must re–register to be eligible to vote in future elections. As edited and changed by State law. (Res. No. 2002–2, 2–4–03.)

Section 506.5. Registration with the Prince George's County Board of Elections.

In addition to registering to vote in municipal elections as provided in Sections 506.1 through 506.4 of this charter, a qualified voter of the Town who registers to vote with the Board of Supervisors of Elections of Prince George's County, pursuant to State laws, as amended from time to time, shall be deemed registered for elections in the Town.

Any person who registers to vote with the Board of Supervisors of Elections of Prince George's County, pursuant to State law, as amended from time to time, that also meets the requirements set forth in 501.0(c), shall be deemed registered to vote in any general or special election within the Town of Brentwood. (Res. No. 2002–2, 2–4–03.)

Section 507.0. Appeal from Action of Board of Supervisors of Elections.

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any person, or by any other action, he may appeal to the Council. Any such appeal shall be filed with the clerk of the Council within 30 days of the egregious action. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court of Prince George's County within the time allowed for such appeals. (Res. No. 2002–2, 2–4–03.)

Section 508.0. Certification of Candidates.

Candidates for election to the office of Mayor or Councilmember shall file with the Board of Supervisors of Elections a petition signed by at least twenty (20) registered voters of Brentwood. The candidate shall file his petition for an elective office not less than forty–five (45) days (including Sundays and holidays) prior to the date of such election.

Such petition shall state (a) the name and address of the candidate, (b) the fact that such person is eligible for election to the office of Mayor or Councilmember and (c) that such person wishes his name placed on the ballot as candidate. Such petition shall be sworn to or affirmed by the person filing same, both as to the fact of the candidate's eligibility and as to the genuineness of the signatures of such petition. When said petitions have been filed and the time for their filing has expired, the Board of Supervisors of Elections shall examine and pass upon the sufficiency and legality of the petitions and the eligibility of the petitioning candidates. No candidate shall file for election for more than one Town public office at any one election. The Board of Supervisors of Elections shall cause to be given general publicity the names of such eligible candidates with the names of the office they seek, and shall post all of such names and offices conspicuously at the polls. (Res. No. 2002–2, 2–4–03.)

Section 508.1. Write–in Candidates for Elective Office.

The Town shall allow for write–in candidates during any regular or special election. Any candidates running a write–in campaign shall notify the chief election judge of their intent in writing before distributing any information to the citizenry for the purpose of soliciting votes. A candidate, running for any office;**[,]** as a write–in candidate, must fulfill the qualifications set in

Section 301.0 of this Charter. In the event that those qualifications are not met, the candidate will be disqualified from the election.

If the course of the election is completed and the candidate has received enough votes to be seated in one of the vacant offices, and is then proven not to have met the qualifications set forth in Section 301.0, the qualified candidate who received the next highest votes in the election will be seated in the vacant office in place of the write–in candidate. Understanding that the citizenry may write in the name(s) of a person(s) for office with or without consent, it will be incumbent upon the Board of Supervisors of Elections to qualify said person(s) per Section 301.0 and determine their willingness to serve, if elected, before a public announcement of the election results is made.

Any candidate wishing to pursue a write–in campaign who does not adhere to this ordinance shall be disqualified by the Board of Supervisors of Elections any may not hold office regardless of the number of votes cast on their behalf. (Res. No. 2002–2, 2–4–03.)

Section 509.0. Election of the Mayor and Council.

Beginning on the first Monday in May, 1977, and every second year thereafter, the qualified voters of the Town shall elect a Mayor and four Councilmembers, elected at large. (Res. No. 2002–2, 2–4–03.)

Section 510.0. Conduct of Elections.

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines. The ballots and/or voting machines shall show the name of each candidate certified for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. (Res. No. 2002–2, 2–4–03.)

Section 511.0. Absentee Ballot.

