

CHARTER

OF THE

# **Town of Pittsville**

WICOMICO COUNTY, MARYLAND

*As enacted by Charter Resolution No. 1-1979  
Effective November 6, 1979, as amended*

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## CONTENTS

Section

### Corporate Name and Definitions

- PC1. Corporate name.
- PC2. Definitions.

### General Corporate Powers

- PC3. General powers.

### Corporate Limits

- PC4. Description of corporate boundaries.

### The Commissioners

- PC5. Number of commissioners; selection; term.
- PC6. Qualifications of commissioners.
- PC7. Salary of commissioners.
- PC8. Meetings of council.
- PC9. Council to be judge of qualifications of its members.
- PC10. President and vice-president of council.
- PC11. Quorum.
- PC12. Rules and order of business; journal.
- PC13. Vacancies in council.
- PC14. Passage of ordinances; publication; effective date.
- PC15.
- PC16. File of ordinances.
- PC17. The President.
- PC18. The Vice-President.

### General Powers

- PC19. Powers of council enumerated.
- PC20. Exercise [Exercise] of powers.
- PC21. Enforcement of ordinances.
- PC22. Qualifications of voters.
- PC23. Town of Pittsville Election Board.
- PC24. Same – removal of members.
- PC25. Same – duties.
- PC26. Registration.
- PC27. Voter Registration List.

- PC28. Filing certificate of nomination.
- PC29. Town election.
- PC30. Conduct of elections generally.
- PC31. Vote count.
- PC32. Vacancies.
- PC32.1. Absentee voting.

### **Finance**

- PC33. Treasurer.
- PC34. Powers and duties.
- PC35. Bond.
- PC36. Fiscal year.
- PC37. Budget.
- PC38. Same – adoption.
- PC39. Appropriations.
- PC40. Transfer of funds.
- PC41. Overexpenditures forbidden.
- PC42. Appropriations lapse after one year.
- PC43. Checks.
- PC44. Taxable property.
- PC45. Budget authorizes levy.
- PC46. Notice of tax levy.
- PC47. When taxes are overdue.
- PC48. Sale of tax–delinquent property.
- PC49. Fees.
- PC50. Audit.
- PC51. Tax anticipation borrowing.
- PC52. Payment of indebtedness.
- PC53. Previous issues.
- PC54. Purchasing and contracts.

### **Personnel**

- PC55. Clerk to council.
- PC56. Town attorney.
- PC57. Authority to employ personnel.
- PC58. Merit system authorized.
- PC59. Unclassified and classified service.
- PC60. Prohibitions and penalties.
- PC61. Retirement system.
- PC62. Compensation of employees.
- PC63. Employee benefit programs.

### **Public Ways and Sidewalks**

- PC64. Definition of public ways.
- PC65. Public ways – disclaimer of responsibility for.
- PC66. Powers of town as to sidewalks.

### **Water and Sewers**

- PC67. Powers of town.
- PC68. Placing structures in public ways.
- PC69. Obstructions.
- PC70. Entering on county public ways.
- PC71. Connections.
- PC72. Same – charge.
- PC73. Changes in plumbing, etc., to prevent waste or improper use.
- PC74. Private systems.
- PC75. Extensions beyond boundaries.
- PC76. Right of entry.
- PC77. Pollution of water supply.
- PC78. Contracts for service.
- PC79. Charges.

### **Special Assessments**

- PC80. Power of town to levy special assessments.
- PC81. Procedure.

### **Town Property**

- PC82. Acquisition, possession and disposal.
- PC83. Condemnation.
- PC84. Town buildings.
- PC85. Protection of town property.

### **General Provisions**

- PC86. Oath of office.
- PC87. Official bonds.
- PC88. Prior rights and obligations.
- PC89. Misdemeanors.
- PC90. Effect of charter on existing ordinances.
- PC91. Separability.

**Power of Town to Borrow by Issuance and Sale of Bonds**

- PC92. Power.
- PC93. Regulations as to bonds and bond issues.
- PC94. General obligation indebtedness.
- PC95. Emergency appropriations and funding thereof.

**Subdivision Control**

- PC96. Subdivision control.

# PITTSVILLE

## Corporate Name and Definitions

### Section PC1. Corporate name.

This charter is the municipal corporation charter of the Town on [of] Pittsville, the corporate name of which is the “Town of Pittsville.”

### Section PC2. Definitions.

The terms “town,” “city,” or “municipal corporation” in this charter shall be construed as synonymous.

## General Corporate Powers

### Section PC3. General powers.

The municipal corporation here continued, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

## Corporate Limits

### Section PC4. Description of corporate boundaries. (See note (1))

The limits of said town shall be as follows: Beginning for the same at a point in the center of the main track of the Baltimore and Eastern Railroad Company North 85 degrees 30 minutes West 2195 feet from the point of intersection of the center of the State Road leading from Pittsville to Gumboro, Delaware, with the center of said main track of said Baltimore and Eastern Railroad Company; thence South 5 degrees East 1900 feet to a post on the land of John Truitt; thence South 77 degrees 15 minutes East 6000 feet to a point on the line of the land of Leamon G. Tingle where the same adjoins the land of E. B. Timmons; thence North 7 degrees 15 minutes West 2770 feet to the southerly side of Cemetery Street adjoining Grace M. E. Cemetery; thence by and with said Cemetery Street North 42 degrees 35 minutes East 1065 feet; thence North 73 degrees 30 minutes West 3550 feet with or across the lands of Morris Truitt, E. W. Sanford, Leonard Guthrie, Robert Perdue and T. A. Parsons to a point westerly of the aforesaid Pittsville–Gumboro State Road; thence South 625 feet parallel with said State Road; thence West 1850 feet parallel with West Street to Railroad Avenue Extended; thence South 1 degree West 800 feet to the center of said main track of said Baltimore and Eastern Railroad Company; thence by and with the center of said last–mentioned track North 85 degrees 30 minutes West 1150 feet to the place of beginning.

