

CHARTER
OF THE
Town of Friendsville

GARRETT COUNTY, MARYLAND

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FRIENDSVILLE

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ARTICLE I

Incorporation; Powers; Boundaries and Annexation

Section 1–101. Body Corporate; Name; General Powers; Continued Existence.

The citizens of the Town of Friendsville, in Garrett County, Maryland, are hereby constituted a body corporate to be known as the “Mayor and Town Council of Friendsville”, with all the privileges, rights and powers of a municipal body corporate and by that name shall have perpetual succession. The Mayor and Town Council of Friendsville may sue and be sued, may purchase and hold personal or mixed property as may be required for the use of the said corporation, and may dispose of such property when necessary for the benefit of said corporation, and all of the property and funds of every kind belonging to the said corporation are vested in the Mayor and Town Council of Friendsville.

Section 1–102. Boundaries.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk–Treasurer of the Circuit Court in Garrett County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference [Services]. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Office of the Town Clerk–Treasurer.

Section 1–103. Annexation – Applicable Law.

The Mayor and Town Council of Friendsville shall exercise all governmental powers in any area annexed to it, expressly including those as set forth in Article 23A, Section 2 and as amended or replaced and pursuant to Article 23A, Section 19 of the Annotated Code of Maryland as amended, which it exercises within the present limits of the Town. All the provisions of the Constitution of the State of Maryland and the Charter of the Town of Friendsville, and all other general laws applicable to the Mayor and Town Council of Friendsville, and all amendments thereto, and all existing ordinances and resolutions of the Mayor and Town Council of Friendsville are hereby extended and made applicable to such portions of Garrett County as shall be annexed to and made a part of the town of Friendsville.

Section 1–104. Annexation – Jurisdiction Over Inhabitants and Territory.

All of the inhabitants of the territory annexed to the Town of Friendsville shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Mayor and Town Council of Friendsville, and to all the ordinances and resolutions now in force, or which may be in force at the time of such annexation. The Mayor and Town Council of Friendsville may, however, include such special provisions in any annexation resolution as may be provided for and permitted under this Charter or under Maryland law.

ARTICLE II

The Town Council

Section 2-101. Members; Tenure.

The Town Council shall be composed of six (6) members, who shall be elected as hereinafter provided. An elected member of the Town Council shall hold his or her office for two (2) years from the first Monday in March next after his or her election or until his or her successor has been duly elected and qualified.

Section 2-102. Qualifications.

No person shall be eligible to occupy a seat on the Town Council unless he or she shall have attained the age of twenty-one (21) years and shall have resided within the corporate boundaries of the Town of Friendsville for at least six (6) months prior to his or her election. He or she shall be a qualified voter in Town elections. The Council shall be the judge of the qualifications of its members.

Section 2-103. Meetings; Compensation.

The Town Council shall meet on the first Monday in each month beginning at a time to be set by the action of a majority of the council, and at such other times as it may deem necessary for the public business. Each Councilperson shall receive such compensation as shall be established, by its Ordinance, by the Town Council. The salary for Council members shall be uniform and shall be the same for all members. The compensation specified for any Councilperson at the time he or she takes office shall remain the same during the period for which that Councilperson was elected. The Council shall give public notice of its meetings by posting a notice thereof on its bulletin board or at such other place within the Town Hall as may be conspicuous and available and accessible by the public. Such notice shall be posted a reasonable time before any such meeting, but it shall be posted not less than three (3) calendar days prior to set meeting. The notice shall state the subject of the meeting, and if available, the meeting agenda shall also be posted. The Council may, by its resolution, give additional public notice of any such meeting by advertising the same in a newspaper of general circulation within the Town. A special meeting may be called by the Clerk-Treasurer upon request of the Mayor or a majority of the members of the Council. Any Ordinance changing the compensation paid to any Councilperson shall be finally ordained prior to the municipal election for the member of the next succeeding council.

Section 2-104. Vacancies.

In the event that any member of the Town Council, during the pendency of his or her term, shall remove his or her residence from the Town of Friendsville and no longer reside within its corporate boundaries, that person shall, upon such removal, forfeit his or her seat upon the Town Council. If any vacancy shall occur on the Town Council by reason of death,

resignation, removal of residency from within the corporate boundaries, removal from office for cause or otherwise of any member, the Town Council shall have the power within itself to fill such vacancy. It shall, however, appoint only such person as may be eligible to be elected to the Town Council. A person so appointed to the Town Council shall serve the term of the member whom he or she replaced and shall receive the same compensation as was received by the member he or she replaced. Such a vacancy shall be filled only by a majority vote of the Town Council.

