

CHARTER  
OF THE  
**Town of Charlestown**  
CECIL COUNTY, MARYLAND

*As found in the Public Local Laws of Cecil County  
1970 Edition, as supplemented to January 1982*

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# CHARLESTOWN

## ARTICLE I General Corporate Powers

### Section 25–101. Corporate name.

The inhabitants of Charlestown within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the “Town of Charlestown” 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. (Reso. No. 78–1; See note (1).)

## ARTICLE II Corporate Limits

### Section 25–201. Records and description of corporate boundaries.

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 for Cecil County, the Commissioners of the Land Office and the Director of the Department of Legislative Reference [Services], and a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the President 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.)

The corporate limits of the Town of Charlestown shall include all the territory within the following boundaries: The John Janney survey, plat or blueprint of the same made in the year 1836 shall be recognized as a correct survey of the Town of Charlestown and received as evidence in any court of law or equity in the State of Maryland. The said survey, plat or blueprint shall be filed and recorded with the Clerk of the Circuit Court of Cecil County. The Plan of the Town of Charlestown, Cecil County, Maryland, drawn in accordance with the original charter thereof, dated April 13, 1742, and a street survey completed in 1952 and approved by the Commissioners of Charlestown on January 5, 1953, consisting of eighteen (18) sheets filed among the Land Records of Cecil County, in Plat Records Liber R.R.C., folio 40 to 57, inclusive, is hereby adopted and confirmed as the proper plan of the Town of Charlestown. The lines shown thereon as being the lines of the revised streets and blocks are hereby adopted and confirmed as being the proper lines of the streets and blocks of Charlestown. The Commissioners of Charlestown are hereby declared and confirmed as the sole owners of, in fee simple, and as holding all right, title and interest to the lands comprising the beds of the streets and public ways of Charlestown, as shown on said plan. The several abutting property owners are hereby declared and confirmed, as against the Commissioners of Charlestown, as being severally the sole owners

in fee simple of their abutting properties, and as holding severally all right, title and interest in said abutting properties up to the lines of the revised streets and blocks as set out on said plan. Any defect in the title of any such abutting property owner, insofar as the same may have been caused or shall in the future be caused by uncertainty as to the proper plan of the streets and blocks of Charlestown, is hereby declared cured and validated to the extent that the said lines of the revised streets and blocks on said plan are declared to be the proper and true lines of the properties abutting on said streets and blocks. (See note (2); Reso. No. 78-1.)

### **ARTICLE III Town Commissioners**

#### Section 25-301. Number, selection and term.

All legislative powers of the town shall be vested in a body designated as the "Town Commissioners of Charlestown," consisting of a President and four (4) Commissioners. The qualified voters of the town shall hold an election for two (2) Commissioners on the second Monday of January 1979, and for two (2) Commissioners each two (2) years thereafter. Those candidates who receive respectively the first and second highest number of eligible votes cast shall be declared elected as Commissioners and shall hold office for two-year terms. The qualified voters of the town shall hold an election for three (3) Commissioners on the second Monday of January 1980, and for three (3) Commissioners each two (2) years thereafter. Those three (3) candidates who receive respectively the first, second and third highest number of eligible votes cast shall be declared elected as Commissioners and shall hold office for two-year terms. Beginning January 1979, the terms of office of all Commissioners shall be for two (2) years and shall begin on the day following the election and end on the second Tuesday of the month two (2) years hence or until their successors are elected and qualified. In the case of any precise tie between two (2) candidates which would prevent one (1) of them from holding office, a runoff election shall be held within the next thirty (30) days following said election in which the tie was declared. (Reso. No. 78-1.)

#### Section 25-302. Qualifications of Commissioners.

Commissioners shall have resided in the town for at least one (1) year preceding their election, be at least twenty-one (21) years of age and shall be qualified voters of the town. (Reso. No. 78-1.)

#### Section 25-303. Salary of Commissioners.

No Commissioners may receive an annual salary. However, expenses incurred by Commissioners in performing town business may be reimbursed upon approval of the majority of the Commissioners. (Reso. No. 78-1.)

Section 25–304. Meeting of Town Commissioners.

The newly elected Commissioners shall meet at 7:30 p.m. on the first Tuesday following their election for the purpose of organization, after which the Commissioners shall meet regularly on the second Tuesday of each month. Special meetings may be called by the Town Clerk upon the request of the President or a majority of the Commissioners. All regular meetings of the Commission shall be open to the public. (Reso. No. 78–1.)

Section 25–305. President of the Town Commissioners.

