

CHARTER

OF THE

Town of Hampstead

BALTIMORE AND CARROLL COUNTIES, MARYLAND

*The Charter of the Town of Hampstead was repealed and a new Charter
was adopted by Resolution 2000-05 Effective May 31, 2000*

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HAMPSTEAD

ARTICLE I

Corporate Powers, Corporate Limits

Section C1-1. Corporate name.

This Charter is the Municipal Corporation Charter of the Town of Hampstead, the corporate name of which is the Town of Hampstead. (Res. No. 2002-02, 10-30-02.)

Section C1-2. Definitions.

(a) The terms “town,” “municipality,” or “municipal corporation” shall mean the Town of Hampstead.

(b) “Ordinance” shall mean a legislative enactment adopted in a manner prescribed by § C2-10 that shall have the full force of law.

(c) Resolution shall mean an order of the Council dealing with a specific matter, which expresses the policy or a decision of the Council or opinion regarding such matter and which does not establish permanent or general legislation. Resolutions shall pertain to matters of legislative purview and not administrative responsibilities as reserved to the Mayor. (Res. No. 2002-02, 10-30-02.)

Section C1-3. General corporate powers.

The inhabitants of the Town of Hampstead, in Carroll County, Maryland, within the corporate limits legally established from time to time are hereby constituted and/or continued as a body corporate by the name of the Town of Hampstead, with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. (Res. No. 2002-02, 10-30-02.)

Section C1-4. (See note (1)) Copies to be kept on file.

The course and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court for Carroll County and the Director [Department] of Legislative References [Services] of the Maryland General Assembly. In addition, a copy or copies of the courses and distances describing the corporate boundaries of the Town of Hampstead shall be maintained on file in the Town Hall and available for public inspection during normal business hours. A map or maps showing the current corporate boundaries shall likewise be maintained in the Town Hall and similarly available for public inspection. (Added 2-16-1993 by Res. No. 1993-2; Amended by Res. No. 2001-01; 2-28-01.)

Section C1-5. (Reserved). (See note (2))

Section C1-6. (Reserved). (See note (2))

Sections C1-7 through C1-20 repealed by Res. No. 2001-01; 2-28-01.

ARTICLE II

Council

Section C2-1. Number of Councilmembers; election; term.

All legislative powers of the town shall be vested in a Council consisting of five (5) Councilmembers, who shall be elected as hereinafter provided. Two (2) Councilmembers shall be elected every four (4) years beginning with the election of 1999. Three (3) Councilmembers shall be elected every four (4) years beginning with the election of 2001. A Councilmember shall take office at the first regular Council meeting following their election and serve a term of four (4) years or until their successor takes office. (Res. No. 2002-02, 10-30-02.)

Section C2-2. Qualifications.

Councilmembers shall have maintained continuous occupancy of a primary residence within the corporate limits of the town for at least one (1) year immediately preceding their election, shall be at least twenty-five (25) years of age by election day, shall be a qualified voter of the town and shall reside within the corporate limits of the town for the duration of their term. (Amended 3-10-1999 by Res. No. 1999-02; Res. No. 2002-02, 10-30-02.) (See note (5))

Section C2-3. Salary.

Each Councilmember shall receive an annual salary which shall be equal for all Councilmembers and shall be as specified from time to time by an ordinance provided, however, the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected. An ordinance making any change in the salary paid to the several Councilmembers, either by way of increase or decrease, shall be finalized prior to the election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council. (Res. No. 2002-02, 10-30-02.)

Section C2-4. Meetings.

The Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk to the Council upon the request of the Mayor or a majority of the members of the Council. Meetings of the Council shall be open to the public in accordance with State law. The rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. (Amended 8-17-1987 by Res. No. 1987-3; Res. No. 2002-02, 10-30-02.)

Section C2-5. Judge of election and qualifications of members.

The Council shall be the judge of the election and qualification of its members. A member of the Council may be removed from office and their seat declared vacant under the following conditions:

1. The member is absent without being excused by the Council for four (4) consecutive, regularly-scheduled Council meetings.
2. The member ceases to be qualified as required by the Charter.
3. The member is convicted of a crime involving moral turpitude.
4. The member is convicted of any violation of local or state laws where such penalty includes forfeiture of office.

If one or more of the aforementioned conditions are met, the Council may remove a member by adoption of a resolution. Before consideration and passage of any such resolution, public notice shall be given and the member informed of the resolution by certified mail. (Res. No. 2002-02, 10-30-02.)