Any qualified voter registered in the Town of Brentwood is entitled to vote in any municipal election by absentee ballot. Said absentee ballot must be post marked not later than 7 calendar days before the date of the election or hand delivered to the Town offices not later than the close of business on the last business day before the election. (Res. No. 2002–2, 2–4–03.)

Section 512.0. Write–in Votes.

The Town shall provide for write–in votes at all elections. (Res. No. 2002–2, 2–4–03.)

Section 513.0. 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 practical, as regular Town elections. (Res. No. 2002–2, 2–4–03.)

Section 514.0. Vote Count.

The Board of Supervisors of Elections shall begin counting the vote **[**votes**]** immediately after the polls have closed. All votes shall be counted to include the regular ballot and absentee ballots. Once the actual vote count begins, no persons shall enter or leave the room in which the vote count is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty–four hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the Council. The Clerk of the Town shall record the result in the minutes of the Council. The four candidates for Councilmember with the highest number of votes shall be declared elected. The candidate for election to the vacancy of Mayor with the highest number of votes shall be declared elected. A tie vote shall be decided by special election between the tied candidates within 30 days. (Res. No. 2002–2, 2–4–03.)

Section 515.0. Preservation of Election Results.

All absentee ballots and all records used in any Town election shall be preserved for at least two (2) years from the date of the election. (Res. No. 2002–2, 2–4–03.)

Section 516.0. Regulation and Control.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of the Charter for the conduct of registration, certification, and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Res. No. 2002–2, 2–4–03.)

Section 517.0. Women.

Women shall have equal privileges with men in registration, 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. (Res. No. 2002–2, 2–4–03.)

Section 518.0. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this subtitle or any ordinance passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this sub–title or any ordinance passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or election, shall be deemed guilty of a misdemeanor. (Res. No. 2002–2, 2–4–03.)

Section 519.0 Challenges to Candidates or Election Results.

Any challenge to a certified or write–in candidate for office, or an election result, must be levied by a registered voter in the Town of Brentwood and presented to the chief election judge in writing within 30 days of the completion of a general or special election. The name(s) of the

challenger(s) shall be held in the confidence of the chief election judge. No anonymous challenges will be accepted or acted upon. (Res. No. 2002–2, 2–4–03.)

Section 520.0 Investigation Procedures for a Challenge.

The chief election judge shall be empowered by the Council to have full investigative power once he has received written notification of a challenge or contest. The chief election judge shall be granted access to the Town Attorney who shall act as his sole legal advisor in any investigation. Said investigation shall be solely for the purpose of gathering facts pertaining to the resolution of the challenge or contest and shall be embarked upon under the direction of the chief election judge.

Once sufficient evidence has been gathered, the chief election judge shall render his decision based solely on facts obtained through his investigation and law. He will then promptly notify all parties involved of his decision.

Any person aggrieved by the actions of the chief election judge with regard to a challenge may file an appeal with the clerk of the Council, in writing, not later than 30 days after receipt of the decision.

Once the challenge has been resolved, all factual evidence obtained by the chief election judge and any other products of investigation shall be placed in an envelope, sealed and presented to the Town Attorney for safe keeping to be opened in the event of subsequent legal action or disposed of when appropriate. (Res. No. 2002–2, 2–4–03.)

CHAPTER 6
Finance

Section 600.0. Fiscal Year.

The fiscal year of the Town government shall begin on the first day of July and shall end on the last day of June. Such year shall constitute the budget year of the Town government.

Section 601.0. Submission of Budget.

At or before the first Council meeting in April of each year, the Mayor shall submit to the Council a proposed budget for the ensuing fiscal year.

Section 602.0. Budget.

The Council shall prepare a budget on such date as they shall determine, but at least thirty–two (32) days before the beginning of any fiscal year. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. There shall be included in the Budget an appropriation for the Brentwood Volunteer Fire Department in an amount not to exceed Ten

Cents (10) per One Hundred Dollars ($100.00) of assessed valuation of all taxable real and personal property in the Town, said appropriation to be used exclusively for the maintenance, equipment and operation of the Brentwood Volunteer Fire Department. 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 603.0. Budget Adoption.

Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the Town. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, 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 shall be necessary for adoption.

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 604.0. Appropriations – Approval.

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

Section 605.0. Transfer of Funds.

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

Section 606.0. Over–Expenditure Forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 607.0. 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 next succeeding budget year.

Section 608.0. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Town Treasurer or such officer as may be designated by the Council and shall be countersigned by the Mayor.

Section 609.0. Taxable Property.

All real property and all 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, shall be subject to taxation for municipal purposes. Household furniture and effects held for household use of the owners or members of his family, and not held or employed for the purpose of profit or in connection with any business, profession, or occupation shall not 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 any property which is exempt from taxation by any Act of the General Assembly.

Section 610.0. 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 611.0. Tax Sales.

Section 611.1. Notice of Levy.

It shall be the duty of the Town Treasurer as soon as the annual tax levy is made and placed in his hands for collection to give notice by advertisement in one newspaper published in the County and proceed to the collection of taxes through the Town of Brentwood.

Section 611.2. Sales of Real Property.

Whenever any real property owner within this municipal corporation is delinquent in the payment of municipal taxes or charges levied against the property, the Town Treasurer shall notify the tax collector of the County of the unpaid taxes or charges on the property. If the procedure for tax sales described in the Annotated Code of Maryland is not instituted by the County tax collector within a period of thirty (30) days after receipt of a notice from the Town Treasurer, the Town Treasurer is authorized at any time after the expiration of the thirty (30) day

period to utilize the provisions and procedures for the sale of property for unpaid municipal taxes or charges as described in the Annotated Code of Maryland to the same extent that these provisions and procedures are available to County tax collectors.

Section 611.3. Personal Property.

All unpaid municipal taxes on personal property shall be considered unpaid liens on the personal property upon which they are levied from the date they become payable and said unpaid personal property taxes shall also be a lien on the real property located in the taxing jurisdiction of the Town of Brentwood of the owner of the tax delinquent personal property.

Whenever there shall be a default in the payment of taxes on personal property and the Town Clerk shall have distrained or levied upon the same for nonpayment of any taxes due by the owner thereof, before making sale of the property so distrained or levied upon, said Town Clerk shall give notice by advertisement published once a week for two successive weeks prior to the date of sale in a weekly newspaper having a general circulation in the Town, that he will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in said advertisements, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with the interest thereon, and all costs of making said distraint or levy and advertisements shall be paid. Every Town Clerk who shall sell any personal property levied or distrained upon for taxes, after due advertisement, as herein provided, shall retain out of the proceeds of sale the amount of taxes due from the delinquent on such property sold, for which such distraint or levy shall have been made, with the interest thereon and all costs incurred in making said sale, and shall pay over the surplus, if any, to the owner of the property so levied or distrained upon and sold. Said sale of personal property shall be final as to all parties. The right of redemption by the delinquent taxpayer is hereby specifically denied.

Section 612.0. When Taxes are Overdue.

The taxes provided for in Section 609.0 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 percent (2/3%) per month for each month or fraction of a month until paid, and an additional penalty of one percent (1.00%) per month 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 611. (Res. No. 91–1, 4–23–91.)

Section 613.0. 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 612.0 of this Charter shall be turned over by the 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 614.0. Fees.

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

Section 615.0. 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 616.0. 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 no later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per centum (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 617.0. 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," subtitle "Creation of Municipal Public Debt."

Section 618.0. Payment of Indebtedness.

The power and obligation of the Town to pay any and all bonds, notes, or other evidences of indebtedness issued by it shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon. The faith and credit of the Town is hereby pledged for the payment of the principle 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 a pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 619.0. 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 620.0. Purchasing and Contracts.

Section 620.1.

The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

Section 620.2.

All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars ($5,000.00) shall be made utilizing competitive bids and written contracts. The Mayor shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance. The contract, in writing, shall be awarded to the bidder who offers the lowest or best bid, 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 re–advertise. 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 re–advertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require. (Ch. Amd. 85–1, 12–24–85.)