The President, Vice President and Treasurer will be elected for one–year terms by the Commissioners by secret ballot. The Vice President shall act as President in the absence or disability of the President. (Reso. No. 78–1.)

Section 25–306. Quorum.

A majority of the Commissioners shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Commissioners. (Reso. No. 78–1.)

Section 25–307. Procedure of the Town Commissioners.

The Commissioners shall determine their own rules and order of business. They shall keep minutes of their proceedings and enter therein the yeas, nays or abstentions upon final action of any question, resolution or ordinance, or at any other time if required by any one (1) member. The minutes shall be open to public inspection. (Reso. No. 78–1.)

Section 25–308. Vacancies on the Town Commission.

In event of a vacancy on the Commission for any reason, the remaining Commissioners by a majority vote shall appoint some person, qualified in accordance with § 25–302, to fill such vacancy for the remainder of the unexpired term. (Reso. No. 78–1.)

Section 25–309. Ordinances.

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

(b) An ordinance may be passed at the meeting at which it is introduced.

(c) Unless otherwise specified, an ordinance will become effective at the expiration of twenty (20) calendar days following its approval.

(d) Each ordinance or summary thereof shall be published at least once in a newspaper having general circulation in the municipality. (Reso. No. 78-1.)

Section 25-310. File of ordinances.

Ordinances shall be permanently filed by the Town Clerk and shall be available for public inspection. (Reso. No. 78-1.)

## **ARTICLE IV**

### **The President**

Section 25-401. Selection and term.

The President shall be elected as hereinbefore provided and shall hold office for a term of one (1) year or until his successor is elected and qualified. The elected President shall take office on the second Tuesday in January. The President holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter. (Reso. No. 78-1.)

Section 25-402. Powers and duties.

(a) The President 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) The President, with the approval of the Commissioners, shall appoint the heads of all offices, departments and agencies of the town government as established by this Charter or by ordinances. All office, department and agency heads shall serve at the pleasure of the President. All subordinate officers and employees of the offices, departments and agencies of the town government shall be appointed and removed by the President.

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

(d) The President 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 Town Commissioners. He shall supervise the administration of the budget as adopted by the Commissioners. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded upon recommendation of the Commissioners.

(e) The President 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 Town Commissioners, not inconsistent with this Charter. (Reso. No. 78-1.)

**ARTICLE V**  
**General Powers**

Section 25–501. General powers.

(a) The Town Commissioners 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 they may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the town and visitors thereto and sojourners therein.

(b) The Town Commissioners shall have, in addition, the power to pass ordinances, not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

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

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

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

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

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

(6) *Billboards and signs.* To regulate, restrain or prohibit the erection or maintenance of billboards, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the town.

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

(8) *Buildings.*

a. 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 or adopt as herein provided a Building Code and such other codes as deemed necessary.

b. Said codes may incorporate by reference any code or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on any subject relating to plumbing and construction and maintenance of buildings and structures, provided that subsequent amendments or supplements to any such model or standard code shall not be effective until specifically incorporated into such building or other codes.

c. To appoint a Building Inspector and a Plumbing Inspector, 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.

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

(10) *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.

(11) *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.

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

(13) *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.

(14) *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.

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

(16) *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.

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

(18) *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.

(19) *Finances.* To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town; to appropriate municipal moneys for any purpose within the powers of the Commissioners to borrow money in accordance with the provisions of this Charter.

(20) *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; 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 fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

(22) *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 and Article 78 of the Annotated Code of Maryland (1957 Edition, as amended). No franchise shall be granted for a longer period than twenty-five (25) years.

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

(24) *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 unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal.

(25) *Grants-in-aid.* To accept gifts and grants of federal or 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.

(26) *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.

(27) *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. Nothing herein shall be construed to affect in any manner any of the powers and duties of the State Department of Health and Mental Hygiene and the Health Department of Cecil County, or any public, general or local law relating to the subject of health.

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

(29) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(30) *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.

(31) *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.

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

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

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

(35) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, live or mechanical music or other disruptive or disturbing sounds.

(36) *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 such things as stockyards, slaughterhouses, cattle or hogpens, tanneries and renderies. This listing is by way of enumeration, not limitation.

(37) *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.

(38) *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.

(39) *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 Highway Administration of Maryland must first be approved by the Administration.

(40) *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.

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

(42) *Police powers.* To prohibit, suppress and punish within the town all vices, 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. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half (1/2) mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(43) *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; to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

(44) *Quarantine.* To establish quarantine regulations in the interest of the public health.

(45) *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.

(46) *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 and clearing sidewalks.