Section C2-6. President and Vice President.

The Mayor shall serve as President of the Council. The Mayor may take part in all discussions, but the Mayor shall have no vote. The Council shall elect a Vice-President [Vice President] of the Council from among its members, who shall act as President of the Council in the absence of the President of the Council. (Res. No. 2002-02, 10-30-02.)

Section C2-7. Quorum.

Three members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved or amended nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Council. (Res. No. 2002-02, 10-30-02.)

Section C2-8. Procedure.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection. No action requiring a vote of the Council shall be taken except at a public meeting unless authorized by State law. (Res. No. 2002-02, 10-30-02.)

Section C2-9. Vacancies.

Vacancies in the Council shall be filled as provided in Section C5-15 of this Charter.

Section C2-10. Passage of ordinances; public notice; effective date.

A. An ordinance shall be introduced by passage of a motion by the Council. No ordinance shall be passed at the meeting at which it is introduced. Within seventy-five (75) days of introduction, an ordinance shall be passed, passed as amended, rejected or its consideration deferred to some specified date. In cases of emergency, the above requirements may be suspended by the affirmative vote of four (4) members of the Council. Every ordinance, unless passed as an emergency ordinance, shall become effective twenty (20) calendar days following the approval by the Mayor or passage by the Council over the Mayor's veto. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over his veto by the Council. (Amended 5-18-1987 by Res. No. 1987-1; Res. No. 2002-02, 10-30-02.)

B. All ordinances passed by the Council shall be promptly delivered by the Clerk of the Council to the Mayor for the Mayor's approval or disapproval. If the Mayor approves any ordinance, the Mayor shall sign it. If the Mayor disapproves any ordinance, the Mayor shall not sign it. The Mayor shall return all ordinances to the Clerk within six (6) days after delivery from the Council (including the days of delivery and return and excluding Sunday), with the Mayor's approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a message stating the reasons for the Mayor's disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four-fifths (4/5) of the whole Council within thirty-five (35) calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within six (6) days of its delivery as aforesaid, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by the Mayor. (Res. No. 2002-02, 10-30-02.)

Section C2-11. Referendum on ordinances.

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the Mayor or passage of any ordinance over the Mayor's veto, a petition is filed with the Clerk containing the signatures of not fewer than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the town at the next regular town election or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance or the part thereof requested for referendum shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters

within sixty (60) days following receipt of the petition, then the operation of the ordinance or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of § C7-17 levying property taxes for the payment of indebtedness or the annual budget, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of §§ C11-1 and C11-2. The provisions of this section shall be self executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res. No. 2002-02, 10-30-02.)

Section C2-12. Reserved. (See Note (12))

Section C2-13. Filing of ordinances.

A. Each ordinance, upon approval by the Mayor or passage over the Mayor's veto, shall be posted at the Town Office and/or on the Town's web site for review by the general public.

B. Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection. (Res. No. 2002-02, 10-30-02.)

Section C2-14. Resolutions.

A resolution shall be made in the form of a motion and adopted upon a majority vote of the Council. All adopted resolutions shall be enumerated by the Clerk of the Council and recorded in the minutes of the Council. (Res. No. 2002-02, 10-30-02.)

ARTICLE III

Mayor

Section C3-1. Election; term.

The Mayor shall be elected as hereinafter provided every four (4) years beginning with the election in 1999. The Mayor shall hold office for a term of four (4) years or until his [the Mayor's] successor is elected and qualified. The newly elected Mayor shall take office on the day of the first regular Council meeting following his [the Mayor's] election. (Res. No. 2002-02, 10-30-02.)

Section C3-2. Qualifications.

The Mayor shall have maintained continuous occupancy of a primary residence within the corporate limits of the town for at least one (1) year immediately preceding his/her election, shall be at least twenty-five (25) years of age by election day, shall be [a] qualified voter of the town and shall reside within the corporate limits of the town for the duration of his/her term. The

office of the Mayor may be vacated by death, resignation or removal in accordance with the Charter. The Mayor may be removed from office under the following conditions:

1. The Mayor is absent without being excused by the Council for four (4) consecutive, regularly-scheduled Council meetings.
2. The Mayor ceases to be qualified as required by the Charter.
3. The Mayor is convicted of a crime involving moral turpitude.
4. The Mayor is convicted of any violation of local or state laws where such penalty includes forfeiture of office.

