

CHARTER

OF THE

Town of Preston

CAROLINE COUNTY, MARYLAND

*Institute for Governmental Services, University of Maryland
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PRESTON

ARTICLE I General Corporate Powers

Section 101. Enumeration.

The inhabitants of the Town of Preston, within the corporate limits legally established from time to time, are hereby constituted and continued as a body corporate, by the name of "Town of Preston", with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal, and to have perpetual succession.

ARTICLE II Corporate Boundaries

Section 201. Description of Corporate Boundaries. (See Note (2)).

The corporate boundaries are as follows:

(A) Beginning at a concrete monument or marker set on the Southwesterly side of the right-of-way of the Baltimore & Eastern R.R., said monument being marked with a lead disc lettered "Preston, 1953 Cor. #1", said monument being located at Md. State Coordinate X= 1,112,559.00/Y= 319,151.85; thence: (1) North sixty degrees, twenty minutes West, (Azimuth one hundred, nineteen degrees forty minutes) one thousand seventy-seven and two tenths feet (N60 degrees 20'W (Azimuth 119 degrees 40') 1,077.2 ft.) to a concrete monument or marker set on the Northwesterly side of the Back Landing Road, marked Cor. #2, being Md. State Coordinate Z= 1,111,623.01/Y= 319,685.02; thence: (2) with the northwesterly side of the Back Landing Road, South thirty degrees, thirty four minutes West, (Azimuth thirty degrees, thirty four minutes) six hundred, fourteen and eight one hundredths feet (230 degrees 34'W (Azimuth 30 degrees 34') 614.80 ft.) to a concrete monument or marker marked Cor. #3, at Md. State Coordinate X= 1,111,310.35/Y= 319,155.66; thence: (3) North forty eight degrees, twenty one minutes West, (Azimuth one hundred, thirty-one degrees, thirty-nine minutes) two thousand, five hundred, sixty-four and ninety one-hundredths feet (N48 degrees 21'W (Azimuth 131 degrees 39') 2564.90) to a concrete monument marked Cor. #4, set at Md. State Coordinate X= 1,109,393.82/Y= 320,860.23; thence: (4) North no degrees, fifty-one minutes) three thousand, eight hundred, eighty four and ninety one hundredths feet (no degree 51'E (Azimuth 180 degrees 51') 3,884.90 ft.) to a concrete monument marked Cor. #5, set at Md. State Coordinate X= 1,109,451.45/Y= 324,744.70; thence: (5) South eighty eight degrees, eleven minutes East (Azimuth two hundred, seventy one degrees, forty-nine minutes) eight hundred, forty-nine and thirty-two one hundredths feet (S88 degrees 11'E (Azimuth 271 degrees 49') 849.32 ft.) to a concrete monument marked Cor. #6, set at Md. State Coordinate X= 1,110,345.32/Y= 324,716.35; thence: (6) South thirty-nine degrees, forty-five minutes East, (Azimuth three hundred, twenty degrees, fifteen minutes) six thousand, twenty-three and ninety six one

hundredths feet (S39 degrees 45'E (Azimuth 320 degrees 15') 6,023.96 ft.) to a concrete monument marked Cor. #7, set at Md. State Coordinate X= 1,114,197.28/Y= 320,084.87; thence: (7) South sixty degrees, twenty-one minutes West, (Azimuth sixty degrees, twenty-one minutes) one thousand, eight hundred, eight-four and eighty-five one-hundredths feet (S60 degrees 21'W (Azimuth 60 degrees 21') 1,884.85 ft.) to Cor. #1 and the place of beginning: the area contained within the above described boundary lines equals three hundred, forty-four and ninety-three one-hundredths acres (344.93A.) and includes the entire area of the now existing corporate area of the Town of Preston. Bearings and Azimuth are true meridian based on U.S.C. & G. Survey Station "Johns", located between the Town of Preston and the Town of Federalsburg.

(B) *1990 Annexation.* Beginning for the same at a Concrete Monument found on the northerly side of the public road which leads from Wrights Wharf Road to Preston, known as Back Landing Road, said Concrete Monument being a southwesterly corner of the Corporate Limits of the Town of Preston, and from said Place of Beginning running by and with the northerly side of Back Landing Road, the following two courses and distances (1) South 39 degrees 57 minutes 48 seconds West 130.87 feet to a Concrete Monument set; thence (2) continuing South 39 degrees 57 minutes 48 seconds West 205.09 feet; thence leaving Back Landing Road (3) North 37 degrees 15 minutes 00 seconds West 343.11 feet; thence (4) North 52 degrees 45 minutes 00 seconds East 200.00 feet; thence (5) North 37 degrees 15 minutes 00 seconds West 1119.67 feet to a Concrete Monument set and the land of Albert W. Sisk and Son, Inc. (Liber 159, Folio 595); thence by and with the said Albert W. Sisk and Son, Inc. land (6) North 50 degrees 42 minutes 05 seconds East 69.68 feet to an Iron Rod found on the Town of Preston Corporate Limits; thence by and with the said Town of Preston Corporate Limits (7) South 39 degrees 38 minutes 14 seconds East 1392.12 feet to the Place of Beginning, containing 4.660 Acres of Land, more or less.

