

CHARTER

OF THE

# **Town of Edmonston**

PRINCE GEORGE'S COUNTY, MARYLAND

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# EDMONSTON

## ARTICLE I Charter

### Section 1. Incorporation.

The citizens of the Town of Edmonston are a body corporate, by the name of the Mayor and Town Council of Edmonston, and by that name may have perpetual succession, sue and be sued, have and use a common seal and may purchase and hold real, personal and mixed property or dispose of the same for the benefit of said town. (Ch. 154, § 1, L 1924; as amended by Ch. 913, § 512, L 1945.)

### Section 2. Boundaries. (See note (1))

The boundaries of said town shall be as follows: Beginning where the Shepard Branch of the Baltimore & Ohio Railroad intersects the eastern branch of the Potomac River, said point being in the corporation line of the Town of Hyattsville, then running with the Hyattsville corporation boundary line northerly to the Riverdale corporation line, then with the Riverdale corporation line to a point north seventy degrees west from the intersection of the Edmonston Road with Carter's Lane, running from thence to a point four hundred thirty-five feet west of the center line of Edmonston Road as it now runs and parallel with the Edmonston Road maintaining at all points a distance of four hundred thirty-five feet from said road to the Bladensburg corporation line; then with the north line of the Bladensburg corporation line to the eastern branch; then with the eastern branch to the beginning. (Ch. 154, § 2, L 1924; as amended by resolution of the Mayor and Town Council 1-26-70.)

### Section 3. Wards. (See note (2))

Effective with the adoption of this amendment, new wards are established to assure the equality of voter representation. Such adopted wards shall be permanently displayed in the records of the Town of Edmonston and displayed in the Office of the Clerk for all to see as well as be attached to this amendment. (Ch. 154, § 3, L 1924, Charter Resolution of the Mayor and Town Council 2013-CR-01, 1-2-14.)

### Section 4. Officers; oaths of office. (See note (3))

The officers of said town shall consist of a Mayor and four (4) Councilmen, the Mayor to be elected by the combined vote of said town, and four (4) Councilmen to be elected, two (2) by each ward, and such appointive officers as are hereinafter designated or shall be appointed by the Mayor and Town Council, and each officer appointed shall continue to hold office for such term as the Mayor and Town Council shall designate or until his successor is duly qualified. Before entering upon the duties of his office, each officer shall take oath that he will diligently and faithfully discharge all duties of his office without favor, partiality or prejudice, and said oath shall

be filed among the records of said town. (Ch. 154, § 4, L 1924; as amended by resolution of the Mayor and Town Council 8-14-72.)

Section 5. Commencement and terminations of terms of elected officials and compensation.

Beginning with the elections to be held in May 2008 the Mayor and Council members shall all be elected at the same time and take office on the first Monday in June of 2008 and conclude on the last day prior to the first Monday in June of every three years thereafter. The Mayor shall be required to seek election from the entire town. Two Council members each shall seek election from their respective wards at the same time. The Mayor must continually reside at the primary residence within the corporate limits of the Town of Edmonston for the duration of their term in office. Council members must continually reside in their respective ward at their primary residence within the corporate limits of the Town of Edmonston during the duration of their term of office. On the first Monday in June 2008 the Mayor shall be compensated at the rate of three hundred dollars (\$300) and Council members at the rate of two hundred dollars (\$200) per month. (Ch. 154, § 5, L 1924; as amended by Ch. 407, § 402, L 1933; Ch. 175, § 402, L 1935; Ch. 913, § 516, L 1945; Ch. 748, L 1947; resolution of the Mayor and Council 7-18-66; 6-10-68; 8-14-72; Resolution 78-CR-1 of the Mayor and Council 3-13-78; Resolution 2006-CR-02, 2-27-07 of the Mayor and Town Council.)

Section 5A. Repealed.

Section 6. Mayor and Town Council meetings; vacancies in offices. (See note (4))

The Mayor and Town Council shall meet in some convenient place in said town in July of each year and as often thereafter as may be necessary in the discharge of their duties. The majority shall form a quorum for the transaction of business and the presence of the Mayor shall be counted towards such quorum; and upon each action taken the yea and nay vote of each Councilperson shall be recorded opposite his or her name. The Mayor shall cast a vote upon such action only in the event that the votes of the councilmembers are otherwise tied. The Mayor and Council shall pass rules and regulations consistent with the provisions of this subtitle for their own government while in session. The absence of any Councilperson from three (3) consecutive meetings shall constitute a vacancy, which vacancy shall be declared by duly adopted motion of the Council. In the event of a vacancy in the office of Mayor or Councilperson, or if at any election of officers held under this Charter any two (2) or more candidates for the same office shall have the highest and equal number of votes, the Mayor and Town Council, or a majority of them, shall elect a Mayor or Councilperson, as the case may be (in the case of a Councilperson, from the ward in which the vacancy or tie election occurred), to hold office until his successor shall have been elected at the next regular town election and shall have qualified. The new or incoming Mayor and Town Council shall elect the officers to hold office in the cases of tie elections. In the case of a vacancy in the first year of a Councilperson's term or of a tie election in the office of Councilperson, the successor so elected at the next regular town election shall hold office only for the one (1) year being the unexpired balance of the original term. In the event that a vacancy cannot be filled by a majority vote of the Mayor and Council, a special election by the registered voters of the town may be called, by resolution, at such time and place as determined by the Mayor and Town Council, subject to the provisions of this charter. The person elected at the special election

shall serve the remainder of the term of office of the position being filled. All special elections shall be conducted by the election judges in the same manner and with the same personnel, as far as practicable as regular town elections. The Mayor shall preside at the meeting of the Council and shall call meetings from time to time as he may deem necessary, but in case of his absence from any meeting, the Council present shall elect one (1) of their members to preside, who shall for the time being have all the authority of the Mayor. (Ch. 154, § 6, L 1924; as amended by Ch. 407, L 1933; resolution of the Mayor and Town Council 8-14-72; Res. No. 86-CR-013; Res. No. 04-CR-004, 9-28-04; Res. No. 2014-CR-01, 7-1-2014.)