*Annexation Resolution 1A, effective November 16, 1980*

All that certain area contiguous to and binding upon the Easterly corporate limits of the Town of Pittsville, BEGINNING for the same on the Southerly line of Railroad Avenue at the Easterly line of the Town of Pittsville and running thence; (1) in a Southeasterly direction by and with the present town line to the Southeasterly corner thereof, thence; (2) in an Easterly direction parallel to but 600 feet Southerly of Maryland Route 346 to the Westerly line to the property owned by Vaughn E. Richardson, Inc., thence; (3) by and in the Westerly line of the property in a Southerly direction to the Northerly line of U.S. Route 50, thence; (4) in an Easterly direction by and with the Northerly line of said U.S. Route 50 in an Easterly direction to the Southeasterly corner of said Vaughn E. Richardson, Inc. property, thence; (5) in a Northerly direction by and with the Easterly line of said Vaughn E. Richardson, Inc. property to the Southerly line of Maryland Route 346 thence; (6) in a Northeasterly direction in a diagonal line across said Maryland 346 to the Southeasterly corner of the other property of Vaughn E. Richardson, Inc., thence; (7) in a Northerly direction by and with the early property lines of said Vaughn E. Richardson, Inc. and Harold E. and Glenda A. Calloway to the Southerly line of Railroad Avenue, thence; (8) continuing across said Railroad Avenue on the same course to a point 200 feet Northerly of the Northerly line of Railroad Avenue, thence; (9) in a Westerly direction parallel to but 200 feet Northerly of Railroad Avenue to the Easterly town limits of Pittsville, thence; (10) in a Southwesterly direction by and with the Easterly town limits of Pittsville to the Southerly line of Railroad Avenue and the place of beginning; providing for the conditions and circumstances applicable to the proposed change in the boundaries of the Town of Pittsville, generally subject to all provisions of the Charter of the Town of Pittsville.

*Annexation Resolution 2, effective March 22, 1980*

All that certain area contiguous to and binding upon the Northeasterly line of the Town of Pittsville, BEGINNING for the same on the Northeasterly corner of the Town limits of Pittsville said point being located in the Truitt-White subdivision and running thence; (1) in a Northwesterly direction in a straight line to a point on the Southerly line of Rounds Road said point being located 400 feet Westerly from the intersection of the Southerly line of said Rounds Road with the Westerly line of the Pittsville-Gumboro State Road, thence; (2) in a Northerly direction in a straight line across the Rounds Road to and across the Pittsville-Melson Road to a point on the Northerly line of said road 400 feet West of the Westerly line of the Pittsville-Gumboro Road, thence; (3) in a Northeasterly direction parallel to but 400 feet Westerly of the Pittsville-Gumboro Road to the Northerly line of the property of Otis W. Farlow, thence; (4) by and with the Northerly line of the Otis W. Farlow property in an Easterly direction to the Westerly line of the Pittsville-Gumboro Road, thence; (5) in a Northeasterly direction across said Pittsville-Gumboro Road to the Northeast corner of the property of Lester I. Richardson, thence; (6) in an Easterly direction by and with the Northerly line of said Lester I. Richardson property to a point 400 feet East of the Pittsville-Gumboro Road on a line drawn perpendicularly thereto, thence; (7) in a Southerly direction in a line drawn parallel to but 400 feet Easterly of the Pittsville-Gumboro Road to a point 400 feet Northerly of the Casher Wells Road, thence; (8) in an Easterly direction in a line parallel to but 400 feet Northerly of the Northerly line of the Casher Wells Road to the Easterly line of the property of Dennis M.

Durning, thence; (9) in a Southerly line by and with the Easterly property line of said Durning to the Northerly line of Casher Wells Road, thence; (10) in a Southerly direction in a straight line across said Casher Wells Road and through the property of Roger V. Hearn to the Northeasterly corner of the property of Fitz Kimbrew, thence; (11) in a Southerly direction by and with the Easterly line of said Kimbrew property to the town limits of Pittsville, thence; (12) in a Westerly direction by and with the Northerly line of the town limits of Pittsville to the point of beginning, and providing for the conditions and circumstances applicable to the proposed change in the boundaries of the Town of Pittsville, generally subject to all provisions of the Charter of the Town of Pittsville.

*Annexation Resolution 4, effective May 17, 1980*

All that certain area contiguous to and binding upon the Southerly corporate limits of the Town of Pittsville, BEGINNING for the same at a point on the Southerly line of the town limits of Pittsville at a point 400 feet Westerly of the Westerly line of Pine Street, thence; (1) in a Southerly direction in a line parallel to but 400 feet Westerly of the Westerly line of Pine Street to the Northerly line of U.S. Route 50, thence; (2) in an Easterly direction by and with the Northerly line of U.S. Route 50 across said Pine Street to the Southeasterly corner of the property of J. W. Shockley & Son, Inc., thence; (3) in a general Northerly and then Northwesterly direction by and with the Easterly line of said Shockley property to the Southerly line of the town limits of Pittsville, thence; (4) in a Westerly direction by and with the Southerly line of the town limits of Pittsville to the beginning; and providing for the conditions and circumstances applicable to the proposed change in the boundaries of the Town of Pittsville, generally subject to all provisions of the Charter of the Town of Pittsville.