Section 202. Public Filing of Corporate Boundaries.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court of Caroline County and the Department of Legislative Reference of the Maryland General Assembly. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Town office and available for public inspection during normal business hours.

ARTICLE III Town Commission

Section 301. Composition of Commission and Term of Office.

(A) All legislative and executive powers of the Town shall be vested in a Commission consisting of three Commissioners who shall be elected as provided in this Charter. The Commissioners shall hold office for a term of three years or until their respective successors take office.

(B) The regular term of Commissioner shall begin at 7:30 p.m. on the first Wednesday in May following the regular Town election and shall expire upon the seating of a successor. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected.

Section 302. Qualifications of Commissioners.

Each candidate for Commissioner shall have resided in the Town for at least one year immediately preceding his or her election, be at least 21 years of age, and be a qualified voter of the Town, pursuant to Section 502.

Section 303. The President and Vice-President of the Commission.

On the first Wednesday in May following the regular Town election, the Commission shall elect from among its members a President who shall preside over its meetings. The Commission shall also elect, from among its members, a Vice-President, who shall preside in the absence of the President. The President and Vice-President may be reelected annually. (Res. No. 2000-03, 5-25-00.)

Section 304. The Salary of the Commissioners.

Each Commissioner shall receive an annual salary. The salary of the President shall exceed the amount of salary provided the other Commissioners. Salaries of the Commissioners shall be as specified from time to time by ordinance provided, however, that the salary specified at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. The ordinance making any change in the salary paid to the Commissioners shall be enacted prior to the election of the Commissioners to whom the salary change applies. (Res. No. 2000-03, 5-25-00.)

Section 305. Vacancies in the Commission.

A vacancy in the Office of Commissioner shall exist upon the death, suspension, resignation, recall, or forfeiture of office by a Commissioner in accordance with the provisions of this Charter. Whenever a vacancy occurs the remaining Commissioners shall declare the office vacant and fill the office for the remainder of the unexpired term as follows:

(A) Where there is eighteen months or less remaining in the unexpired term, the remaining Commissioners shall, by unanimous consent, appoint a person to fill such vacancy, provided the person meets the qualifications of Section 302 of this Charter.

(B) Where there is more than eighteen months remaining in the unexpired term, the remaining Commissioners shall call for a special election as provided in Section 511.

(C) In the event of two vacancies in the Office of Commissioners a special election shall be called to fill the two offices regardless of the time remaining in their terms.

(D) In the event of a recall vote where a majority of those voting vote against the retention of a Commissioner a special election shall be called regardless of the remaining time in his/her term. (Res. No. 2000-04, 5-25-00.)

Section 306. Meetings of the Commission.

(A) The Commission shall hold a regular meeting at 7 p.m. on the first Monday of the month or at such other regular times as may be prescribed by the Commission but not less frequently than once each month. The Commission may hold work sessions once monthly or as needed. These work sessions shall be open to the public but no official actions of the Commission shall take place at work sessions. Special meetings shall be called by the Town Manager upon the request of the Mayor or a majority of the members of the Commission. The Commission shall provide that residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question.

(B) The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings and record the vote of each Commissioner upon final action on any question, resolution, or ordinance and at any other time if requested by any member of the Commission. The journal shall be open to public inspection.

(C) All meetings of the Commission shall be open to the public unless closed by the Commission in accordance with the provisions of State law. (Res. No. 2001-01, 11-22-01.)

Section 307. Quorum.

Two members of the Commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the affirmative vote of two members of the Commission.

Section 308. Procedure for Enactment of Resolutions and Ordinances.

(A) *Definitions*

(1) Resolution shall mean a formal expression of opinion, will or intent adopted by a vote of the Commission and, unless otherwise required by law, shall not have the force of an ordinance.

(2) Ordinance shall mean a legislative enactment adopted in a manner prescribed by this Section, that shall have the full force of law.

(B) An ordinance or resolution may be introduced by any Commissioner at any public meeting of the Commission.

(C) The Commission shall not act on any ordinance at the meeting at which it is introduced. The Commission may pass, amend and pass, reject, or defer consideration of an ordinance at any meeting of the Commission held not less than six (6) days nor more than sixty

(60) days after the meeting at which the ordinance was introduced. Every ordinance passed by the Commission must be signed by at least two Commissioners before it shall become effective.