If one or more of the aforementioned conditions are met, the Council may remove the Mayor by adoption of a resolution. Before consideration and passage of any such resolution, public notice shall be given and the Mayor informed of the resolution by certified mail. Removal of the Mayor from office shall require the affirmative vote of four (4) members of the Council. (Amended 3-10-1999 by Res. No. 1999-02; Res. No. 2002-02, 10-30-02.) (See note (6))

Section C3-3. Salary.

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which the Mayor was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finalized prior to the election of the next succeeding Mayor and shall take effect only as to the next succeeding Mayor. (Res. No. 2002-02, 10-30-02.)

Section C3-4. Powers and duties.

A. *Executive officer.* The Mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government. As executive officer, the Mayor shall have the power to issue formal orders to regulate administrative matters pertaining to the operation of municipal government. Such orders shall be enumerated and kept on file by the Town Clerk.

B. *Appointments.*

1. The Mayor, with the approval of the Council, shall appoint the Chief of Police, who shall hold office until his successor has been appointed and who shall be subject to removal during his term by the Mayor with the approval of a majority of the Council or by vote of four-fifths of the Council.

2. The Mayor, with the approval of the Council, shall appoint the Town Manager who shall hold office until his successor has been appointed and who shall be subject to

removal during his term by the Mayor with the approval of a majority of the Council or by vote of four-fifths of the Council.

3. The Mayor, with the approval of the Council, shall appoint members to the Board of Supervisors of Elections, the Ethics Commission, the Planning & Zoning Commission, the Board of Zoning Appeals and the Board of Rental Housing Appeals.

C. *Reports.* The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as the Mayor deems proper for the public good and the welfare of the town.

D. *Veto.* The Mayor shall have the power to veto ordinances passed by the Council as provided in § C2-108.

E. *Finances.* The Mayor 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 Council. The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

F. *Oversight Responsibilities.* The Mayor shall have the power to assign oversight responsibilities to members of the Council. Such assignment shall be made at the first Council meeting following an election, when a new member of the Council is seated or as necessary as determined by the Mayor. Oversight responsibilities may include police, water, parks and recreation, planning and zoning and any others as determined by the Mayor. The Councilmember given the oversight responsibility for planning and zoning shall sit as an *ex officio* member of the Planning and Zoning Commission for the term of the assignment.

G. *Ceremonies and Powers.* The Mayor shall have the power to preside over all municipal ceremonies and events and to issue municipal proclamations, bestow awards and “Keys to the Town” and render other such honors as necessary to recognize outstanding service or achievements.

H. *Other.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him [the Mayor] by the Council, not inconsistent with this Charter. (Res. No. 2001-05, 1-30-02; Res. No. 2002-02, 10-30-02.)

ARTICLE IV Powers

Section C4-1. Enumeration.

A. *General powers.* 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 not contrary to the Constitution and laws of the State of Maryland or this Charter as it

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

B. *Specific powers.* The Council shall have the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

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

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

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

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

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

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

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

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

(9) *Buildings.* To make reasonable regulations in regard to buildings and signs, to be erected, constructed or reconstructed in the town and to grant building permits for the same; to formulate a Building Code and a Plumbing Code, to appoint a Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures, to authorize the condemnation thereof in whole or in part when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.

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

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

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

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

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

(15) *Dangerous conditions.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

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

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

(18) *Dogs.* To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

(20) *Explosives.* To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(21) *Filth.* To compel the occupant of any premises, building or outhouse situated in the town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

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

(23) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

(25) *Franchises.* To grant and regulate franchises to water companies, cable television companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the town; subject, however, to Maryland law. No franchise shall be granted for a longer period than fifty (50) years.

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

(27) *Garbage.* To prevent the deposit of any unwholesome substance, either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal.

(28) *Grants-in-aid.* To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeable to the conditions under which the gifts or grants were made.

(29) *Hawkers.* To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the town, and to revoke such licenses for cause.

(30) *Health.* To protect and preserve the health of the town and its inhabitants; to appoint a Public Health Officer and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health, provided that nothing herein shall be construed to affect in any manner any of the powers and duties of the Department of Health and Mental Hygiene, the Carroll County Health Department or any public general or local law relating to the subject of health.

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

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

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

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

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

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

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

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

(39) *Noise.* To regulate or prohibit unreasonable noise.

(40) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this Charter or by the laws of the State of Maryland, whether the same are herein specifically named or not; to regulate, to prohibit, to control the location of or to require the removal from the town of all trading in, handling of or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health. In this connection, the town may regulate, prohibit, control the location of or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries and renderies. This listing is by way of enumeration, not limitation.

