

CHARTER

OF THE

Town of Sharpsburg

WASHINGTON COUNTY, MARYLAND

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SHARPSBURG

ARTICLE 1 Incorporation

Section 101. Corporate name.

This charter is the municipal corporation charter of the Town of Sharpsburg, Maryland the corporate name of which is “The Mayor and Council of Sharpsburg.”

Section 102. Definitions.

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

Section 103. Municipal status.

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

Section 104. Description of corporate boundaries.

The corporate boundaries of the Town of Sharpsburg are as follows: Beginning at a stone marked “S.B. No. 1,” planted at the northeast corner of the Antietam National Cemetery, the same being at the end of a line bearing north seventy-one and one-half degrees east twenty-five hundred and eighty-two feet and three inches from a stone marked “S,” standing in the center of the intersection of Main and Mechanic streets in said town; thence north sixty feet to stone “S.B. No. 2”; thence south sixty-nine degrees west six hundred and ninety-three feet to a stone “S.B. No. 3”; thence north sixty-nine degrees west eleven hundred and fifty-eight feet to stone “S.B. No. 4”; thence south seventy-six degrees west thirty hundred and ninety-five and one-half feet to a stone “S.B. No. 5”; thence south thirty-nine degrees east five hundred and twenty-four and one-half feet to stone “S.B. No. 6”; thence south seventy-six degrees west three hundred and four feet to stone “S.B. No. 7”; thence south fourteen degrees east two hundred and six feet to stone “S.B. No. 8”; thence south seventy-six degrees west twenty-six hundred and forty feet to stone “S.B. No. 9”; thence south fourteen degrees east sixty feet to stone “S.B. No. 10”; thence north seventy-six degrees east twenty-two hundred and eighty-seven feet to stone “S.B. No. 11”; thence south fourteen degrees east two hundred and six feet to stone “S.B. No. 12”; thence north seventy-six degrees east six hundred and sixty feet to stone “S.B. No. 13”; thence south fourteen degrees east two hundred and ninety-three feet to stone “S.B. No. 14”; thence north seventy-six degrees east six hundred and seventy-two feet to stone “S.B. No. 15”; thence south fourteen degrees east four hundred and seventy-two feet to stone “S.B. No. 16”; thence north seventy-six degrees east twenty-four hundred and twenty-nine feet to stone “S.B. No. 17”; thence north fourteen degrees west seven hundred and nine and one-half feet to stone “S.B. No. 18”; thence north seventy-five degrees east four hundred and twenty-four and one-half feet to

stone "S.B. No. 19"; thence north fourteen degrees west three hundred and fifty–seven feet to stone "S.B. No. 20"; thence north sixty–nine degrees east nine hundred and ninety feet to the place of beginning, stone "S.B. No. 1"; provided, however, that for sanitary and police purposes the Mayor and Council shall have and exercise full power and control for a distance of one–half mile in every direction from said limits.

ARTICLE 2

The Council

Section 201. Number of councilmembers; selection; term.

To the extent permitted by the Constitution and laws of Maryland, the legislative powers of the town are vested in a council consisting of a vice mayor and five councilmembers. The vice mayor and each councilmember shall hold office for a term of four years, beginning on the first Monday in January after his election and until a successor is selected and qualifies. The members holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until their successors take office under the provision of this charter.

Section 202. Qualification of members.

The vice mayor and each councilmember shall be a citizen of the United States, a resident of the town for at least one year immediately preceding [preceding] his election, at least 25 years of age, and a registered voter of the town.

Section 203. Salary of the vice mayor and councilmembers.

The vice mayor and each councilmember shall receive a salary which shall be specified from time to time by an ordinance passed by the Council in the regular course of the business provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which the council was elected.

Section 204. Meetings of council.

The newly elected council shall meet at 7:00 p.m. on the first Monday in January following the election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the clerk upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have reasonable opportunity to be heard in regard to any municipal question.