Section 2-105. Meetings; Election of President.

The members of the Council shall meet at their regular place of meeting on the first Monday in March in each year to organize. They shall elect one (1) of their number to be the President of the Council, who shall preside at all meetings when present, and shall preserve order and decorum during said meetings, and shall discharge all the duties required of the President of the Council by this Charter or by Ordinances of the Town or under the provisions of state law. If the Council is unable to elect Council President, as a result of a tie vote, or a deadlock in the voting, the candidate who received the most votes in the election immediately prior shall automatically become Council President. In the absence of the President, the Council shall appoint a President Pro Tem to act in the stead of the President until such time as he or she may be available to carry out his or her duties. The President of the Town Council shall, in the absence of the Mayor, or in the case of a vacancy in that office, become the acting Mayor and shall have all the powers and perform all the duties of the Mayor, until a successor to the Mayor is duly elected.

Section 2-106. Quorum.

A majority of all of the members elected to the Town Council shall constitute a quorum for the transaction of business.

Section 2-107. General Powers.

The Town Council shall have the power to pass all ordinances not contrary to the Constitution or the 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 peace and good order; for securing persons and properties from violence, danger or destruction; and for the protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents and employees of the Town, and visitors thereto, and sojourners therein.

Section 2-108. Specific Powers.

A. In addition to the general powers referred to in Section 2-107 of this Article, the Town Council shall expressly have the power to adopt ordinances for the specific purposes enumerated in Article 23A, Section Two (2), of the Annotated Code of Maryland, as amended, and shall have all other powers enumerated in any other State law pertaining to the Mayor and Town Council of Friendsville or to municipal corporations generally.

B. The Town Council may purchase or acquire by eminent domain or gift, or by any other means, pursuant to the adoption of an Ordinance authorizing the same, such properties as the Town Council may believe to be needed by or beneficial to the Town, and may maintain, renovate, restore or repair buildings so acquired, and may sell, lease, rent or retain the same, which renovation, repair and restoration is believed by the Town Council to be for the overall public good of the community, which renovation, repair and restoration may be undertaken upon negotiated contracts. A public hearing shall be required in order for said Ordinance to be adopted.

Section 2-109. Removals.

The Mayor and/or a council member shall be subject to removal from office (a) upon conviction of a felony (b) having been declared mentally incompetent by the Circuit Court for Garrett County, or (c) by extended absenteeism, which shall be defined as failure to attend three (3) consecutive official sessions of the Mayor and Town Council or six (6) such sessions within a one-year period without just cause. Removal from office under section (c) of this article shall be effected only after an advertised public hearing and shall require the affirmative vote of four members of the Council. Removal must be initiated by the motion of at least one member of the Town Council.

Section 2-110. Conflict of Interest; Interest in Contracts.

No member of the Town Council shall knowingly violate any State statute or ordinance of the Town regarding ethics or conflicts of interest. Such a violation may be considered cause for removal.

Section 2-111. Control of Assets; Streets.

The Mayor and Town Council shall have control of all assets, streets, alleys, lanes and public ways of the Town, and may direct in what manner the same shall be kept up, repaired, opened or closed, and how and for what purpose used.

Section 2-112. Ordinances.

All major policy decisions adopted by the Friendsville Town Council shall be enacted in the form of a Municipal Ordinance, under the procedure provided for herein. Any one or more council members may introduce an Ordinance at any public session of the Town Council. Upon the introduction of an Ordinance, the Town Council shall, by a majority of its vote, determine a date upon which the Ordinance shall be considered for adoption. Said date shall be such as to provide the time required for the public notice required hereby. The Town Council shall give notice to the public of the time and place at which the Ordinance will be considered by the Town Council, by publishing a notice of the same, stating the date and time upon which the Ordinance will be considered, along with a fair summary thereof, at least two (2) weeks prior to the date set by the council for consideration of said Ordinance. No Ordinance shall become effective until approved by the Mayor, or adopted by the Council over his veto as provided in Section 3-107 of this Charter.

Section 2–113. Emergency Ordinances.

In the case of an emergency, as determined by the affirmative vote of a majority of the Council, an Ordinance may be adopted by the Council if the Council gives the same public notice of the adoption of said Emergency Ordinance as it is required to give for the adoption of a Resolution. No Ordinance shall become effective, however, until it is approved by the Mayor or passed over his veto by the Council.

Section 2–114. Ordinance; Referendum.

