

CHARTER

OF THE

Town of Sharptown

WICOMICO COUNTY, MARYLAND

*As found in the Public Local Laws of Wicomico County,
1978 Edition, as supplemented to February 25, 1982*

(Reprinted November 2008)

The Department of Legislative Services
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SHARPTOWN

ARTICLE I

Incorporation; Corporate Limits

Section SHC1-1. Name and general powers.

The inhabitants of the Town of Sharptown, in Wicomico County, are hereby constituted a body corporate, by the name of the "Commissioners of Sharptown," and by that name shall have perpetual succession, sue and be sued, have and use a common seal, which may be altered at pleasure, and have all powers and privileges incident to or that may attach to a municipal corporation.

Section SHC1-2. Description of corporate boundaries. (See note (5))

A description of the corporate boundaries of the town at all times shall be on file with the Town Clerk or other comparable official and with the Clerk of the court of the county. The corporate boundaries are as follows: The taxable and corporate limits of said town shall begin at low watermark on the south side of the Nanticoke River at a cement post set up at a point that lies north sixty-nine degrees thirty minutes east two hundred feet from the northeast corner of the corporate limits of Commissioners (See note (1)) of Sharptown as they now exist, and running thence south twenty degrees thirty minutes east (all bearings as of February 25, 1949) thirty-nine hundred twenty-three and nine-tenths feet to a cement post on the northerly line of an old County Road; thence running by and with the northerly line of said old County Road south fifty-four degrees west four hundred forty-one feet to a cement post; thence continuing by and with the northerly line of said old County Road south sixty-four degrees thirty minutes west nine hundred and thirty-one feet to a cement post at the northeast intersection of said old County Road and Main Street; thence running south eighty-one degrees thirty minutes west two thousand three and one-tenth feet; thence running north twenty degrees thirty minutes west twenty-six hundred seventy-three feet to a cement post at the low watermark on the south bank of the Nanticoke River; thence by and with the low watermark of the Nanticoke River in an easterly direction to the beginning. The Commissioners hereafter elected may make such alterations in said limits as they may deem advisable and cause the same to be surveyed and the boundaries thereof to be established and the record thereof to be filed amongst the records of the corporation.

ARTICLE II

The Commissioners

Section SHC2-1. Number of Commissioners; selection; term.

All legislative powers of the town are vested in a Council consisting of five (5) Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors take office. The regular term of Commissioners shall

expire on the third Monday in December following the election of their successors. Two (2) Commissioners shall be elected in December, 1976, and every four (4) years thereafter, and three (3) Commissioners shall be elected in December 1978 and every four (4) years thereafter. Commissioners holding office at the time this Charter becomes effective shall hold office for the term for which they were elected. Said Commissioners before entering the duties of their office shall make oath before the Clerk of the Town of Sharptown that they will diligently and faithfully without partiality, favor or prejudice, well and truly perform the duties of Commissioners of Sharptown.

Section SHC2-2. Qualifications of Commissioners.

Commissioners shall have resided in the town for at least one (1) year immediately preceding their election or, if they reside within an area annexed to the town, shall have resided within the annexed area for at least one (1) year immediately preceding their election and shall have been qualified to vote at the last state or congressional election held prior to the date of their election. The Commissioners of Sharptown shall be the judge of the election and qualification of its membership.

Section SHC2-3. Salaries of Commissioners.

Commissioners shall receive such salaries for their services as Town Commissioners as the Commissioners may hereafter from time to time by ordinance, (See note (2)) but shall receive no pay until the passage of such ordinance, and further provided that no salary ordinance shall become effective until after the expiration of the current terms of all Commissioners in office when such ordinance is passed. The Commissioners may in any salary ordinance hereafter passed provide that the President of the Commissioners receive a higher rate of pay for his services in such office than do the remainder of the Commissioners.

Section SHC2-4. Meetings of Commissioners.

The Commissioners shall meet on the third Monday in December in every year after the election of Commissioners for the purpose of organization, after which the Commissioners shall meet regularly on the first and third Mondays in each month, unless said date shall be a legal holiday, in which case the Commissioners shall meet on such other date as they by their rules provide. Special meetings shall be called by the Clerk-Treasurer upon the request of the President or of a majority of the Commissioners. All meetings of the Commissioners shall be open to the public, and the rules of the Commissioners shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

Section SHC2-5. President of Commissioners: election, term, service at meetings.