Section 205. Council to be judge of qualifications of its members.

The council shall be judge of the election and qualification of its members. By qualification is meant those requirements for office as set forth in Sections 202 and 302 of this charter.

Section 206. President of council.

The mayor shall serve as president of the council. The mayor may take part in all discussions but may not vote unless the council is equally divided. In the absence of the mayor, the vice mayor shall act as president of the council.

Section 207. Quorum.

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

Section 208. Rules and order of business; journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 209. Passage of ordinance; publication; effective date.

No ordinance may be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of five members of the council. Every ordinance, unless it be passed by an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over the mayor's veto. Each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the town. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over the mayor's veto by the council.

Section 210. Veto.

All ordinances passed by the council shall be promptly delivered by the clerk-treasurer to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances to the clerk within six days after delivery to him (excluding the first day, including

the last day, and excluding any Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of five of the six members of the council within thirty–five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within six days of its delivery, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him.

Section 211. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance, passage of any ordinance over a veto or failure to pass an ordinance over the mayor’s veto, a petition is filed with the clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council’s discretion, at a special election occurring before the next regular election. The effectiveness of an ordinance requested for referendum, or any part of an ordinance requested for referendum, shall be suspended following the receipt of such petition. Unless disapproved at the election by a majority of the qualified voters voting on the question, an approved ordinance or an ordinance passed over a veto shall become effective on the day following the day of the election. An ordinance not passed over a veto shall become effective on the day following the day of the election if approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 621, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Section 1001 and Section 1002. The provisions of this section shall be self–executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 212. File of ordinances.

Ordinances shall be permanently filed by the clerk and shall be kept available for public inspection.

ARTICLE 3 The Mayor

Section 301. Selection and term.

The mayor shall hold office for a term of four years, beginning on the first Monday in January after his election and until a successor is elected and qualifies. The mayor holding office at the time the charter becomes effective shall continue to hold office for the term of which he was elected and until a successor takes office under the provisions of this charter.

Section 302. Qualifications.

The mayor shall be a citizen of the United States, a resident of the town for at least one year immediately preceding his election, at least 25 years of age, and a qualified voter of the town.

Section 303. Salary.

The mayor shall receive a salary as set from time to time by an ordinance passed by the council in the regular course of business. No change shall be made in the salary for any mayor during the term for which he was elected.

Section 304. Power and duties.

(a) *Generally.* – The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

(b) *Appointments and removal of employees and heads of offices, departments and agencies.* – The mayor, with the approval of the council, shall appoint the heads of all offices, departments, and agencies of the town government as established by this charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the mayor. All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the mayor, in accordance with rules and regulations in any merit system which may be adopted by the council.

(c) *Reports and recommendations to council.* – The mayor each year shall report to the council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) *Veto.* – The mayor shall have the power to veto ordinances passed by the council as provided in Section 210.

(e) *Supervision of financial administration of government.* – The mayor shall have complete supervision over the financial administration of the town government. He shall supervise the administration of the budget as adopted by the council. He shall supervise the

disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *Other powers and duties.* – The mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the council, not inconsistent with this charter.

ARTICLE 4

Power of the Town

Section 401. Powers of council enumerated.

(1) *General powers* – 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 town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors to the town.

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

(3) *Advertising* – To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town. Where practical, the most economical method of publication should be pursued.

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

(5) *Appropriations* – To appropriate municipal moneys for purposes within the powers of the council.

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

(7) *Boards, commissions and committees* – To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the ordinance or resolution which creates it.

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

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

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

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

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

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

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

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

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

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

(18) *Fees and charges* – Subject to the limitations imposed by the provisions of Article 81 of the Annotated Code of Maryland, to establish and collect reasonable fees and charges:

(a) For the franchises, licenses or permits authorized by law to be granted by a municipal corporation; or

(b) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

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

(20) *Finances* – To levy, assess, and collect ad valorem property taxes, provided, however, that the tax rate may not exceed eighty cents on every hundred dollars of assessed property; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(21) *Fire* – To contribute funds to volunteer fire companies serving the town; to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; and to take other measures to control and prevent fires in town.

