

CHARTER
OF THE
Town of Chevy Chase

MONTGOMERY COUNTY, MARYLAND

*As found in the Public Local Laws of Montgomery County
1972 Edition, 1977 Replacement Volume, as amended*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

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

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

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I Incorporation

Section

- 101. Corporate Name.
- 102. Definitions.
- 103. Municipal Status.
- 104. Corporate Boundaries.

ARTICLE II The Council

- 201. Number of councilmembers, selection; term.
- 202. Qualifications of Councilmembers.
- 203. Salary of Councilmembers.
- 204. Meetings of Council.
- 205. Officers of the Council.
- 206. Quorum.
- 207. Rules of order of business; minutes.
- 209. Passage of ordinances, publication, effective date.
- 210. Referendum.
- 211. File of ordinances.

ARTICLE III Powers of the Town

- 301. Powers of the Council.
- 302. Exercise of powers.
- 303. Enforcement of Ordinances.
- 304. Municipal Infractions.
- 305. Repealed.

ARTICLE IV Registration, Nomination and Elections

- 401. Qualifications of Voters.
- 402. Elections Board.
- 403. Registration.
- 404. Election of Council.
- 405. Special Elections.
- 406. Vote Count.

- 407. Preservation of Ballots.
- 408. Vacancies.

ARTICLE V

Finance

- 501. Fiscal Year.
- 502. Budget.
- 503. Public hearing; annual tax levy.
- 504. Appropriations.
- 505. Transfer of Funds.
- 506. Overexpenditures Forbidden.
- 507. Appropriations lapse after one year.
- 508. Checks.
- 509. Taxable Property.
- 510. Budget authorizes levy.
- 511. When taxes are overdue.
- 512. Sale of tax–delinquent property.
- 513. Fees.
- 514. Audit.
- 515. Tax anticipation borrowing.
- 516. Borrowing of money.
- 517. Payment of indebtedness.
- 518. Previous issues.
- 519. Purchasing and contracts.
- 520. Revolving Fund.

ARTICLE VI

Personnel

- 601. Town Attorney.
- 602. Authority to employ personnel.
- 603. Merit system authorized.
- 604. Retirement System.
- 605. Compensation of employees.
- 606. Employee benefit programs.

ARTICLE VII

Public Ways and Sidewalks

- 701. Definition of public ways.
- 702. Control of public ways.
- 703. Powers of the Town as to public ways.
- 704. Powers of Town as to sidewalks.

ARTICLE VIII
Special Assessments

- 801. Power of Town to levy special assessments.
- 802. Procedure.

ARTICLE IX
Town Property

- 901. Acquisition, possession and disposal.
- 902. Condemnation.
- 903. Town Buildings.
- 904. Protection of Town property.

ARTICLE X
General Provisions

- 1001. Oath of Office.
- 1002. Official Bonds.
- 1003. Prior rights and obligations.
- 1004. Effect of charter on existing ordinances.
- 1005. Separability.

CHEVY CHASE

ARTICLE I Incorporation

PREAMBLE

The original Enabling Act for the Town of Chevy Chase was approved on April 10, 1918; it was modified by Acts of the Maryland General Assembly on April 9, 1924 and April 22, 1949.

Section 101. Corporate Name.

This charter is the municipal corporation charter of the Town of Chevy Chase, the corporate name of which is the "Town of Chevy Chase".

Section 102. Definitions.

The terms [term] "Town," in this charter shall be construed to mean the Town of Chevy Chase.

Section 103. Municipal Status.

The municipal corporation here continued, under its corporate name, has 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.

Section 104. Corporate Boundaries.