Any Ordinance adopted by the Town Council may be petitioned to referendum by the citizens of the Town under the procedures set forth in this section. In the event that prior to the expiration of twenty (20) calendar days, following approval by the Mayor of any Ordinance adopted by the Town Council, or passage, by the Council, of any Ordinance over the Mayor's veto, a Petition for Referendum is presented to the Town–Clerk Treasurer containing the signatures of not less than twenty (20%) percent of the persons qualified to vote in Town elections, the Mayor shall provide for the Referendum question to be submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Council's discretion, at a special election occurring before the next regular election, but in no event shall the Referendum question be presented to the citizens of the Town at an election less than sixty (60) days after the receipt by the Clerk–Treasurer of Petitions sufficient to require said election. In the event that any Ordinance petitioned to Referendum, as provided for herein, said Ordinance shall not become effective until and unless approved at the Referendum election by a majority of the qualified voters voting on the question at a special or regular election of the Town. An Emergency Ordinance shall continue in effect for sixty (60) days following the receipt of such Referendum Petitions at the election of the Town Council by its Resolution. If a Referendum has not been held on the said Emergency Ordinance within sixty (60) days of the receipt of the Referendum Petitions, the operation of said Ordinance shall be suspended until such time as the Ordinance shall have been approved by a majority of persons voting in said Referendum election. Any Ordinance disapproved by the voters at such a Referendum election, shall stand repealed. The provisions of this Section shall not apply to any Ordinance adopted by the Town Council levying property taxes for the payment of Town indebtedness, but the provisions of this Section shall apply to any Ordinance levying special assessment charges under provisions of this Charter.

ARTICLE III

Mayor

Section 3–101. Qualifications.

No person shall be eligible to hold or be elected to the Office of Mayor unless he or she shall have attained the age of twenty–one (21) years and shall have resided within the corporate boundaries of the Town of Friendsville for at least six (6) months next preceding his or her election. He or she shall be qualified to vote in Town elections.

Section 3-102. Term of Office.

The Mayor elected at any regular election shall hold office for two (2) years from the first Monday in the first month following the month of his or her election.

Section 3-103. Vacancy.

In the event that the Mayor, during the pendency of his or her term, shall remove his or her residence from the Town of Friendsville and no longer reside within its corporate limits, the Mayor shall, upon such removal, forfeit his or her office. If any vacancy shall occur in the Office of the Mayor by reason of death, resignation, removal of residency from within the corporate limits, removal from office for cause or otherwise, the President of the Council shall have the option of becoming acting Mayor until the next succeeding election. In the event the President of the Council declines his or her option to become Mayor, the Council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Council or in the Office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Council.

Section 3-104. Compensation.

The Mayor shall receive an annual compensation as set from time to time by an Ordinance adopted by the Town Council in its regular course of business; provided, however, that no change shall be made in the compensation for any mayor during the term for which he or she was elected. The Ordinance making any change in the compensation paid to the Mayor shall be finally adopted prior to the municipal election to elect the Mayor and shall take effect only after the succeeding Mayor is elected or the sitting Mayor is re-elected. The Mayor shall have no vote with respect to any resolution before the Town Council affecting his or her compensation.

Section 3-105. Powers and Duties.

A. The Mayor shall see that the ordinances of The Mayor and Town Council are faithfully executed and enforced, shall be the chief executive officer and the head of the administrative branch of the Town government, and shall have general supervision of the Town.

B. The Mayor shall appoint committee members and designate chairmen of committees consistent with the ordinances and/or resolutions of the Mayor and Town Council of Friendsville.

C. The Mayor shall each year report to the Town Council the condition of municipal affairs and make such recommendations as he or she deems proper for the public good and the welfare of the Town.

D. The Mayor and Town Council shall have complete supervision over the financial administration of the Town government. The Mayor shall prepare or have prepared annually a budget and submit it to the Town Council, shall supervise the administration of the budget as

adopted by the Town Council, shall supervise the disbursement of all monies and shall have control over all expenditures to assure that budget appropriations are not exceeded.

E. The Mayor shall read and sign the Minutes of the Town Council after each and every meeting, but only after said Minutes have been accepted and approved by the Town Council.

F. The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the Town government as established by this Charter or by Ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government, shall be appointed and removed by the Mayor, in accordance with the rules and regulations of any merit system, which may be adopted by the Council.

Section 3–106. Oaths and Contracts.

