

CHARTER
OF THE
Town of New Windsor
CARROLL COUNTY, MARYLAND

*As found in the Public Local Laws of Carroll County
1976 Edition, 1979 Supplement, as amended*

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NEW WINDSOR

General Corporate Powers

Section 11–1. Incorporated; general powers.

The inhabitants of the Town of New Windsor within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of “The Town of New Windsor” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated. (1965 Code, sec. 313. Res. 1, Dec. 13, 1960, sec. 3; Res., Oct. 1, 1974, sec. 313.) (See note (8))

Corporate Limits

Section 11–2. Boundaries and annexations. (See Note (8))

(a) *Filing.* The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of the Circuit Court of Carroll County, the Commissioner of the Land Office, (See note (1)) the Director of the Department of Legislative Reference [Services] and the office of the Mayor or of the Town Clerk. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

(b) *Description.* The corporate limits of the Town of New Windsor are as follows: Beginning at a concrete monument now to be planted at the northeast corner of the said corporate limits and on a line between the land of Paul E. Buckey and the Relief Center and running thence with this line, extending the same, (1) S. $66\frac{1}{2}^{\circ}$ W., 133.9 rods to a concrete monument to be planted on the west edge of Water Street, extended and passing the middle of the Uniontown Road at the end of 87.1 rods thereon; thence (2) S. 49° W., 33.9 rods to a concrete monument to be planted on the west edge of the Western Maryland Railroad right-of-way; thence (3) S. 23° E., 74.5 rods to a concrete monument to be planted and passing the middle of the old Liberty Road at the end of 50.7 rods; thence (4) S. $66\frac{7}{8}^{\circ}$ E., 44.2 rods to a concrete monument to be planted on the north side of a private road; thence diagonally crossing the said road, (5) N. $56\frac{7}{8}^{\circ}$ E., 27.0 rods to a concrete monument to be planted on the northeast side of the Western Maryland Railroad right-of-way and passing the middle of the Frederick Road at the end of 20.0 rods; thence along the northern line of the Philip B. Snader land so as to exclude the same, (6) N. $52\frac{5}{8}^{\circ}$ E., 109.0 feet to a wild cherry tree; thence (7) N. $59\frac{1}{2}^{\circ}$ E., 14.6 rods to a concrete monument to be planted; thence (8) N. $31\frac{1}{2}^{\circ}$ W., 81.8 rods to the beginning. Provided, however, that for all sanitary and police regulations, the authority and control of said municipal corporation shall extend for one-quarter of a mile in every direction beyond the aforesaid limits.

(c) *Same; annexation of 1968.* And all that tract of land annexed to the Town of New Windsor by the Resolution of Annexation dated November 4, 1968, described as follows:

Beginning at the point where the southern marginal line of Springdale Road (formerly Smelser Road) intersects the existing eastern corporate boundary of the Town of New Windsor, running thence (1) northeasterly with the said southern marginal line of Springdale Road to the Rowe Road; thence (2) easterly with the southern marginal line of the Rowe Road to the end of the first or N 9° E 72 3/4 perch line of the land conveyed by Adam Englar to J. Frank Getty by deed dated April 6, 1878, recorded among the land records of Carroll County in Liber No. FTS 49, Folio 386 (presently part of the Weller Brothers, Inc. farm); thence reversely with said line (3) S 9° W 72 3/4 perches to the end of the eighth or N 9° E 2 perch line of the 10 acre, 2 rods and 6 square perches tract of land conveyed by Uriah Englar to Isaac S. Brillhart by deed dated September 5, 1874 and recorded among said land records, Liber FTS 44, Folio 205 (presently part of the Weller Brothers, Inc., farm); thence, reversely with the eighth and seventh lines of said 10 acre, 2 rods and 6 square perches tract (4) S 9° W 2 perches (5) S 38° W 8 perches to the end of the sixth line of N 38° E 61 1/2 perch line of the 33 acre 5 square perch tract of land conveyed by said Uriah Englar to Isaac S. Brillhart by deed dated September 5, 1874 and recorded among said land records, Liber FTS 44, Folio 205 (presently part of the Weller Brothers, Inc., farm); thence reversely with said line (6) S 38° W 61 1/2 perches to the end of the eleventh line or N 39° E 7 perch line of the land conveyed by George P. B. Englar and wife unto Edward E. Lescalleet and wife, dated April 6, 1921 and recorded among the said land records in Liber EOC 138, Folio 268 (formerly the George Englar Farm and presently the Philip B. Snader Farm); thence, with the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth lines of said deed (7) N 36° W 44 8/10 perches, (8) N 51 1/2° W 15 1/2 perches, (9) N 47° W 20 perches, (10) S 78° W 8 84/100 perches, (11) S 55 3/4° W 8 24/100 perches, (12) S 40° E 1 32/100 perches, and (13) S 48° W to the intersection of the southeastern corner of the existing boundary of the corporate limits of the Town of New Windsor with said eighteenth or S 48° W 20 57/100 perch line as designated by concrete post formerly set with marking "N.W.", thence (14) northerly with the existing eastern boundary of said town to the place of beginning.