The corporate limits of said Town of Chevy Chase shall be as follows:

From the intersection of the middle lines of Connecticut Avenue and Bradley Lane, thence west along the middle line of Bradley Lane to the point which is the intersection of said middle line with the southerly projection of the line which is the west property line of West Avenue, a Public Street fifty feet wide and running thence with the westerly property line of West Avenue northerly to the southerly property line of Walsh Street, a Public Street fifty feet wide; thence with the southerly property line of Walsh Street in a westerly direction to the intersection of the westerly property line of 46th Street, a Public Street fifty feet wide; thence running northerly along the westerly property line of 46th Street to the southerly property line of Willow Lane, a Public Street, fifty feet wide; thence west along the southerly property line of Willow Lane to the intersection with 47th Street, a Public Street fifty feet wide; thence northerly along the westerly property line of 47th Street and the prolongation thereof to the northerly property line of Elm Street, a Public Street sixty feet wide; thence easterly along the northerly line of Elm Street to the westerly line of Parcel "A" in Block "L" of Chevy Chase Section 8-B recorded in Plat Book 126 Plat 14721, thence northerly along the westerly line of said Parcel "A" to the southerly right of way line of the former Metropolitan Branch of the Baltimore and Ohio

Railroad; thence east–northeast along the southernmost boundary of said railroad real estate to a point which is the intersection with the middle line of East–West Highway; thence east along the middle line of East–West Highway to a point which is the intersection of East–West Highway with Connecticut Avenue; thence south along the middle line of Connecticut Avenue to the first named point heretofore mentioned.

A description of the Town boundaries at all times shall be on file with the Town clerk or other comparable official, and with the clerk of the court of the county. (Res. No. 92–003, 12–31–92.)

ARTICLE II

The Council

Section 201. Number of councilmembers, selection; term.

All powers of the Town are vested in a council consisting of five councilmembers who shall be elected as hereinafter provided and who shall hold office until the succeeding council takes office. The regular term of councilmembers shall expire upon the taking of the oath of office by their successors at the first council meeting after the election. The regular councilmembers holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding council takes office under the provisions of this Charter.

Section 202. Qualifications of Councilmembers.

Councilmembers shall have resided in the Town for at least one year immediately preceding their election, shall be qualified voters of the Town, and shall continue to reside in the Town for their term of office.

Section 203. Salary of Councilmembers.

Each councilmember may receive an annual salary which shall be equal for all councilmembers and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any councilmember takes office shall not be changed during the period for which that councilmember was elected. The ordinance making any change in the salary paid to the several councilmembers, either by way of increase or decrease, shall be finally enacted prior to the municipal election for the members of the next succeeding council and shall take effect only as to the members of the next succeeding council.

Section 204. Meetings of Council.

The council shall meet within fifteen (15) days following the annual election for the purpose of organization and swearing in of new councilmembers, after which the council shall meet regularly at such times as may be prescribed by its rules. Special meetings may be called by

the mayor of the council and shall be called upon the request of a majority of the members of the council. All meetings of the council shall be open to the public unless specifically falling within the exceptions permitting closed executive sessions or adjournment of an open session to a closed executive session pursuant to and as provided by state law and the Annotated Code of Maryland, State Government Article, Sections 10-501 through 10-512, as modified and amended from time to time. The rules of the council shall provide that residents shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question, except that the Council may hold work sessions at which comments may be prohibited and special purpose meetings at which comments may be restricted to subjects on the meeting agenda. (Res. No. 94-002, 9-29-94; Res. No. 1, 2-27-97; Res. No. 07-08, 2-28-08.)

Section 205. Officers of the Council.

The council, at its annual organization meeting, shall elect from among its membership the following officers whose duties shall be as indicated.

(a) A mayor who shall preside at meetings of the town council and serve as head of the town government. A council member elected to the position of mayor shall not serve consecutive one (1) year terms except by unanimous vote of the town council. (Res., 6-29-95; Res. 98-005, 8-27-98; Res. 07-09, 2-28-08.)

(b) A treasurer who shall (1) prepare an annual budget to be submitted to the council, (2) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded, (3) maintain a general accounting system for the Town in such form as the council may require, not contrary to state law, (4) submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council, (5) ascertain that all taxable property within the Town is assessed for taxation, (6) collect all taxes, special assessments, license fees, liens, and all other revenues (including any utility revenues) of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town, (7) have custody of all public monies belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town, and (8) do such other things in relation to the fiscal or financial affairs of the Town as the council may require or as may be required elsewhere in this Charter.

(c) A secretary who shall (1) be custodian of all records of the Town other than those under the control of the Treasurer, and (2) record and keep the minutes of Town council meetings, public hearings and other public activities of the council.