The Mayor shall have the power to administer oaths and certify the same in all matters pertaining to the corporation and shall have the power to sign and execute any contract or other document on behalf of the Mayor and Town Council of Friendsville, and his or her signature shall serve as acknowledgment and acceptance of any such contract or document on behalf of the Mayor and Town Council of Friendsville.

Section 3–107. Veto Power.

No ordinance shall be valid without the approval of the Mayor, unless the same be passed over his or her veto by a vote of four (4) members of the Town Council. All Ordinances passed by the Council shall be promptly delivered to the Mayor by the Clerk–Treasurer for his or her consideration. If the Mayor approves any Ordinance, he or she shall sign it. If the Mayor disapproves any Ordinance he or she may veto the same. Any Ordinance approved by the Mayor shall become law immediately upon its having been signed by the Mayor. Any Ordinance vetoed by the Mayor shall be returned to the Council with a written explanation by the Mayor with his or her reasons for the veto. No Ordinance vetoed by the Mayor shall become law unless it is subsequently readopted by a favorable vote of two–thirds of all the members of the Council within 35 calendar days from the time of the return of the Ordinance to the Council. In the event that the Mayor fails to return any Ordinance within the prescribed fifteen (15) working days of its delivery to him or her, the Ordinance shall be deemed to have been approved by the Mayor and shall become law in the same manner as an Ordinance signed by the Mayor.

Section 3–108. Oath of Office.

Before entering upon his duties, the Mayor shall take and subscribe to before the Clerk–Treasurer of the Circuit Court for Garrett County, or any District Court Judge of Garrett County, the oath being that prescribed under Section 9, Article 1, of the Constitution of Maryland.

Section 3–109. Right to Vote.

In the event of a tie vote on any matter that comes before the Council, on said matter in order to break the tie, the Mayor shall have the right to vote.

ARTICLE IV Town Officials

Section 4–101. Municipal Officers.

The officers of the corporation shall consist of the Mayor, the members to the Town Council and the Town Clerk–Treasurer.

Section 4–102. Appointments.

The Mayor shall have the right to appoint the Town Auditors and the Town Attorney with the advice and consent of the Town Council. Said appointees shall each hold their respective offices until their successors are appointed and qualified, unless sooner removed for cause by a majority vote of the Town Council, a quorum being present.

Section 4–103. Town Clerk–Treasurer; Bond; Duties; Compensation.

There shall be a Clerk–Treasurer appointed by the Mayor with the approval of the Council. He or she shall serve at the pleasure of the Mayor. The compensation for the Clerk–Treasurer shall be determined by the Council by its Ordinance. The Clerk–Treasurer shall be the Chief Financial Officer of the Town, under the supervision of the Mayor. The finances of the Town, except as otherwise provided by this Charter or by Ordinance, shall be handled by the Clerk–Treasurer, under the direct supervision of the Mayor.

Powers and Duties

Under the supervision of the Mayor, the Clerk–Treasurer shall have the following duties.

- (1) Prepare and present to the Mayor an annual budget to be submitted by the Mayor to the Council.
- (2) Supervise and be responsible for the disbursement of all monies from the Town coffers and exercise control over the expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain the general accounting system for the Town finances in a form which is in conformance with generally accepted accounting principles and work with the Town auditors and accountants in maintaining such system.
- (4) Submit at the end of each fiscal year and at such other times as the Council may require, a complete financial report to the Council through the Mayor.
- (5) Ascertain that all taxable property within the Town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens, and all other revenues, including utility revenues through the Town, as well as all the revenues, the

collection of which is the Town's responsibility, 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 trustee, and have custody of all bonds and notes of the Town.
- (8) Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or Council may require or may be required elsewhere in this Charter.

Bond

The Clerk-Treasurer shall provide a bond with such corporate surety and in such amount as the Council, by Ordinance, may require.

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.

Budget

The Mayor, at least thirty-two days prior to the beginning of any fiscal year, shall submit to the Council a budget for the operation of the Town for the next fiscal year. The budget shall provide a complete financial plan and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenue shall equal or exceed of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer open to public inspection by anyone during normal business hours.

Budget Adoption

The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. In the event that this necessitates a tax increase, the Council shall proceed to establish such increase. The budget shall be prepared and adopted in a form of an Ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption. No Town monies shall be expended without having been appropriated by the town Council within the budget. From the effective date of the budget, the several budget items provided for therein shall be and become authorized expenditures for the purpose stated in said budget. The Council shall have the authority, after consultation with the Mayor, to amend the budget from time to time, to add additional expenditures or to delete expenditures already appropriated, but Council shall add only additional appropriations where it finds, after consultation with the Mayor, and a review of the projected Town revenues, that the appropriations and expenditures can be made without exceeding projected Town revenues.