At every meeting held on the third Monday in December following the election of Commissioners, the Commissioners shall elect one (1) of their number as President of the Commissioners who shall serve as such for a term of two (2) years. The President shall preside at all meetings of the Commissioners. He may take part in all discussions but shall have no vote

except in cases of a tie vote, or unless required to assure the passage of any ordinance by three (3) affirmative votes. In the absence of the President, the Commissioners shall designate one (1) of their members to act as Chairman of the meeting, but his right to vote shall be unimpaired.

Section SHC2-6. President of Commissioners: powers and duties.

A. *Generally.* The President shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer of the town government.

B. *Appointments and removals.* The President shall nominate the heads of all offices, departments and agencies of the town as established by this Charter or by ordinance. Such appointments shall require the approval of a majority of the total number of Commissioners. All such heads of offices, departments and agencies shall thereafter serve at the pleasure of the Commissioners. All subordinate officers and employees of the town government shall be appointed and removed by the President, in accordance with rules and regulations in any personnel system which may be adopted by the Commissioners.

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

D. *Supervision of financial administration of government.* The President shall supervise the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Commissioners. He shall supervise the administration of the budget as adopted by the Commissioners. He shall supervise the disbursements of all moneys and shall keep the Commissioners informed as to the available balances in budget appropriations so they may not be exceeded.

E. *Other powers and duties.* The President shall have such other duties as may be prescribed by this Charter, by ordinance or as may be required of him by the Commissioners not *inconsistent* with this Charter.

Section SHC2-7. Quorum.

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

Section SHC2-8. Rules and order of business; journal.

The Commission shall determine its own rules and order of business. it [It] shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance, or at any other time if required by any one (1) member. The journal shall be open to public inspection.

Section SHC2-9. Passage of ordinances; publication; date effective.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, 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 four (4) of the Commissioners. Every ordinance shall become effective upon the date of its final passage or on the date specified therein. Each ordinance shall be published at least twice in a newspaper having general circulation in the municipality. All ordinances shall be permanently filed by the Clerk-Treasurer and shall be kept available for public inspection.

ARTICLE III General Powers

Section SHC3-1. Powers and duties.

A. *General powers.* The Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter, as it may deem necessary, for the good government of the town; for the protection and preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of and visitors in the town.

B. *Specific powers.* The Commission shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section:

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

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

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

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

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

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

(7) *Billboards.* To license, tax 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.

(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 all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.

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

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

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

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

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

(19) *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.

(20) *Filth.* To compel the occupant of any premises, building or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition; and, after reasonable notice to the owners or occupants, 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.

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

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

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

(24) *Franchises.* To grant and regulate franchises to electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(25) *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.

(26) *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.

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

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

(29) *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.

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

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

(32) *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.

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

(34) *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.

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

(36) *Minor priveleges [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.

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

(38) *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.

(39) *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.

(40) *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 facilities for off-street parking.

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

(42) *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.

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

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

(45) *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 (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

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

(47) *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.

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

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

(50) *Taxicabs.* To license, tax and regulate public hackman [hackmen], taxicabmen, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupation [occupations].

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

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

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

(54) *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subject [subjects] mentioned.

Section SHC3-2. Exercise of powers.

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

Section SHC3-3. Enforcement of ordinances.

To assure the observance of the ordinances of the town, the Commission has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.) or imprisonment for not exceeding thirty (30) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance passed under the authority of this Chapter [Charter] has the right of appeal from any conviction in the District Court within thirty (30) days to the Circuit Court for Wicomico County. The Commission may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section SHC3-4. Qualifications of voters.

Every person who is a citizen of the United States and is at least 18 years of age who has resided in the State of Maryland and the Town of Sharptown for 30 days next preceding any Town election and is registered to vote in the State of Maryland, is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections. (Unnumbered resolution, 9-25-90.)

Section SHC3-5. Board of supervisors of Elections.