Section 7. Election procedures; registration of voters.

A. Annually on or before the first Monday in April, after notice printed in the Town newsletter or in a newspaper of general circulation within the Town of Edmonston, the Mayor and Town Council shall appoint election officers, including not less than one (1) judge and one (1) clerk to conduct an election by ballot on the first Monday of May, if not a legal holiday, and if a legal holiday, then on the day following, for the election of officers provided for in § 5 of this Charter. Such election officers shall themselves be eligible for registration as voters under the provisions of this subtitle, and each ward shall be represented by having either a judge or clerk appointed from its vicinage. The judge or judges appointed in each year shall be the registration officers for each year as hereinafter mentioned and shall perform such duties as prescribed by Town regulation and State law. The Mayor and Town Council shall appoint the place of election and shall give public notice of not less than fifteen (15) days of the time and place of the election by advertisement in at least the Town newsletter or one (1) newspaper published in Prince George's County, and also by notice posted in at least five (5) public places in the Town. If at the time the notice is advertised, the election judge(s) determine(s) that all of the offices in the election are uncontested, the notice shall so state and shall also state that if all of the offices are still uncontested five (5) days prior to the election, the election judge(s) may exercise their option, as more fully described below, to reduce the number of hours that the polling place will be opened to between 4:00 p.m. and 8:00 p.m. inclusive. In contested elections the polls shall be opened between the hours of 7:00 a.m. and 8:00 p.m.; only those voters registered upon the books of the Town and who are actual residents of the Town upon the day of the election shall be allowed to vote at such elections. If, within 5 days prior to an election, the election judge(s) determine that an uncontested election is scheduled, the election judges may shorten the number of hours that the polling place will be open. In such event the polls shall be open between the hours of 4:00 p.m. and 8:00 p.m. inclusive. The election judges shall prepare ballots containing the names of those persons who have complied with the provisions of this subtitle making them eligible to become a candidate for the office which they seek. The election judges shall receive all returns of elections and determine all questions arising thereunder, and shall, at the request of a candidate made in writing and delivered to the chief election judge within seventy-two hours of the original posting of the election results at town hall, conduct such recount according to procedures they shall adopt prior to the election, provided that the candidate has paid in advance any fee for such recount as may be set from time to time by the town council by resolution. Any such fee paid by a candidate for a recount shall be returned to the candidate in the event that the recount shows a counting error in the candidate's favor that alters the outcome of the election. (As amended 5-5-69 by referendum, effective 6-9-69; Res. No. 87-CR-004, 3-1-88; Res. No. 94-CR-001, 11-1-94; Res. No. 04-CR-002, 4-27-04.)

B. The City Council shall provide, by ordinance, for the universal registration of all eligible voters in accordance with State law, and the establishment and maintenance of voter registration lists, including the procedures to be used for the removal of any name from the voter registration lists. (As amended by resolution of the Mayor and Town Council 2-8-71; 2-12-73; Res. No. 89-CR-005, 9-30-89.)

Section 8. Qualifications for offices.

A. Any person desiring to run for the office of Mayor of the Town of Edmondston shall be at least twenty-three (23) years of age, shall have resided within the corporate limits of said town at least one (1) year prior to the elections and be registered to vote in the town for at least one (1) year prior to the election. Any person desiring to run for a council position of said town shall be at least twenty-one (21) years of age, shall have resided within the corporate limits of said town at least one (1) year prior to the elections and be registered to vote in the town for at least one (1) year prior to the election. A person elected to the position of Councilmember may not run for or hold another position as councilperson from the same ward until the expiration of his or her current term, regardless of whether such councilperson vacates his or her council position prior to the election. Any person desiring to run for said Mayor of said town shall in person obtain from the Town Clerk a petition form, developed by the election judges, and place his or her signature on the town clerk's roster; and file in person with the Town Clerk the petition containing the names of at least twenty (20) voters of the Town of Edmondston and pay a filing fee of ten dollars (\$10.00); and any person desiring to run for a Council position from the ward in which the person resides shall in person obtain from the Town Clerk a petition form, developed by the election judges, and place his or her signature on the Town Clerk's roster; and file in person said petition with the Town Clerk containing the names of at least ten (10) voters in that ward, no later than 5:00 P.M. local time on the thirtieth day prior to the election and pay a filing fee of ten dollars (\$10.00). The Town Clerk shall cause to be published in some manner as shall give general notice to residents of the Town of Edmondston, the names of the persons who have filed their petitions in accordance herewith and the positions to which they aspire.

B. Any person desiring to run for Mayor or Town Council who does not file a petition as provided in paragraph (a) of this section may qualify to run for such office as a write-in candidate by obtaining from the Town Clerk a petition form developed by the election judges and placing his or her signature on the Town Clerk's roster; and filing in person with the Town Clerk, at least five (5) calendar days before the date of the election said petition to run as a write-in candidate containing the names of at least ten (10) persons who are qualified voters, and a filing fee of \$10.00.