(d) *Same; annexation of 1978.* Beginning for the same at concrete monument now set on the Southwest right-of-way line of the Western Maryland Railroad, 66.00 feet wide, at the corner formed by the intersection of said Southwest right-of-way line with the 13-th or North 47 3/8° East 42 foot line of land which by deed dated August 30, 1977 and recorded among the Land Records of Carroll County in Liber C.C.C. 677 folio 131, was conveyed by June L. Keck, et al, to Marc L. Apter and Helene Duane Apter, his wife, said place of beginning being also situate on the West boundary line of the Town of New Windsor, thence leaving said place of beginning and said Southwest right-of-way line of the Western Maryland Railroad and running with and binding reversely on part of said 13-th line and running also with and binding on the West boundary line of the Town of New Windsor, as now surveyed and referring all courses of this description to the true meridian established by solar observation, 1) South 31° 20' 30" West 40.50 feet to an iron pipe, thence running with and binding on the outline of the land described in said deed and still running with and binding on the Western boundary lines of the Town of New Windsor, the two following courses and distances, viz; 2) South 30° 09' 04" East 142.03 feet to a stone, and thence 3) South 15° 12' 41" East 351.30 feet to an iron pipe in the bed of Old New Windsor Road, thence leaving the West boundary lines of said Town of New Windsor and running with and binding in the bed of said road and running also with and binding on the outline of said land 4) South 17° 09' 57" West 296.53 feet to a stone, thence leaving said Old New

Windsor Road and running with and binding on the outline of the land described in said deed the 13 following courses and distances, viz; 5) South 80° 50' 52" West 152.00 feet to an iron pipe, thence 6) South 06° 21' 44" West 251.00 feet to an iron pipe, thence 7) South 79° 36' 03" West 269.00 feet to a stone, thence 8) South 14° 39' 17" West 165.62 feet to an iron pipe, thence 9) North 78° 58' 02" West 594.00 feet to an iron pipe, thence 10) South 13° 44' 23" West 385.00 feet to an iron pipe, thence 11) South 76° 25' 28" East 28.24 feet to an iron pipe, thence 12) South 13° 34' 32" West 250.00 feet to a railroad spike in or near the centerline of Hawk's Hill Road, thence running with and binding in the bed of said road 13) North 76° 25' 28" West 33.44 feet to a railroad spike, thence still running with and binding in the bed or said road 14) North 65° 11' 11" West 392.95 feet to a railroad spike, thence leaving said Hawk's Hill Road and running 15) North 11° 24' 46" East 700.00 feet to an iron pipe, thence 16) North 78° 21' 08" West 470.09 feet to a concrete monument and thence 17) North 11° 58' 47" East 2209.59 feet to a concrete monument and to the Southwest right-of-way line of the Western Maryland Railroad, thence running with and binding on the Southwest right-of-way line of said Western Maryland Railroad the three following courses and distances, viz; 18) South 59° 58' 30" East 141.96 feet to an iron pipe, thence 19) by a line curving to the right in a Southeasterly direction with the radius of 1393.45 feet for the distance of 416.28 feet, the arc of which is subtended by a chord bearing South 51° 25' 00" East 414.74 feet to a concrete monument, and thence 20) South 42° 51' 30" East 1382.62 feet to the place of beginning containing 77.8857 acres of land, more or less.

(e) *Same; annexation of 1982.* Beginning for the same at a point on the existing Corporate Limits of the Town of New Windsor, said point being on and distant North 34° 58' 27" East 466.34 feet from the beginning of the North 35° 53' 40" East 560.00 foot line of a tract of land conveyed unto Joel C. Kaufman and Rosemary N. Kaufman, his wife, by deed dated January 30, 1978 and recorded among the Land Records for Carroll County in Liber C.C.C. 694 folio 52, running thence with the existing Corporate Limits and on said line with all bearings referred to the Maryland State Grid Meridian North 34° 58' [] 27" East 109.19 feet to the end of said line and to a point on the southern most right-of-way line of Maryland Route 31 as shown on State Roads Commission Right-of-Way Plat No. 29214; thence leaving said existing Corporate Limits and with said Southernmost Right-of-way line as shown on the following Plats No. 29213, No. 29214, and No. 29331, South 53° 41[] 40" East 38.77 feet to a point being distant South 07° 53' 14" East 177.00 feet from base line of right-of-way station 337+54 as shown on said Plat No. 29214; thence North 35° 08' 10" East 20.52 feet to a point; thence North 76° 56' 59" East 166.68 feet to a point; thence with a line curving to the left having a radius of 50.00 feet for an arc length of 72.19 feet to a point, said curved line having a chord of North 35° 13' 30" East 64.38 feet, thence North 82° 06' 46" East 80.00 feet to a point, thence North 86° 34' 39" East 50.99 feet to a point, thence North 82° 06' 46" East 650.00 feet to a point, thence South 86° 34' 35" East 50.99 feet to a point, thence North 87° 49' 25" East 201.00 feet to a point; said point being distant South 07° 53' 14" East 140.00 feet, from centerline station 325+00 as shown on S.R.C. Plat No. 29213, thence North 67° 10' 53" East 155.24 feet to a point, said point also being at the end of the North 67° 01' 14" East 60.72 foot line as shown, on a plat of Tibbetts Industrial Park, Tract C, and recorded among the land records for Carroll County in Platbook 12 page 28, thence with said plat and continuing with said Right-of-Way North 82° 06' 46" East 700.00 feet to a point, thence North 70° 48' 12" East 50.99 feet to a point, thence North 82° 06' 46" East 102.38 feet to a point at right angles and 90.00 feet from centerline station 314+97.62, thence with a line curving to the left with a radius of 4673.66 feet for an arc length of 1199.77