CHAPTER 7
Administration

Section 700.0. Town Treasurer.

There shall be a Town Treasurer appointed by the Mayor and Council. Compensation shall be determined by the Council. The Town 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 Town Treasurer under the direct supervision of the Mayor.

Section 701.0. Town Clerk.

There shall be a Town Clerk appointed by the Mayor and Council. He shall attend every meeting of the Council and keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 702.0. Town Attorney.

There shall be a Town Attorney appointed by the Council. He shall serve at the pleasure of the Council and his compensation shall be so 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 703.0. Other Administrative Offices.

The Council shall have the power to establish, change, or abolish administrative non–elective offices, in the Town and the duties accompanying them. All departments, offices, and agencies shall be under the direction and supervision of the Mayor. He may appoint with Council consent an officer to assist him in administration of the departments, offices, or agencies.

Section 704.0. Merit System Authorized.

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 Council may 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, a 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 705.0. Retirement System.

The Town Council may 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 706.0. 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, except that compensation for the Mayor and Council shall be subject to Section 302.0 of this Charter.

Section 707.0. Employee Benefit Programs.

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

Section 708.0. Prohibitions.

Section 708.1. Town Employees Prohibited from Holding Office.

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

Section 708.2. Political Soliciting.

No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any Town political purpose whatever from any person holding a position in the service of the Town.

Section 708.3. Political Contributions.

No person holding a nonelective position in the service of the Town shall make any contribution to the campaign funds of any candidate for public office in the Town or take any part in the management, affairs, or political campaign of any candidate for public office in the Town, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

Section 708.4. Holding Multiple Offices.

No person shall hold more than one town office or position at any one time, nor shall any person holding any town office, or position have outside business interest in commercial enterprises doing business with the Town. For the purposes of this section, town office or position shall mean all elective, appointive and classified positions of the Town with no distinction made between paid or unpaid positions.

Section 709.0. Conflict of Interest.

Section 709.1. Participation of Municipal Officer, Employee or Agent in Matter Involving Financial Interest.

No officer, employee or agent of any department, board, commission, authority, or other public agency of the Town of Brentwood shall participate personally and substantially as a municipal officer, employee or agent through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, parent, child under

eighteen years of age, brother, or sister has a financial interest as defined herein, or to which any firm, corporation, association, or other organization in which he has a financial interest or in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, is a party.

Section 709.2. Financial Interest Defined.

As used in this article, the term "financial interest" shall mean (a) ownership of any interest or involvement in any relationship from or as a result of which the owner has, within the past three years, received or is presently or in the future entitled to receive more than $500 per year, or (b) ownership of more than three percentum (3%) of the invested capital or capital stock of any firm, corporation, association or other organization, or (c) ownership of securities or obligations of any type which are or may become equivalent to or convertible into ownership of more than three percentum (3%) of the invested capital or capital stock of any firm, corporation, association or organization.

CHAPTER 8
Public Ways and Sidewalks

Section 800.0. Definition of Public Ways.

The terms "public ways" as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, sidewalks, and alleys.

Section 801.0. Control of Public Ways.

The Town has control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town.

Section 802.0. Power of the Town as to Public Ways.

Section 802.1.

The Town may:

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.

Section 802.2.

Grade, lay out, construct, open, extend, and make new Town public ways.

Section 802.3.

Grade, straighten, widen, alter, improve, or close up any existing Town public way or part thereof.

Section 802.4.

Pave, surface, repave, or resurface any Town public way or part thereof.

Section 802.5.

Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.

Section 802.6.

Construct, reconstruct, maintain, and repair bridges.

Section 802.7.

Name Town public ways.

Section 802.8.

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

Section 803.0. Powers of Town as to Sidewalks.

Section 803.1.

The Town may:

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.

Section 803.2.

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

Section 803.3.

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

Section 803.4.

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 804.0. Notice and Hearing.