(22) *Franchises* – To grant and regulate franchises to water companies, cable communication companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of the Annotated Code of Maryland; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty years.

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

(24) *Grants-in-aid* – To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(25) *Hawkers* – To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles in the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(26) *Health* – To prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions

detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene of Maryland, the county board of health, or any public general or local law relating to the subject of health.

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

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

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

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

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

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

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

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

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

(36) *Parking meters* – To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof.

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

(39) *Police powers* – To enforce all laws of the city and state equally within the city limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the city and beyond those limits for one half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.

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

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

(42) *Sidewalks* – To regulate the use of sidewalk [sidewalks] and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow, weeds, trash, dirt or other obstructions.

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

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

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

(46) *Zoning* – To exercise the powers as to planning and zoning conferred upon municipal corporations generally.

(47) *General authority* – In addition to all the powers granted to the council by this charter or any other provision of law, the council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this charter, or any other applicable law in the State of Maryland. The enumeration of powers and functions in this charter or elsewhere shall not be deemed to limit the power and authority granted by this.

Section 402. Exercise of powers.

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

Section 403. Enforcement of ordinances.

(a) To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and to affix thereto penalties of a fine not exceeding \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment. Any person subject to any penalty has the right of appeal within ten days to the Circuit Court of Washington County. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) The council may provide that violation of any municipal ordinances shall be a municipal infraction. For purposes of this article a municipal infraction is a civil offense.

ARTICLE 5
Municipal Elections

Section 501. Qualifications of voters.

Every person who is a citizen of the United States, is at least eighteen years of age, and who has resided in the town for 30 days next preceeding [preceding] any town election, and is registered to vote in accordance with this charter, is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

Section 502. Board of supervisors of elections.

There shall be a board of supervisors of elections, consisting of three members who shall be appointed by the mayor with the approval of the council on or before the first Monday in March in every second odd-numbered year. The terms of members of the board of supervisors of elections begin on the first Monday in March in the year in which they are appointed and run for four years. Members of the board of supervisors of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the mayor with approval of the council for the remainder of the unexpired term. Compensation, if any, shall be determined by the council.

Section 503. Removal of members.

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

Section 504. Duties.

The board shall be in charge of the registration of voters, nominations, and all town elections. With the approval of the mayor and council, the board may appoint election clerks or other employees to assist it in any of its duties.

Section 505. Notice of elections.

The board shall give at least ten days notice of every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section 506. Registration.

The board shall provide for the continuous registration of voters beginning 21 days after a town election and continuing until 35 days prior to a town election. Registration shall be permanent and no person is entitled to vote in town elections unless he is registered. The board shall keep the registration lists up-to-date by striking from the lists persons known to have died or to have moved out of town. The council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for registration when necessary.

Section 507. Appeal from action of board.

If any person is aggrieved by the action of the board in refusing to register or in striking the name of any person, or by any other action, he may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the Circuit Court for Washington County within the time allowed for appeals.

Section 508. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board at least 15 days prior to the next town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

Section 509. Election of mayor, vice mayor and councilmen.

On the third Tuesday in November in presidential election years the voters shall elect a mayor and two councilmen. On the third Tuesday in November in gubernatorial election years the voters shall elect a vice mayor and three councilmembers.

Section 510. Conduct of elections generally.

It is the duty of the board to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 9:00 a.m. to 7:00 p.m. on election days or for longer hours if the council requires it. The names of the persons voting shall be recorded by a member of the board.

Section 511. Special elections.

All special town elections shall be conducted by the board in the same manner, as far as practicable, as regular town elections.

Section 512. Vote count.

(a) Immediately after closing the polls, the board shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Clerk of the town who shall record the results in the minutes of the council.