*Annexation Resolution 6, effective December 4, 1980*

All that certain area contiguous to and binding upon the Westerly line of the Town limits of Pittsville, BEGINNING for the same at the intersecting of Southerly line of the Baltimore & Eastern Railroad right-of-way with the Westerly line of the Town limits of Pittsville and running; thence (1) in a Southwesterly direction by and with the Southerly line of said railroad right-of-way to the Easterly line of the property of Ernest G. Miller; thence (2) in a Southerly direction by and with the Easterly line of the Miller property to the Northerly line of the property of Raymond H. Timmons; thence (3) in a Westerly direction by and with the Northerly line of the said Timmons property to the Westerly corner thereof; thence (4) in a Southerly direction by and with the Westerly line of said Timmons property to a point opposite the Northeast corner of the property of Charles H. West; thence (5) in a line perpendicular to the Westerly line of the Timmons property to the Northeast corner of the Charles H. West property; thence (6) by and with the Northerly line of the properties of Charles H. West and Joshua L. Farlow to the Easterly line of the property of George R. Collins; thence (7) in a Southerly direction by and with the Easterly line of the said Collins property to the Northerly line of Maryland Route 346; thence (8) in a Southeasterly direction across Maryland 346 to the Easterly line of the Russell White property; thence (9) by and with the Easterly line of the Russell White property or the continuation thereof on the same course in a Southerly direction to a point 600 feet Southerly of the line of Maryland Route 346; thence (10) in an Easterly direction in a line parallel to but 600 feet Southerly of Maryland Route 346 to the Southwesterly line of the Town of Pittsville; thence

(11) in a Northwesterly direction by and with the Westerly line of the Town of Pittsville to the beginning, and providing for the conditions and circumstances applicable to the proposed change in the boundaries of the Town of Pittsville generally subject to all provisions of the Charter of the Town of Pittsville.

*Annexation Resolution 7, effective November 14, 1981*

All that certain area contiguous to and binding upon the southerly corporate limits of the Town of Pittsville, BEGINNING for the same at a point on the corporate limits of the Town of Pittsville where said corporate line turns south from the bed of West Road through the property of Roger V. Hearn, et al, and running thence (1) by and with the said corporate line in a southerly and westerly line to the westerly boundary of the property of said Roger V. Hearn, et al, said boundary being also the line of the property now or formerly of Olon J. Parker, Jr.; thence (2) in a northerly direction by and with said Hearn–Parker property line to the southerly line of West Road; thence (3) continuing on the same course across West Road to a point 200 feet northerly of the northerly line of West Road; thence (4) in an easterly direction in a line parallel but 200 feet northerly of the north line of West Road to the property now or formerly belonging to J. William Brittingham; thence (5) in a southerly direction by and with the Brittingham property to the center of West Road and the corporate limits of the Town of Pittsville to the beginning; and providing for the conditions and circumstances applicable to the proposed change in the boundaries of the Town of Pittsville, generally subject to all provisions of the Charter of the Town of Pittsville.

### **The Commissioners**

#### Section PC5. Number of commissioners; selection; term.

All legislative powers of the town are vested in a council consisting of three commissioners who shall be elected as hereinafter provided and who shall hold office for a term of four years or until the succeeding council takes office. The regular term of councilmen shall expire on the third Monday of July in odd years following the election of their successors. At the regular election held in 1981, two Commissioners shall be elected for four year terms, and at the regular election held in 1983, the number of commissioners shall be increased to five, and three commissioners shall be elected for four year terms, and thereafter two commissioners and three commissioners shall be elected alternately as the terms of their predecessors expire.

#### Section PC6. Qualifications of commissioners.

Commissioners shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town.

#### Section PC7. Salary of commissioners.

The commissioners shall serve without pay, but shall be entitled to an allowance in lieu of expenses as may hereafter be provided by ordinance.

Section PC8. Meetings of council.

The council shall meet at 7:30 P.M. on the third Monday in December following each municipal election for the purpose of organization, after which the Commissioners shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings may be called by the Town Clerk upon the request of the President or a majority of the members of the Commissioners. All meetings shall be open in accordance with the Open Meetings Act, and the rules of the Commissioners shall provide that residents have a reasonable opportunity to be heard at any meeting in regard to any municipal question. (Res. No. 2000-1, 6-6-00.)

Section PC9. Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualification of its members.

Section PC10. President and vice-president of council.

The commissioners shall elect from its members a president and vice-president who shall serve as such until the first meeting of commissioners following each municipal election or until their successors have been elected.

Section PC11. Quorum.

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

Section PC12. Rules and order of business; journal.

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 member. The journal shall be open to public inspection.

Section PC13. Vacancies in council.

Vacancies in the council shall be filled as provided in Section PC32 of this charter.

Section PC14. Passage of ordinances; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the commissioners held not less than six nor more than ninety days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. Every ordinance shall become effective as of the time of its final passage unless a later effective date shall be specified

therein. Each ordinance shall be published at least twice in a newspaper having general circulation in the municipality. In the case of an emergency ordinance, the notice may be published on successive days rather than in successive weeks, but no ordinance shall be designated as an emergency ordinance without the unanimous approval of all commissioners present at the time of introduction of the emergency ordinance.

Section PC15.

All ordinances shall be signed by all the commissioners voting for the ordinance at the time it is enacted.

Section PC16. File of ordinances.

Ordinances shall be permanently filed by the town clerk and shall be kept available for public inspection. Copies shall be made available to the public at a price sufficient to defray the cost of reproduction.

Section PC17. The President.

The president of the commissioners shall preside at the meetings of the commissioners. He shall be entitled to vote on all matters before the council of commissioners. He shall be the chief administrative officer of the town. He shall nominate the town clerk, the town attorney, and such other department heads as may hereafter be provided by this charter or by ordinance. He shall have general supervision over all department heads who shall be responsible to him for the proper performance of their duties. He shall together with the town treasurer prepare the annual budget. He shall have such other powers and duties as may be prescribed by this charter or as provided by ordinance not inconsistent with this charter.

Section PC18. The Vice-President.

The Vice-President shall preside at all meetings of the commissioners in the absence of the President. During the disability or protracted absence of the President from the town he may be designated as acting president by the council of commissioners and shall serve as such with the full powers of the President until such time as the President has returned or his disability has ended.

## General Powers

Section PC19. Powers of council enumerated.

(1) *General powers.* – The council of commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as 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 and visitors in the town.

(2) *Specific powers.* – The council of commissioners shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.

(3) The council of commissioners shall consider and approve or reject all appointments made by the President of the Commissioners.

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

(5) *Aisles and doors.* – 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.

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

(7) *Appropriations.* – To appropriate municipal moneys for any purpose within the powers of the council.

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

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

(10) *Billboards.* – To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, 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.

(11) *Bridges.* – To erect and maintain bridges.