Transfer of Funds

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

Balanced Budget; Overexpenditure Forbidden

The Town of Friendsville shall operate on a balanced budget. No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of the expenditure pursuant to this Charter or the Budget. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section, 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, the making of contracts or leases or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. Further, nothing in this section shall prohibit the Town from borrowing such sums as it may need in order to carry out its public duties and operations on behalf of the Town, but any such borrowing must not violate any state law, and no such borrowing shall be done except by authorization thereof by the Town Council by its Ordinance. Where appropriations lapse, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered as surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

In the event the Mayor and Town Council shall be required to bring suit upon the bond of the Clerk–Treasurer for his or her neglect of duty, default in not collecting any tax placed in his or her hands according to law or for breach of his or her duty in not paying over monies collected by him or her, proof of the delivery of the levy list shall be sufficient prima facie evidence to entitle the Mayor and Town Council to receive judgment in said suit unless the Clerk–Treasurer shall show that he or she has discharged his or her duty in such case according to law.

Section 4–104. Successor in Office to Town Clerk–Treasurer.

All books, documents and papers, accounts, credits and deposits belonging to the Town Clerk–Treasurer’s Office, or in the custody of the Town Clerk–Treasurer shall be immediately delivered up and transferred by him or her to his or her successor in office.

Section 4–105. Town Attorney; Duties; Compensation.

The Town Attorney shall render such legal services as may be required or requested of him or her, from time to time, by the Mayor and Town Council, and shall receive such compensation as the Mayor and Town Council may prescribe by resolution or contract.

Section 4-106. Vacancy.

Vacancies in any of the offices as provided for by this Article, except for those of the Mayor and the Council members, which shall be subject to other provisions hereof shall be filled in the same manner, and compensation shall be paid in the same manner, as the office was originally filled.

ARTICLE V

Elections

Section 5-101. Mayor and Council Elected for Two Years.

The Mayor and members of the Town Council shall be elected for two (2) years and shall hold office from the first Monday in March following their elections and for two (2) years thereafter or until their successors are elected and qualified.

Section 5-102. Elections; Qualifications of Voters.

Persons who reside within the corporate boundaries of the municipal corporation at the closing of registration next preceding any municipal election and who are qualified to vote for members of the General Assembly of Maryland shall have the right to vote in all municipal elections.

Section 5-103. Elections; Term of Office: Appointments.

The election of the Mayor and three (3) members of the Town Council, whose terms shall expire on the first Monday in March in the second year (2008) of their term, shall be held on the second Tuesday, in February 2008, and those elected shall hold office for a term of two (2) years from the date of their election and qualification. The election of three (3) members of the Council whose terms shall expire on the first Monday in March in the second year (2009) of their term, shall be held the second Tuesday in February 2009, and those elected shall hold office for a term of two (2) years from the date of their election and qualification. Those holding office upon the date of the adoption of this Charter shall continue to hold their respective offices until their successors shall take office.

Section 5-104. Nomination by Petition; Filing Fees.

The Mayor and Town Council of Friendsville, in lieu of any primary election, shall cause to be placed on the official ballot of the Town the name of any registered voter of said Town who fulfills the qualifications for the office he or she seeks and who delivers to the Clerk-Treasurer of said Town, ten (10) days before the regular municipal election and before the close of regular business hours of that day, a petition asking to be placed on said ballot, setting forth his or her name, residence, a statement that he or she is of sufficient age to seek and hold such office, whether he or she is a citizen of the United States and a taxpayer of the corporation, the length of time he or she has resided in said Town and the office which he or she seeks. Such

candidate shall pay a registration fee for the particular office for which he or she files, said fee to be set by Ordinance of the Mayor and Town Council of Friendsville.

Section 5–105. Ballots.

A. The Mayor and Town Council shall determine in what place and manner elections are to be held and in what manner votes are to be cast, and may utilize electronic or other such means for the purpose of such elections and the casting of said votes. The ballot, whether physical or electronic, shall contain the names of all candidates who have properly qualified and paid the required filing fee for the particular office for which he or she has filed, arranged alphabetically under the proper designation of the office for which each is a candidate. Ballots shall be preserved for a period of not less than six (6) months from the date of the election in which they were cast. The form and content of the ballot shall conform to applicable State law.