C. Any person desiring to run for Mayor or a Council position must qualify as a candidate under paragraph (a) or paragraph (b) of this section. All votes cast in an election for persons who are not qualified as candidates shall be void. (Ch. 154, § 8, L 1924; as amended by Ch. 407, § 406, L 1933; resolution of the Mayor and Town Council 8-14-72; 2-12-73; Res. No.



87-CR-004, 3-1-88; Res. No. 89-CR-005, 9-30-89; Res. No. 01-CR-001, 8-28-01; Res. No. 04-CR-001, 4-27-04.)

Section 9. Appointments; powers and duties of certain officers.

A. Upon the recommendation of the Mayor, the majority of the Mayor and Town Council shall appoint the following subordinate officers: Chief of Police, Health Officer, Building Inspector, Treasurer and Clerk, who shall hold office for the period of one (1) year or until their successors are appointed and qualified. The Mayor and Town Council shall fix the amount and authorize the payment of the salary of such subordinate officers, and shall prescribe their duties except as herein provided. (As amended by resolution of the Mayor and Town Council 1-26-70; 8-14-72.)

B. The Chief of Police and the Health Officer, with the approval of the Mayor and Town Council, shall each appoint such assistant or assistants as the Council will allow, who shall be paid compensation in such amount as may be fixed by the Mayor and Town Council.

C. The Clerk shall keep a careful record of minutes, proceedings and ordinances, which shall be open to the inspection of all persons interested therein, and shall safely keep all records and documents, issue licenses, collect moneys therefor, and turn same over to the Town Treasurer. He shall also keep proper accounts as Clerk, and shall perform such other duties as the Mayor and Town Council may assign to him.

D. The Treasurer shall make all collections of taxes and receive all money paid for the use and benefit of said Town of Edmonston, and shall, upon the order of the Mayor and Town Council, make all the authorized disbursements of said town. He shall keep an account of the funds and financial records of the town, and shall render an account to the Mayor and Town Council when required by them. He shall receive for his services such sum as the Mayor and Town Council shall fix. (As amended by resolution of the Mayor and Town Council 1-26-70.)

E. The Clerk and Treasurer shall each give bond to the Mayor and Town Council in such penalties and with such sureties as they may require.

F. The Chief of Police, and his assistant or assistants, if any, shall preserve the peace and good order of the town, and for this purpose they are hereby vested with the same power and authority as county police officers now have or may have hereafter under the laws of this state, within the corporate limits of said town.

G. The Health Officer (See note (5)), and his assistant or assistants, if any, are hereby vested with the same power and authority as health officers in this state. They shall make as frequent inspections as may be necessary to preserve the public health and make the town sanitary. (Ch. 154, § 9, L 1924; as amended by Ch. 546, L 1927; and Ch. 913, § 520, L 1945.)

Section 10. Misdemeanors.

Every act or omission which, by ordinance, is a violation is hereby made a misdemeanor and, unless otherwise provided, shall be punishable upon conviction by the district court sitting in the county within which the offense is committed by a fine not exceeding one hundred dollars (\$100.) or imprisonment for thirty (30) days in the county jail, or both, in the discretion of the court. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (As added by resolution CR74-1 of the Mayor and Town Council 3-11-74 (See note (6)).)

Section 11. Powers and duties of Mayor and Town Council regarding streets and subdivisions.

The Mayor and Town Council are hereby authorized to make or cause to be made a plat of said town upon which shall be shown all streets, roads and public ways, whether theretofore or hereafter laid out or projected, and by which all lots or property therein shall hereafter be described; to control the subdivision of all lands and property within the corporate limits of said town; to establish building lines and to require all persons erecting [a] building in said town to conform thereto; to establish grades of the streets, gutters and sidewalks of said town and to fix the width thereof; to open and keep open and free from obstruction, all streets and public reservations, to grade, close or alter the same; and their rights, powers and duties in relation thereto shall, except as hereinafter otherwise prescribed, be the same as is provided by the Code of Public General Laws of this state for opening, altering and closing public roads by the Board of County Commissioners, with the right to appeal to the Circuit Court for the county. (Ch. 154, § 11, L 1924.)

Section 12. Ordinance powers of Mayor and Town Council. (See note (7))

The Mayor and Town Council shall have full power to pass such ordinances as they may deem necessary for the good government, health and improvement of the town, and for the preservation of peace and good order therein. They may provide by ordinance for the opening and closing of streets, alleys, the straightening, widening and improvement of same, for the establishment of width and care of sidewalks and the construction of the same: and for the purposes set forth in this section they shall have full power of condemnation to be exercised in accordance with the Public General Laws of Maryland. They may by ordinance cause such licenses to be issued as the state laws may permit, upon such terms and conditions as to them may seem proper. They shall have full power to provide for such fines, penalties and punishment for the breach of their ordinances as they may think proper. (Ch. 154, § 12, L 1924; as amended by resolution of 6-11-56.)

Section 12A. Additional powers of Mayor and Town Council.

In addition to the powers mentioned or enumerated elsewhere in the herein Charter, the Mayor and Town Council of Edmonston shall have all of those powers enumerated under Article 23A, § 2 of the Annotated Code of Maryland, as amended [Title 5 of the Local Government Article]. (As added by resolution of the Mayor and Town Council 2-12-73; Res. No. 99-CR-001, 11-30-99.)