(D) Except as otherwise provided by this Charter, every ordinance shall become effective at the expiration of twenty-one (21) calendar days following adoption by the Commission unless a later effective date has been specified therein.

(E) In cases of emergency affecting the immediate preservation of life, health, property, or the public peace, the provision that an ordinance shall not be acted on at the meeting at which it is introduced may be suspended by the affirmative vote of all the Commissioners present. No action shall be taken unless at least two Commissioners are present. An emergency ordinance may become effective immediately upon adoption or on a later date as specified therein. No emergency ordinance shall levy any tax or authorize borrowing except as provided in Section 706 (B) of this Charter; abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; sell any public property or land; or create any vested right or interest. Every emergency ordinance shall be clearly designated as such and shall describe the emergency in clear and specific terms. Upon adoption, a fair summary of the emergency ordinance shall be immediately published in a newspaper of general circulation in the Town and posted in the Town office. The Commission shall hold a public hearing on the emergency ordinance at its next regular or special meeting, held not less than six (6) days nor more than thirty (30) days after its adoption.

(F) Each ordinance, resolution, or other official action of the Commission shall be posted at the Town office immediately after its introduction until it is either passed or rejected. Each adopted ordinance, resolution, or other official action shall be posted at the Town office for at least two weeks after it becomes effective.

(G) Ordinances in effect shall be filed by the Town Manager and be kept available for public inspection.

Section 309. Referendum.

(A) Except for an ordinance adopted pursuant to Section 713 of this Charter authorizing the levying of property taxes, the qualified voters of the Town may petition an ordinance to referendum as provided in this Section.

(B) Upon approval of any ordinance, the qualified voters of the Town may file a petition with the Town Manager requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval. To be valid, the petition must be submitted before the expiration of twenty (20) calendar days following the approval of the ordinance and contain the signatures of at least twenty percent (20%) of the qualified voters of the Town. After receipt of the petition and verification of the signatures by the Town Manager, the Commission shall have the ordinance or the part petitioned to referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Commission's discretion, at a special election occurring before the next regular election.

(C) Except for an emergency ordinance, no ordinance or the part thereof petitioned to referendum shall become effective following the receipt of such petition until approved at a referendum by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof petitioned to referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof petitioned to referendum, shall be suspended until approval by a majority of the qualified voters voting on the question at any election.

(D) Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provisions of this Section shall be self-executing, but the Commission may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 310. File of Ordinances.

Ordinances in effect shall be filed by the Town Manager and be kept available for public inspection. An annual compilation of all ordinances of general application and continuing force that have been enacted during the year shall be added to the most recent code of ordinances.

ARTICLE IV Powers of the Commission

Section 401. General Powers.

(A) The Council 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 City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein.

(B) The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes: [.]

Section 402. Enumeration of Specific Powers.

(A) The Commission shall have the power to pass ordinances for the following specific purposes:

(1) *Administration.* To hire employees and to establish personnel regulations and a merit system.

(2) *Advertising.* To provide for advertising, printing, and publication of materials relating to the business of the Town, including financial and legal notices required by law or this Charter.

(3) *Animals.* To regulate the keeping and to prohibit the running at large of any animals; to provide for the licensing of dogs and to provide for the disposition of homeless dogs and dogs on which no license fee is paid; to authorize the impounding, keeping, sale, destruction, or redemption of any animals found in violation of any ordinance regulating same.

(4) *Appropriations and finances.* To levy, assess, and collect real and personal property taxes; to appropriate municipal monies for any public purpose within the powers of the Mayor and Commission; to have general management and control of the finances of the Town.

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

(6) *Board [Boards], Commissions, and Committees.* To appoint any Boards, Commissions, and Committees that may be deemed necessary to further the purposes of the Town.

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

(8) *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 therefor; to require the condemnation of buildings and structures that, in whole or in part, are dangerous or insecure, and to require that such buildings and structures be made safe or taken down.

(9) *Business licensing and regulation.* To exercise the business licensing and regulation authority granted to municipal corporations in the Business Regulation Article of the Annotated Code of Maryland and all other provisions of law.

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

(11) *Codification.* To provide for the codification of all ordinances.

(12) *Community services.* To provide, maintain and operate community and social services.

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

(14) *Departments.* To create, change, and abolish, offices, departments, or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies established by this Charter, but

not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(15) *Elections.* To provide for municipal elections; to purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

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

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

(18) *Fees and charges.* To establish and collect fees and charges for all franchises, licenses, and permits issued by the Town and for all governmental or proprietary functions of the Town.