(12) *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 them; to formulate a building code and a plumbing code and 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 and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

- (14) *Codification of ordinances.* – To provide for the codification of all ordinances.
- (15) *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.
- (16) *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.
- (17) *Curfew.* – To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
- (18) *Dangerous improvements.* – 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.
- (19) *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.
- (20) *Dogs.* – To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs [dogs], for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.
- (21) *Elevators.* – To require the inspection and licensing of elevators and escalators and to prohibit their use when unsafe or dangerous or without a license.
- (22) *Explosives and combustibles.* – 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.
- (23) *Filth.* – To compel the occupant of any premises, building or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants thereof to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.
- (24) *Finances.* – To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(25) *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 the town fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

(27) *Franchises.* – To grant and regulate franchises to 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 to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(28) *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.

(29) *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 funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(30) *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 any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(31) *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; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the county board of health, or any public general or local law relating to the subject of health.

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

(33) *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 sue the county jail for such purpose.

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

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

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

(37) *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.

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

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

(40) *Noise.* – To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

(41) *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 they be 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.

(42) *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.

(43) *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.

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

(45) *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.

(46) *Police force.* – To establish, operate, and maintain a police force. All town policemen, within the municipality shall have the powers and authority of constables in this State.

(47) *Police powers.* – To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(48) *Property.* – To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

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

(50) *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.

(51) *Sidewalks.* – To regulate the use of sidewalks and all structures in, under, or above them; 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.

(52) *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 on any public or private property in the town.

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

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

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

(56) *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 to the limitations and provisions of said article.

(57) *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.

Section PC20. Exercise [Exercise] of powers.

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

Section PC21. Enforcement of ordinances.

To assure the observances of the ordinances of the town, the council of Commissioners has the power to provide that violation thereof shall be either a misdemeanor or a municipal infraction as the ordinance shall provide, and has the power to affix penalties of either as a misdemeanor or a municipal infraction up to the limits permitted to municipalities by state law for either fine or imprisonment or both.

Any person charged with a violation of a municipal ordinance shall be entitled to such rights of trial and appeal as shall be provided by State law or the Constitution of Maryland or the municipal ordinance if not inconsistent therewith. The council may provide that, if the violation is of a repeated or continuing nature and is persisted in, additional penalties may be imposed, and in the event of trial before the District court of Maryland or the Circuit Court on appeal that each day during which the violation is persisted in may be an additional violation, and conviction of one violation shall not be a bar for a continuation of the offense subsequent to the first or any succeeding conviction.

Section PC22. 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 of Pittsville for thirty consecutive days preceding any Town election or is a property owner within the corporate limits, and is registered to vote with the Wicomico County Board of Elections and within the provisions of this Charter, shall be a duly qualified voter of the Town. (Res. No. 1–83, May 10, 1983; Res. No. 1–87, 2–4–88; Res. No. 1–93, 11–9–93; Res. No. 2000–1, 6–6–00.)

Section PC23. Town of Pittsville Election Board.

The President of the Commissioners with the consent of the Commissioners shall appoint three residents and qualified voters of the Town to serve as a Town of Pittsville Election Board. The term of the members shall be six years staggered. The first three shall be appointed by July 2000 with the first appointed one for a term of two years, one for a term of four years, and one for a term of six years. Any vacancy during an unexpired term shall be filled by the President of the Commissioners with the consent of the Commissioners for the remainder of that term. All members shall serve until their successors are appointed and qualified. Compensation of the Election Board shall be determined by the Commissioners and included in the Budget Ordinance. The Board shall elect a Chairperson of the Town of Pittsville Election Board. The Town Clerk shall serve as the Clerk to the Election Board. The Town may contract with the Wicomico County Board of Elections to administer and advise as requested and shall budget such funds as may be needed for election purposes. The Election Board may appoint at least five days prior to any election as many judges of qualified voters of the Pittsburg [Pittsville] Election District as it may deem necessary to act as Judges of the Election and shall appoint a Chief Judge. (Res. No. 1-83, May 10, 1983; Res. No. 2000-1, 6-6-00.)

Section PC24. Same – removal of members.

Any member of the board of supervisors of elections may be removed for good cause by the council, if in the judgment of the council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the council if he so requests within ten days after receiving the written copy of the charges.

Section PC25. Same – duties.

The Election Board shall generally supervise the conduct of the System of certificate of nomination forms, elections, and voter registrations. Within twelve hours after the closing of the polls at such election, the Board shall certify the results to the Town Clerk, who shall record the same within the minutes of the Commissioners. (Res. No. 1-83, May 10, 1983; Res. No. 2000-1, 6-6-00.)

Section PC26. Registration.

The Town of Pittsville shall participate with the Wicomico County Board of Supervisors of Elections to establish voter registration specific to the Town of Pittsville. There shall be a registration of the voters of the Town of Pittsville on a daily basis, Monday through Friday inclusive, during normal business hours, exclusive of state and national holidays. These provisions are for the purpose of keeping up-to-date the system of registrations. This registration shall be conducted in accordance with current Maryland State laws. The County Board is authorized to automatically register any and all eligible voters of the Town of Pittsville who register with the County Board for eligibility to vote in county elections. (Res. No. 1-83, May 10, 1983; Res. No. 2000-1, 6-6-00.)

Section PC27. Voter Registration List.

The Town of Pittsville Election Board and the Town of Pittsville Commissioners shall review and approve the Voter Registration list as provided by the Wicomico County Board of Elections at least twenty days prior to each election. This list shall be made for public distribution after approval and copies may be provided in accordance with the current fee structures to anyone making a written request for same. This will be provided within five days of request. Registration records shall be open to the public for inspection under reasonable regulations of the County Board. (Res. No. 2000-1, 6-6-00.)

Section PC28. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before five (5) calendar weeks before the day of election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. (Res. No. 1-83, May 10, 1983.)

Section PC29. Town election.

The town election shall be held on the general election day in November of the odd numbered years. Candidates names shall be in alphabetical order for the office sought on the ballots with no party designations of any kind. The polls shall be open from 12:00 P.M. until 7:00 P.M. Notice of elections shall be advertised in a publication distributed in the Town of Pittsville and posted at the Town Office stating [the] date, time, and polling place. (Res. No. 2000-1, 6-6-00.)