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

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

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

(50) *Zoning.* To exercise the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, (1957 Edition, as amended), subject, however, to the limitations and provisions of said Article.

(c) *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. (Reso. No. 78-1.)

#### Section 25-502. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Town Commissioners may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance. (Reso. No. 78-1.)

#### Section 25-503. Enforcement.

To ensure the observance of the ordinances of the town, the Town Commissioners 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 five hundred dollars (\$500.) or imprisonment for not exceeding sixty (60) 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 thirty (30) days to the Circuit Court of Cecil County in which the fine, forfeiture, or penalty was imposed. The Commissioners 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. (Reso. No. 78-1.)

## **ARTICLE VI**

### **Registration, Nomination, and Elections**

#### Section 25-601. Voters.

Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided within the town for at least three (3) months immediately preceding any town election and is registered in accordance with the provisions of this Charter shall be a registered voter of the town. Every registered voter of the town shall be entitled to vote at any or all town elections. (Reso. No. 78-1.)

#### Section 25-602. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the President with the approval of the Town Commissioners on or before the first Monday in December of 1978, and in every even-numbered year thereafter. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in December in the year in which they are appointed and shall run for two (2) 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 of Election Supervisors shall appoint one (1) of its members Chairman. Vacancies on the Board shall be filled by the President with the approval of the Town Commissioners for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Town Commissioners. (Reso. No. 78-1.)

#### Section 25-603. Removal.

Any member of the Board of Supervisors of Elections may be removed for a good cause by the Town Commissioners. 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 Town Commissioners if he so requests within ten (10) days after receiving the written copy of the charges against him. (Reso. No. 78-1.)

#### Section 25-604. Duties.

The Board of Supervisors of Elections shall be in charge of the town elections. The Board may appoint election clerks or other employees to assist in any of its duties, but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Town Commissioners. (Reso. No. 78-1.)

Section 25-605. Notice.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town. (Reso. No. 78-1.)

Section 25-606. Registration.

(a) There shall be a registration every town business day, except thirty (30) calendar days prior to election, of qualified persons not registered to vote.

(b) 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 Town Commissioners 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. To strike a voter from the registration books, the Town Clerk must have the approval of the Town Commissioners.

(c) The Town Commissioners, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration. (Reso. No. 78-1.)

Section 25-607. Appeal.

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 Town Commissioners. Any decision or action of the Town Commissioners upon such appeals may be appealed to the Circuit Court of Cecil County within thirty (30) days after the decision or action by the Town Commissioners. (Reso. No. 78-1.)

Section 25-608. Candidates.

Any person desiring to become a candidate for Commissioner under this Charter shall, at least thirty (30) calendar days before said election, file with the Secretary of the Commissioners of Charlestown a statement of such candidacy in substantially the following form:

I, ....., being first sworn, say that I reside in the Town of Charlestown, Cecil County, State of Maryland; and I am qualified for such office pursuant to Section 25-302 of the Town Charter; that I am a candidate for the office of Commissioner to be voted upon at the election to be held on the ..... day of ....., 19 ....., and I hereby request my name to be printed upon the official ballot for such election to said office.

Signed.....

Subscribed and sworn to (or affirmed) before me this ..... day of ....., 19.....

Signed.....

Such filing shall identify the offices being sought and contain the name and signature of the candidate and such other information necessary to determine his or her proper qualification for that office. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elective town public office at one (1) time. (Reso. No. 78-1.)

Section 25-609. Conduct of elections.

(a) Elections shall be on a nonpartisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by name with no party designation of any kind.

(b) It shall be the duty of the Town Commissioners to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines.

(c) The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. until 7:00 p.m. on election days or for longer if the Town Commissioners require it. (Reso. No. 78-1.)

Section 25-610. Absentee ballots.

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

(b) The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to the elections. (Reso. No. 78-1.)

Section 25-611. Special elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Reso. No. 78-1.)

Section 25-612. Vote count.

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Clerk of the town who shall record the results in the minutes of the Town Commissioners. As provided for in Article III, Section 25-301, of this Charter, the candidates for Town Commissioners with the highest number of votes in the general election shall be declared elected as Commissioners. (Reso. No. 78-1.)

Section 25–613. Preservation of ballots.

All ballots and records used in any town election shall be preserved for at least six (6) months from the date of the election. (Reso. No. 78–1.)

Section 25–614. Regulation and control.

The Town Commissioners 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. (Reso. No. 78–1.)

Section 25–615. Penalties.

Any person who fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder or willfully or corruptly does anything which will, or will tend to, affect fraudulently any registration, nomination, or election shall be deemed guilty of a misdemeanor. 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. (Reso. No. 78–1.)