There shall be a Board of Supervisors of elections, consisting of three (3) members who shall be nominated by the President and approved by the Commission to serve for a term of four (4) years beginning on the first Monday in September in the year they are appointed. Members of the Board shall be chosen from among those qualified to vote at town elections and shall not be candidates for Commissioner during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies shall be filled for the remainder of the unexpired term. The Compensation of the members of the board shall be determined by the Commission. The Board of Supervisors of Elections shall be in charge of nominations and all town elections. The Board shall give notice in some newspaper of general circulation in the municipality at least thirty (30) days before the last registration day for registration to vote in any regular state or congressional election that registration to vote in such election is required in order to be a qualified voter in the Town of Sharptown.

Section SHC3-6. Notice of nomination deadlines and elections.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of the last day for filing for Commissioner and of the date and hours of every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in the town hall and at least one (1) other public place within the town.

Section SHC3-7. Filing certificate of nomination and preparation of ballots.

Any qualified person desiring to run for Commissioner shall file a certificate of nomination with the Board of Supervisors of Elections at least twenty-one (21) days before the

date of election, which certificate shall state that he possesses all the qualifications for office required by this Charter. After the filing date has passed, the Board of Supervisors of Elections shall prepare a ballot to be used in the election, which ballot shall contain the names of all qualified candidates for Commissioner. Space shall be provided for write-in candidates. No candidate's name shall be printed on the ballot unless his certificate of candidacy was properly filed and his qualifications checked by the Board. The Board of Supervisors of Elections, upon approval by the Commissioners, may contract with Wicomico County for use of voting machines. (Unnumbered resolution, 12-25-90.)

Section SHC3-8. Conduct of elections.

Elections shall be held on the first Saturday of December during any election year. The Board of Supervisors of Elections shall provide for a suitable place for voting and ballot boxes or voting machines. The Board of Election Supervisors shall keep the polls open from 2:00 p.m. to 6:00 p.m. on election days or for longer hours if the commissioners require it. Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk-Treasurer, who shall record the results on a page of the journal and in the minutes of the next meeting of Commissioners. The candidates receiving the highest number of votes for the number of vacancies to be filled shall be declared elected as Commissioners. (Unnumbered resolution, 9-25-90.)

Section SHC3-9. Vacancies.

In case of a vacancy among the Commissioners for any reason, the remaining Commissioners shall elect some qualified person to fill the vacancy for the unexpired term. The results of such voting shall be recorded in the minutes of the commissioners.

Section SHC3-10. Regulation and control by Commissioners.

The Commissioners shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of nomination and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The Commissioners may provide penalties for the violation of any ordinance and may provide that any town officer or employee, upon conviction of any violation of an election ordinance, shall cease to hold such office or employment.

ARTICLE IV

Finance

Section SHC4-1. Clerk-Treasurer.

There shall be a Clerk-Treasurer who shall be nominated by the President and approved by the Commissioners. He shall serve at the pleasure of the Commissioners. His compensation shall be determined by the Commissioners. The Clerk-Treasurer [will] 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 Clerk–Treasurer under the direct supervision of the President of the Commissioners.

Section SHC4–2. Powers and duties.

Under the supervision of the President, the Clerk–Treasurer shall have authority and shall be required to:

A. Prepare, at the request of the President, an annual budget to be submitted by the President to the Commissioners.

B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that the budget appropriations are not exceeded.

C. Maintain a general accounting system for the town in such form as the Commissioners may require, not contrary to state law.

D. Submit at the end of each fiscal year, and at such other times as the Commissioners may require, a complete financial report to the Commissioners through the President.

E. Ascertain that all taxable property within the town is assessed for taxation.

F. 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.

G. Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

H. Do such other things in relation to the fiscal or financial affairs of the town as the President or Commissioners may require or as may be required elsewhere in this Charter.

Section SHC4–3. Bond.

The Clerk–Treasurer shall provide a bond with such corporation surety and in such amount as the Commissioners by ordinance may require.

Section SHC4–4. Fiscal year.

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

Section SHC4-5. Budget.

The President, on such date as the Commissioners by ordinance determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Commissioners. 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-Treasurer, open to public inspection by anyone during normal business hours.

Section SHC4-6. Budget adoption.

Before adopting the budget the Commissioners shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Commissioners may insert new items or may increase or decrease the items of the budget. If the Commissioners increase the total proposed expenditures, they shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

Section SHC4-7. Appropriations.