Section PC30. Conduct of elections generally.

It is the duty of the board of supervisors of elections to provide a suitable place for voting and suitable ballots, ballot boxes or voting machines. Booths shall be provided for voting privacy if voting machines are not used. Ballots or voting machine tabulations shall be kept by the board of supervisors of elections for a period of six months following each election before they may be destroyed.

Section PC31. Vote count.

Within twelve hours after the closing of the polls, the board of supervisors of elections shall determine the vote case [cast] for each candidate and shall certify the results of the election to the town clerk, who shall record the results in the minute book of the commissioners. The number of candidates to be elected to each office receiving the highest number of votes shall be declared elected. In the event of a tie vote, a runoff election shall be held between the tied candidates to see which one shall be elected. Such election shall be held two weeks after the original election at the same polling place and during the same hours. A notice of the special

election shall be published in a newspaper of general circulation in the municipality which in addition to other information shall give the names of the candidates.

Section PC32. Vacancies.

In case of vacancy on the council of commissioners for any reason, the remaining members shall elect some qualified person to fill the vacancy for the unexpired term. The vote of the remaining members in filling the vacancy shall be recorded in the minutes of the council.

Section PC32.1. Absentee voting.

Any qualified voter for the Town of Pittsville elections shall have the opportunity to vote by absentee ballot. A voter who wishes to vote by absentee ballot must apply in person or by mail using the application as provided to them by the Town Clerk no later than the Tuesday preceding the election and make affidavit that he or she will not be able to get to the polls on election day. If the applicant is a qualified voter as determined by the approved voter registration list, the County Board shall, as soon as practical thereafter deliver to him or her, or mail to him or her at an address designated to him or her, an absentee ballot with instructions as to the completion and deadlines as set by the County Board. These ballots shall be delivered to the Chief Election Judge prior to the opening of the polls, placed in the ballot box, and the voter's name distinctly with red marked off of the eligible voting list for that Election. Those voters shall not be eligible to vote as determined by the County Board. (Res. No. 1-83, May 10, 1983; Res. No. 2000-1, 6-6-00.)

## **Finance**

Section PC33. Treasurer.

A treasurer shall be elected by the members of the council of commissioners who may or may not be a member of the Commissioners. His compensation shall be determined by the council. He shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the treasurer under the direct supervision of the council of commissioners.

Section PC34. Powers and duties.

Under the supervision of the commissioners, the treasurer shall have authority and shall be required to:

- 1) Prepare in conjunction with the President of the Commissioners an annual budget to be submitted to the council of commissioners.
- 2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

- 3) Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.
- 4) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council.
- 5) Ascertain that all taxable property within the town is assessed for taxation.
- 6) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivably [receivable] by the town.
- 7) 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.
- 8) Do such other things in relation to the council of [as the] commissioners may require or as may be required elsewhere in this charter.

Section PC35. Bond.

The treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance shall require.

Section PC36. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section PC37. Budget.

The Treasurer shall no later than the regular May meeting of the Commissioners submit to the Council of Commissioners the proposed budget. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the treasurer, open to public inspection by anyone during normal business hours.

Section PC38. Same – adoption.

Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the 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 total elected membership of the council is necessary for adoption.

Section PC39. 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 PC40. Transfer of funds.

Any transfer of funds between major appropriations for different purposes may be made by the President of the Commissioners only after the first quarter of the fiscal year and only then with the approval of the Commissioners. (Res. No. 2000-1, 6-6-00.)

Section PC41. Overexpenditures forbidden.

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

Section PC42. Appropriations lapse after one year.

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

Section PC43. Checks.

All checks issued by the town in payment of municipal obligations shall be issued and signed by the treasurer and shall be countersigned by such other person or persons as the council shall direct.

Section PC44. Taxable property.

(a) All real property and all personal property which may have a situs within the corporate limits of the Town by reason of the residence of the owner therein is subject to taxation

for municipal purposes, and the assessment used shall be the same as that for State and county taxes.

(b) Tangible personal property located within the corporate limits of the Town shall be entitled to the following exemptions from taxation for municipal purposes:

(1) To encourage industrial expansion in the Town of Pittsville, all manufacturing machinery shall be totally exempt from taxation by the Town of Pittsville. For the purposes of this section, manufacturing machinery shall be defined to include all machinery and equipment at a fixed location within a manufacturing plant which performs a function in the process of turning the raw material into the finished product which shall include canning, bottling, and labeling machinery and equipment, but shall not include machinery or equipment used for transportation of products or raw materials unless said transportation equipment forms an integral part of an assembly line.

(2) To encourage industrial and warehousing expansion in the Town of Pittsville, all tangible personal property held within the limits of Pittsville, the sole purpose of which is to be incorporated into and become a part of a manufactured product, whether or not such product shall be manufactured within the limits of Pittsville shall be totally exempt from taxation by the Town of Pittsville.

(3) To encourage commercial development within the limits of Pittsville, or to encourage the annexation of adjacent properties or sites into the Town, twenty-five percent (25%) of the assessed valuation of all tangible personal property not totally exempt as hereinbefore provided held within the limits of Pittsville shall be exempt from taxation from and after the fiscal year beginning on July 1, 1983.

(c) Notwithstanding any other language herein contained, the Commissioners of Pittsville, in order to encourage industrial expansion in the Town, or to encourage the annexation of adjacent industrial plants and/or sites into the Town, are authorized to exempt from taxation for corporate purposes the buildings owned and operated by any manufacturing company or association newly established within or newly annexed within the Town limits. Such exemption may also be granted by the Council for newly enlarged, remodeled or rehabilitated buildings to the extent that the assessment exceeds the assessable basis of any building or structure on which an exemption has expired. Such exemptions shall in no case exceed a maximum of five (5) years.