(19) *Fire.* To suppress and prevent fires and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to adopt a fire prevention code to provide for protection against fires and the removal of fire hazards and to appoint inspectors for the enforcement of such code; to prohibit the use of buildings and structures that do not meet the requirements of any fire prevention code established by the Town; to take all other measures necessary to control and prevent fires in the Town.

(20) *Food.* To inspect and to require the condemnation of any unhealthy food products and to regulate the sale of any food products.

(21) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telephone companies, transit companies, taxicab companies, and all public communication systems which may be deemed advantageous and beneficial to the Town, subject to the limitations and provisions of Article 23A of the Annotated Code of Maryland; to grant exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way; to impose franchise fees, and to establish rates and regulations for franchises granted under this subsection, subject to State and federal laws.

(22) *Grants-in-aid.* To accept grants of federal or State funds and to expend such funds subject to the conditions under which the grants are made.

(23) *Hawkers and peddlers.* To license, tax, regulate, suppress, and prohibit hawkers, itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the Town.

(24) *Hazardous 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.

(25) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer and to define and regulate the powers and duties of such officer; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health. Nothing in this Section shall be construed to affect any of the powers and duties of the Secretary of Health and Mental Hygiene of the State of Maryland, the County Board of Health or any public general or local law relating to health.

(26) *House numbers.* To regulate the numbering of houses and lots and to require owners to renumber them.

(27) *Intergovernmental 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.

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

(29) *Lights.* To provide for the lighting of the Town.

(30) *Markets.* To establish and to regulate markets, and to license the sale of marketable commodities.

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

(32) *Nuisances.* To prevent, prohibit or abate all nuisances defined by common law, by this Charter, by ordinance of the Mayor and Commission, or by the laws of the State of Maryland; to regulate or prohibit all trading, handling, or manufacture of any commodity that may become offensive or injurious to the public.

(33) *Obstructions.* To prohibit and remove all obstructions from any street, lane, alley, sidewalk, or other public way and from any lots adjoining any street, lane, alley, sidewalk, or other public way, or any other public place.

(34) *Parking facilities.* To license and regulate and to establish, operate, and maintain facilities for off-street parking.

(35) *Parking meters.* To install parking meters on the streets and public places of the Town and prescribe rates and provisions for their use. The State Highway Administration must approve the installation of any parking meters on any road maintained by the State of Maryland.

(36) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs.

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

(38) *Property.* To obtain real or personal property for any public purposes; to erect buildings and structures on this property for the benefit of the Town and its inhabitants; to convey or sell any real or personal property of the Town when no longer needed for public use, after having given at least 20 days public notice of the proposed conveyance.

(39) *Public peace and order.* To prohibit, suppress, and punish within the Town all vice, gambling, prostitution and the keeping of bawdy houses and houses of ill fame, and all disorders, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(40) *Public right-of-way.* To regulate the use of the entire area between any public street, road, alley, or public way and any private property line, including storm drains, curbs, sidewalks, any area between the curb and the sidewalk, and any area between the sidewalk and the property line, and all structures in, under or above this; to require the owner or occupant of any premises to keep the sidewalks in front of or adjacent to such premises in a clean and safe condition, including the removal of snow, debris or other obstructions.

(41) *Refuse.* To prevent the deposit of any dirt, garbage, trash, liquids, or other wastes either on private or public property; to provide for the proper disposal of solid wastes.

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

(43) *Sanitation.* To require the owner or occupant of any premises or building in the Town to abate or cleanse any filthy, unsanitary, or unsafe condition and after reasonable notice to the owners or occupants, to authorize the abatement or cleansing of the filthy, unsanitary, or unsafe condition by proper agents of the Town at the owner or occupant's expense.

(44) *Signs and displays.* 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.

(45) *Taxicabs.* To license, tax and regulate public hackers, taxicab drivers, porters, and all other similar occupations.

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

(47) *Zoning.* To exercise the planning and zoning powers conferred to municipal corporations pursuant to Article 66B of the Annotated Code of Maryland.

(B) The enumeration of powers in this Section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

ARTICLE V

Registration, Nomination, and Election Procedures

Section 501. Board of Elections.

(A) There shall be a Board of Elections consisting of three members who shall be appointed by the Commission on or before the first Monday in March in every odd numbered year. The terms of members of the Board of Elections shall begin on the first Monday in March of the year in which they are appointed and shall run for two years. The Board shall appoint one of its members as Chairperson. Vacancies on the Board shall be filled by the Commission for the remainder of the unexpired term. Members of the Board of Elections may be reappointed by the Commission.

(B) Members of the Board shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term on the Board. The compensation of the members of the Board, if any, shall be determined by the Commission.