Section 12B. Passage of ordinances.

No ordinance shall be passed at the meeting at which it is introduced. Introduction of an ordinance may be made by motion of any Councilman and shall not require a second to the motion. At any regular or special meeting of the Mayor and Town Council held not less than ten (10) nor more than forty (40) 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 specific future date. In cases of emergency the above requirements may be suspended by the affirmative vote of three (3) members of the Town Council and an emergency ordinance shall become effective after passage. Every ordinance, unless otherwise specified, shall become effective at the expiration of twenty (20) calendar days following passage by the Mayor and Town Council. A fair summary of each ordinance shall be published in a newspaper having a general circulation in Prince George's County or published in a town newsletter. (As added by Resolution 76-CR-1 of the Mayor and Town Council 4-12-76.)

Section 13. Sanitation and health regulations.

The Council shall have the same power as the State Board of Health, within the corporate limits of the said town. They may adopt and provide an efficient system of drainage. They may adopt suitable measures for the removal of garbage, sewerage, etc., and fix the amount to be paid therefor. (Ch. 154, § 13, L 1924.)

Section 14. Public streets established.

Those parts of the several county roads within the limits of said town, and all roads, streets, avenues or alleys, which now are or shall hereafter be shown on any plat or addition to the platted part of said town as public highways, and accepted by the Mayor and Town Council as such, are hereby made and declared to be public streets, avenues and alleys of said town, and shall be from time to time improved and repaired as the public interest may require and the resources of the town justify. (Ch. 154, § 14, L 1924.)

Section 15. County roads taxes.

The County Commissioners of Prince George's County and the Board of Road Commissioners of said county shall pay to the Mayor and Town Council of Edmonston, or the Treasurer thereof, three-fourths (3/4) of all taxes collected for roads and bridges levied on the property within the limits of said town, and said sums so paid shall be expended by the Mayor and Town Council in the repairs and improvements of the streets and roadways of said town, said payment to include three-fourths (3/4) of said taxes so paid on the levy of 1924, in the event of a vote adopting this Charter as hereinafter provided. (Ch. 154, § 15, L 1924.)

Section 16. Taxation. (See note (8))

The Mayor and Town Council shall have the power to levy, on or before the 30th day of May for each year, taxes for the calendar year in which the levy is made, at such rates as they may find necessary for expenses for that year, based on the state and county assessments for all

purposes, and all taxes so levied shall be a lien on any and all property of the person, company or corporation against whom the tax may be levied, and the taxes for each year are payable on the first day of July next succeeding the levy thereof, and will be in arrears and subject to a legal interest from and after that date. (Ch. 154, § 17, L 1924; as amended by Ch. 407, § 415, L 1933; Amended 3-12-85, Res. No. 85-CR-001; Res. No. 99-CR-002, 2-1-00; Res. No. 04-CR-003, 8-31-04.)

Section 17. Tax sales.

It shall be the duty of the Town Treasurer as soon as the annual tax levy is made and placed in his hands for collection, to give notice by advertisement in one (1) newspaper published in the county, and proceed to the collection of taxes through the Town of Edmonston in compliance with the laws for collection of state and county taxes in Prince George's County. (Ch. 154, § 18, L 1924; as amended by Ch. 407, § 416, L 1933; and Ch. 913, § 529, L 1945.)

Section 18. Public grounds.

The Mayor and Council shall have full power to control and protect public grounds owned by the Town of Edmonston, whether within the corporate limits or outside of said town. (Ch. 154, § 19, L 1924.)

Section 19. Ethical restrictions regarding contracts.

It shall not be lawful for any member of the Town Council, the Mayor and the Town Treasurer of the Town of Edmonston, during his or her term of office, to be a party to, or to hold, possess, purchase or acquire any share or interest in, any agreement or contract made, entered into or concluded with any party or parties, corporations or persons whomsoever by the Mayor and Town Council of Edmonston, in their character and capacity as such, or to have, receive, enjoy or participate, either directly or indirectly, in any of the benefits, profits or emoluments of any such agreement or contract. Any Mayor, Councilman or Treasurer who shall violate the aforesaid provisions during his term of office shall forthwith forfeit his office and his vacancy shall be filled by the Mayor and Town Council. He further shall be subject to indictment, as provided by law, and upon conviction shall further forfeit and pay over to the Town of Edmonston his share or interest in the agreement or contract or claim, as aforesaid, as the case may be. (As added to Ch. 154, L 1924, by Ch. 175, § 417A, L 1935.)

**ARTICLE II**  
**Street and Sidewalk Improvements**  
(See note (9))

Section 20. Construction authorized.

The Mayor and Town Council of Edmonston, Maryland, a municipal corporation, be and the same are hereby authorized to construct roadways, alleys, curbs, sidewalks and gutters in the

said Town of Edmonston, Maryland, when, where and in the manner to be determined by the Mayor and Town Council. (Ch. 264, § 1, L 1947.)

Section 21. Bonds or certificates to pay for improvements.