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

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

(43) *Parking meters.* To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the Maryland State Highway Administration must first be approved by the Administration.

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

(45) *Police force.* To establish, operate and maintain a police force in order to maintain peace and order within the [Town], including the power to make arrests and restrain and detain persons who are in violation of the ordinances of the [Town] or the laws of the State of Maryland. (See note (7))

(46) *Police powers.* All sworn town police employees shall have the powers and authority to enforce the laws and ordinances of the State of Maryland and the Town of Hampstead within the municipality. Additionally, the Mayor and Council may enter into Police Mutual Aid agreements pursuant to Article 27 Section 602B of the State of Maryland.

(47) *Property.* To acquire by conveyance, purchase or gifts, real or leaseable property for any public purposes or any purposes which will benefit the citizens of the Town; to erect buildings and structures thereon for the benefit of the town and its inhabitants; convey any real or leasehold property when it is no longer needed for the public use, or when the Mayor and Council determine that the public purpose would be better served as a result of the conveyance, after having given at least twenty (20) days' public notice of the proposed conveyance and any other act required by the Code of the Town; to control, protect and maintain public buildings, grounds and property of the Town.

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

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

(50) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

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

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

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

(54) *Voting machines.* To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

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

C. *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Res. No. 2000-09; 8-30-00; Res. No. 2001-4, 11-28-01; Res. No. 2002-02, 10-30-02.)

Section C4-2. Exercise of powers.

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this Charter or, if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Section C4-3. Penalties for violations of ordinances.

A. *Misdemeanors.* To ensure the observance of the ordinances of the town, the Council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties within the limits authorized for municipal corporations by Maryland law. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal in accordance with state law. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction of one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. *Municipal infractions.* The Council may provide that violations of any ordinance shall constitute a municipal infraction. Citations therefor may be issued and delivered by either the Mayor, Town Manager, the Clerk of the Council, the Town Clerk or any law enforcement

officer. The procedures with respect to municipal infractions shall be those as set forth in § 3(b) of Article 23A of the Annotated Code of Maryland as now in force and as may be amended from time to time by the General Assembly of Maryland. (Res. No. 2002-02, 10-30-02.)

ARTICLE V

Registration, Nominations and Elections

Section C5-1. Qualifications of voters.

Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided within the corporate limits of the town for thirty (30) days next preceding any town election and is registered in accordance with the provisions of this Charter shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any and all town elections, including the right to vote by absentee ballot in accordance with procedures as may be established by ordinance of the Council.

Section C5-2. Board of Supervisors of Elections; members; terms; vacancies.

There shall be a Board of Supervisors of Elections, consisting of three (3) members, who shall be appointed by the Mayor with the approval of the Council. The Mayor shall appoint members at least sixty (60) days before an election and the members so appointed and approved shall serve a term of two (2) years. Members of the Board of Supervisors of Elections shall be qualified voters of the town pursuant to § C5-1 and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chair. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council. (Res. No. 2002-02, 10-30-02.)

Section C5-3. Removal of members of Board of Supervisors of Elections.

Any member of the Board of Supervisors of Elections may be removed by the Council for inefficiency, malfeasance, misfeasance, nonfeasance, or misconduct in office. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges and shall have a public hearing on them before the council if requested within ten (10) days after receiving the written copy of the charges. (Res. No. 2002-02, 10-30-02.)

Section C5-4. Duties of Board of Supervisors of Elections.

The Board of Supervisors of Elections shall be in charge of registering voters, receiving nominations, certifying candidates, conducting all town elections, and certifying election results. The Board may appoint election clerks or other employees to assist it in any of its duties, and the Town Manager shall serve as Secretary to the Board. The Board is authorized and directed to adopt suitable rules and regulations to facilitate the registration of qualified persons as voters, to ensure the maintenance of adequate records and to safeguard the integrity of elections. Such

rules and regulations may not be inconsistent with the terms of this Charter or any ordinance of the Council and shall not take effect until approved by resolution of the Council. (Res. No. 2002-02, 10-30-02.)

Section C5-5. Notice of elections.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section C5-6. Registration of voters.

A. Provided that persons meet the voter qualifications enumerated in this Chapter, registration to vote in the county shall be deemed registration for town elections and the town Board of Supervisors of Elections shall accept the list of registered voters provided by the county Board of Elections as a valid registration list for the town.

B. The town shall provide continuous registration of qualified persons not registered to vote, except at such times when registration is closed as required by ordinance of the Council. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of town. The Council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a reregistration when necessary. (Res. No. 2002-02, 10-30-02.)