(b) The candidates with the greatest number of votes for each office shall be declared elected.

(c) In the event of a tie vote for any office, a special run-off election among those tied shall be held within fifteen days. The board shall give at least five days notice of the time and place of the special election.

Section 513. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six months from the date of the election.

Section 514. Vacancies.

In case of a vacancy in the office of mayor for any reason, the vice mayor shall hold the office of mayor for the unexpired term. In case of a vacancy in the office of vice mayor or the office of councilmembers, the council shall elect some qualified person to fill the unexpired term. Vacancies on the council shall be filled by the affirmative votes of a majority of the remaining members. The results of any such vote shall be recorded in the minutes of the council.

Section 515. Regulation and control by council.

The council has the power to provide rule, resolution or ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections, for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 516. Absentee ballots.

Any qualified voter registered to vote is entitled to vote in all town elections by absentee ballot. The board shall prescribe the procedures to so vote.

Section 517. Penalties.

Any person who willfully or corruptly does anything which affects or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

ARTICLE 6

Finance

Section 601. Treasurer.

There shall be a treasurer appointed by the mayor with the approval of the council. The treasurer shall serve at the pleasure of the mayor. His compensation shall be determined by the council. The treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the treasurer under the direct supervision of the mayor.

Section 602. Same – powers and duties.

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

- (1) Supervise and be responsible for receiving and disbursing all moneys and have control over all expenditures to assure that budget appropriations are not exceeded;
- (2) Maintain a general accounting system for the town in such form as the council may require, not contrary to state law;
- (3) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor; and

(4) Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this charter.

Section 603. Tax collector.

There shall be a tax collector appointed by the mayor with the approval of the council. The tax collector shall serve at the pleasure of the mayor. His compensation shall be determined by the council.

Section 604. Same – powers and duties.

Under the supervision of the mayor, the tax collector shall have authority and be required to:

- (1) Ascertain that all taxable property within the town is assessed for taxation;
- (2) Collect all taxes, special assessments, liens, and other revenue as may be required by the mayor or the council;
- (3) Keep an accurate account of all money collected by him and pay the same to the treasurer; and
- (4) Do such other things as the mayor or the council may require or as may be required elsewhere in this charter.

Section 605. Fiscal year.

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

Section 606. Budget.

At least thirty–two days before the beginning of any fiscal year the council shall prepare a budget. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk or treasurer, open to public inspection by anyone during normal business hours.

Section 607. Same – adoption.

Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in a newspaper of general circulation within the town. The council may insert new items or may increase or decrease the items of the budget. If the council increases the

total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. The affirmative vote of at least a majority of the full number of members of the council is necessary for adoption.

Section 608. Appropriation.

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

Section 609. Transfer of funds.

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

Section 610. Overexpenditures forbidden.

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

Section 611. Appropriations lapse after one year.

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

Section 612. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the clerk or treasurer and shall be countersigned by the mayor.

Section 613. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same

as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly of Maryland.

Section 614. Budget authorizes levy.

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

Section 615. Notice of tax levy.

Immediately after the levy is made by the council in each year, the tax collector shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall provide for the delivery to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property.

Section 616. When taxes are overdue.

The taxes provided for in this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate established by the council for each month or fraction of a month until paid.

Section 617. 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 this charter shall be turned over by the tax collector to the official of Washington County responsible for the sale of tax–delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by State law. By an affirmative vote of a majority of the total number of members of the council, the town may from time to time conduct its own tax sales.

Section 618. Fees.

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

Section 619. Tax anticipation borrowing.

During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or

other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than eighteen months after they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 620. Payment of indebtedness.

The power and obligation of the town to pay any and all 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 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 notes or other evidences of indebtedness issued under the authority of this charter, whether or not such pledge be stated in the notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 621. Previous issues.

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

Section 622. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the mayor and council. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than one thousand dollars (\$1,000) shall be made on written contract. The mayor and council shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The mayor and council may reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require.