feet, said curved line having a chord of North $74^{\circ} 45' 31''$ East 1196.48 feet, said point being at right angles and 90.00 feet from centerline station 303+20.95, thence North $67^{\circ} 24' 16''$ East 35.95 feet to a point, thence North $57^{\circ} 27' 55''$ East 3.55 feet to a point at the beginning of the South $34^{\circ} 47' 12''$ East 784.70 feet line of a tract of land conveyed unto the County Commissioners of Carroll County by [by] deed dated June 10, 1977 and recorded among the Land Records for Carroll County in Liber C.C.C. 681 folio 13, thence leaving said Maryland Route 31 Right-of-Way line and with said County Commissioners line South $34^{\circ} 37' 58''$ East 783.75 feet to a point in the centerline of Western Maryland Railroad, (66' R/W) thence with the centerline of said Railroad South $64^{\circ} 48' 04''$ West 101.04 feet to a point, thence South $63^{\circ} 17' 33''$ West 200.61 feet to a point, thence South $61^{\circ} 09' 50''$ West 222.86 feet to a point, thence South $58^{\circ} 51' 24''$ West 187.56 feet to a point in the centerline of Western Maryland Railroad and at the end of the south $33^{\circ} 59' 48''$ East 330.00 foot line of a parcel of land conveyed unto John M. Winter, Jr., and Mary Josephine Winter, his wife, by deed dated June 19, 1972 and recorded among the aforesaid Land Records in Liber C.C.C. 514 folio 187, thence leaving the centerline of said Railroad reversely with the outline of said Winters property North $33^{\circ} 48' 09''$ West 330.00 feet to a point, thence North $69^{\circ} 39' 33''$ West 185.67 feet to a point on the Eastern Right-of-Way line of a 70.00 foot proposed street known as Tibbetts Lane, thence with the Eastern side of said proposed street, and with a line curving to the right with a radius of 673.27 feet for an arc length of 64.51 feet to a point, said curved line having a chord of South $12^{\circ} 50' 09''$ West 64.48 feet, thence South $15^{\circ} 35' 05''$ West 100.00 feet to a point, thence with a line curving to the left having a radius of 533.60 feet for an arc length of 229.88 feet to a point, said curved line having a chord of South $03^{\circ} 14' 35''$ West 228.10 feet, thence South $09^{\circ} 05' 55''$ East 100.00 feet to a point, thence with a line curving to the right having a radius of 594.08 feet for an arc length of 106.53 feet to a point in the centerline of Western Maryland Railroad, said curved line having a chord of South $03^{\circ} 52' 21''$ East 106.39 feet, thence leaving the outline of said Winter lands and with the centerline of the Western Maryland Railroad South $56^{\circ} 08' 58''$ West 703.26 feet; thence leaving said Railroad and with the outline of Tract "C" as shown on the aforesaid Tibbetts Industrial Park Plat North $83^{\circ} 02' 08''$ West 484.17 feet to a stone found; thence North $30^{\circ} 16' 35''$ West 941.68 feet to a point; thence North $03^{\circ} 53' 40''$ East 201.53 feet to a point, thence leaving said Tibbett's Park outline and through the lands of Jerry Eugene Lease, et al, as recorded among the aforesaid Land Records in Liber L.W.S. 770 folio 602, South $80^{\circ} 25' 22''$ West 1432.00 feet to the place of beginning. Containing 53.278 acres of land more or less. (1965 Code, sec. 314. Res. 1, Dec. 13, 1960, sec. 4; Res., Nov. 4, 1968; Res., Oct. 1, 1974, sec. 314.)

(f) *Same; annexation of 1985.* All that lot or parcel of land situate on the north side of Rowe Road, 11th Election District, Carroll County, State of Maryland, known as Lot No. 3, Plat A, "Garland Acres", recorded among the Land Records of Carroll County in Plat Book No. 10, Folio 16, and according to a survey description prepared by George R. Pickavance, Registered Land Surveyor No. 10664, is described as follows:

BEGINNING for the same at a point on the Northside of Rowe Road at a distance of 30 feet measured at right angle from the centerline of said Rowe Road, said beginning point also being at the division line between Lots No. 2 and No. 3 as laid out and shown on Plat "A" of "Garland Acres" recorded among the Land Records of Carroll County in Plat Book 10, Plat 16; thence leaving the place of beginning and running across the said Rowe Road,

1. South 23 degrees 35 minutes 45 seconds East, 37.00 feet to the South side of the paved surface of Rowe Road and to intersect the existing corporate limits of The Town of New Windsor; thence running along said South side of the paved surface of Rowe Road and running and binding on the existing corporate limits of The Town of New Windsor,
2. North 66 degrees 24 minutes 15 seconds West, 125.00 feet; thence running across the said Rowe Road,
3. North 23 degrees 35 minutes 45 seconds East, 37.00 feet to a point on the North side of said Rowe Road at the division line between Lots No. 3 and 4 on said Plat "A" of "Garland Acres"; thence leaving said Rowe Road and running and binding on said division line between Lots No. 3 and 4,
4. North 23 degrees 35 minutes 45 seconds East, 200.00 feet; thence running and binding on the northernmost boundary line of Lot No. 3,
5. South 66 degrees 24 minutes 14 seconds East, 125.00 feet; thence running and binding on the aforesaid division line between Lots Nos. 2 and 3,
6. South 23 degrees 35 minutes 45 seconds West, 200.00 feet to the place of beginning.

Containing 0.680 acres more or less.

BEING, in part, all of Lot No. 3 as laid out and shown on Plat "A" of "Garland Acres" recorded among the Land Records of Carroll County in Plat Book 10, Plat 16, and, in part, part of the road bed of Rowe Road; and

BEING all and the same land described in a deed unto David E. Krall and Teresa Myers Krall dated October 13, 1978, and recorded among the Land Records of Carroll County, in Liber C.C.C. No. 721, Folio 580 &c., and also being the same land described in a deed dated May 3, 1979, and recorded among the Land Records of Carroll County, in Liber No. L.W.S. 743, Folio 440 &c., in which the said David E. Krall conveyed unto Teresa Myers Krall all of his right, title, interest and estate in and to the above-described property, the said Teresa Myers Krall having remarried and being now known as Teresa Myers McCoy. (Res. No. 1-85, 11-18-85.)

The Council

Section 11-3. Number; selection; term.