Section C5-7. Appeals.

Any person aggrieved by an action of the Board of Supervisors of Elections may request a hearing before the Board. A decision of the Board rendered in such hearing may be appealed to the Circuit Court of Carroll County as established by ordinance. (Res. No. 2002-02, 10-30-02, Res. No. 2003-02, 7-30-03.)

Section C5-8. Nominations; dual offices.

Persons may be nominated for elective office in the town by filing a certification of nomination at the office of the Board of Supervisors of Elections on or before the second Monday in April next preceding the town elections. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elective town public office at any one (1) time. Such certification shall be made upon the forms provided by the Board of Supervisors of Elections and shall require the original signature of the applicant.

It shall be the responsibility of the Board of Supervisors to review all certifications of nomination and certify that each applicant is properly eligible for election to municipal office pursuant to the requirements in the Charter and Town Code. The Board of Supervisors of

Elections shall have the power to request such information as necessary to make this determination. (Res. No. 2002-02, 10-30-02.)

Section C5-9. (Reserved). (See note (8))

Section C5-10. Election date.

On the second Tuesday in May in every odd-numbered year, the qualified voters of the town shall elect town officials as herein provided. (Res. No. 2002-02, 10-30-02.)

Section C5-11 Voting machines; ballot boxes; hours of polls.

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office, with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. on election days or for longer hours if the Council requires it. (Res. No. 2002-02, 10-30-02.)

Section C5-12. Conduct of special town elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section C5-13. Counting of votes.

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk of the [Council], who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidates for available Councilmember positions with the highest number of votes in the general election shall be declared elected as Councilmembers. (Res. No. 2002-02, 10-30-02.)

Section C5-14. 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 C5-15. Vacancies in office of Councilmen or Mayor.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy in the office of Mayor for any reason, the Vice President of the Council shall vacate their seat on the Council and occupy the Office of Mayor for the remainder of 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. (Res. No. 2002-02, 10-30-02.)

Section C5-16. Other control of elections. (See Note (13))

The Council shall have the power to provide by ordinance, in every respect not covered by the provisions of this Charter, for the conduct of registration, nomination and town elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud. (Res. No. 2002-02, 10-30-02.)

Section C5-17. Reserved.

Section C5-18. Penalties.

Any person who fails to perform any duty required of him under the provisions of this Article or any ordinances passed thereunder, who, in any manner, willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder, or who willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or town election shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately, upon conviction thereof, cease to hold such office or employment.

ARTICLE VI
Town Manager

Section C6-1. Creation of office; salary.

The Town Manager shall be appointed, hold the term and be subject to removal as provided in Section C3-4B.

The Town Manager shall be paid an annual salary as set by the approved budget. The Council may increase said salary in the annual budget but may not decrease the Town Manager's salary as established upon the Town Manager's appointment. (Res. No. 2002-02, 10-30-02.)

Section C6-2. Powers and duties.

The Town Manager shall have the following powers and duties, subject to the supervision of the Mayor:

A. Organize, direct and supervise the administration of all departments, offices and agencies of the town, except the Police Department.

B. Appoint, suspend and remove all town employees, with the approval of the Mayor, except for the Police Chief and his subordinates.

- C. Prepare and maintain detailed personnel records and evaluations.
- D. See that all ordinances, resolutions, rules and regulations adopted by the town are faithfully executed.
- E. Prepare and submit to the Mayor and Council, at the time and in the form provided for by Section C7-2, the annual budget.
- F. Attend all public meetings of the Council and participate in discussion, but not vote, at such meetings.
- G. Serve as Clerk to the Council as provided in Section C8-1 and, during his absence, designate an Acting Clerk to the Council[.]
- H. Engage one (1) or more assistant managers to the extent authorized by the budget.
- I. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- J. Maintain a general accounting system for the Town in such form as the Council may require, not contrary to State law.
- K. 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.
- L. Ascertain that all taxable property within the town is assessed for taxation.
- M. Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the town and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
- N. Have custody of all public moneys, belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.
- O. Do such other things in relation to the administrative, fiscal or financial affairs of the town as the Mayor or the Council may require or as may be required elsewhere in this Charter.
- P. Fulfill all duties imposed by any law or ordinance of the town or the State of Maryland in reference to a Town Treasurer or Collector of Taxes.
- Q. Undertake such research and make reports and recommendations as the Mayor or Council may request or as he [the Mayor] may deem desirable. (Res. No. 2002-02, 10-30-02.)