(d) Additional officers may be designated and elected by the council at its annual organization meeting.

Section 206. Quorum.

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

Section 207. Rules of order of business; minutes.

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings. The minutes shall be open to public inspection.

Section 209. Passage of ordinances, publication; effective date.

No ordinance shall be passed until six (6) days after the meeting at which it is originally introduced. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four (4) members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of thirty (30) calendar days following its passage. An emergency ordinance shall become effective on the date of passage. Each ordinance or a fair summary of each ordinance shall be distributed to each household within the Town. Failure of any resident to receive a copy of any ordinance or fair summary thereof shall not invalidate that ordinance nor shall such failure be a defense to any action involving a violation of that ordinance. (Res. No. 07-10, 2-28-08.)

Section 210. Referendum.

If within thirty (30) days of the adoption of any ordinance, ten percent (10%) or more of the qualified voters of the town petition the council in writing for a referendum on that ordinance, the council shall call a special meeting by mailing notice of the time, date, place and purpose of said special meeting to those persons eligible to vote in Town elections not less than ten (10) days in advance thereof. Only qualified voters in attendance at the special meeting shall be entitled to vote on the referendum. If a majority of the votes cast at that special meeting favor the repeal of the ordinance, then the ordinance shall stand repealed and rescinded. (Res. No. 07-11, 2-28-08.)

Section 211. File of ordinances.

Ordinances, charter amendments and regulations shall be permanently filed in the Town Office under the direction of the Secretary and shall be kept available for public inspection.

ARTICLE III Powers of the Town

Section 301. Powers of the Council.

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

(b) *Specific Powers.* The council shall have all specific powers granted to it by the Maryland Constitution or applicable law passed by the Maryland General Assembly.

(c) *General Authority* – In addition to all the powers granted to the council by this charter or any other provision of law, the council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this charter or elsewhere shall not be deemed to limit the power and authority granted by this section. (Res. No. 07–12, 2–28–08.)

Section 302. Exercise of powers.

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

Section 303. Enforcement of ordinances.

To assure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding the maximum allowable under State law or imprisonment not to exceed the maximum allowable under State law, or both such fine or imprisonment. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding violation. (Res. No. 06–02, 3–23–06; Res. No. 07–13, 2–28–08.)

Section 304. Municipal infractions.

(a) The council may provide that violation of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(b) A fine not to exceed the maximum allowable under state law may be imposed for each conviction of a municipal infraction. Repeat offenders may be assessed a fine not to exceed the maximum allowable under State law for each repeat offense, and each day a violation continues shall constitute a separate offense. (Res. No. 06-03, 3-23-06; Res. No. 07-14, 2-28-08.)

Section 305. Repealed.

(Res. No. 07-15, 2-28-08.)

ARTICLE IV

Registration, Nomination and Elections

Section 401. Qualifications of Voters.

Every person who: (1) is a citizen of the United States, (2) is at least eighteen (18) years of age, (3) has resided within the corporate limits of the Town for thirty days next preceding any Town election, and (4) is registered in accordance with the provisions of this charter, is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all Town elections.

Section 402. Elections Board.

The council shall appoint an elections board and provide procedures for regular and special elections, and for voting by absentee ballot.

Section 403. Registration.

The Town shall not have a separate registration of voters but shall accept registration as a voter in Montgomery County for purposes of registration as a voter in the town provided the county voter registration identification reflects a home address within the town for that voter. The elections board shall 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. (Res. No. 07-16, 2-28-08.)

Section 404. Election of Council.

(a) On the first Tuesday in May of every odd-numbered year, the qualified voters of the Town shall elect two persons as councilmembers to serve for terms of two years.

(b) On the first Tuesday in May in every even-numbered year, the qualified voters of the Town shall elect three persons as councilmembers to serve for terms of two years.

Section 405. Special Elections.

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

Section 406. Vote count.

Within forty-eight (48) hours after the closing of the polls, the elections board shall determine the vote cast for each candidate or question and shall certify the results to the council. The candidates for councilmember with the highest number of votes in the general election shall be declared as councilmembers. (Res. No. 07-17, 2-28-08.)