## ARTICLE VII Finance

Section 26–701. Treasurer.

There shall be a Treasurer appointed by the Town Commissioners. He shall serve at the pleasure of the Town Commissioners. The 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 Treasurer under the direct supervision of the Town Commissioners. (Reso. No. 78–1.)

Section 25–702. Bond of Treasurer and employees.

The Treasurer and any employee designated by the Town Commissioners shall be required to be bonded by a corporate surety in such amount as the Commissioners by ordinance may require. The Town of Charlestown shall pay the premium for such bonds [bond] or bonds. (Reso. No. 78–1.)

Section 25–703. The Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Reso. No. 78–1.)

**Section 25–704. Budget.**

The President shall submit an annual budget to the Town Commissioners for consideration no later than May first of each year. The budget, which shall be adopted by the Town Commissioners by June 1 of each year, 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 Treasurer, open to public inspection by anyone during normal business hours. (Reso. No. 78–1.)

**Section 25–705. Budget adoption.**

Before adopting the budget, the Town Commissioners may hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the town. The Town Commissioners may insert new items or may increase or decrease the items of the budget. Where the Town Commissioners shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Town Commissioners shall be necessary for adoption. (Reso. No. 78–1.)

**Section 25–706. Appropriations—approval.**

No public money may be expended without having been approved and appropriated by the Town Commissioners. (Reso. No. 78–1.)

**Section 25–707. Transfer of funds.**

Any transfer of funds between major appropriations for different purposes by the President must be approved by the Town Commissioners before becoming effective. (Reso. No. 78–1.)

**Section 25–708. Over–expenditure forbidden.**

No Commissioner or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Reso. No. 78–1.)

Section 25-709. Appropriations lapse after one year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Reso. No. 78-1.)

Section 25-710. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Treasurer and shall be countersigned by the President. (Reso. No. 78-1.)

Section 25-711. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county tax. 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. (Reso. No. 78-1.)

Section 25-712. Budget-authorized levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Reso. No. 78-1.)

Section 25-713. Notice of tax levy.

Immediately after the levy is made by the Town Commissioners in each year, the Treasurer shall make out and mail or deliver 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. (Reso. No. 78-1.)

Section 25-714. When taxes are overdue.

The taxes provided for in Section 25-713 of this Charter shall be due and payable as described by state law. They shall bear interest while in arrears at the rate as may from time to time be established by the Town Commissioners of Charlestown provided that said rate does not exceed the maximum interest rate permissible under Maryland law, for each month until paid. All taxes not paid shall be collected in a manner established by the Town Commissioners of Charlestown provided that such manner is not in conflict with Maryland law and as provided in Section 25-715. (Reso. No. 78-1; Reso. No. 2000-3, 6-14-00.)

**Section 25-715. Sale of tax-delinquent property.**

A list of all property on which the taxes have not been paid and which are in arrears as provided by Section 25-714 of this Charter shall be turned over by the 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, be sold for taxes by this county official, in the manner prescribed by state law. (Reso. No. 78-1.)

**Section 25-716. Fees.**

All fees received by a Commissioner or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Reso. No. 78-1.)

**Section 25-717. Audit.**

The financial books and accounts of the town shall be audited annually in a manner determined by the Town Commissioners but not contrary to applicable state law. (Reso. No. 78-1.)

**Section 25-718. Tax anticipation borrowing.**

During the first six (6) months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty percent (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 Town Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Reso. No. 78-1.)

**Section 25-719. Authorization to borrow money.**

The town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and the sale of its general obligation bonds, notes or other certificates of indebtedness in the manner prescribed in §§ 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), title "Municipal Corporations," subtitle "Creation of Municipal Public Debt." (Reso. No. 78-1.)

Section 25-720. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it shall be unlimited, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon 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 all authority of this Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Reso. No. 78-1.)

Section 25-721. Previous issues.

All bonds, notes or other evidences of indebtedness validly issued by the town previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth. (Reso. No. 78-1.)

Section 25-722. Purchasing and contracts.

(a) All purchases and contracts for the town government shall be made by the Town Commissioners. The Town Commissioners shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

(b) All expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than two thousand five hundred dollars (\$2,500.) shall be made utilizing competitive bids and written contracts. The Treasurer shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance. The contract, in writing, shall be awarded to the bidder who offers the lowest or best bid; quality of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the Town Commissioners before becoming effective. (The Town Commissioners shall have the right to reject all bids and readvertise.) The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the town may require.