All legislative powers of the Town shall be vested in a Council consisting of five Councilmen who shall be elected as hereinafter provided with elections scheduled so that approximately one-half of the Council is elected every two years and who shall hold office for a term of four years or until the succeeding Council takes office, except that three of the

Councilmen elected in 1977 will serve for terms of two years. (1965 Code, sec. 315; Res. 1, Dec. 13, 1960, sec. 5; Char. Res. 1977-1, 3-23-77.)

Section 11-4. Qualifications.

Councilmen shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town. (1965 Code, sec. 316; Res. 1, Dec. 13, 1960, sec. 6.)

Section 11-5. Salary.

Each councilman shall receive an annual salary which shall be equal for all councilmen and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected. The ordinance making any change in the salary paid to the several councilmen, 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. (1965 Code, sec. 317; Res. 1, Dec. 13, 1960, sec. 7.)

Section 11-6. Meetings.

The newly elected council shall meet at 8:00 p.m. on the second Monday following its election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the clerk-treasurer upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. (1965 Code, sec. 318; Res. 1, Dec. 13, 1960, sec. 8.)

Section 11-7. Judge of election and qualification of members.

The council shall be the judge of the election and qualification of its members. (1965 Code, sec. 319; Res. 1, Dec. 13, 1960, sec. 9.)

Section 11-8. President.

The mayor shall serve as president of the council. The mayor may take part in all discussions, but he shall have no vote. The council shall elect a vice-president of the council from among its members who shall act as president of the council in the absence of the president of the council. (1965 Code, sec. 320; Res. 1, Dec. 13, 1960, sec. 10.)

Section 11–9. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no 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. (1965 Code, sec. 321; Res. 1, Dec. 13, 1960, sec. 11.)

Section 11–10. Procedure.

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. (1965 Code, sec. 322; Res. 1, Dec. 13, 1960, sec. 12.)

Section 11–11. Vacancies.

Vacancies in the council shall be filled as provided in Section 11–37 of this charter. (1965 Code, sec. 323; Res. 1, Dec. 13, 1960, sec. 13.)

Section 11–12. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty 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 above requirement may be suspended by the affirmative votes of four members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality and complete and exact copies of the ordinance shall be posted in both the Town Office and the Post Office in New Windsor, Maryland, not less than sixty (60) days after its enactment. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council. (1965 Code, sec. 324; Res. 1, Dec. 13, 1960, sec. 14; Char. Res. 1978–1, 5–24–78.)

Section 11–13. Vetoes.

All ordinances passed by the council shall be promptly delivered by the clerk–treasurer to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances to the clerk–treasurer within six days after delivery to him (including the days of delivery and return and excluding Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four–fifths of the whole council

within thirty–five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within six days of its delivery as aforesaid, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him. (1965 Code, sec. 325; Res. 1, Dec. 13, 1960, sec. 15.)

Section 11–14. Referenda.

If, before the expiration of twenty calendar days following approval of any ordinance by the mayor or passage of any ordinance over the mayor’s veto, a petition is filed with the clerk–treasurer 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 council 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 council’s discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for 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 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 days following receipt of the petition, then 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 under the authority of Section 11–61, 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 Sections 11–91 and 11–92. The provisions of this section shall be self–executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them. (1965 Code, sec. 326; Res. 1, Dec. 13, 1960, sec. 16.)

Section 11–15. File of ordinances.

Ordinances shall be permanently filed by the clerk–treasurer and shall be kept available for public inspection. (1965 Code, sec. 327; Res. 1, Dec. 13, 1960, sec. 17.)

The Mayor

Section 11–16. Selection; term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The newly elected mayor shall take office on the second Monday following his election. The mayor holding office on December 13, 1960, 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 first election for mayor under this Charter shall be

held the first Monday of June, 1962. The mayor so elected under the provisions of this Charter shall hold office until the second Monday following the election of his successor on the second Tuesday in May, 1965. Thereafter, the mayor shall be elected in accordance with this Charter for a term of four years. (1965 Code, sec. 328; Res. 1, Dec. 13, 1960, sec. 18.)

Section 11–17. Qualifications.

The mayor must have resided in the town for at least one year immediately preceding his election and must be a qualified voter of the town. (1965 Code, sec. 329; Res. 1, Dec. 13, 1960, sec. 19.)

Section 11–18. Salary.

The mayor shall receive an annual salary as set from time to time by an ordinance passed by the council in the regular course of business. Provided, however, that no change shall be made in the salary for any mayor during the term for which he was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor. (1965 Code, sec. 330; Res. 1, Dec. 13, 1960, sec. 20.)

Section 11–19. Powers and duties.

(a) *Executive.* The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

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

(c) *Report.* The mayor each year shall report to the council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) *Veto.* The mayor shall have the power to veto ordinances passed by the council as provided in Section 11–13.

(e) *Finances.* The mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the council. He shall supervise the administration of the budget as adopted by the council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *Other.* The mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the council, not inconsistent with this charter. (1965 Code, sec. 331; Res. 1, Dec. 13, 1960, sec. 21.)

General Powers

Section 11–20. Listed.

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

(2) *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:

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

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

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

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

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

(8) *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

(9) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, 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.

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

(11) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for 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; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

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

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

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

(17) *Dangerous 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.

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

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

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

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

(22) *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.

(23) *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.

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

(25) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain 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.

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

(27) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject, 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 years.

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

(29) *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.

(30) *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.

(31) *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.

(32) *Health.* To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; 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.

(33) *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 monies.

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

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

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

(37) *Lights.* To provide for the lighting of the town.

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

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

(40) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting [of] handbills and advertisements, and display of goods, wares, and merchandise.

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

(42) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether 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.