Section 407. Preservation of Ballots.

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

Section 408. Vacancies.

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. Any vacancies on the council shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council.

ARTICLE V
Finance

Section 501. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July in any year and shall end on the last day of June in the following year, or as fixed by the State. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 502. Budget.

The treasurer, on such date as the council determines, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The budget shall be a public record in the office of the Treasurer, open to public inspection by anyone during normal business hours.

Section 503. Public hearing; annual tax levy.

(a) The town council is hereby authorized, empowered and directed to levy and cause to be collected from the owners of real and/or taxable tangible personal property used in a trade or business in the town, tax on the assessed valuation of the real and/or taxable tangible personal property used in a trade or business within the boundaries of the town at a rate or rates set by the town council.

(b) On the first Tuesday in May of every year and prior to certifying the tax rate to the county council, the town council shall hold a public meeting on its proposed budget for the forthcoming fiscal year. A copy of the proposed budget as well as a notice of the time and place of the public meeting shall be provided to each house in the town. Each such budget shall show the estimated expenditures during the forthcoming fiscal year, each of the purposes for which said expenditures are authorized and the estimated receipts to be collected from the tax rate(s) proposed to be set and from other sources, and shall also contain a similar report of the receipts and expenditures (including estimates for the balance of the fiscal year) for the then current fiscal year. The town council shall hear all comments and suggestions pertaining to the proposed budget offered at the meeting and shall fix the said tax rate(s) on each one hundred dollars (\$100.00) of assessed valuation of real and/or taxable tangible personal property used in a trade or business within the town and shall certify said tax rate(s) to the county director of finance.

(c) The tax levied in accordance with this section shall be collected as all other county taxes and the amounts so collected shall be paid over by the county director of finance to the treasurer of the town.

(d) The county council shall also order and have paid to the treasurer of the Town the proper share of the county road tax, of receipts from the racing tax fund of, receipts from the taxes on corporations and all other taxes which are or may become payable to incorporated cities, towns and areas and/or special taxing areas. (Res. No. 07-18, 2-28-08.)

Section 504. Appropriations.

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

Section 505. Transfer of Funds.

Any transfer of funds between budget programs, but not between existing line items within the same program, must be approved by the council before becoming effective. (Res. No. 07-19, 2-28-08.)

Section 506. Overexpenditures Forbidden.

No elected official or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter, except as approved by the chairman or treasurer in the event of an emergency or natural disaster. Any contract, verbal or written, made in violation of this charter is null and void. Nothing in this section contained, however, prevents 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 the contract is made, when the contract is permitted by law.

Section 507. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 508. Checks.

All checks, except those issued pursuant to the provisions of Section 520 of this charter, issued in payment of municipal obligations, shall be signed by the Town Manager and one (1) member of the council. (Res. No. 93-007, 3-3-94.)

Section 509. 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 [thereby] reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly. (Res. No. 07-20, 2-28-08.)

Section 510. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section 511. When taxes are overdue.

The taxes provided for in this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at a rate fixed by the Montgomery County

Council for each month or fraction of a month until paid. All taxes not paid and in arrears shall be collected as provided below.

Section 512. Sale of tax–delinquent property.

The official of the county responsible for the sale of tax–delinquent property is hereby authorized to sell all property on which the town taxes have not been paid and which are in arrears at the same time and in the same manner as those properties on which county taxes have not been paid. (Res. No. 07–21, 2–28–08.)

Section 513. Fees.

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

Section 514. Audit.

The financial books and accounts of the Town shall be audited annually as required by the Annotated Code of Maryland.

Section 515. Tax anticipation borrowing.

During the first six months of any fiscal year, the Town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after 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 the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 516. Borrowing of money.

(a) The council is hereby authorized and empowered to borrow such sums of money as, in its opinion, may be necessary from time to time for any public purpose of the town whatever, to evidence such borrowing by the issuance of bonds, notes or certificates of indebtedness and, notwithstanding any other statutory limitations, to provide for the levy and collection of all taxes necessary and sufficient for the payment of the principal and interest on said bonds, notes or certificates of indebtedness, as the same respectively mature and are payable or necessary for the payment of such interest and to create a sinking fund for the payment of said bonds, notes, or certificates of indebtedness upon maturity.