To effectuate the construction of roadways, alleys, curbs, sidewalks and gutters mentioned in the preceding section, the Mayor and Town Council of Edmonston, Maryland, are hereby authorized and empowered to borrow from time to time, on the credit of the town, a sum or sums of money in conformance with the provisions of Article IV, Authority to Borrow Funds, and to issue bonds or certificates of indebtedness therefor, which shall be payable as set forth in the governing resolution and in the manner prescribed in Article IV. The funds derived from the sale of said bonds or certificates of indebtedness shall be deposited as set forth in Article IV and shall be used only for the proper expenses for the negotiation, sale and liquidation of said bonds or certificates of indebtedness and for the planning and construction of the roadways, alleys, curbs, sidewalks and gutters as provided herein. (Ch. 264, § 2, L 1947; as amended 1-26-70 by resolution of the Mayor and Town Council; Res. No. 90-CR-001, 1-29-91.)

Section 22. Issuing and selling bonds or certificates.

The Mayor and Town Council of Edmonston, Maryland, be and they are hereby authorized to do all acts not specifically mentioned herein which may be necessary to issue and sell said bonds or certificates of indebtedness, provide for the payment thereof and the interest thereon, and to arrange for and construct the roadways, alleys, curbs, sidewalks and gutters as provided for herein. The bonds or certificates of indebtedness hereunder shall be the direct obligation of the Mayor and Town Council of Edmonston, Maryland, and the said corporation shall be responsible therefor. (Ch. 264, § 3, L 1947.)

Section 23. Assessment powers.

The Mayor and Town Council of Edmonston, Maryland, shall have power to assess against the abutting property and collect from the owners thereof the cost of roadways, alleys, curbs, sidewalks and gutters, assessment being in proportion to the number of assessable front feet owned, abutting on the streets where same are constructed or about to be constructed; provided that when property fronts or abuts on two (2) or more streets where such improvements are made or about to be made, the abutting front feet shall be computed, for the purpose of assessment hereunder, as one-half (1/2) of the total front feet abutting on said improvements. (Ch. 264, § 4, L 1947.)

Section 24. Assessment procedures.

Such assessments, when made, shall constitute a tax or lien upon such abutting property with priority over all liens recorded after the passage of this act, and shall be payable in ten (10) equal installments from the date of said assessment, said installments to bear interest at a rate not to exceed six per centum (6%) per annum, and any assessment or part thereof remaining due and unpaid shall be enforced and collected by the Mayor and Town Council in the same manner as town taxes are collected, provided the Mayor and Town Council shall give two (2) weeks' notice

to the owners of all abutting property, by advertisement published at least once a week in one (1) or more newspapers published in Prince George's County, having a circulation in Edmonston, which advertisement shall state the date on which such assessment shall be made and warning all abutting owners to appear at the time and place stated in said advertisement or notices, to show cause, if any there be, why said assessment should not be made as proposed. Any person aggrieved by the action of the Mayor and Town Council of Edmonston shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, provided such appeal is taken within ten (10) days next succeeding the day on which said assessment is made. (Ch. 264, § 5, L 1947.)

Section 25. Petitions for improvements.

The Mayor and Town Council of Edmonston, Maryland, shall give prior consideration to the construction of roadways, alleys, curbs, sidewalks and gutters as provided for herein whenever the owners of fifty-one per centum (51%) of the property, where property shall abut upon such streets, shall petition the said Mayor and Town Council to that effect, but the Mayor and Town Council of Edmonston shall have the discretion and final determination as to the construction of all of said work, notwithstanding such petition. (Ch. 264, § 6, L 1947.)

Section 26. Resurfacing and reconstruction authorized.

The authority to construct roadways, alleys, curbs, sidewalks and gutters, as used in Sections 20 to 25 hereof, inclusive, shall be deemed to include the authority to resurface or to reconstruct such roadways, alleys, curbs, sidewalks and gutters in the Town of Edmonston, Maryland, when, where and in the manner to be determined by the Mayor and Town Council. (Ch. 264, § 7, L 1947.)

Section 27. Emergency nature of act; when effective.

This act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety, and having been passed by a yea and nay vote, supported by three-fifths (3/5) of all the members elected to each of the two (2) Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage. (Ch. 264, § 8, L 1947.)

### **ARTICLE III**

#### **Annexations**

(See note (10))

Section 28. Annexation: 1956.

A. Whereas, the Mayor and Town Council of Edmonston, Maryland, a municipal corporation, have received a petition signed by more than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections, and the owners of twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed, described as: Beginning for the tract of land at a point on the

west right-of-way line of the new relocation of River Road as shown on plats No. 11617 and No. 11618, on file with the State Roads Commission of Maryland, at the intersection of said right-of-way line with the existing Town of Bladensburg boundary line; thence running in a westerly direction 101 feet to a point at the intersection of the north boundary line of the Town of Bladensburg with the east boundary line of the Town of Edmonston, said point also being 420 feet west of the present Edmonston Road; thence running in a northeasterly direction along the Edmonston town line to the State Roads Commission right-of-way line as shown on the aforesaid plats; thence running with the right-of-way line of the relocated River Road to the point of beginning.

B. Whereas, the Mayor and Town Council have verified the signatures appearing on the petition and find that the petition conforms to the requirements of law, now, therefore, be it resolved, that the territory described herein be and it is hereby annexed to the existing Town of Edmonston, Maryland, and included in the Second Ward thereof.

C. All of the inhabitants of the territory, and the territory itself, annexed to the Town of Edmonston by this resolution, shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Mayor and Town Council of Edmonston, and to all the laws and ordinances now in force in said town or which may hereafter be enacted and ordained by it, so far as same may be consistent with the provisions of this resolution, and the territory so annexed shall in all respects be taken and considered as a part of the municipal corporation of the Mayor and Town Council of Edmonston.