(43) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

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

(45) *Parking meters.* To install parking meters on the streets and public places of the town in such places as they 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. (See note (2))

(46) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(47) *Police force.* To establish, operate, and maintain a police force. All town policemen shall, within the municipality, have the powers and authority of constables (See note (3)) in this State.

(48) *Police powers.* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(49) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, 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.

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

(51) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(52) *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.

(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.

(57) *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.

(58) *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. (1965 Code, sec. 332; Res. 1, Dec. 13, 1960, sec. 22.)

Section 11–21. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (1965 Code, sec. 333; Res. 1, Dec. 13, 1960, sec. 23.)

Section 11–22. Enforcement.

To ensure the observance of the ordinances of the town, the council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not exceeding thirty days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this charter shall have the right of appeal within ten days to the Circuit Court of the county in which the fine, forfeiture, or penalty was imposed. The council may provide that, where the violation is of a

continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (1965 Code, sec. 334; Res. 1, Dec. 13, 1960, sec. 24.)

Registration, Nominations, and Elections

Section 11–23. Voters.

Every person who (1) is a citizen of the United States, (2) is at least twenty–one years of age, (See note (4)) (3) has resided in the State of Maryland for at least one year next preceding any town election, (4) has resided within the corporate limits of the town for six months next preceding any town election, and (5) is registered in accordance with the provisions of this charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections. (1965 Code, sec. 335; Res. 1, Dec. 13, 1960, sec. 25.)

Section 11–24. Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three members who shall be appointed by the mayor with the approval of the council on or before the first Monday in March in every second odd numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in March in the year in which they are appointed and shall run for four years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by the mayor with the approval of the council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the council. (1965 Code, sec. 336; Res. 1, Dec. 13, 1960, sec. 26.)

Section 11–25. Same; removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the council if he so requests within ten days after receiving the written copy of the charges against him. (1965 Code, sec. 337; Res. 1, Dec. 13, 1960, sec. 27.)

Section 11–26. Same; duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees to assist it in any of its duties. (1965 Code, sec. 338; Res. 1, Dec. 13, 1960, sec. 28.)

Section 11–27. Notice.

The Board of Supervisors of Elections shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town. (1965 Code, sec. 339; Res. 1, Dec. 13, 1960, sec. 29.)

Section 11–28. Registration.

There shall be a registration on the first Monday in April in every odd numbered year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the mayor may designate additional days as registration days. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a registration when necessary. (1965 Code, sec. 340; Res. 1, Dec. 13, 1960, sec. 30; Char. Res. 1977–1, 3–23–77.)

Section 11–29. Appeals.

If any person shall feel 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 other action, such person may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the Circuit Court for the county within thirty days of the decision or action of the council. (1965 Code, sec. 341; Res. 1, Dec. 13, 1960, sec. 31.)

Section 11–30. Nominations.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the second Monday in April next preceding the town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. (1965 Code, sec. 342; Res. 1, Dec. 13, 1960, sec. 32.)

Section 11–31. Primaries.

(a) *Date; conduct.* A primary election or municipal meeting or convention shall be held in a town on the fourth Monday in April in every odd numbered year, in order to select candidates for the general election on the second Tuesday in May. The primary election shall be conducted generally as specified in this subtitle for the conduct of special and general elections. Candidates' names shall appear in alphabetical order for the office sought, on the ballots or voting machine labels, with no party designation of any kind. If not more than ten persons have filed as candidates for the office of councilman, or if not more than two persons have filed for the office of mayor, no primary election shall be held as to that office or those offices. In such

instances those nominated for mayor or the nominees for councilmen shall be considered as nominees and their names shall be placed on the ballots or voting machines at the general election on the second Tuesday in May. Of the candidates participating in the primary election, the two persons receiving the highest number of votes cast for the office of Mayor and the ten candidates receiving the highest number of votes cast for the office of councilman shall be named and considered as nominees at the general municipal election following.

(b) *Candidates; procedure.* Candidates for the general election may be chosen at a town meeting or convention, at the time specified herein. Such meeting or convention for the selection of candidates shall be conducted generally according to accepted parliamentary procedure. In other respects, nominations at town meetings or conventions shall, wherever applicable, be conducted as specified herein for primary elections. (1965 Code, sec. 343; Res. 1, Dec. 13, 1960, sec. 33; Char. Res. 1977-1, 3-23-77.)

Section 11-32. Election of Mayor and Council.

(a) *Date:* On the second Tuesday in May in every odd-numbered year, the qualified voters of the Town shall elect Town officials as herein provided.

(b) *Transition Election:* In the 1977 election, a Mayor shall be elected to serve for a term of four years and five Councilmen shall be elected. The two members of the Council receiving the highest number of votes shall hold office for a period of four years and the remaining three members of the Council for a period of two years.

(c) *1979 Election:* Beginning with the election of 1979 and every four years hence, three Councilmen shall be elected to serve for terms of four years.

(d) *1981 Election:* Beginning with the election of 1981 and every four years hence, the Mayor and two Councilmen shall be elected to serve for terms of four years. (1965 Code, sec. 344; Res. 1, Dec. 13, 1960, sec. 34; Char. Res. 1977-1, 3-23-77.)

Section 11-33. Conduct of elections.

It shall be 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 ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 9:00 a.m. to 6:00 p.m. on election days or for longer hours if the council requires it. (1965 Code, sec. 345; Res. 1, Dec. 13, 1960, sec. 35.)

Section 11–34. Special elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (1965 Code, sec. 346; Res. 1, Dec. 13, 1960, sec. 36.)

Section 11–35. Vote count.