(C) The Board of Elections shall be in charge of the registration of voters, nominations, and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

(D) Any member of the Board of Elections may be removed by the Commission for inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office, or insubordination. Before removal, the member of the Board to be removed shall be given a written copy of the charges and shall have a public hearing before the Commission if requested within ten days after receiving the written copy of the charges. Members of the Board shall also be removed if they no longer meet the qualifications enumerated in subsection (B) of this Section.

Section 502. Qualification of Voters.

(A) Every person who meets all the following requirements is a qualified voter and may vote in Town elections:

- (1) Is a citizen of the United States;
- (2) Is at least eighteen (18) years of age;
- (3) Has resided in the corporate limits of the Town for at least forty-five (45) days immediately preceding any Town election; and

(4) Is registered to vote in accordance with the provisions of this Charter.

(B) No person shall be qualified to vote in a Town election unless he or she is duly registered to vote in Caroline County at least thirty (30) days prior to the election.

Section 503. Registration of Voters.

Registration by the Caroline County Board of Supervisors of Elections shall be deemed registration for Town elections, provided that the person so registered meets the voter qualifications enumerated in this Charter. The list of registered voters provided by the Caroline County Board of Supervisors of Elections shall be a valid voter registration list for the Town. County voter registration forms shall be made available at the Town office during normal business hours.

Section 504. Absentee Voting.

Any registered voter is entitled to vote in any election by absentee ballot. It shall be the duty of the Board of Elections to transmit and receive applications for absentee ballots and to provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote, in a manner prescribed by State law.

Section 505. Nomination Procedures.

Persons may be nominated for elective office in the Town by filing a certificate of nomination with the Board of Elections at least fifteen (15) days immediately preceding a Town election. No person shall file for nomination to more than one elective public office at one time.

Section 506. Conduct of Elections Generally.

(A) It shall be the duty of the Board of Elections to provide for each Town election a suitable place or places for voting and suitable ballots or voting machines. The ballots or voting machines shall show the name of each candidate nominated for elective office arranged in alphabetical order by office with no party designation of any kind. There shall be space on the ballot to permit write in votes for offices. The Board of Elections shall keep the polls open from 1:00 p.m. to 7:00 p.m. on election day or for longer hours if the Commission requires it.

(B) Except as provided in Section 511 of this Charter, the Board of Elections shall give at least two weeks notice of every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice in some public place or places in the Town.

Section 507. Election of Commissioners.

On the fourth Monday in April in every year the qualified voters of the Town shall elect one person as Commissioner for a term of three years.

Section 508. The Counting and Preservation of Ballots.

(A) Within forty–eight hours after the closing of the polls the Board of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town Manager who shall record the results in the minutes of the Commission. The candidate for Commission with the highest number of votes in the general election shall be declared elected as Commissioner.

(B) In the event of a tie between two or more individuals, which would prevent any one of them from holding office, the individual then serving as Commissioner shall continue to perform the duties of that office and a special election between the individuals tied with the highest number of votes shall be called as provided in Section 511 of this Charter.

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

Section 509. Suspension of Elected Officials.

Any person holding an elective office under this Charter, who during a term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the official’s public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be suspended from office pursuant to Section 2 of Article XV of the Constitution of Maryland and the office shall be filled in the manner prescribed by Section 511 of this Charter.

Section 510. Forfeiture of Office.

Any person holding elective office under this Charter shall immediately forfeit the office if the official ceases to be a legal resident of the Town.

Section 511. Special Elections.

(A) Whenever required by this Charter, it shall be the duty of the Board of Elections to order a special election at a date not less than fifteen (15) days nor more than thirty (30) days from the date an office is declared vacant or the date an election results in a tie vote or if a petition for recall is filed, the election shall be held without delay but within not more than sixty (60) days from the date the petition is filed, provided that the Board of Elections shall give the voters of the Town ten (10) days notice of the date of the special election.

(B) All special elections shall be conducted by the Board of Elections in the same manner and with the same personnel, as far as practicable, as General Town Elections.

(C) The newly elected Commissioner shall take office at the next regular or special meeting of the Commission and shall hold office for the remainder of the unexpired term. (Res. No. 2000–04, 5–25–00.)

Section 511. [512.] Recall of Elected Officials.

Any elected official may be removed from office in accordance with the following procedure:

(A) A petition signed by at least twenty-five [percent] (25%) of the registered voters of the Town of Preston must be presented to the Commission at a regular meeting of the Commissioners stating the desire to have the named commissioner subjected to recall by a vote of the electorate. A petition shall contain the name of only one (1) Commissioner.

(B) The petition shall state specifically the factual basis for the proposed recall of the Commissioner, which shall be one (1) of the following reasons:

(1) Failure to uphold the oath of office.