(d) No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly. The Town of Pittsville shall not tax property for all general purposes other than servicing bonds or notes at a rate greater than one dollar (\$1.00) on each one hundred dollars (\$100.00) of assessed valuation. (Res. No. 2-83, May 10, 1983.)

Section PC45. Budget authorizes levy.

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

Section PC46. Notice of tax levy.

Immediately after the levy is made by the council in each year, the treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He 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 [responsibility] to pay on the dates established by this charter all taxes levied on his property.

Section PC47. When taxes are overdue.

The taxes provided for in § 45 of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest which [when] in arrears at the rate of 3/4 of one per cent for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § 48. The treasurer shall collect front foot assessments and utility bills along with taxes and shall refuse the payment of one without the other for any fiscal year.

Section PC48. Sale of tax-delinquent property.

A list of all property on which town taxes, utility bills and front foot assessments have not been paid and which are in arrears as provided by Section 47 of this charter shall be turned over by the treasurer to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon, if necessary shall be sold for taxes by this county official, in the manner prescribed by State law.

Section PC49. Fees.

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

Section PC50. Audit.

The financial books and accounts of the town shall be audited annually as required by § 40 of Article 19 of the Annotated Code of Maryland (1957 Edition, as amended). (1955, ch. 258; 1966, ch. 572.)

Section PC51. Tax anticipation borrowing.

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

Section PC52. Payment of indebtedness.

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

Section PC53. Previous issues.

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

Section PC54. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the treasurer. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than ten thousand dollars (\$10,000.00) shall be made on written contract. The treasurer shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written 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 council may reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be

protected by such bonds, penalties, and conditions as the town may require. If a member of the Town Commissioners determines that an emergency repair is required on the water system or sewer system, then that Commissioner shall attempt to contact two (2) other Commissioners to obtain approval for the repair. The bid procedures set forth above shall not apply to an emergency repair which is critical to the operation of the water system or sewer system. (Unnumbered Resolution, 2-7-95.)

## **Personnel**

### Section PC55. Clerk to council.

The clerk shall serve as clerk to the council of Commissioners. He shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. He or a deputy clerk shall also act as secretary for the Planning Commission and the Board of Zoning Appeals. He shall keep such other records and perform such other duties as may be required by this charter or the council of Commissioners.

### Section PC56. Town 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 is the legal adviser of the town and shall perform such duties in this connection as may be required by the council. His compensation shall be determined by the council. The town has the power to employ such legal consultants as it deems necessary from time to time.

### Section PC57. Authority to employ personnel.

The town may 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.

### Section PC58. Merit system authorized.

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section PC59. Unclassified and classified service.

(a) *Civil service divided into unclassified and classified service.* – The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service.* – The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

- (1) The councilmen, and person appointed to fill vacancies in these positions.
- (2) The treasurer and the town attorney.
- (3) The heads of all offices, departments, and agencies and members of town boards and commissions.
- (4) Part-time, temporary, and unpaid offices and positions.

(c) *Classified service.* – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section PC60. Prohibitions and penalties.

(a) *Prohibitions.* – If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his sex, age, political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part of the management, affairs, or political campaign of any political party or candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

(b) *Penalties.* – Any person who by himself or with others wilfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by

imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. Any person who is convicted under this section for a period of five years is ineligible for appointment to or employment in a position in the town service, and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section PC61. Retirement system.

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

Section PC62. Compensation of employees.

The compensation of all officers and employees of the town shall be set annually and provisions for payment thereof shall be included in the annual budget. This provision is subject, however, to the restrictions imposed by this charter against pay for Commissioners.

Section PC63. Employee benefit programs.

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

**Public Ways and Sidewalks**

Section PC64. Definition of public ways.

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

Section PC65. Public ways – disclaimer of responsibility for.

The town shall have no duty or responsibility to hardsurface, maintain or repair the streets and other highways within the Town of Pittsville at the time of adoption of this charter, but the Town shall retain the right to determine the widths of streets in subdivisions hereafter laid out and to require developers to provide drainage, stabilization, paving, and curb [curbs] and gutter [gutters] on such streets before approving plats of subdivisions for recording, such requirements for street improvement shall meet Wicomico County standards and such streets shall become part of the county road system when approved by Wicomico County officials.

Section PC66. Powers of town as to sidewalks.

The town may:

(1) 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.

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

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

(4) 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.

## Water and Sewers

### Section PC67. Powers of town.

The town may:

- (1) Construct, operate and maintain a water system and water plant.
- (2) Construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- (3) Construct, operate, and maintain a storm water drainage system and storm water sewers.
- (4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

### Section PC68. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe or other structure in the public way within the town, shall submit plans to the town and to the Wicomico County Council and obtain written approval from both upon such conditions and subject to such

limitations as may be imposed by both, the interest of the town shall be limited to the location of such mains, conduits, pipe or other structures in relation to the present or proposed location of water, sewer or storm water mains installed or to be installed by the town.

Section PC69. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall 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 § 83 [PC83]. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section PC70. Entering on county public ways.

The town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the 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.

Section PC71. Connections.

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.

Section PC72. Same – charge.

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.

Section PC73. Changes in plumbing, etc., to prevent waste or improper use.

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.

Section PC74. Private systems.

The town by ordinance may provide that no water supply, sewerage, or storm water 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, and 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 and 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.

Section PC75. Extensions beyond boundaries.

The town may extend its water or sewerage systems beyond the town limits, but only under circumstances and conditions which will not impair services to the properties within the town and which will impose no financial burden upon the townspeople, or impair its ability to annex any unincorporated areas served.

Section PC76. 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, has a 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 the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section PC77. 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 is a misdemeanor.

Section PC78. 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.

Section PC79. Charges.

The town may 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 treasurer, and if bills are unpaid after thirty 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.

All revenues from public utility operations by the city [town] shall be kept separate from other city [town] funds. These revenues shall be used for current operating expenses of these utilities, replacement and extension of facilities and payment of interest and principal on bonds issued for these purposes. If these revenues are not sufficient, the deficit must be made up from the general funds of the city [town]. In the event any utility bond issue requires that certain revenues be segregated from other utility funds and dedicated to the payment of principal and interest of that bond issue, a separate account shall be maintained as required by said bond issue.