(c) All contracts involving professional services, such as accounting, architecture, auditing, engineering, law, planning, and surveying, shall be negotiated by the Town Commissioners. (Reso. No. 78-1.)

## **ARTICLE VIII Administration**

### Section 25-801. Town Clerk.

There shall be a Town Clerk appointed by the Town Commissioners. The Clerk shall attend every meeting of the Town Commissioners and keep a full and accurate account of the proceedings of the Town Commissioners. The Clerk shall keep such other records and perform such other duties as may be required by this Charter or the Town Commissioners. (Reso. No. 78-1.)

### Section 25-802. Town Attorney.

The Town Commissioners may appoint a Town Attorney. He shall serve at the pleasure of the Commissioners, and his compensation shall be so determined by the Town Commissioners. The Town Attorney shall be a member of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the town and shall perform such duties in this connection as may be required by the Town Commissioners. The town shall have the power to employ other legal consultants as it deems necessary from time to time. (Reso. No. 78-1.)

### Section 25-803. Authority to employ personnel.

The Town Commissioners 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. (Reso. No. 78-1.)

### Section 25-804. Retirement system.

The Town Commissioners 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. (Reso. No. 78-1.)

### Section 25-805. Compensation of employees.

The compensation of all employees shall be set from time to time by particular ordinances passed by the Town Commissioners. (Reso. No. 78-1.)

### Section 25-806. Employee benefit programs.

The town by ordinance is authorized and empowered to provide for or participate in hospitalization or other forms of benefit programs for its officers and employees and to expend public moneys of the town for such programs. (Reso. No. 78-1.)

## ARTICLE IX Public Ways and Sidewalks

### Section 25-901. Definition of public ways.

The term “public ways” as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes and alleys. (Reso. No. 78-1.)

### Section 25-902. Control of public ways.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town. (Reso. No. 78-1.)

### Section 25-903. Public ways: powers.

The town shall have the power:

- (a) To establish, regulate and change from time to time the grade lines, width and construction materials of any town public way, or part thereof, bridge, curbs and gutters.
- (b) To grade, lay out, construct, open, extend and make new town public ways.
- (c) To grade, straighten, widen, alter, improve or close up any existing town public way or part thereof.
- (d) To pave, surface, repave or resurface any town public way or part thereof.
- (e) To install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.
- (f) To construct, reconstruct, maintain and repair bridges.
- (g) To name town public ways.
- (h) To have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof. (Reso. No. 78-1.)

### Section 25-904. Sidewalks: powers.

The town shall have the power:

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

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

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

(d) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law. (Reso. No. 78-1.)

## **ARTICLE X**

### **Water and Sewers**

#### Section 25-1001. Powers.

The town shall have the power:

- (a) To construct, operate and maintain a water system and water plant.
- (b) To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- (c) To construct, operate and maintain a stormwater drainage system and stormwater sewers.
- (d) To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- (e) To have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (f) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Reso. No. 78-1.)

#### Section 25-1002. Placing structures in public ways.

Any public service corporation, company or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structures in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company or individual violating the provisions of this section

shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the town may order it removed. (Reso. No. 78-1.)

Section 25-1003. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the town or in the county which impeded 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 25-1202. Any violation of this section shall be a misdemeanor. (Reso. No. 78-1.)

Section 25-1004. Entering on county public ways.

The town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or storm water sewers provided for in this Charter. Unless required by the state or county, the town need not obtain any permit or pay any charges 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. (Reso. No. 78-1.)

Section 25-1005. Connections.

The town may 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. In accordance with the present Sewer Plan of the Town of Charlestown, no new cesspools, sinkdrains, privies, septic tanks or any other type of privately operated sewage system shall be allowed within the limits of the town. 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. (Reso. No. 78-1.)

Section 25-1006. Charge for connections.

The town may make a charge, the amount to be determined by the Town Commissioners, for each connection made to the town's water and 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. (Reso. No. 78-1.)

Section 25-1007. Improper uses.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing,

fixtures or connections as it deems necessary to prevent such waste or improper use. (Reso. No. 78-1.)

Section 25-1008. Extensions beyond boundaries.

The town shall have the power to extend its water or sewerage systems beyond the town limits. (Reso. No. 78-1.)

Section 25-1009. 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 persons 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. (Reso. No. 78-1.)

Section 25-1010. 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. (Reso. No. 78-1.)

Section 25-1011. Contracts for water.

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. (Reso. No. 78-1.)

Section 25-1012. 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 or Treasurer, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law. (Reso. No. 78-1.)

Section 25-1013. 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. (Reso. No. 78-1.)