B. Any person qualified to vote in Town elections shall be allowed to vote by absentee ballot.

C. An absentee ballot shall be accompanied by instructions, compliant with State law, for marking and returning the ballot.

D. Absentee ballots must be postmarked and mailed prior to election day.

Section 5–106. Appointment of Election Judges.

Immediately following the adoption of this Charter, but in no event later than ninety (90) days prior to the next municipal election, the Mayor and Town Council shall appoint three (3) qualified voters of the Town of Friendsville to act as election judges, who shall hold office of a period of one (1) year, or until their successors are appointed. In the event of a vacancy in the office of election judge, a successor shall be appointed by the Mayor and Town Council in the same manner as the judge was originally appointed. The said election judges shall be compensated as provided for by the Mayor and Town Council by its Ordinance.

Section 5–107. Removal of Election Judges.

Any person appointed as an Election Judge, pursuant to the terms of this Charter, may be removed for good cause by the Council. Prior to his or her removal, however, the Election Judge who is the subject of action by the Council for his or her removal, shall be given a written copy of the charges or reasons for his or her proposed removal against him or her and shall have a public hearing on them before the Council if he or she so requests within ten (10) days after receiving the written copy of the charges or the reasons proposed for his or her removal.

Section 5–108. Registration Rolls.

The Mayor and Town Council of Friendsville shall cause to be maintained a registration of the legal and qualified voters residing within the corporation boundaries of the Town of Friendsville; said registration shall specify the place of residence of the voter within the Town,

shall specify whether the voter is a citizen of the United States of America and shall contain such other information as the Mayor and Town Council of Friendsville may legally consider necessary to show his or her qualifications to vote in Town elections. Such registration shall be essential to the right to vote at any election held under this Charter. Persons so qualified may register at the Town Hall, or any other place designated by the Mayor and Town Council, during normal business hours. The Mayor, the Town Clerk–Treasurer, any member of the Town Council, or their designees, may register such voters. Persons qualified to vote in Town elections may register by mail on forms provided by the Mayor and Town Council and available at Town Hall during normal business hours. Such forms shall comply with all requirements of State law.

Section 5–109. Appointment of Registration Clerks – Maintenance of Voter Rolls.

Immediately following the adoption of this Charter, but in no event later than the end of business on the first Monday thereafter, the Mayor and Town Council shall appoint two (2) qualified voters of the Town of Friendsville to act as Registration Clerks for the Town. The Clerks so appointed shall sit on the last Monday in January of each year for the purpose of reviewing voter rolls and registration of the Town of Friendsville. They shall purge from said rolls the names of all persons known to them who are no longer qualified as voters within the Town of Friendsville by reason of change of residence or the failure to vote. The said Clerk shall purge from the said rolls the names of all persons known to them who have failed to vote in the preceding ten (10) municipal elections whether or not they still reside within the boundaries of the municipal corporation, unless cause to the contrary be shown. A notice of this action and the reason therefore shall be sent to the last known address of the voter. This notification shall inform the voter of his or her right to challenge his or her removal from the voter registration list as set forth herein. The notice shall also state that the voter may vote in a future election only if he or she registers again and shall set forth the procedures for registration. The Clerk shall not cancel the registration of a person within ninety (90) days of the date of an election. Registration Clerks, after having completed their review of the registration and voter rolls of the Town, shall present and certify the same to the Mayor and Town Council within seven (7) days after the last Monday in January of each year. The Mayor and Town Council may, however, utilize the services of the Garrett County Office of Elections, by whatever name called, to carry out such registration duties, if such services be made available, and may do so in accordance with any rules of universal registration as adopted by the same, as long as such rules conform with all applicable State laws.

Section 5–110. Note of Elections.

The Clerk–Treasurer shall give at least two (2) weeks public notice of every election by publishing an advertisement thereof in at least one newspaper of general circulation within the Town of Friendsville and by posting a notice thereof in some public place or places within the Town. The notice shall state the date of the election, the times thereof, and the offices for which the election is being held. In the event that State law should require a longer time of notice, or should require that the notice provide additional information, State law shall prevail, except that in no event shall the notice be published any less than two weeks prior to the election nor shall it contain any less information than provided for in this Section.

Section 5–111 Election Results.

As soon as possible after the closing of the polls for any Town election, but in no event later than 48 hours after the polls have closed, the Election Judges shall report to the Clerk–Treasurer the results of the election. The Clerk–Treasurer shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The three (3) candidates for Council with the highest number of votes shall be declared elected as Councilpersons. All ballots in any Town election shall be preserved for at least two years from the date of election.