## Special Assessments

Section PC80. Power of town to levy special assessments.

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

Section PC81. Procedure.

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

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

(c) *Amount.* – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes 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.

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

(e) *Levy of charges; public hearing; notice.* – All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The treasurer shall cause notice to be given stating the nature and extent [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 clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk shall have completed publication and service of notice as provided in this section. Following the hearing the council of commissioners, in its discretion, may vote to proceed with the project and may levy the special assessment.

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

(g) *Payments; interest.* – Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years unless imposed for payment of bonds with a longer maturity in which case they shall not exceed the maturity date of the bonds, and in such manner as the council of commissioners may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments as the rate to be determined by the council.

(h) *When due; lien on property; collection.* – All special assessment installments are overdue sixty days 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.

(i) *Treasurer.* – All special assessments shall be billed and collected by the treasurer.

## Town Property

### Section PC82. Acquisition, possession and disposal.

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.

### Section PC83. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Volume on Real Property [Real Property Article] of the Annotated Code of the Public General Laws of Maryland (1974 Edition, as amended), title "Eminent Domain."

### Section PC84. Town buildings.

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

### Section PC85. Protection of town property.

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

## General Provisions

### Section PC86. Oath of office.

(a) *Oath required.* – Before entering upon the duties of their offices, the Commissioners, the clerk, the treasurer, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation: "I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_ according to the Constitution and laws of this State."

(b) *Before whom taken and subscribed.* – All officers except the town clerk shall take and subscribe to this oath or affirmation before the town clerk or before one of the sworn deputies of the clerk. The town clerk shall do so before the President of the Commissioners.

Section PC87. Official bonds.

The treasurer and such other officers or employees of the town as the council of commissioners 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 PC88. Prior rights and obligations.

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

Section PC89. Misdemeanors.

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 by the District Court sitting in the county within which the offense is committed by a fine not exceeding Two Hundred Dollars (\$200.00) or imprisonment for sixty days in the county jail, or both, in the discretion of the court. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section PC90. Effect of charter on existing ordinances.

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

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

Section PC91. Separability.

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

**Power of Town to Borrow by Issuance and Sale of Bonds**Section PC92. Power.

(a) The Town of Pittsville shall have the power to borrow on the faith and credit of the town from time to time as may be deemed necessary for the general welfare of the city and its general corporate purposes; and without limiting the generality of the foregoing, it shall have the power to borrow for the encouragement of industrial development and expansion in the Town of Pittsville by providing plants or necessary facilities therefor, which hereby is declared to be an essential public and governmental purpose and necessary for the general welfare of the town. The town may issue and sell bonds to evidence such borrowing in accordance with Section PC93 of this Charter or with state law; and such bonds may be secured by a pledge of the full faith and credit of the town or of the revenues derived from the particular project, undertaking or property in connection with which such bonds were authorized and issued or by a pledge both of the town's full faith and credit and such revenues.

(b) In addition, when the Town of Pittsville has received a funded commitment from the government of the United States or of the State of Maryland, or any agency of either, for the loan, gift or grant of any funds to be received at a time certain or upon the request of the Commissioners of Pittsville, the Town of Pittsville may, upon passage of a resolution of the Commissioners of Pittsville with the affirmative votes of a majority thereof, borrow upon the full faith and credit of the Town of Pittsville from time to time not to exceed eighty-five percent (85%) of the proceeds of such loan, gift or grant and may issue its notes to evidence such borrowing and pay such rate of interest on the sums borrowed as shall be authorized by the resolution of the Commissioners of Pittsville; provided, however, that all such sums so borrowed shall be repaid in full out of the proceeds of the loan, gift or grant aforesaid.

Section PC93. Regulations as to bonds and bond issues.

(a) *Approval of issue.* – All proposed bond issues shall be approved by the Commissioners.

(b) *Form, interest, term, etc., of bonds.* – Bonds may be either coupon or registered bonds. All bonds shall have serial maturities or have the benefit of a sinking fund sufficient to retire the issue at maturity. They shall be issued in such denominations, at such rates of interest and for such periods of the time as the council of Commissioners may decide.

(c) *Signing, etc. of bonds.* – All bonds shall be signed by the President of the Commissioners, the seal of the town attached thereto and attested by the Town Clerk, except that the signature of the President of the Commissioners and said seal may be facsimiles engraved, printed or otherwise reproduced.

(d) *Sale of bonds.*

(1) The town Treasurer shall sell bonds by sealed bids after giving two (2) weeks' notice in one (1) or more newspapers of general circulation in the Town of Pittsville and in such other publications as the Commissioners may decide, except that in the case of the town's revenue bonds and/or of any bonds for which no sealed bid was received, the Town Treasurer may, with the express advance permission and authority of the Commissioners in each particular instance, offer and sell such revenue bonds at private sale, after such negotiation with one (1) or more prospective purchasers and after such notice of the proposed sale, to the general public or to one (1) or more prospective purchasers, by mail or published advertisement, as the Commissioners in their discretion may approve and authorize. The sale of all bonds shall be carried on under such rules and regulations as the council of Commissioners may prescribe. No bonds shall be sold except at prices approved by the Commissioners and at not less than their face amount.

(2) Nothing hereinbefore set forth in this subsection shall, however, prevent the Town Treasurer from selling bonds to the United States of America or to the State of Maryland or to any agency of either of them duly authorized to purchase municipal bonds, at private sale upon the same terms and conditions as shall govern other purchases of municipal bonds by the United States of America or the State of Maryland or the duly authorized agency of either of them; nor shall the town Treasurer be required to advertise for and to take bids [bids] on any bond issue before selling the same at private sale to the United States of America or the State of Maryland or any agency of either of them.

(e) *Custody and delivery of bonds.* – When signed and attested, the bonds shall be delivered to the Town Treasurer, who shall be responsible for their safekeeping and delivery to the purchaser.