(2) Misconduct in office: for the purpose of this provision, “misconduct in office” shall mean any willful, unlawful or wrongful behavior of a Commissioner in relation to the duties of his or her office, but such conduct need not be criminal in nature to come within this provision.

(C) Upon receipt of a petition the Commissioners shall refer the petition to the board of Election Judges for verification of the appropriate number of registered voter’s [voters’] signatures. If the petition is so authenticated, the Commissioners shall announce that (1) within thirty (30) days of receipt of the petition a public hearing will be held on that petition, and that (2) within sixty (60) days of receipt of the petition a special election shall be held in order to allow all registered voters of the Town to vote on the petition.

(D) The voting ballot shall contain the Commissioner’s name, a summary of the allegations set forth in the petition required by paragraph (b) above, and provisions for voting FOR or AGAINST his or her retention. If the majority of those voting, vote FOR retention, such official shall remain in office for the remainder of his or her term unless disqualified. HOWEVER, if the majority of those voting should vote AGAINST retention, such official shall become immediately disqualified for retention in office and the remaining elected officials shall move to fill the vacancy as provided for in Section [Sections] 305 and 512.

ARTICLE VI

Municipal Employees

Section 601. Establishment of a Merit System.

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

Section 602. Town Manager.

(A) The Commission shall appoint a Town Manager to be the chief financial and administrative officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Town Manager under the direct supervision of the Commission. The Town Manager shall perform any other duties specified by this Charter, Town ordinances, or as may be required by the Commission.

(B) In the event of a vacancy in the position of Town Manager, the duties of the Town Manager enumerated in this Charter shall be temporarily performed by a Commissioner or some other Town employee appointed by the Commission. (Res. No. 2000-05, 5-25-00.)

Section 603. Town Attorney.

The President of the Commission, with the approval of the Commission may appoint a Town Attorney. The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Commission or the President. The compensation of the Town Attorney shall be determined by the Commission. The Town shall have the power to employ other legal consultants as it deems necessary from time to time. (Res. No. 2000-03, 5-25-00.)

Section 604. Compensation of Employees.

The Commission shall set the compensation of all officers and employees of the Town from time to time by ordinance. The Commission may provide for health, hospitalization, retirement and other forms of benefits for its officers and employees and may expend public monies for such purposes.

ARTICLE VII
Finance

Section 701. Powers and Duties of the Town Manager.

(A) Under the supervision of the President of the Commission, the Town Manager may have the authority and be required to perform the following duties at the discretion of the Commission:

(1) Assist the President of the Commission in the preparation of an annual budget to be submitted to the Commission.

(2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(3) Maintain a general accounting system for the Town in such form as the Commission may require, not contrary to State law.

(4) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.

(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 receivable by the Town.

(7) Have custody of all public monies, belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.

(8) Perform any other duties in relation to the fiscal or financial affairs of the Town as the Commission may require or as may be required in this Charter or Town ordinances. (Res. No. 2000-03, 5-25-00.)

Section 702. Official Bonds.

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

Section 703. The Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on July 1 in any year and shall end on June 30 of the following year. The fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 704. Submission of the Budget.

The President shall submit a budget to the Commission at least thirty-two (32) days before the beginning of any fiscal year. 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 Town office and open to public inspection during normal business hours. (Res. No. 2000-03, 5-25-00.)

Section 705. Adoption of the Budget.

The Commission shall hold a public hearing on the proposed budget after giving at least two (2) weeks notice of such hearing in a newspaper of general circulation within the Town,

after which the Commission may amend the budget. Where the Commission shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance.

Section 706. Appropriations.

(A) No public money may be expended without having been appropriated by the Commission. 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. The Commission may approve a transfer of funds between major appropriations during the fiscal year with a two-thirds vote of the Commission.

(B) To meet a public emergency affecting life, health, property or the public peace, the Commission may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of Section 308 of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Commission may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. (Res. No. 2000-03, 5-25-00.)

Section 707. Over-Expenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or render 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 the provisions of this Article. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this Section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law.

Section 708. Unexpended — Unencumbered Appropriations.

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

Section 709. Taxable Property Defined.

All real and tangible personal property within the corporate limits of the Town of Preston shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and county taxes. No authority is given by this Section to

impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 710. The Establishment of Tax Levy.

The Commission may annually levy such taxes upon assessable real and personal property within the corporate limits as it deems necessary and shall set the tax rates by resolution prior to adoption of the annual budget.

Section 711. Tax Levy and Notification of Tax Due.