D. This resolution shall become effective forty-five (45) days from April 23, 1956, as provided by Section 19 of Article 23A [§ 4-401 of the Local Government Article] of the Annotated Code of Maryland (1951 Cumulative Supplement).

Section 29. Annexation: 1959.

A. Whereas, the Mayor and Town Council of Edmonston, Maryland, a municipal corporation, have received a petition signed by more than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in county elections, and the owners of twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be annexed, described as: A tract of land known as O.P.Q.R. and beginning for the same at the corner formed by the intersection of the easterly side of 90-foot-wide Kenilworth Avenue with the southerly side of 30-foot-wide Emerson Street (formerly known as Lowndes Avenue); and thence running with the said side of Emerson Street, south 87 degrees 04 minutes 40 seconds east 293.18 feet to a pipe set; thence leaving Emerson Street and running south 33 degrees 40 minutes 20 seconds west 306.80 feet to a pipe set; thence running north 70 degrees 54 minutes 20 seconds west 252.95 feet to a pipe set in the easterly right-of-way line of the said 90-foot-wide Kenilworth Avenue; thence running with Kenilworth Avenue, north 31 degrees 48 minutes 50 seconds east 220.68 feet to the point of beginning, containing approximately 1.5 acres.

B. Whereas, the Mayor and Town Council have verified the signatures appearing on the petition and find that the petition conforms to the requirements of law, now, therefore, be it

resolved, that the territory described herein be and it is hereby annexed to the existing Town of Edmonston, Maryland, and included in the Second Ward thereof.

C. All of the inhabitants of the territory, and the territory itself, annexed to the Town of Edmonston by this resolution, shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Mayor and Town Council of Edmonston, and to all the laws and ordinances now in force in said town or which may hereafter be enacted and ordained by it, so far as same may be consistent with the provisions of this resolution, and the territory so annexed shall in all respects be taken and considered as a part of the municipal corporation of the Mayor and Town Council of Edmonston.

D. This resolution shall become effective forty-five (45) days from August 24, 1959, as provided by Section 19 of Article 23A of the Annotated Code of Maryland [§ 4-401 of the Local Government Article] (1956 Cumulative Supplement).

#### Section 29.1. Annexation: 1984.

Metes and Bounds Description: Part of Parcel "A" Fountain Park Subdivision Hyattsville District, Prince Georges [George's] County, Maryland. Beginning for the subject property at the northeast corner of Parcel "A" Fountain Park Subdivision which is as recorded in Plat Book WWW 48 at Folio 81 among the Land Records of Prince Georges [George's] County, Maryland and thence with the westerly right of way line of Kenilworth Avenue State Route #201 (90 foot right of way) as shown on State Highway Administration right of way plat #11620 the following five courses and distances: (1) along the arc of a curve deflecting to the left said curve having a radius of 2909.79 feet and a long chord bearing and distance of South 47° 36' 08" West, 221.73 feet and an arc distance of 221.78 feet to a point and thence (2) North 44° 34' 52" West, 30.00 feet to a point and thence (3) along the arc of a curve deflecting to the left said curve having a radius of 2939.79 feet and a long chord bearing and distance of South 45° 14' 20" West, 18.47 feet and an arc distance of 18.47 feet to a point and thence (4) South 44° 56' 28" East, 30.00 feet to a point and thence (5) along the arc of a curve deflecting to the left said curve having a radius of 2909.79 feet and a long chord bearing and distance of South 43° 13' 07" West, 186.86 feet and arc distance of 186.89 feet to a point and thence with the existing Town of Edmonston boundary line the following two courses and distances (1) North 30° 09' 06" East, 231.34 feet to a point and thence (2) North 39° 08' 53" East, 125.00 feet to a point and thence with part of the northerly line of aforesaid Parcel "A" Fountain Park South 56° 54' 17" East, 100.00 feet to the point of beginning and containing 21958 square feet of land more or less. (Res., 7-26-84.)

#### Section 29.2. First 1986 Annexation.

Beginning for the subject property at the intersection of the Town of Edmonston line as per 1956 annexation as per Annotated Code the Town of Bladensburg and the westerly line of Kenilworth Avenue (State Route #201) as shown on State Roads Commission right of way plat #11617 and thence with the westerly right of way line of Kenilworth Avenue as shown on State Roads Commission plats 11617-8 the following five courses and distances (1) along the arc of a curve deflecting to the left said curve having a radius of 3774.72 feet and a long chord bearing and distance of North 43° 35' 09" East, 608.05 and an arc distance of 608.71 feet to a point and thence