No public money may be expended without having been appropriated by the Commissioners. 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 SHC4-8. Transfer of funds.

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

Section SHC4-9. Overexpenditures forbidden.

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

Section SHC4-10. 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 SHC4-11. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk-Treasurer and countersigned by the President. Payment of municipal obligations may, however, if authorized by the Commissioners, be made by computer deduction from the municipal bank account or accounts.

Section SHC4-12. 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.

Section SHC4-13. 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 SHC4-14. Notice of tax levy.

Immediately after the levy is made by the Commissioners in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest and penalty. 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 SHC4-15. When taxes are overdue.

The taxes provided for in § SHC4-13 of this Charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of two-thirds of one per

centum (2/3 of 1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § SHC4-16.

Section SHC4-16. Sale of tax-delinquent property.

A list of all property on which the town taxes or other public charges have not been paid and which are in arrears as provided by § SHC4-15 of this Charter shall be turned over by the Clerk-Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by state law.

Section SHC4-17. 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 SHC4-18. Audit.

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

Section SHC4-19. Tax anticipation borrowing.

During the first six (6) months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty percentum (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 Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section SHC4-20. Payment of indebtedness.

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

Section SHC4–21. 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 SHC4–22. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the Clerk–Treasurer. The Commission 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 five thousand dollars (\$5,000.) shall be made on written contract. The Clerk–Treasurer shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the Commissioners before becoming effective. The Clerk–Treasurer 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. (Unnumbered resolution, 9–25–90.)

ARTICLE V

Personnel

Section SHC5–1. Clerk to Commissioners.

The Clerk–Treasurer shall serve as Clerk to the Commissioners. He shall attend every meeting of the Commissioners and keep a full and accurate account of the proceedings of the Commissioners. He shall keep such other records and perform such other duties as may be required by this Charter or the Commissioners.

Section SHC5–2. Town Attorney.

The President shall nominate a Town Attorney who shall be approved by the Commissioners. He shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney is the legal adviser of the town and shall perform such duties in this connection as may be required by the Commissioners. His compensation shall be determined by the Commissioners. The town has the power to employ such legal consultants as it deems necessary from time to time.

Section SHC5-3. 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 SHC5-4. Merit system authorized.

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

Section SHC5-5. Unclassified and classified service.

Civil service divided into unclassified and classified service. The civil service of the town shall be divided into the unclassified and classified service.

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

- (1) The President, the Commissioners and persons appointed to fill vacancies in these positions.
- (2) The Clerk-Treasurer and the Town Attorney.
- (3) The heads of all offices, departments and agencies and members of town boards and commissions.
- (4) Part-time, temporary and unpaid offices and positions.

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

Section SHC5-6. Prohibitions and penalties.

A. *Prohibitions.* If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his sex, political or religious opinions or

affiliations or any other factors not related to ability to perform the work; no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party or candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

B. *Penalties.* Any person who by himself or with others willfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.) or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. Any person who is convicted under this section for a period of five (5) years is ineligible for appointment to or employment in a position in the town service and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section SHC5-7. Retirement system.

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

Section SHC5-8. Compensation of employees.

The compensation of all officers and employees shall be set from time to time by resolution passed by Commissioners, subject to the restrictions imposed upon the salaries of Commissioners by this Charter.

Section SHC5-9. Employee benefit programs.

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

ARTICLE VI
Public Ways and Sidewalks

Section SHC6-1. Definition of public ways.

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

Section SHC6-2. Control of public ways.

The town has control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town.

Section SHC6-3. Powers of town as to public ways.

The town may:

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

B. Grade, lay out, construct, open, extend and make new town public ways.

C. Grade, straighten, widen, alter, improve or close up any existing town public way or part thereof.

D. Pave, surface, repave or resurface any town public way or part thereof.

E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.

F. Construct, reconstruct, maintain and repair bridges.

G. Name town public ways.

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

I. Contract with Wicomico County, Maryland, for the doing of all or part of the construction and maintenance of such public ways.

Section SHC6-4. Powers of town as to sidewalks.

The town may:

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

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

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

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

ARTICLE VII

Water and Sewer

Section SHC7-1. Powers of town.

The town may:

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

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

C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.

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

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

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

Section SHC7-2. 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. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the town may order it removed.