Immediately after the tax levy is made by the Commission in each year, the Town Manager shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. All taxes levied under this Section shall be a lien on any and all property of the person, corporation, or entity against whom they are levied as set forth in Section 14-804 Et. Seq. of the Tax Property Article of the Annotated Code of Maryland. The Manager shall make out and mail or deliver in person to each taxpayer or the taxpayer's agent, at the last known address, a bill or account of the taxes due. 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 this tax notice shall not relieve any taxpayer of the responsibility to pay all taxes levied on the taxpayer's property by the dates established in this Charter.

Section 712. Date of Payment and Overdue Payments of Taxes.

(A) *Real Property Taxes.*

The taxes provided for in Section 711 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate prescribed by State law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 713.

(B) *Personal Property Taxes.*

The personal property taxes provided for in Section 709 of this Charter shall be due and payable thirty (30) days after the date they are billed. All taxes not paid within ninety (90) days of the date they are billed shall be overdue and in arrears. They shall bear interest while in arrears at the rate prescribed by State law until paid. All taxes not paid in arrears one year after the date of the initial bill shall be collected as provided in Section 713.

Section 713. The Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 712 of this Charter shall be turned over by the Town Manager to the official of the county responsible for the sale of tax-delinquent property as provided in State

law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by State law.

Section 714. Borrowing Power.

(A) Except as otherwise provided in this Charter, the Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, tax anticipation notes, or any other permitted evidences of indebtedness in the manner prescribed in Sections 31 through 39 of Article 23A of the Annotated Code of Maryland (1957 edition as amended).

(B) The power and obligation of the Town to pay all general obligation 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 general obligation bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Section, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

(C) During the first six months of any fiscal year the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six 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 cent (50%) of the property tax levy for the fiscal year in which such notes or other evidences are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

(D) The Town shall have the power to issue revenue bonds for one or more revenue producing project [projects] that serve a proper public purpose. Prior to the issuance of revenue bonds, the Commission shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. Notwithstanding the authority granted to the Commissioners by this Section, the faith and credit of the Town may not be pledged for the payment of revenue bonds.

Section 715. Special Assessments.

(A) The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited determinable area for special benefits conferred upon

such property by the installation or construction of water mains, sanitary sewer mains, storm water sewers, curbs, gutters, and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or part of the above projects out of the proceeds of a 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.

(B) The procedure for special assessments shall be as follows:

(1) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment [apportionment] or some other equitable basis determined by the Commission.

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

(3) All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Town Manager shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Commission and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Town Manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. 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 Town Manager shall have completed publication and service of notice as provided in this Section. Following the hearing the Commission may vote to proceed with the project and may levy the special assessment.

(4) Any affected party feeling aggrieved by the levying of any special assessment under the provisions of this Section shall have the right to appeal to the Caroline County Circuit Court within ten days after the levying of any assessment by the Commission.

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

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

Section 716. Issue of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by two Commissioners or some other duly appointed Town employee or official and shall be countersigned by the President. (Res. No. 2000-03, 5-25-00.)

Section 717. Purchases and Contracts.

(A) All purchases and contracts shall be made by the Town Manager or other duly appointed employee or official. The Commission may provide, by ordinance, for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and expenditures, consistent with this Article.

Section 718. Audit.

The financial books and accounts of the Town shall be audited annually as required by Article 19 Section 40 of the Annotated Code of Maryland.

ARTICLE VIII
Municipal Holdings

Section 801. The Authority to Acquire, Possess, and Dispose of Property.

The Town shall have the power to acquire real, personal, or mixed property inside or outside 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 whatever kind belonging to or in the possession of the Town at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

Section 802. The Acquisition of Property by Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town,

for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Real Property Article, Title 12, Annotated Code of Maryland.

Section 803. Protection and Maintenance of Town Property.

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

ARTICLE IX
Public Ways and Sidewalks

Section 901. The Definition of Public Ways.

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

Section 902. The Control of Public Ways.

(A) The Town shall have control of all public ways in the Town except those under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, maintain, close, or otherwise regulate the use of public ways in the Town.

(B) The Town shall have but is not limited to the following powers:

(1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, or any bridges, curbs, and gutters.

(2) Grade, lay out, construct, open, extend, and make new public ways.

(3) Grade, straighten, widen, alter, improve, or close up any existing public way or part thereof.

(4) Pave, surface, repave, or resurface any public way or part thereof.

(5) Install, construct, reconstruct, repair and maintain curbs or gutters along any public way or part thereof.

(6) Construct, reconstruct, maintain, and repair bridges.

(7) Name Town public ways.

(8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

(9) Abandon public ways.

Section 903. Public Sidewalks.

The Town shall have the power to:

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

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

(C) 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 collectable in the same manner as are Town taxes or by suit of law.

ARTICLE X
Water and Sewerage System [Systems]

Section 1001. The Authorization of a Municipal System.

The Town shall have the power to:

(A) Construct, operate and maintain a water system and water plant.