Within forty–eight hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk–Treasurer of the Town who shall record the results in the minutes of the Council. In the year 1977, the candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor for a term of four years. The two candidates for Councilman with the highest number of votes in the general election shall be declared elected as Councilmen for a term of four years and the three candidates for Councilman with the next highest number of votes shall be declared elected as Councilmen for a term of two years. Thereafter, in the odd–numbered years where only Councilmen are to be elected, the three candidates for Councilman with the highest number of votes shall be declared as Councilmen for a term of four years, and in odd–numbered years where the Mayor and two Councilmen shall be elected, the candidate for Mayor with the highest number of votes shall be declared elected as Mayor for a term of four years, and the two candidates for Councilman with the highest number of votes shall be declared elected as Councilmen for a term of four years. (1965 Code, sec. 347; Res. 1, Dec. 13, 1960, sec. 37; Char. Res. 1977–1, 3–23–77.)

Section 11–36. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six months from the date of the election. (1965 Code, sec. 348; Res. 1, Dec. 13, 1960, sec. 38.)

Section 11–37. Vacancies.

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy in the office of mayor for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the council or in the office of mayor shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council. (1965 Code, sec. 340; Res. 1, Dec. 13, 1960, sec. 39.)

Section 11–38. Women.

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. (1965 Code, sec. 350; Res. 1, Dec. 13, 1960, sec. 40.)

Section 11–39. Regulation and control.

The council shall have the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (1965 Code, sec. 351; Res. 1, Dec. 13, 1960, sec. 41.)

Section 11–40. Penalties.

Any person who (1) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment. (1965 Code, sec. 352; Res. 1, Dec. 13, 1960, sec. 42.)

Finance

Section 11–41. Clerk–treasurer.

There shall be a clerk–treasurer appointed by the mayor with the approval of the council. He shall serve at the pleasure of the mayor. His compensation shall be determined by the council. The clerk–treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the clerk–treasurer under the direct supervision of the mayor. (1965 Code, sec. 353; Res. 1, Dec. 13, 1960, sec. 43.)

Section 11–42. Same; powers and duties.

Under the supervision of the mayor, the clerk–treasurer shall have authority and shall be required to:

- (1) Prepare at the request of the mayor an annual budget to be submitted by the mayor to the council.
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.
- (4) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.

(5) Ascertain that all taxable property within the town is assessed for taxation.

(6) 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.

(7) Have custody of all public moneys, belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this charter. (1965 Code, sec. 354; Res. 1, Dec. 13, 1960, sec. 44.)

Section 11–43. Same; bond.

The clerk–treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance may require. (1965 Code, sec. 355; Res. 1, Dec. 13, 1960, sec. 45.)

Section 11–44. 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. (1965 Code, sec. 356; Res. 1, Dec. 13, 1960, sec. 46.)

Section 11–45. Budget.

The mayor, on such date as the council by ordinance shall determine, but at least thirty–two days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk–treasurer, open to public inspection by anyone during normal business hours. (1965 Code, sec. 357; Res. 1, Dec. 13, 1960, sec. 47.)

Section 11–46. Same; adoption.

Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. 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. (1965 Code, sec. 358; Res. 1, Dec. 13, 1960, sec. 48.)

Section 11–47. Appropriations.

No public money may be expended without having been appropriated by the council. 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. (1965 Code, sec. 359; Res. 1, Dec. 13, 1960, sec. 49.)

Section 11–48. Transfer of funds.

Any transfer of funds between major appropriations for different purposes by the mayor must be approved by the council before becoming effective. (1965 Code, sec. 360; Res. 1, Dec. 13, 1960, sec. 50.)

Section 11–49. Over–expenditures.

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 amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter 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. (1965 Code, sec. 361; Res. 1, Dec. 13, 1960, Sec. 51.)

Section 11–50. Appropriations lapse.

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. (1965 Code, sec. 362; Res. 1, Dec. 13, 1960, sec. 52.)

Section 11–51. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the clerk–treasurer and shall be countersigned by the mayor or his or her designee. (1965 Code, sec. 363; Res. 1, Dec. 13, 1960, sec. 53, Res. 11–03–10, Dec. 23, 2010, sec. 1.)

Section 11–52. Property taxable.

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, shall be 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. (1965 Code, sec. 364; Res. 1, Dec. 13, 1960, sec. 54.)

Section 11–53. Budget authorizes 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. (1965 Code, sec. 365; Res. 1, Dec. 13, 1960, sec. 55.)

Section 11–54. Notice of tax levy.

Immediately after the levy is made by the council in each year, the clerk–treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He or she shall cause to be made out and delivered in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property. (1965 Code, sec. 366; Res. 1, Dec. 13, 1960, sec. 56, Res. 11–03–10, Dec. 23, 2010, sec. 2.)

Section 11–55. Taxes overdue.

The taxes provided for in Section 11–53 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 November. They shall bear interest while in arrears at the rate of one–half of one per centum (0.5%) 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 11–56. (1965 Code, sec. 367; Res. 1, Dec. 13, 1960, sec. 57.)

Section 11–56. Tax sales.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by Section 11–55 of this Charter shall be turned over by the clerk–treasurer 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[,] to [be] (See note (5)) sold for taxes by this county official, in the manner prescribed by State law. (1965 Code, sec. 368; Res. 1, Dec. 13, 1960, sec. 58.)

Section 11–57. 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 to the town. (1965 Code, sec. 369; Res. 1, Dec. 13, 1960, sec. 59.)

Section 11–58. Audits.

The financial books and accounts of the town shall be audited annually as required by Section 44 of Article 19 of the Annotated Code of Maryland (1951 Edition, as amended). (See note (6)) (1965 Code, sec. 370; Res. 1, Dec. 13, 1960, sec. 60.)

Section 11–59. Tax anticipation borrowing.

During the first six 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 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 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. (1965 Code, sec. 371; Res. 1, Dec. 13, 1960, sec. 61.)