(2) North  $51^{\circ} 02' 02''$  East, 15.00 feet to a point and thence (3) North  $38^{\circ} 44' 28''$  East, 29.53 feet to a point and thence (4) South  $51^{\circ} 27' 50''$  East, 15.00 feet to a point and thence (5) along the arc of a curve deflecting to the left said curve having a radius of 3774.72 feet and a long chord bearing and distance of North  $36^{\circ} 00' 04''$  East, 33.30 feet to a point and an arc distance of 331.41 feet to a point and thence with the original easterly line of the incorporation of Town of Edmonston as per the 1924 Annotated Code par. 26–2 the following two courses and distances (1) North  $40^{\circ} 45' 03''$  East, 419.06 feet to a point and thence (2) North  $33^{\circ} 15' 08''$  East, 1017.02 feet to a point and thence with the southerly line of the 1959 annexation as per par. 29 Section A of the Annotated Code and thence with the westerly line of lot 4 in Hyattsville Building Assoc. Subdivision (unrecorded) South  $19^{\circ} 57' 30''$  West, 190.00 feet to a point and thence crossing Decatur Street South  $39^{\circ} 06' 52''$  West, 59.23 feet to a point and thence with the easterly right of way line of 53rd Avenue (45 feet right of way) south  $34^{\circ} 13' 06''$  West, 589.95 feet to a point and thence along the arc of a curve deflecting to the left said curve having a radius of 20.00 feet and a long chord bearing and distance of South  $17^{\circ} 02' 54''$  East, 31.20 feet an arc distance of 35.79 feet to a point and thence crossing Crittenden Street South  $04^{\circ} 19' 56''$  East, 56.91 feet to a point with the westerly line of lots 1 thru 7 in the Eugene Brocks addition to Hyattsville (unrecorded) South  $21^{\circ} 41' 06''$  West, 260.47 feet to a point and thence with the division line between lots 7 and 8 South  $58^{\circ} 46' 54''$  East, 154.10 feet to a point and thence with the easterly line of lots 8 and 9 South  $31^{\circ} 13' 06''$  West, 72.51 feet to a point and thence with the intersection of Buchanan Street and Edmonston Road south  $42^{\circ} 15' 12''$  West, 55.76 feet to a point and thence with the easterly line of lots 12 and 13 South  $40^{\circ} 17' 06''$  West, 103.70 feet to a point and thence with the Town of Bladensburg line and the northerly line of parcels “O” and “P” in Prince George’s industrial development subdivision which is as recorded in Plat Book WWW 47 at Folio 100 among the land records of Prince George’s County, Maryland North  $77^{\circ} 31' 39''$  West, 388.69 feet to a point and thence with the easterly right of way line of aforesaid Kenilworth Avenue the following sixteen courses and distances (1) along the arc of a curve deflecting to the right said curve having a radius of 3864.72 feet and a long chord bearing and distances of South  $36^{\circ} 21' 44''$  West, 294.84 feet and an arc distance of 294.91 feet to a point and thence (2) South  $51^{\circ} 27' 06''$  East, 15.00 feet to a point and thence (3) South  $33^{\circ} 46' 24''$  West, 30.47 feet to a point and thence (4) North  $51^{\circ} 00' 06''$  West, 15.00 feet to a point and thence (5) along the arc of a curve deflecting to the right said curve having a radius of 3864.72 feet and a long chord bearing and distance of South  $39^{\circ} 26' 29''$  West, 59.75 feet and an arc distance of 59.75 feet to a point and thence (6) South  $53^{\circ} 01' 16''$  East, 29.58 feet to a point and thence (7) South  $47^{\circ} 23' 13''$  West, 52.63 feet to a point and thence (8) South  $39^{\circ} 24' 45''$  West, 66.95 feet to a point and thence (9) South  $42^{\circ} 14' 57''$  West, 85.80 feet to a point and thence (10) South  $52^{\circ} 24' 25''$  West, 30.94 feet to a point and thence (11) South  $43^{\circ} 23' 28''$  West, 8.13 feet to a point and thence (12) South  $35^{\circ} 59' 43''$  West, 51.37 feet to a point and thence (13) North  $45^{\circ} 47' 56''$  West, 12.00 feet to a point and thence (14) South  $44^{\circ} 15' 40''$  West, 8.12 feet to a point and thence (15) North  $45^{\circ} 40' 44''$  West, 15.00 feet to a point and thence (16) along the arc of a curve deflecting to the right and having a radius of 3864.72 feet and a long chord bearing distance of South  $46^{\circ} 01' 02''$  West, 228.78 feet and an arc distance of 228.82 feet to a point and thence crossing Kenilworth Avenue with the boundary line of the Town of Bladensburg to the point of beginning and containing 9.7088 acres of land more or less. (Res. No. 86–CR–004, 7–24–86.)

## ARTICLE IV Authority to Borrow Funds

### Section 30. Bonds.

The Town of Edmonston, Maryland, is hereby empowered to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds.

### Section 31. Tax anticipation notes.

The Town of Edmonston, Maryland, shall likewise have authority to borrow money in anticipation of the receipt of the current taxes and to evidence such borrowing by the issuance and sale or [of] tax anticipation notes, payable as to principal and interest from said taxes when received.

### Section 32. Manner of authorization.

All bonds of the Town of Edmonston shall be authorized by resolution of the Mayor and Town Council of Edmonston which shall contain the following:

A. A statement of the public purpose upon which the proceeds of said bonds have to be expended.

B. The complete form of said bonds which shall include the place or places and time or times of payment thereof, the rate or rates of interest payable thereon, or a space for the insertion of such rate or rates of interest upon a determination thereof, the title of the officials whose signatures shall be affixed to or printed on said bonds, the authority for issuance thereof, and the taxes and any special revenues from which the principal of and interest on said bonds will be payable.

C. If the bonds are sold at public sale after solicitation of competitive bids, the form of the notice soliciting bids for the purchase of said bonds which shall set forth the date, place and time for receiving and opening of bids, and a brief description of the purpose or purposes for which said bonds are to be issued, a brief description of the denominations, maturities, terms and conditions of said bonds, a statement of the rate or rates of interest to be borne by said bonds or the manner of determining the same, a precise statement of the manner in which the best offer for said bonds will be determined and a reference to the resolution authorizing the same. Said notice of sale may also require the prospective purchasers to submit bids on specified forms, may require such prospective purchasers to accompany their bids with good faith deposits in specified amounts, may make appropriate provisions for approval of legality of such bonds, and may contain a financial statement of such municipal corporation.