## ARTICLE XI Special Assessments

### Section 25–1101. 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 mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences or [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. (Reso. No. 78–1.)

### Section 25–1102. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

(a) The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Town Commissioners.

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

(c) When desirable, the affected property may be divided into different classes to be charged different rates, but except for this, any rate shall be uniform.

(d) All special assessment charges shall be levied by the Town Commissioners by ordinance. Before levying any special assessment charges, the Town Commissioners shall hold a public hearing. The 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 Town Commissioners and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in

whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Town Commissioners, in their discretion, may vote to proceed with the project and may levy the special assessment.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of the county within ten (10) days after the levying of any assessment by the Town Commissioners.

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

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

(h) All special assessments shall be billed and collected by the Treasurer. (Reso. No. 78-1.)

## **ARTICLE XII**

### **Town Property**

#### Section 25-1201. Acquisition, possession and disposal.

The town may acquire or dispose of real, personal or mixed property within the corporate limits of the town for any public purpose by purchase, sale, gift, bequest, devise, lease, condemnation or otherwise. All municipal property, funds and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof. (Reso. No. 78-1; Reso. No. 83-R2, 12-14-83.)

#### Section 25-1202. Condemnation.

The town shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as in 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 proceedings shall be that established in the Real Property Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts of 1974, and the Constitution of Maryland. (Reso. No. 78-1.)

Section 25-1203. Town buildings.

The town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the town government. (Reso. No. 78-1.)

Section 25-1204. Protection of town property.

The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition. (Reso. No. 78-1.)

**ARTICLE XIII  
General Provisions**

Section 25-1301. Oath of office.

(a) Before entering upon the duties of their offices, the President, the Commissioners, the 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 the Town of Charlestown; 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 and the Town of Charlestown.”

(b) The President shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court of Cecil County or before one (1) of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the President. (Reso. No. 78-1.)

Section 25-1302. Official bonds.

The Treasurer and such other officers or employees of the town as the Town Commissioners or this Charter may require shall be given bond in such amount and with such surety as may be required by the Town Commissioners. The premiums on such bonds shall be paid by the town. (Reso. No. 78-1.)

Section 25–1303. Prior rights and obligations.

All right, title and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offense already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective. (Reso. No. 78–1.)

Section 25–1304. Effect of Charter on existing ordinances.

All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed in accordance with provisions of authority granted in this Charter. (Reso. No. 78–1.)

Section 25–1305. Gender.

Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender. (Reso. No. 78–1.)

Section 25–1306. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a 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. (Reso. No. 78–1.)

**ARTICLE XIV**  
**Transitional Provisions**

Section 25–1401. Nature of this Article.

The provisions of this Article relate to the transition from the existing form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto. (Reso. No. 78–1.)

Section 25-1402. Transition between present and Charter-mandated forms of government.

In order that this Charter may become operative promptly after it becomes law, the present form of government, as such is concerned with the election, powers and duties of the President and Commissioners, shall continue in effect until the form of government provided in the Charter, concerning the same subject matter, becomes effective after the next municipal election. (Reso. No. 78-1.)

Section 25-1403. Date of next municipal election.

The date of the next municipal election scheduled by the Town of Charlestown will be the second Monday of January 1979. (Reso. No. 78-1.)

## APPENDIX I

### Urban Renewal Authority for Slum Clearance

#### A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area or single property in which the building or buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the Town of Charlestown, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area or single property where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or morals.
- (h) “Urban renewal area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.
- (i) “Urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate any land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.
- (j) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
  - (1) Acquisition of a slum area or a blighted area or portion of them;

- (2) Demolition and removal of buildings and improvements;
- (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
- (4) Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
- (7) The preservation, improvement, or embellishment of historic structures or monuments.

A1-102. Powers.

- (a) The municipality may undertake and carry out urban renewal projects.
- (b) These projects shall be limited:
  - (1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
  - (2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
  - (3) To sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public, or quasi-public corporation, partnership, association, person, or other legal entity.
- (c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

(d) All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of these purposes or in connection with the exercise of any of the powers granted by this appendix is declared to be needed or taken for public uses and purposes.

(e) Any or all of the activities authorized pursuant to this appendix constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended, and public credit extended in furtherance of them.

A1-103. Additional powers.