Before the Council has approved a project to improve or establish a public way or in any part of one within the Town, it shall schedule a hearing under the provisions for Special Assessments in this Charter.

Section 805.0. Contracts.

If a project is approved by the Council, the Council may provide that the project be done under contract. The Council shall then invite bids on the contract by advertising in at least one newspaper having general circulation in the Town for a period of two weeks. In all cases, the Council reserves the right to reject any and all bids received. If the contract is awarded, the Council shall award it to the lowest bidder.

All contractors shall give bond in the amount the Council requires to insure the faithful performance of their contracts. The Council may employ a competent engineer at such compensation as they determine to carry out the objectives of this article. (Char. Am. 84–1, 2–15–84.)

CHAPTER 9
Storm Water Drainage System

Section 900.0. Power of the Town.

The Town may operate, maintain and repair storm water sewers and the storm water drainage system provided said maintenance and repairs are not supplied by the Washington Suburban Sanitary Commission unless the approval of the Commission has been granted.

CHAPTER 10
Special Assessments

Section 1000.0. Power of Town to Levy Special Assessments.

The Town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and

gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the 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 items of cost which may reasonably be attributed to the project.

Section 1001.0. Procedure.

Section 1001.1. Provided.

The procedure for special assessments, wherever authorized in this Charter, is as provided in this section.

Section 1001.2. Assessment of cost.

The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.

Section 1001.3. Amount.

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 causes 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.

Section 1001.4. Uniformity of Rates.

Property affected by a special assessment may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

Section 1001.5. Levy of Charges; Public Hearing; Notice.

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 of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for

taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The 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 and not more than thirty 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.

Section 1001.6. Right of Appeal.

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 days after the levying of any assessment by the Council.

Section 1001.7. Payments; Interest.

Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten 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.

Section 1001.8. When Due; Lien on Property; Collection.

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

Section 1001.9. Town Treasurer.

All special assessments shall be billed and collected by the Town Clerk, under the supervision of the Town Treasurer.

Section 1002.0. Fire Department.

(Repealed by Charter Amendment Resolution 78–1; December 18, 1978.)

CHAPTER 11
Town Property

Section 1100.0. 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 1101.0. 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 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 established under the title "Eminent Domain" in the Annotated Code of Maryland.

Section 1102.0. 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 1103.0. 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.

CHAPTER 12
General Provisions

Section 1200.0. Oath of Office.

Before entering upon the duties of their offices, the Mayor, Councilmembers, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: "I, ..., do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ....., according to the Constitution and Laws of this State."

Section 1201.0. Taking the Oath.

The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George's County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

Section 1202.0. Official Bonds.

The Town Treasurer and such 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 1203.0. 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 1204.0. 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 one hundred dollars ($100.00) or imprisonment for thirty days 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 1205.0. Effect of Charter on Existing Ordinances.

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.

Section 1206.0. Conflicting Ordinances, Resolutions, Rules and Regulations.

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 hereby repealed to the extent of such conflict.

Section 1207.0. Gender – Singular and Plural.

Every word in this Charter importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word

importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

Section 1208.0. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

CHAPTER 13
Transitional Provisions

Section 1300.0. Officers and Employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Town officers or employees at the time of its adoption.

Section 1301.0. Continuance of Office or Employment.

Except as specifically provided by this Charter, if at the time this Charter takes effect a Town officer or employee holds any office or position which is or can be abolished by this Charter, he shall continue in such office until the specific provision under this Charter directing that he vacate the office or position becomes effective.

Section 1302.0. Personnel System.

An employee holding a Town position at the time this Charter takes effect, who was serving in that same position or a comparable position at the time of its adoption, shall not be subject to competitive test as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Chapter 7.

Section 1303.0. Mayor and Council.

The Mayor and Council in office at the effective date of this Charter shall continue to hold office until the new Mayor and Council are elected and take office as provided for in Section 509.0, and they shall exercise all rights, duties, powers, and responsibilities granted by this Charter.