(b) No funds shall be borrowed hereunder and no bonds, notes or certificates of indebtedness shall be issued hereunder, if, by such issuance, the total sum or sums of such bonds, notes or certificates of indebtedness, plus the sums of all outstanding and unpaid bonds, notes or certificates of indebtedness issued hereunder prior thereto shall exceed three (3) percentum of the then full cash value of all real property taxable by the council at the full tax rate of the town. In determining whether said debt limitation shall have been reached at any time, the town shall not take into account any of its indebtedness other than that incurred pursuant to the authority hereof, nor shall it take into account any bonds, notes or certificates of indebtedness issued in pursuance of said authority which have been retired at maturity or purchased by it in advance of maturity.

(c) Such bonds, notes or certificates of indebtedness shall be in such form as may be prescribed by the council, shall be signed by the chairman and the treasurer and shall be free from all state, county and local taxation. Such bonds or other obligations shall be sold or negotiated by the council for the best price obtainable after public advertisement, but shall not be sold or negotiated for less than their par value with accrued interest and the proceeds thereof shall be paid over to the treasurer, who is charged with the custody of any moneys received from the issue or sale of such bonds, notes or certificates of indebtedness, which funds shall be kept as a separate account and shall be used to pay for the cost of the improvements for which they were respectively collected or to liquidate the bonds, notes or certificates of indebtedness issued therefor, as shall be directed by the council. Such bonds, notes or certificates when paid, shall be cancelled and properly kept and filed as a part of the records of the town.

(d) Before the council shall borrow any money or issue any bonds, notes or certificates of indebtedness in excess of one (1) percentum of the then annual value of all real property taxable by the council at the full tax rate of the town, it shall call a special meeting of the resident registered qualified voters, such meeting to be held after giving at least ten days written notice thereof to each of such resident registered qualified voters, by depositing said notice in the United States Post Office addressed to the last-known address of such resident registered qualified voters, which notice shall contain a statement of the purpose of such proposed indebtedness and the approximate amount thereof and the rate or rates of interest payable thereon at the time and place of said meeting. At such meeting the question of borrowing such money and the issuance of bonds or other obligations shall be submitted to such resident registered qualified voters and the voting thereon shall be by ballot. Each ballot shall contain the words "For Bonds" and "Against Bonds". If a majority of the resident registered qualified voters present and voting at such meeting shall vote in favor of the borrowing of such money and the issuance of such bonds, notes or certificates of indebtedness, the council of the town shall proceed in accordance with such authorization; provided, however, that if a majority of resident registered qualified voters present at such meeting shall vote against the borrowing of money and the issuance of bonds or other obligations, the council of the town shall be authorized, in its discretion, to call another meeting at a date not less than two months thereafter, at which time the same or an alternative proposition for borrowing money and issuing bonds or other obligations may be submitted to such resident registered qualified voters. (Res. No. 01-002, 11-29-01; Res. No. 07-22, 2-28-08.)

Section 517. Payment of indebtedness.

The power and obligation of the Town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the Town shall levy ad valorem taxes upon all 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 issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 518. Previous issues.

All bonds, notes, or other evidences of indebtedness validly issued by the Town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth.

Section 519. Purchasing and contracts.

(a) The Town Council shall prescribe by law a system of purchasing and contracting for all goods and services used by the Town. The purchasing system shall be administered by the Town Manager subject to direction by the Town Council.

(b) The Town Council shall prescribe by law for competitive bidding for purchases or contracts with the Town in excess of an amount to be established by law, except contracts for professional services customarily negotiated.

(c) The council may contract to procure all known required materials or work for periods of more than one year but not longer than five years, if funds for the current fiscal year are available at the time the contract is executed and provided such contract includes a termination provision in the event that funds in subsequent years are not appropriated.

(d) No member of the council or employee of the Town shall, directly or indirectly, be interested in any contract or purchase to which the Town is a party. (Res. No. 91-006, 1-30-92.)

Section 520. Revolving Fund.