(B) Construct, operate and maintain a sanitary sewerage system and sewage treatment plant.

(C) Construct, operate and maintain a storm water drainage system and storm water sewers.

(D) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

(E) Have surveys, plans, specifications, and estimates, made for any of the above plants and systems or parts thereof or the extension thereof.

(F) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 1002. The Authority to Extend the System [Systems] Beyond Town Limits.

The Town shall have the power to extend its water and sewerage system [systems] beyond the Town limits.

Section 1003. Access to Installation; Right of Entry.

Any employee or agent of the Town, while in the necessary pursuit of official duties with regard to the water or sewage systems operated by the Town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the Town or in any area outside the Town served by the Town's water or sewage system.

Section 1004. Authority to Contract Services.

The Town may contract with any party or parties, inside or outside the Town, to obtain water or to provide for removal of sewage.

Section 1005. The Responsibility for Obstructions and Their Removal.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the Town or in the county, which impede the establishment, construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this Section, the Town may use its condemnation powers provided in Section 802. Any violation of an ordinance passed under the provisions of this Section may be made a misdemeanor.

Section 1006. Municipal Authority to Enter 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 1007. Authority to Provide and Regulate Private Connections to the Municipal System.

(A) 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.

(B) 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 1008. Authority to Charge for Connections.

The Town may charge for each connection made to the Town’s water or sewer mains. The amount of the charge shall [be] determined by the Commission from time to time by ordinance and shall be uniform for each connection.

Section 1009. Authority to Regulate Private Systems.

The Town 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, firms, 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.

Section 1010. Authorization to Establish and Collect Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Town Manager, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges may be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

ARTICLE XI
General Provisions

Section 1101. Oath of Office.

(A) Before entering upon the duties of their offices the Commissioners, the members of the Board of Elections, and all other persons elected to any office of profit or trust in the Town government, shall take and subscribe to the following oath:

“I (FULL NAME) 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 (OFFICE) according to the Constitution and laws of this State.”

(B) The President of Commissioners shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Caroline County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the President of Commissioners. (Res. No. 2000-03, 5-25-00.)

Section 1102. Prior Rights and Obligations.

(A) All rights, claims, actions, orders, and contracts, held by the Town or any other person or corporation at the time this Charter is adopted, including any liens acquired under any prior Charter of the Town, are hereby preserved in all respects together with all rights and remedies in relation thereto.

(B) This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty existing at the time this Charter becomes effective. All pending suits and actions, both civil and criminal, or which may hereafter be instituted for causes or actions 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 1103. Effect of Charter on Existing Ordinances.

(A) 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) 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 hereby repealed to the extent of such conflict.

Section 1104. Enforcement and Penalties.

(A) The Commission shall have the power to declare that a violation of any Town ordinance or resolution shall be punishable as a misdemeanor and to affix penalties thereto of a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for up to six (6) months or such additional amounts and penalties as permitted by State law, or both. Upon conviction before the District Court of Maryland or the Circuit Court for Caroline County, the aggrieved party shall have the right to appeal as provided under the general laws of the State. Unless otherwise explicitly provided, all violations of Town ordinances shall be a misdemeanor.

(B) The Commission shall have the power to declare that a violation of any Town ordinance or resolution shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by State law or other ordinance, and to affix penalties thereto of a fine not exceeding one thousand dollars (\$1,000.00). The fine is payable by the offender to the Town

within twenty (20) calendar days of service of the citation. Any person who receives a citation for a municipal infraction may elect to stand trial for the offense in a manner prescribed by Article 23A Section 3 of the Annotated Code of Maryland by notifying the Town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court. For the purposes of this Charter a municipal infraction is a civil offense.

(C) Where violations are of a continuing nature each day a violation continues shall constitute a separate offense.

Section 1105. Separability.

If any word, clause, sentence, paragraph or Section of this Charter is declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, or sections of this Charter.

APPENDIX I

Urban Renewal Authority for Slum Clearance

A1-101. Definitions.

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

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

A1-102. Powers.

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

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

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

A1-103. Additional powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A1-104. Establishment of Urban Renewal Agency.

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

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

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

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

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

A1-105. Powers withheld from the agency.

The agency may not:

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

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

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

A1-106. Initiation of project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A1-109. Eminent domain.

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

A1-110. Encouragement of private enterprise.

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

A1-111. General obligation bonds.

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

A1-112. Revenue bonds.

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

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

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

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

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

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

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

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

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

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

A1-113. Short title.

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

A1-114. Authority to amend or repeal.

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

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Preston in Chapter 181 of the Acts of the General Assembly of 2002.

(2) Resolution 2005-2, effective May 12, 2005, provides for the annexation of 2.37 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this Charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers sections of this Charter.