ARTICLE VI

Finances and Taxes

Section 6–101. Tax Rate; Discount.

The Mayor and Town Council shall have the power to levy and collect ad valorem taxes and taxes on assessments made on all property, real and personal, within the Town to provide the funds necessary to pay the costs of the operation and administration of the Town and its government, and to pay the principal and interest, coming due on any indebtedness incurred by the Town pursuant to Section 6-102, without limitation as to rate or amount, and the Mayor and Town Council shall have the authority to set a levy, and affix the date thereof, and to direct the Clerk-Treasurer to collect said taxes. Said taxes shall be due and payable upon the date set by the Mayor and Town Council, in accordance with law, and on all taxes paid in full before the said date, the Mayor and Town Council may, in its discretion and by its Ordinance, allow a discount or make such other adjustments as to it may seem appropriate as long as the same be in accordance with any other governing law.

Section 6–102. Authority for Borrowing; Payment of Indebtedness.

A. The Mayor and Town Council of Friendsville shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this Section.

B. As determined by and provided in the authorizing ordinance of the Mayor and Town Council, the bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

1. By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation or competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law;

2. For a price or prices which may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

3. At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved by the Mayor and Town Council; and

4. For either cash or other valuable consideration.

C. The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

D. 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 Section 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 as to rate or amount. The full faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this Section, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 6-103. Taxes; Collection.

All taxes, fees and/or assessments levied or charged by the Mayor and Town Council shall be a lien on any and all property for which they are levied, from the date of said levy, whether the owner or owners of said properties are residents or non-residents of the Town, and whether adult or infant, and in the event of delinquency in the payment of said taxes, the Clerk-Treasurer, as tax collector, with the assistance of the Town Attorney, may sell such real estate for the payment of taxes by complying with applicable State law governing the same. The Clerk-Treasurer, in the name of the municipal corporation, shall also have the right to record said lien among the Land Records of Garrett County, Maryland, and to proceed against any person or persons or any property to obtain a judgment for any delinquent taxes, fees and/or assessments, and said lien, levy, assessment or judgment shall be treated as any other tax, shall be collectible as such and shall constitute a lien on the property regarding which the tax was levied, whether or not so recorded.

Section 6-104. Tax Collector; Interest on Taxes.

The Clerk-Treasurer, as tax collector, shall collect and pay over to the Town all taxes, fees and assessments collected for or on behalf of the Mayor and Town Council, and shall do so on a monthly basis. On all taxes remaining unpaid after the first day of November next following any levy, the Clerk-Treasurer shall charge and collect interest not in excess of that provided for by State law, from the first day of November, unless otherwise provided for in this Charter, to be accounted for with the tax, and said interest shall be due and collectible, as any other Town tax, and in accordance with State law. The Mayor and Town Council of Friendsville shall have the authority to make such arrangement as may be beneficial to the residents of Friendsville with the governing body of Garrett County, for the collection of its real property taxes by the County Treasurer.

Section 6–105. Assessments.

For purposes of the Friendsville tax levy, the assessed value of all property within the boundaries of the municipal corporation shall be the same as the property is assessed for purposes of the County taxes by the Maryland Tax Collector.

ARTICLE VII

General Provisions

Section 7–101. Mayor and Town Council; Interest in Contracts.

Neither the Mayor nor any member of the Town Council shall during the term of his or her office hold or be interested in any other office, for which compensation is paid, under the corporation, except as may be allowed by general law, nor shall he or she be a party directly or indirectly to or interested in any contract in which the corporation is interested, unless the said office or interest is fully disclosed and approved pursuant to the applicable ethics laws of the Mayor and Town Council of Friendsville or the State of Maryland.

Section 7–102. Condemnation; Appeal.

Whenever it shall, in the judgment of the Mayor and Town Council, become necessary to condemn land for the purpose of opening or widening any street or alley, in pursuance of any water or sewerage project, or for any other purpose which the Mayor and Town Council may deem necessary in the pursuance of its duties under this Charter, the Mayor and Town Council of Friendsville is hereby clothed with the power of condemnation under the right of eminent domain as provided for in Section 2(b)(24) of Article 23A of the Annotated Code of Maryland as fully as if said Section had been herein incorporated.

Section 7–103. Sidewalks; Repair.

It shall be the duty of the owner or possessor of any property abutting on any town sidewalk to keep said sidewalk free of obstructions, to maintain it in a reasonably clean condition, and to keep it clear of snow during the winter months. In the event the sidewalk needs repair, the Town shall make said repairs if and when the condition needing repair is brought to the attention of the Town by the property owner. The Town may elect to construct sidewalks abutting any property within the Town where it is not prevented by any superseding [superseding] law from doing so.