The council shall have the authority to create a revolving fund to be used to meet the weekly payroll for the payment of the wages of the Town employees and to make such other payments as the council may authorize. The revolving fund shall be administered by such person(s) as designated by the council. The council shall determine the size of the revolving fund and the amount of payments needed to replace expended funds. The revolving fund shall be deposited as are other funds of the Town. Checks drawn on the revolving fund may be signed by any person(s) designated by the council. Any person(s) authorized to sign checks shall give bond with surety duly approved by the council for such sums as may be fixed by the council,

conditioned upon the faithful accounting by said person(s) for all monies which shall come into the hands of such person(s).

ARTICLE VI

Personnel

Section 601. Town Attorney.

The council may appoint a Town attorney. The Town attorney shall be a member of the bar of the Maryland Court of Appeals. The Town attorney is the legal advisor of the Town and shall perform such duties in this connection as may be required by the council. His compensation shall be determined by the council. The Town has the power to employ such legal consultants as it deems necessary from time to time.

Section 602. Authority to employ personnel.

The Town may employ such 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.

Section 603. Merit system authorized.

The Town may provide for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary.

Section 604. Retirement System.

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

Section 605. Compensation of employees.

The compensation of all employees of the Town shall be set from time to time by the council, subject to the restrictions imposed upon establishing the salaries of the councilmembers.

Section 606. Employee benefit programs.

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

ARTICLE VII Public Ways and Sidewalks

Section 701. Definition of public ways.

The term “public ways” as used in this charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 702. Control of public ways.

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

Section 703. Powers of the Town as to public ways.

The Town may:

- (a) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridges, curbs, and gutters.
- (b) Grade, lay out, construct, open, extend, and make new Town public ways.
- (c) Grade, straighten, widen, alter, improve, or close up any existing Town public way or part thereof.
- (d) Pave, surface, repave, or resurface any Town public way or part thereof.
- (e) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.
- (f) Construct, reconstruct, maintain and repair bridges.
- (g) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
- (h) Acquire property by purchase, lease, or eminent domain incident to the rights-of-way necessary for construction of public ways. (Res. No. 07-23, 2-28-08.)

Section 704. Powers of Town as to sidewalks.

The Town may:

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

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

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

(d) Require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law. (Res. No. 07-23, 2-28-08.)

ARTICLE VIII Special Assessments

Section 801. Power of Town to levy special assessments.

The Town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of curbs and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

Section 802. Procedure.

(a) *Provided.* The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

(b) *Assessment of Cost.* The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the council.

(c) *Amount.* No assessment shall be levied which causes the total amount of any special assessments levied by the Town and outstanding against any property at any time,

exclusive of delinquent installments, to exceed twenty-five per cent (25%) of the assessed value of the property.

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

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

(f) *Right to Appeal.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

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

(h) *When Due; Lien on Property; Collection.* All special assessment installments are overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

(i) *Treasurer.* All special assessments may be billed and collected in the same manner as the annual tax levy.

ARTICLE IX

Town Property

Section 901. Acquisition, possession and disposal.

The Town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this charter becomes effective are vested in the Town, subject to the terms of [or] conditions thereof.

Section 902. Condemnation.

The Town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the Town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Annotated Code of Maryland.

Section 903. Town Buildings.

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

Section 904. Protection of Town property.

The Town may do whatever may be necessary to protect Town property and to keep all Town property in good condition.

ARTICLE X

General Provisions

Section 1001. Oath of Office.

Before entering upon the duties of their offices, the councilmembers shall take and subscribe to the following oath or affirmation: "I, _____, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof and that I will, to the best of my [my] skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Council member according to the Constitution and laws of this State."

Section 1002. Official Bonds.

The treasurer and such other officers or employees of the Town as the council or this charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the Town.

Section 1003. Prior rights and obligations.

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

Section 1004. Effect of charter on existing ordinances.

(a) *Ordinances, etc., not in conflict with charter remain in effect.* All ordinances, resolutions, rules and regulations in effect in the Town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) *Ordinances, etc., in conflict with charter repealed.* All ordinances, resolutions, rules, and regulations in effect in the Town at the time this charter becomes effective which are in conflict with the provisions of this charter are repealed to the extent of such conflict.

Section 1005. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, except to the extent 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.