Section C6-3. Surety bond.

The Town Manager shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require, the cost thereof to be an expense of the town.

ARTICLE VII

Finance

Section C7-1. 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. (Res. No. 2002-02, 10-30-02.)

Section C7-2. Budget.

The Mayor shall submit a budget to the Council no later than the May Council meeting. The budget shall provide a complete financial plan for the budget year including an operating budget and capital plan. The operating budget shall contain estimates of anticipated operating revenues and proposed operating expenditures for the coming year. The capital plan shall contain estimates of future reserves, capital revenues and capital expenditures for a period not less than three (3) years including the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Town, open to public inspection by anyone during normal business hours. (Res. No. 2002-02, 10-30-02.)

Section C7-3. Budget hearing; adoption.

The Council shall hold a public hearing on the proposed budget after giving at least two (2) weeks notice of such hearing in a newspaper or newspapers having general circulation within the municipality. At any time after the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, the Council may insert new items or increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the entire Council shall be necessary for adoption. (Res. No. 2002-02, 10-30-02.)

Section C7-4. 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 C7-5. Transfer of funds.

Any transfer of funds between major appropriations for different purposes must be approved by a 2/3 vote of the Council before becoming effective. (Res. No. 2002-02, 10-30-02.)

Section C7-6. Overexpenditures; contracts.

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

Section C7-7. Lapse of appropriations.

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

Section C7-8. Issuance and signing of checks.

All checks issued in payment of salaries or other municipal obligations shall be issued, signed and countersigned by the Mayor, or those employees so designated by the Mayor. (Res. No. 2002-02, 10-30-02.)

Section C7-9. Property subject to taxation.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property, which is exempt from taxation, by State law. (Res. No. 2002-02, 10-30-02.)

Section C7-10. Budget-authorized levy.

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

Section C7-11. Notice of levy; tax bills.

Immediately after the levy is made by the Council in each year, the Town Manager shall give notice of the making of the levy by posting notice thereof in some public place or places in the town. The Town Manager shall make out and mail or deliver in person to each taxpayer or his agent, at his last known address, a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay, on the dates established by this Charter, all taxes levied on his property. (Res. No. 2002-02, 10-30-02.)

Section C7-12. When taxes overdue.

The taxes provided for in § C7-10 of this Charter shall be due and payable as provided in the Tax – Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that Article. Any interest rates or penalties to be imposed by the [Town] shall be established by ordinance. All taxes not paid and in arrears one year after the date they are due and payable shall be collected as provided in Section C7-13. (Amended 11-18-1986 by Res. No. 1986-3; Res. No. 2002-02, 10-30-02.)

Section C7-13. Tax sales.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by § C7-12 of this Charter shall be turned over by the Town Manager to the official of the county responsible for the sale of tax delinquent property, as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by State law. (Res. No. 2002-02, 10-30-02.)

Section C7-14. Fees received by town officers and employees.

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

Section C7-15. Audits.

The financial books and accounts of the town shall be audited annually as required by State law. (Res. No. 2002-02, 10-30-02.)

Section C7-16. Tax anticipation borrowing.

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) months after the beginning of the

fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Res. No. 2002-02, 10-30-02.)

Section C7-17. Payment of indebtedness; alternate provisions for borrowing.

A. The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

B. In lieu of the provisions of § 32 of Article 23A of the Annotated Code of Maryland, a resolution or ordinance authorizing any borrowing pursuant to § 31 of Article 23A of the Annotated Code of Maryland shall contain a statement of the public purpose upon which the proceeds of said bonds are to be expended and may prescribe an alternate manner in which to determine and specify the forms and provisions of bonds evidencing such borrowing, to determine and specify the manner in which such bonds shall be sold, including at a public or private (negotiated) sale the specific provisions for the appropriation and disposal of the proceeds of the bonds, the payment of the principal of and interest on such bonds and the source or sources of payment therefor, to determine and specify any collateral or security for said borrowing, including a mortgage, deed of trust or lien on property of the town or the proceeds of the bonds and to determine and specify any other matters concerning such borrowing or the bonds. (Amended 7-16-1999 by Res. No. 1999-4.)

Section C7-18. Prior bonds.

All bonds, notes or other evidences of indebtedness validly issued by the town previous to January 13, 1959, 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 C7-19. Purchases and contracts.

A. *Under \$10,000.* All purchases and contracts under \$10,000 shall be made by the Town Manager in accordance with the approved budget.