The foregoing provisions which may be included in such a notice of sale may also be separately set forth in a circular or official statement, the form of which shall likewise be adopted by a resolution or ordinance of the Town of Edmonston.

D. Specific provision for the appropriation and disposal of the proceeds of the sale of any such bonds and any specific provision for the payment of the principal thereof and the interest thereon, which provision shall specify the source or sources of payment, and shall constitute a covenant binding the Town of Edmonston to provide the funds from such source or sources as and when said principal and interest shall be due and payable.

E. Municipal bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids, as determined by the resolution or ordinance authorizing the issuance of the bonds or notes.

F. (1) Any public sale of municipal bonds or notes may be held only after 1 or more insertions of a notice of the sale in either a newspaper of general circulation in the town or a publication having a circulation primarily among the investment and financial community.

(2) The first insertion of the notice of sale shall be published at least 10 days before the date fixed for the sale.

G. (1) Municipal bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes, as provided in the authorizing resolution or ordinance.

(2) The resolution or ordinance that authorizes the municipal bonds or notes may provide for prior redemption of the bonds or notes.

(3) Municipal bonds or notes may be issued, sold, and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing resolution or ordinance.

H. Municipal bonds or notes may be issued for either cash or other valuable consideration.

I. The official signatures and seals affixed to any municipal bonds or notes may be imprinted in facsimile.

J. The town may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability or of [of or] as security for the bonds or notes and for securing any tendered option granted to holders. (Res. No. 90–CR–001, 1–29–91.)

Section 33. Adoption of resolution.

Each such resolution shall be adopted by the Mayor and Town Council of the Town of Edmonston by a majority vote of the Mayor and the Council members, and it shall not be necessary to submit any such resolution to a referendum of voters unless such resolutions shall so provide.

Each such resolution may contain such other provisions, not inconsistent with this section, as the Mayor and Town Council may deem appropriate.

Section 34. Issuance of tax anticipation notes.

A. During the first 6 months of any fiscal year, the Town may borrow in anticipation of the collection of the property tax imposed for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing.

B. 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 6 months after the beginning of the fiscal year in which they are issued.

C. 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 10 percent of the property tax imposed for the fiscal year in which the notes or other evidences of indebtedness are issued.

D. All tax anticipation notes or other evidences of indebtedness shall be authorized by resolution before being issued.

E. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Res. No. 90-CR-001, 1-29-91.)

Section 35. Limitations.

No tax anticipation notes shall be issued which shall mature later than eighteen (18) months from their respective dates of issue, and no bonds shall be issued by the Town which shall mature later than forty (40) years from their respective date of issue. (Res. No. 90-CR-001, 1-29-91.)

Section 36. Maximum debt limit.

The amount of money borrowed by the Town shall not exceed at any one time of total sum of ten per cent (10%) of the assessed valuation of all real and personal property in the town appearing on the assessments books of Prince George's County, Maryland.

Section 37. Miscellaneous.

A. 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, subject to the limitations contained in Section 36 of this chapter. 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 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.

B. The funds derived from the sale of bonds or certificates of indebtedness shall be deposited by the Mayor and Town Council at some safe banking institution of the State of Maryland to be determined by them, and to be subject to the check of the Town Treasurer only when counter-signed by the Mayor and two members of the Town Council. Out of said funds shall be paid only the proper expenses for the negotiation of sale and liquidation of said bonds or certificates of indebtedness.

C. All bonds, notes, or other evidences of indebtedness validly issued by the Town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Res. No. 90-CR-001, 1-29-91.)

## **ARTICLE V Additional Provisions**

### Section 38. Budget.

A. The Mayor shall submit a budget to the Council at least thirty-two (32) days before the beginning of the fiscal year. The budget shall provide a complete financial plan for the budget year (fiscal year) and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of anticipated revenues shall equal or exceed the total of the proposed expenditures.

B. This budget shall be adopted by a majority vote of the total elected membership of the Mayor and Town Council before the first day of the new fiscal year.

C. The Mayor and Town Council may make modifications to the budget upon thirty (30) days' advance public notice of such proposed change by posting a copy of such notice at the Town Hall. (Resolution No. 76-CR-2.)

## NOTES

- (1) Regarding subsequent annexations, see Article III, Annexations.
- (2) Regarding subsequent additions, see Article III, Annexations.
- (3) Regarding installation of officers, see Ch. 3, Administration, Article I.
- (4) As to special meeting for installation of officers, see Ch. 3, Administration, § 3–2.
- (5) See Ch. 3, Administration, Article III.
- (6) Former § 10, Conservators of the peace, adopted as Ch. 154, § 10, L 1924, as amended by Ch. 544, L 1927, was repealed by this resolution.
- (7) As to ordinances, generally, see the Table of Contents, Part II.
- (8) As to fiscal and taxation procedures, see Ch. 3, Administration, Article II.
- (9) Ch. 11, L 1947 also deals with public improvements. The Resolution of 2–28–61 adopted by the Mayor and Town Council amended Sections 1, 2, 3 and 4 of Ch. 11, L 1947.
- (10) As to original boundaries and wards, see Article I, Charter, Sections 2 and 3.