The municipality has the following additional powers. These powers are declared to be necessary and proper to carry into full force and effect the specific powers granted in this appendix and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) To make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify, and amend those plans. These plans may include, but are not limited to:

(i) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

(ii) Plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(iii) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept, and utilize grants of funds from the federal government or other governmental entity for those purposes;

(2) To prepare plans for the relocation of persons (including families, business concerns, and others) displaced from an urban renewal area, and to make relocation payments to or with respect to those persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government;

(3) To appropriate whatever funds and make whatever expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited:

(i) To the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition, removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction,

reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

(ii) To levy taxes and assessments for those purposes;

(iii) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give whatever security as may be required for this financial assistance; and

(iv) To invest any urban renewal funds held in reserves or sinking funds or any of these funds not required for immediate disbursement in property or securities which are legal investments for other municipal funds;

(4) (i) To hold, improve, clear, or prepare for redevelopment any property acquired in connection with urban renewal projects;

(ii) To mortgage, pledge, hypothecate, or otherwise encumber that property; and

(iii) To insure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any insurance;

(5) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities any conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

(6) To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from the circuit court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) To plan, replan, install, construct, reconstruct, repair, close, or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

(9) To exercise all or any part or combination of the powers granted in this appendix.

A1-104. Establishment of Urban Renewal Agency.

(a) A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines the action to be in the public interest, elect to have the powers exercised by a separate public body or agency.

(b) In the event the legislative body makes that determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix.

(c) The ordinance shall include provisions establishing the number of members of the public body or agency, the manner of their appointment and removal, and the terms of the members and their compensation.

(d) The ordinance may include whatever additional provisions relating to the organization of the public body or agency as may be necessary.

(e) In the event the legislative body enacts this ordinance, all of the powers by this appendix granted to the municipality, from the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

A1-105. Powers withheld from the agency.

The agency may not:

(1) Pass a resolution to initiate an urban renewal project pursuant to Sections A1-102 and A1-103 of this appendix;

(2) Issue general obligation bonds pursuant to Section A1-111 of this appendix; or

(3) Appropriate funds or levy taxes and assessments pursuant to Section A1-103(3) of this appendix.

A1-106. Initiation of project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

(1) Finds that one or more slum or blighted areas exist in the municipality;

(2) Locates and defines the slum or blighted area; and

(3) Finds that the rehabilitation, redevelopment, or a combination of them, of the area or areas, is necessary and in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

A1-107. Preparation and approval of plan for urban renewal project.

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. The municipality shall hold a public hearing on an urban renewal project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

(1) A feasible method exists for the location of any families or natural persons who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to the families or natural persons;

(2) The urban renewal plan conforms substantially to the master plan of the municipality as a whole; and

(3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time. If modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon whatever approval of the owner, lessee, or successor in interest as the municipality considers advisable. In any event, it shall be subject to whatever rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will change substantially the urban renewal plan as approved previously by the municipality, the modification shall be approved formally by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

A1-108. Disposal of property in urban renewal area.

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential,

recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in the plan, the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. In any instrument or conveyance to a private purchaser or lessee, the municipality may provide that the purchaser or lessee may not sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct on the property. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for the transfer and the urban renewal plan (or any part or parts of the contract or plan as the municipality determines) may be recorded in the land records of the county in which the municipality is situated in a manner so as to afford actual or constructive notice of it.

(b) The municipality may dispose of real property in an urban renewal area to private persons. The municipality may, by public notice by publication in a newspaper having a general circulation in the community invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. The notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period. The municipality shall consider all redevelopment or rehabilitation proposals and the financial and legal ability of the persons making proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept any proposal as it deems to be in the public interest and in furtherance of the purposes of this subheading. Thereafter, the municipality may execute and deliver contracts, deeds, leases, and other instruments and take all steps necessary to effectuate the transfers.

(c) The municipality may operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title, or interest in any property under this appendix shall be presumed conclusively to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

A1-109. Eminent domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

A1-110. Encouragement of private enterprise.

The municipality, to the extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity to the rehabilitation or redevelopment of any urban renewal area by private enterprise consistent with the sound needs of the municipality as a whole. The municipality shall give consideration to this objective in exercising its powers under this appendix.

A1-111. General obligation bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by the municipality, and also within limitations determined by the municipality.

A1-112. Revenue bonds.

(a) In addition to the authority conferred by Section A1-111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this appendix. However, payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this state having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the

provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in Sections 9, 10, and 11 of Article 31 (Debt – Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and:

- (1) Shall bear a date or dates;
- (2) Mature at a time or times;
- (3) Bear interest at a rate or rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) Be secured in a manner; and
- (11) Have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may not be sold to the federal government at private sale at less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may not be sold at private sale at less than par at an interest cost to the municipality which does not exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of

issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively to have been planned, located, and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. However, the bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys committed irrevocably to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity on them. The moneys under the terms of the agreement shall be required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. This section authorizes any persons or public or private political subdivisions and officers to use any funds owned or controlled by them for the purchase of any bonds or other obligations. With regard to legal investments, this section may not be construed to relieve any person of any duty of exercising reasonable care in selecting securities.