(f) *Disposition of proceeds of sale.* – Proceeds from the sale of all bonds shall be deposited by the Town Treasurer to the credit of the Town of Pittsville in such account or accounts and under such rules and regulations as the Commissioners shall prescribe.

(g) *Effect of Article 43 of the Annotated Code of Maryland.* – No provision or limitation contained in this Charter shall apply to or affect the issuance and sale of bonds by the town pursuant to the provisions of Article 43 of the Annotated Code of Maryland, titled "Health," or any amendments thereto.

(h) *Payment, effect, terms, conditions, security, etc., of revenue bonds.* – Revenue bonds issued and sold by the Town of Pittsville, whether or not the full faith and credit of the town has been pledged, shall be made payable, both as to principal and interest, solely from the income, rentals, proceeds, revenues and funds of the town derived from the particular project,

undertaking or property in connection with which such bonds were authorized and issued, except that payment of such bonds, both as to principal and interest, may be further secured by the pledge of any part or all of any taxes in the form of special assessments upon property in a limited and determinable area connected or associated with or specially benefited by the particular project, undertaking or property, or by a mortgage of all or any part of such particular project, undertaking or property, if title thereto is held by the town, and except that, in case of an issuance of revenue bonds for constructing, improving, equipping and acquiring parking facilities of every type and description (which facilities may include roads, streets, runways, waterways and bridges facilitating the movement of all traffic in the vicinity of parking areas), such ordinance and any trust indenture or mortgage executed pursuant thereto shall establish the security for such revenue bonds, which security may include, in addition to other security permitted by law, the assignment and pledge, in whole or in part, of rates, rentals, fees, charges or other revenues, then being or thereafter to be received by the town from parking facilities, including but not limited to collections from parking meters on public thoroughfares; and an agreement by the town to pay any deficiency in the debt service requirements of such revenue bonds for any year in which there is a deficit, provided that any such payment under any agreement or agreements shall not exceed, but shall be limited and restricted to, the sum which would be received from a tax of two cents (\$0.02) per hundred dollars on the assessable basis of the town for any one year. In addition, the town may enter into a trust agreement or trust indenture with any bank [bank] or trust company authorized to do business in Maryland and may make in such instrument such covenants and commitments as may be required by any purchaser for the adequate security of said revenue bonds. Revenue bonds issued under this section shall not constitute an indebtedness within the meaning of Section PC94 hereof and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland, 1957 Edition, as amended. Revenue bonds issued under this section shall be authorized by ordinance and issued in one or more series and bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six percentum (6%) per annum, be in such denomination or denominations, be in such form either with or without coupons or registered, carry such registration privileges, have such rank or priority, be executed in such manner, be payable in such place or places; be subject to such terms of redemption (with or without premium), be secured in such manner and have such other characteristics as may be provided by such ordinances or the trust indenture or mortgage executed pursuant thereto and, in case of an issuance of revenue bonds for industrial development, shall set forth the precise terms and conditions upon which the town shall have agreed to provide a plant or plants or other necessary facilities therefor, as provided by the Commissioners, which terms and conditions may include:

(1) Acquisition, construction and ownership by the town or by a public nonprofit corporation of all such facilities and the lease thereof to, or installment purchase thereof by, the industry.

(2) The acquisition, construction and ownership of all such facilities by the industry, in whole or in part by use of funds supplied by the town or by a public nonprofit corporation and secured by appropriate mortgage or other security instrument payable in installments over a period of years.

(3) The payment by the industry of an annual sum in lieu of taxes on such facilities if such facilities of same are owned by the town or by a public nonprofit corporation.

(4) Any other terms, provisions and restrictions which the Commissioners may determine to be necessary or appropriate in the circumstances.

Section PC94. General obligation indebtedness.

The issuance and sale of general obligation bonds; bond, loan or gift anticipation notes; or tax anticipation or emergency notes, shall constitute a pledge of the full faith and credit of the town to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances, of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid in whole or in part from the proceeds of benefit assessments or other revenues; but, in any event, the Commissioners shall, if and when necessary, annually levy, upon all property within its corporate limits subject to ad valorem taxes, taxes sufficient to provide for the payment of the maturing principal and interest on any such bonds or notes, without limitation of law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect.

Section PC95. Emergency appropriations and funding thereof.

At any time in the budget year the Commissioners may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety and welfare. Such appropriation shall be a resolution adopted by the favorable votes of at least four-fifth [four-fifths] (4/5) of the members of the council of Commissioners. The total amount of any emergency appropriations made in any budget year shall not exceed five percent (5%) of the total appropriations made in the budget year for that year. In the absence of unappropriated available revenues to meet emergency appropriations, the Commissioners shall in their resolution authorize the issuance of notes, each of which shall be designated "emergency note", but all such notes or renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made. They shall be sold in the manner provided by the Commissioners.

## **Subdivision Control**

Section PC96. Subdivision control.

The Town of Pittsville shall have the power to regulate all subdivisions or resubdivisions of land within the town. For the purpose of making this power effective, no plat or plan of any subdivision or resubdivision within the town shall be recorded among the land records of Wicomico County by the Clerk of the Circuit Court for Wicomico County until the plat or plan has been approved in writing by the Pittsville Planning Commission and such approval endorsed on said plat or plan. The Commissioners shall have the power to prescribe rules and regulations governing the filing of plats and plans, the erection of permanent markers wherever necessary,

the supplying of necessary topographical data, the layout and construction of proposed streets, the establishment of building lines and zoning regulations and such other things as they may deem necessary for the proper control of subdivisions or resubdivisions. No public way shall be accepted for public use and ownership unless the plat and location thereof shall have been submitted to and approved in writing by the Pittsville Planning Commission.

## NOTES

(1) Resolution No. 2004–2, effective April 6, 2005, provided for the annexation of 35.79 acres of land, more or less. Resolution No. 2005–1, effective November 3, 2005, provided for the annexation of 6.5520 acres of land, more or less. Resolution No. 2006–1, effective August 10, 2006, provided for the annexation of 3.68 acres of land, more or less. These resolutions, however, failed to provide for a change in the boundary description contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this Charter.