Section 7–104. Licensing Power.

The Mayor and Town Council shall have the power to require licenses from all exhibitors, theatricals, concerts, block parties or for any event or function which requires a temporary beer, wine or liquor license operating within the Town. The Mayor and Town Council shall also have the right to require licenses from all traveling salespersons, door-to-door salespersons, hackers, carts or carriages operated within the Town for profit or hire. Further, they

shall have the right to require licenses for all auctions, hawkers, peddlers and temporary sales establishments of whatever nature operating within the Town. The fees for such licenses and the terms thereof shall be established by ordinance or resolution of the Mayor and Town Council of Friendsville.

Section 7–105. Codification of Ordinances.

The Mayor and Town Council may provide for codification of all ordinances which have been or may be passed by it, and for the printing of such codifications thereof, and the ordinances so issued by the authority of the Mayor and Town Council may be read in evidence from the printed codification.

Section 7–106. Franchises.

The Mayor and Town Council of Friendsville shall have the power and authority to contract with or grant unto any other corporate body, individual or partnership for any franchise to be granted by the Town for its operation within the corporate boundaries of the Town of Friendsville. The Mayor and Town Council are empowered to pass all such ordinances as may be necessary to put into operation the provisions of this Section and also to grant, by ordinances or otherwise, the right to lay conduits, electrical lines, cable lines, telephone lines or any other such thing through the streets from the Town of Friendsville.

Section 7–107. Tort Liability – Notice of Claim.

No action shall be maintained and no claim shall be allowed against the Mayor and Town Council of Friendsville, or its officers or employees, for unliquidated damages for any injury or damage to person or property, unless, within ninety (90) days after the injury or damage was sustained, written notice thereof setting forth the time, place and cause of the alleged damage, loss, injury or death shall be presented in person or by registered mail by the claimant, his or her agent or attorney, or, in case of death, by his or her executor or administrator, to the Mayor, the President of the Town Council or the Town Clerk–Treasurer, as the case may be.

Section 7–108. Retirement; Pension System.

The Mayor and Town Council of Friendsville shall have power, in its discretion, to provide for retirement pensions for employees and officers whose compensation is paid by the Town, and may, in its discretion, establish and maintain a general retirement or pension system for such employees and officers, and appropriate and expend such sums as may be necessary to pay said pensions and all expenses in connection with said pensions or pension system.

ARTICLE VIII Enforcement

Section 8–101. Enforcement.

The Mayor and Town Council shall have the right to implement and enforce the provisions of this Charter in accordance with State Law. All provisions of the Annotated Code of Maryland as amended, are hereby adopted by the Town, and the Town shall have the full authority to enact such laws, and to take such actions as may be authorized by said statutes.

The Mayor and Town Council of Friendsville shall have the authority to adopt Ordinances setting criminal penalties, including imprisonment and fines for the violation of its Ordinances and of any provision of this Charter for which State law allows such penalties; and the Town shall have the further authority to declare a violation of its Ordinances or of any such provision of this Charter to be a misdemeanor. The Mayor and Town Council may also provide that the violation of any municipal Ordinance shall be a “municipal infraction” pursuant to the authority granted to municipalities to do so by Article 23A, Section 3(b)(1) of the Annotated Code of Maryland. The Mayor and Town Council may not designate as a “municipal infraction” any violation which is declared to be a felony or a misdemeanor by State law.

Section 8–102. Penalties.

The penalties for such misdemeanors and/or violations shall be set by the Town Council by its Ordinance, and the only limitation thereon shall be such limitation as may be imposed upon the Town by any provision of State law.

ARTICLE IX General Provisions

Section 9–101. Oath of office.

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

(b) *How to subscribe.* The Mayor shall take and subscribe the oath or affirmation before the Clerk of the Circuit Court for the county, or before one of the sworn deputies of the clerk. Any other person taking and subscribing the oath shall do so before the Mayor.

Section 9–102. Official bonds.

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

Section 9–103. 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 reserved 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 9–104. Effect of charter on existing ordinances.

(a) *Not in conflict.* 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) *In conflict.* 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 be and the same hereby are repealed to the extent of such conflict.

Section 9–105. Separability.

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

ARTICLE X
Advertising and Adoption of this Charter

Section 10–101. Effective Date.

This Charter shall become effective on the 31st day of October, 2007.