B. *\$10,000 and over.* The Town Manager shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all contracts involving more than \$10,000. Such contracts shall be awarded to the bidder who offers the lowest or best bid, quality

of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Town Manager shall have the right to reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction of public improvements without advertising or readvertising for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the Town may require.

C. *Negotiated contracts.* All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning and surveying shall not be on a bid basis, but shall be negotiated by the Town Manager and/or the Mayor with the approval of the Council.

D. *Cooperative purchasing.* In lieu of the competitive bid process outline in § C7-19.B., the Town Manager may participate in cooperative or “piggyback” purchasing with other governments or intergovernmental associations providing the public notice for the bid or contract is in accordance with the rules and regulations of the soliciting entity.

E. *Emergency purchasing.* In the event of an emergency, the Mayor with the concurrent of the Vice President of the Council, shall have the power to suspend the Charter requirements for purchases and contracts to secure such goods or services as deemed immediately necessary to protect public health, safety and welfare. After any instance where the Charter requirements for purchases and contracts are suspended, the Mayor shall make a full report to the Town Council on any emergency expenditure at the next scheduled Council meeting. (Amended 7-18-1988 by Res. No. 1988-1; 3-11-1997 by Res. No. 1997-1; Res. No. 2002-02, 10-30-02; Res. No. 2005-02, 4-27-05.)

ARTICLE VIII

Personnel

Section C8-1. Clerk to Council.

The Town Manager shall serve as Clerk to the Council. In his absence he may designate an Acting Clerk. The Clerk or Acting Clerk shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council and shall keep such other records and perform such other duties as may be required by this Charter or the Council.

Section C8-2. Attorney.

The Mayor, with the approval of the Council, may appoint a Town Attorney. The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals. The Town Attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the Council or the Mayor. The Town Attorney’s compensation shall be determined by the Council. The Town shall have the power to employ such legal consultants, as it deems necessary from time to time. (Res. No. 2002-02, 10-30-02.)

Section C8-3. Employees.

The Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the town government. (Res. No. 2002-02, 10-30-02.)

Section C8-4. Retirement or pension system.

The Town shall have the power to include its officers and employees within any retirement system or pension system 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. (Res. No. 2002-02, 10-30-02.)

Section C8-5. Salaries and compensation.

The compensation of all officers and employees of the town shall be set by the approved budget, subject to the restrictions imposed upon establishing the salaries of the Town Manager, Councilmembers and Mayor. (Res. No. 2002-02, 10-30-02.) (See note (9))

Section C8-6. Employee benefit programs.

The Town is authorized and empowered to provide for or participate in employee benefit programs and to expend public moneys of the town for such programs as approved in the budget. (Res. No. 2002-02, 10-30-02.)

ARTICLE IX

Public Ways and Sidewalks

Section C9-1. Definition.

The term "public ways" as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C9-2. Control by town authorized.

The Town shall have control of all public ways in the town except those under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town. (Res. No. 2002-02, 10-30-02.)

Section C9-3. Powers with respect to public ways.

Regarding public ways, the Town shall have the power to:

- 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. Name town public ways.
- H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof. (Res. No. 2002-02, 10-30-02.)

Section C9-4. Powers with respect to sidewalks.

Regarding sidewalks, the town shall have the power to:

- 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.

ARTICLE X Water and Sewers

Section C10-1. Powers.

The Town shall have the power to:

- A. Construct, operate and maintain a water system and water plant.
- B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- E. Have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Res. No. 2002-02, 10-30-02.)

Section C10-2. Plan approval required for construction in public ways.

Any public service corporation, company or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Town may order it removed. (Res. No. 2002-02, 10-30-02.)

Section C10-3. Removal of obstructions required.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the town or in the county, which impede the establishment, construction or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Section C12-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 2002-02, 10-30-02.)

Section C10-4. Power of town to enter public ways.

The Town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or stormwater sewers provided for in this Charter. Unless required by the county, the Town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. (Res. No. 2002-02, 10-30-02.)

Section C10-5. Connection to mains; privies; wells.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The Town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 2002-02, 10-30-02.)

Section C10-6. Charges for connection.

The Town may make a charge, the amount to be determined by the Council, for each connection made to the Town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res. No. 2002-02, 10-30-02.)

Section C10-7. Prevention of leakage or waste.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the Town may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use. (Res. No. 2002-02, 10-30-02.)

Section C10-8. Private systems.