Section 11–60. Borrowing power; public works.

(a) *General borrowing power.* The town may borrow money for any public purpose, including refinancing of any indebtedness of the town outstanding from time to time, and may evidence such borrowing by the issue and sale of its general obligation bonds or bond anticipation notes. Such bonds or notes may be issued and sold in the manner prescribed in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended and replaced), title “Corporations—Municipal”, subtitle “Home Rule”, subheading “Creation of Municipal Public Debt”, provided that, if any ordinance authorizing the issue and sale of any of such bonds or notes shall so specify, the bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation of competitive bids.

(b) *Public works.* In order to carry out the meaning and intent of this section, the mayor and council are empowered to do all things and to take any action, by ordinance or otherwise, deemed necessary for the regulation, efficient operation and maintenance of any work, plant or system, or any part thereof, any portion of the cost of which may be financed pursuant to the authority of this section.

(c) *Powers supplementary.* The authority and powers contained in this section shall be supplementary to existing law and may be exercised in whole or in part by the town notwithstanding any other provision or limitation of law. (Res., October 1, 1974.)

Section 11–61. 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 this charter 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 this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. (1965 Code, sec. 372; Res. 1, Dec. 13, 1960, sec. 62.)

Section 11–62. Previous bond issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to December 13, 1960, 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. (1965 Code, sec. 373; Res. 1, Dec. 13, 1960, sec. 63.)

Section 11–63. Purchases and contracts.

All purchases and contracts for the town government shall be made by the clerk–treasurer. The council 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 one thousand dollars (\$1,000) shall be made on written contract. The clerk–treasurer 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 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 clerk–treasurer shall have the right to reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (1965 Code, sec. 374; Res. 1, Dec. 13, 1960, sec. 64.)

Personnel

Section 11–64. Clerk to Council.

The clerk–treasurer shall serve as clerk to the council. He shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. He shall keep such other records and perform such other duties as may be required by this charter or the council. (1965 Code, sec. 375. Res. 1, Dec. 13, 1960, sec. 65.)

Section 11–65. Attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town shall have the power to employ such legal consultants as it deems necessary from time to time. (1965 Code, sec. 376. Res. 1, Dec. 13, 1960, sec. 66.)

Section 11–66. Authority to employ.

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. (1965 Code, sec. 377. Res. 1, Dec. 13, 1960, sec. 67.)

Section 11–67. 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 council 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, 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. (1965 Code, sec. 378. Res. 1, Dec. 13, 1960, sec. 68.)

Section 11–68. Classified and unclassified service.

(a) *Division.* The civil service of the town shall be divided into the unclassified and classified service.

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

(1) The mayor, the councilmen, and persons appointed to fill vacancies in these positions.

(2) The clerk–treasurer and the town attorney.

(3) The heads of all offices, departments, and agencies and members of town boards and commissions.

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

(c) *Classified service.* The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted. (1965 Code, sec. 379; Res. 1, Dec. 13, 1960, sec. 69.)

Section 11–69. Prohibitions.

(a) *Merit system.* If a merit system is adopted, 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 wilfully 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 position after becoming a candidate for 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 any 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 whatever 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 made [make] (See note (5)) any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political party or candidate for public office, further than in the 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 wilfully 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 one hundred dollars (\$100.00), or by imprisonment for a term not exceeding thirty 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 be an officer or employee of the town, immediately forfeit the office or position he holds. (1965 Code, sec. 380; Res. 1, Dec. 13, 1960, sec. 70.)

Section 11–70. Retirement system.

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. (1965 Code, sec. 381; Res. 1, Dec. 13, 1960, sec. 71.)

Section 11–71. 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, subject to the restrictions imposed upon establishing the salaries of the councilmen and mayor. (1965 Code, sec. 382; Res. 1, Dec. 13, 1960, sec. 72.)

Section 11–72. Employee benefit programs.

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 [employees], and to expend public monies of the town for such programs. (1965 Code, sec. 383; Res. 1, Dec. 13, 1960, sec. 73.)

Public Ways and Sidewalks

Section 11–73. Definitions.

The term “public ways” as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (1965 Code, sec. 384; Res. 1, Dec. 13, 1960, sec. 74.)

Section 11–74. Control.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission (See note (2)). 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. (1965 Code, sec. 385; Res. 1, Dec. 13, 1960, sec. 75.)

Section 11–75. Powers.

The town shall have the power:

- (1) To 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.
- (2) To grade, lay out, construct, open, extend, and make new town public ways.
- (3) To grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (4) To pave, surface, repave, or resurface any town public way or part thereof.

(5) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.

(6) To construct, reconstruct, maintain, and repair bridges.

(7) To name town public ways.

(8) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (1965 Code, sec. 386; Res. 1, Dec. 13, 1960, sec. 76.)

Section 11–76. Sidewalks.

The town shall have the power:

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

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

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

(4) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law. (1965 Code, sec. 387; Res. 1, Dec. 13, 1960, sec. 77.)

Water and Sewers

Section 11–77. Powers.

The town shall have the power:

(1) To construct, operate and maintain a water system and water plant.

(2) To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.

(3) To construct, operate, and maintain a storm water drainage system and storm water sewers.

(4) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

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

(6) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (1965 Code, sec. 388; Res. 1, Dec. 13, 1960, sec. 78.)

Section 11-78. Structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as 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 storm water systems, the town may order it removed. (1965 Code, sec. 389; Res. 1, Dec. 13, 1960, sec. 79.)

Section 11-79. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 11-94. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (1965 Code, sec. 390; Res. 1, Dec. 13, 1960, sec. 80.)

Section 11-80. Entering county public ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the 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. (1965 Code, sec. 391; Res. 1, Dec. 13, 1960, sec. 81.)