Section 623. Penalties.

Any tax collector or treasurer violating any duties imposed upon him by the provisions of this section shall be liable to a fine of not less than \$20 nor more than \$100, or to imprisonment

in the county jail for not less than 10 days nor more than 60 days, or both in the discretion of the Court, and any person fined or imprisoned, or both, for any such violation after trial before a judge of a district court of Maryland, shall have a right to appeal to the Circuit Court for Washington County, as provided for in the Annotated Code of Maryland.

ARTICLE 7

Personnel

Section 701. Clerk to council.

The clerk shall be appointed by the mayor with the approval of the council and shall serve as clerk to the council. The clerk shall attend the meetings of the council and keep a full and accurate account of the proceedings of the council. The clerk shall keep such other records and perform such other duties as may be required by this charter or the council.

Section 702. Town attorney.

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

Section 703. Authority to employ personnel.

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government.

Section 704. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the council, subject to the restrictions imposed upon establishing the salaries of the council members and mayor.

Section 705. Employee benefit program.

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

ARTICLE 8 Public Ways and Sidewalks

Section 801. Definition of public ways.

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

Section 802. Control of public ways.

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

Section 803. Powers of town as to public ways.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
- (2) Grade, lay out, construct, open, extend, and make new town public ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (4) Pave, surface, repave, or resurface any town public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town 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.

Section 804. Powers of town as to sidewalks.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public ways or part thereof.

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

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

(4) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

ARTICLE 9

Water and Sewers

Section 901. Powers of the town.

The town may:

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

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

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

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

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

Section 902. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor punishable by a fine not exceeding \$1,000. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed.

Section 903. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers.

Section 904. Entering on county public ways.

The town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 905. Connections.

The town may provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section shall be made a misdemeanor.

Section 906. Same – charge.

The town may make a charge in an amount to be determined by the council for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section 907. Changes in plumbing, etc., to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the town's water system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 908. Private systems.

The town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section shall be a misdemeanor punishable by a fine not exceeding \$1,000.

Section 909. Extensions beyond boundaries.

The town may extend its water or sewerage systems beyond the town limits.

Section 910. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, shall be a misdemeanor punishable by a fine not exceeding \$1,000.

Section 911. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system.

Section 912. Contracts for service.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage.

Section 913. Charges.

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

ARTICLE 10

Special Assessments

Section 1001. Power of town to levy special assessments.

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

Section 1002. Procedure.

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

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

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

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

e. *Levy of charges; public hearing; notice.* – All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The clerk or treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at

least once in a newspaper of general circulation in the town. The clerk or treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk or treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

f. *Right to appeal.* – Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Washington County within ten days after the levying of any assessment by the council.

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

h. *When due; lien on property; collection.* – All special assessment installments are overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

i. *Clerk or treasurer.* – All special assessments shall be billed and collected by the clerk or treasurer.

ARTICLE 11

Town Property

Section 1101. Acquisition, possession and disposal.

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

Section 1102. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as in easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town is a public purpose. The manner of procedure in case

of any condemnation proceeding shall be that established by the Constitution and laws of Maryland.

Section 1103. Town buildings.

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

Section 1104. Protection of town property.

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

ARTICLE 12

General Provisions

Section 1201. Oath of office.

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

b. *Before whom taken and subscribed.* – The mayor shall take and subscribe to this oath or affirmation before the clerk of the Circuit Court for Washington County or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the mayor.

Section 1202. Official bonds.

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

Section 1203. Conflict of interest.

No person elected and qualified as mayor, vice–mayor or councilmember, or any other person holding any office by election, appointment or otherwise, under the provisions of this charter shall during the term of his office, be interested, directly or indirectly, in any contract in which the town is a party or is interested.

Section 1204. Prior rights and obligations.

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

Section 1205. Effect of charter on existing ordinances.

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

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

Section 1206. Separability.

If any section or part of a section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of a section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.