The Town may by ordinance provide that no water supply, sewerage or stormwater drainage system and no water mains, sewers, drains or connections therewith shall be constructed or operated by any person or persons, firm, corporation, institution or community, whether upon private premises or otherwise. The Town may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health. Any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an

ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 2002-02, 10-30-02.)

Section C10-9. Extension beyond corporate limits.

The Town shall have the power to extend its water or sewerage systems beyond the corporate limits. (Res. No. 2002-02, 10-30-02.)

Section C10-10. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of entry, for access to water or sewer installations at all reasonable hours and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant or person in possession or the agent of any of them may, by ordinance, be made a misdemeanor.

Section C10-11. Pollution of water supply.

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor.

Section C10-12. Contracts for service.

The Town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage. (Res. No. 2002-02, 10-30-02.)

Section C10-13. Charges for service.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Town Clerk, and, if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law. (Res. No. 2002-02, 10-30-02.)

Section C10-14. Exceptions.

The provisions of this Article shall not extend to such properties located in a sanitary district or special tax area or district authorized to discharge the powers provided in this Article, as to the particular powers included in the authorization. (Res. No. 2002-02, 10-30-02.)

ARTICLE XI Special Assessments

Section C11-1. Power to levy taxes for special benefits.

The Town shall have the power to levy and collect taxes, in the form of special assessments, upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special 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. (Res. No. 2002-02, 10-30-02.)

Section C11-2. Procedure.

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

A. *Cost.* The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.

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

C. *Classes of property.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

D. *Levy of charges.* All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charge, the Council shall hold a public hearing. The Town Manager 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 Town Manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and no more than thirty (30) days after the Town Manager 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.

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

F. *Installment payments.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the 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.

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

H. *Collections.* All special assessments shall be billed and collected by the Town Manager. (Res. No. 2003-02, 7-30-03.)

ARTICLE XII

Town Property

Section C12-1. Acquisition, possession and disposal; vesting of prior possessions.

The Town may acquire real, personal or mixed property within the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof. (Res. No. 2002-02, 10-30-02.)

Section C12-2. Condemnation.

The Town shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the town shall be deemed to be a public purpose. The

manner of procedure in case of any condemnation proceeding shall be in accordance with State law. (Res. No. 2002-02, 10-30-02.) (See note (10))

Section C12-3. Buildings for town government purposes.

The Town shall have the power to acquire, to obtain by lease or rent and to purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the town government. (Res. No. 2002-02, 10-30-02.)

Section C12-4. Protection.

The Town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition. (Res. No. 2002-02, 10-30-02.)

ARTICLE XIII
General Provisions

Section C13-1. Oath of office.

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

B. How subscribed. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Carroll County or before one (1) of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor. (Res. No. 2002-02, 10-30-02.)

Section C13-2. Surety bonds.

The Town Manager 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 C13-3. 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. (Res. No. 2002-02, 10-30-02.)

Section C13-4. Misdemeanor and municipal infractions.

A. Every act or omission which by ordinance is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable, upon conviction, within the limits as authorized for municipal corporations by Maryland law in force from time to time. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. The Council may provide that violations of any ordinance shall constitute a municipal infraction. Citations therefor may be issued and delivered by either the Mayor, the Secretary to the Council or the Town Clerk or any law enforcement officer. The procedures with respect to municipal infractions shall be those as set forth in § 3(b) of Article 23A of the Annotated Code of Maryland as now in force and as may be amended from time to time by the General Assembly of Maryland. (Amended 11-18-1986 by Res. No. 1986-2.)

Section C13-5. Severability.

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 inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res. No. 2002-02, 10-30-02.) (See note (11))

NOTES

(1) Former § C-1-4 1958 corporate limits was repealed 2-16-1993 by Res. No. 1993-1.

(2) Former §§ C1-5 and C1-6, 1969 annexation and 1973 annexation, respectively, were repealed 2-16-1993 by Res. No. 1993-1.

(3) See Subsection D of § C-1-16.

(4) See § C1-14.

(5) This resolution became effective 4-28-1999.

(6) This resolution became effective 4-28-1999.

(7) Constables now have civil powers only.

(8) Former § C5-9, Primary election; town meetings and conventions, was repealed 1-22-1991 by Res. No. 1991-1.

(9) See Ch. 35. Salaries and Compensation.

(10) Article 33A was repealed by Acts 1972, Ch. 349. For current provisions, see Real Property Article, Title 12, of the Annotated Code of Maryland.

(11) Original Section 6-106, which dealt with references to the word "town" and immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

(12) There is no C2-12 in the original.

(13) There is no C5-17 in the original.