A1-113. Short title.

This appendix shall be known and may be cited as the Charlestown Urban Renewal Authority for Slum Clearance Act.

A1-114. Authority to amend or repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

## NOTES

(1) This resolution also repealed the former Charter of the Town of Charlestown, Sections 25-1 through 25-19, adopted Cecil County Code 1961, as amended. Resolution No. 78-1 took effect 12-20-78.

(2) The preamble of Ch. 706 of 1953 reads as follows:

“Whereas, By Chapter XXIII of the Acts of the General Assembly of Maryland of 1742 the Town of Charlestown, in Cecil County, was made and created, and pursuant to the provisions of said Act a survey was made by one John Veazy, Deputy Surveyor, by which said Town of Charlestown was laid out into ‘Two Hundred convenient Lots, with proper Streets, Lane and Alleys,’ and in further compliance with the provisions of said Act one plat, duly certified, was delivered to the Governor of the Province and the other plat, duly certified was delivered to the Clerk of the County to be enrolled among the County Records of Cecil County; and

“Whereas, Sometime ago the original plat of the survey of the said John Veazy, which was filed in the County Records of said Cecil County, became lost or destroyed and there remains in said County Records only the original certificate of the said John Veazy, Deputy Surveyor, and the Commissioners who were appointed by the aforesaid Act of the General Assembly to have surveyed and laid out the said Town; and

“Whereas, Said certificate states that the 200 acres constituting the Town proper had been divided into 200 convenient lots, all being rectangular in shape and 11 1/2 by 9 perches, except certain lots along the river, and that the Streets and Lanes are 12 in number, giving their names, length and breadth as shown on the plat which was attached thereto but which has since been lost; and

“Whereas, In 1836 a copy of the original plat of Charlestown was made by one John Janney, and although it apparently was not made under public authority, there are copies of it still in use and it corresponds exactly with the original map in all the particulars set forth in the aforementioned certificate of John Veazy, Deputy Surveyor; and

“Whereas, The owners of the several lots in said Town have over the years failed to confine their properties within the bounds as shown on said plat, but on the contrary have exceeded their proper bounds, particularly along the streets and alleys, and have in fact encroached upon the streets and alleys of said Town, and as a result the streets of said Town; furthermore, if those property owners who have so encroached on said streets were required to give up all the land so held by them to which they have no legal title, irreparable harm would be done to them; and

“Whereas, A great majority of property owners in said Town are not aware of the fact that because of the encroachment upon the streets and alleys of the Town as originally laid out,

they may not have a good and merchantable fee simple title to all the land of which the several property owners are presently in possession; and

“Whereas, There has resulted a number of disputes between property owners, and the Town officials over property lines and street lines, and in order to establish the street lines and the property lines of the 200 lots of the Town proper, and at the same time endeavor to arrive at a solution insofar as the present location of streets in the Town are concerned, and to protect or assure to the several property owners the land, or so much thereof as is practicable, which they now occupy, but which encroaches on the streets as originally laid out, the Town engaged the services of a reputable firm of civil engineers, who have made a complete survey of the Town establishing the original lines of the 200 lots and the streets and alleys, as accurately as possible; they have endeavored by their survey to show to what extent the several present property owners have encroached upon said streets of said Town; and after considering these factors and at the same time giving consideration to the present width and location of the streets in said Town as determined by present usage, a fair and feasible plan of streets, uniform in width, but of considerably less width than originally laid out, has been approved by the Commissioners of said Town by their resolution duly passed in meeting assembled on January 5, 1953; and

“Whereas, It is the intent of this Act to adopt the new plat of the Town of Charlestown, as prepared by Price and Price, Civil Engineers, in December, 1952, as the true plat of said Town, thereby establishing the property and street lines shown thereon as true and correct, and at the same time assure to the several property owners the title to that part of their properties which they now occupy and for which they have no legal title lying between that part of their property to which they have good title and the street line as established by the new survey and plat intended to be adopted.”

Section 2 of Ch. 706, 1953, provided that the Act would not be effective until approved by a majority of the persons voting thereon at a referendum to be held in the town not later than August 15, 1953. The referendum was held on June 22, 1953, and Ch. 706 of 1953 was approved by a vote of 172 “for” and 46 “against.”