Section 11-81. Connections.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water

main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, 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. (1965 Code, sec. 392; Res. 1, Dec. 13, 1960, sec. 82.)

Section 11-82. Same; charge.

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (1965 Code, sec. 393; Res. 1, Dec. 13, 1960, sec. 83.)

Section 11-83. Improper uses 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. (1965 Code, sec. 394; Res. 1, Dec. 13, 1960, sec. 84.)

Section 11-84. Private system.

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. (1965 Code, sec. 395; Res. 1, Dec. 13, 1960, sec. 85.)

Section 11-85. Extensions beyond boundary.

The town shall have the power to extend its water or sewerage systems beyond the town limits. (1965 Code, sec. 396; Res. 1, Dec. 13, 1960, sec. 86.)

Section 11-86. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of

entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance be made a misdemeanor. (1965 Code, sec. 397; Res. 1, Dec. 13, 1960, sec. 87.)

Section 11-87. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor. (1965 Code, sec. 398; Res. 1, Dec. 13, 1960, sec. 88.)

Section 11-88. Contracts for service.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage. (1965 Code, sec. 399; Res. 1, Dec. 13, 1960, sec. 89.)

Section 11-89. Charges.

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 clerk-treasurer, and if bills are unpaid within thirty 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. (1965 Code, sec. 400; Res. 1, Dec. 13, 1960, sec. 90.)

Section 11-90. Exceptions.

The provisions of this subtitle shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subtitle, as to the particular powers included in the authorization. (1965 Code, sec. 401; Res. 1, Dec. 13, 1960, sec. 91.)

Special Assessments

Section 11-91. Powers.

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 main, storm water 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. (1965 Code, sec. 402; Res. 1, Dec. 13, 1960, sec. 92.)

Section 11-92. Procedure.

(a) *Provided.* The procedure for special assessments, wherever authorized in this charter, shall be as follows:

(b) *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.

(c) *Assessment.* 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.

(d) *Classes of property.* 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.

(e) *Levy; 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 clerk-treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk-treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk-treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Appeals.* 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.

(g) *Payment.* 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.

(h) *Due date.* All special assessment installments shall be overdue six 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.

(i) *Collection.* All special assessments shall be billed and collected by the clerk-treasurer. (1965 Code, sec. 403; Res. 1, Dec. 13, 1960, sec. 93.)

Town Property

Section 11-93. Acquisition; possession; 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) on December 13, 1960, are vested in the town, subject to the terms and conditions thereof. (1965 Code, sec. 404; Res. 1, Dec. 13, 1960, sec. 94.)

Section 11-94. 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". (See note (7)) (1965 Code, sec. 405; Res. 1, Dec. 13, 1960, sec. 95.)

Section 11-95. 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. (1965 Code, sec. 406; Res. 1, Dec. 13, 1960, sec. 96.)

Section 11-96. 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. (1965 Code, sec. 407; Res. 1, Dec. 13, 1960, sec. 97.)

General Provisions

Section 11-97. Oath of office.

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

(b) *How sworn.* The mayor 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. All other persons taking and subscribing the oath shall do so before the mayor. (1965 Code, sec. 408; Res. 1, Dec. 13, 1960, sec. 98.)

Section 11-98. Surety bonds.

The clerk-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. (1965 Code, sec. 409; Res. 1, Dec. 13, 1960, sec. 99.)

Section 11-99. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation on December 13, 1960, 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 on December 13, 1960. 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. (1965 Code, sec. 410; Res. 1, Dec. 13, 1960, sec. 100.)

Section 11–100. 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 judge of the District Court 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 judge of the District 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 offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (1965 Code, sec. 411; Res. 1, Dec. 13, 1960, sec. 101.)

Section 11–101. Effect on existing ordinances.

(a) *Not in conflict.* All ordinances, resolutions, rules, and regulations in effect in the town on December 13, 1960, 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) *In conflict.* All ordinances, resolutions, rules, and regulations in effect in the town on December 13, 1960, which are in conflict with the provisions of this charter be and the same hereby are repealed to the extent of such conflict. (1965 Code, sec. 412; Res. 1, Dec. 13, 1960, sec. 102.)

Section 11–102. 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 contest (See note (5)) 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. (1965 Code, sec. 413; Res. 1, Dec. 13, 1960, sec. 103.)

Section 11–103. Definitions.

Wherever in this article the word “town” shall appear, it shall be taken and construed to mean also the word “city.” (1965 Code, sec. 414; Res. 1, Dec. 13, 1960, sec. 104.)

NOTES

- (1) Now merged with the Hall of Records.
- (2) Now the State Highway Administration.
- (3) Under State law constables now have only civil duties.
- (4) Now eighteen years.
- (5) Thus in the original.
- (6) In the 1973 Replacement Volume, see Art. 19, sec. 40.
- (7) See Title 12 in the Real Property Article.

(8) The First Unnumbered Resolution, effective April 17, 1994, provided for the annexation of 6.630 acres of land (Brethren Service Committee Property), and the Second Unnumbered Resolution, effective July 16, 1994, provided for the annexation of 70.0257 acres of land. Resolution 1-98, effective February 20, 1999, provided for the annexation of 49.4 square perches (Garber) and .9924 acres of land (Douglas). Resolution No. 11-07-02, effective October 19, 2002, provided for the annexation of 0.26058 acres of land and 0.29199 acres of land, more or less. The Resolutions, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this charter.

(9) Resolution No. 11-03-10, effective December 23, 2010 repealed and reenacted Section C7-11 and Section C7-14 of this charter. However, the correct codification of these sections is Section 11-51 and Section 11-54. Accordingly, Section 11-51 and Section 11-54 of this charter contain the changes made by Resolution No. 11-03-10.