Section SHC7-3. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the town or in the county which impede the establishment, construction or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in § SHC9-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section SHC7-4. 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 stormwater sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section SHC7-5. Connections.

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

Section SHC7-6. Same: charge.

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

Section SHC7-7. Changes in plumbing, etc., to prevent waste or improper use.

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

Section SHC7-8. Private systems.

The town by ordinance may provide that no water supply, sewerage or stormwater drainage system and no water mains, sewers, drains or connections therewith shall be construed (See note (3)) or operated by any person or persons, firm, corporation, institution or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section SHC7-9. Extensions beyond boundaries.

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

Section SHC7-10. Right of entry.

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

Section SHC7-11. Pollution of water supply.

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

Section SHC7-12. Contracts for service.

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

Section SHC7-13. 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-Treasurer, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

ARTICLE VIII

Special Assessments

Section SHC8-1. 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, stormwater 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, notices 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 reasonable (See note (4)) be attributed to the project.

Section SHC8-2. 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-foot rule of apportionment or some other equitable basis determined by the Commissioners.

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 Commissioners by ordinance. Before levying any special assessment charges, the

Commissioners shall hold a public hearing. The Clerk–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 Commissioners 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–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 (10) and not more than thirty (30) days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Commissioners, in their discretion, may vote to proceed with the project and may levy the special assessment.

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

G. *Payments; interest.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, unless imposed for payment of bonds with a longer maturity, in which case they shall not exceed the maturity date of the bonds, and in such manner as the Commissioners shall determine. The Commissioners 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 Commissioners.

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

I. *Clerk–Treasurer.* All special assessments shall be billed and collected by the Clerk–Treasurer.

ARTICLE IX

Town Property

Section SHC9–1. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property within the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise

and may sell, lease or otherwise dispose of any property belonging to the town. All municipal property, funds and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions hereof.

Section SHC9–2. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by the public general laws of Maryland relating to eminent domain.

Section SCH9–3. [SHC9–3.] Town buildings.

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

Section SHC9–4. 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 X
General Provisions**

Section SHC10–1. Oath of office.

Oath required. Before entering upon the duties of their offices, the Commissioners, the Clerk–Treasurer, the members of the Boards 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.

Section SHC10–2. Official bonds.

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

Section SHC10–3. Prior rights and obligations.

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

Section SHC10–4. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction by the District Court sitting in the county within which the offense is committed by a fine not exceeding one hundred dollars (\$100.) or imprisonment for thirty (30) days in the county jail, or both, in the discretion of the Court. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section SHC10–5. 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 SHC10–6. Severability.

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

Section SHC10–7. Referendum required.

The Commissioners, before issuing bonds for any public improvements not required and directed by the Department of Health of the State of Maryland or other agencies of the State of

Maryland or United States of America empowered to issue such directives, shall first at a special or regular election submit to the voters of Sharptown the question whether or not the said bonds shall be issued, and upon the ballots to be used at said election there shall be printed a short statement of the purpose of the proposed bond issue and then the words, "For bond issue" and "against bond issue;" and if a majority of the votes cast upon said question shall be for the bond issue, then the Commissioners shall exercise the power vested in them and shall issue the bonds authorized by said referendum; but if a majority of the votes cast upon said question be against the bond issue, the power shall not be exercised or the bonds issued, but the Commissioners shall have the power to submit the question at each succeeding regular municipal election until majority of the votes cast on said question shall be for the bond issue, at which time they shall exercise the power vested in them and issue the bonds.

Section SHC10-8. Deposit for services rendered outside the town limits.

In the event the Town of Sharptown extends water or sewer service to properties which be beyond the corporate limits of the town, the Commissioners of Sharptown may by ordinance require that the owners of all properties served by such water and/or sewer shall, before receiving such service, pay to the Town of Sharptown the entire cost of any connection charge imposed by the town and in addition a deposit equal to one (1) year's charge for the service, which deposit shall be deposited in a special savings account to the credit of the town and shall be used only to defray the unpaid charges of the depositor. The Commissioners of Sharptown may by resolution from time to time establish rates for such water and sewer service and may require customers whose properties lie beyond the town limits to install water meters on their lines at their own expense before such service is rendered.

NOTES

- (1) So in original.
- (2) So in original. Probably should read "...may...from time to time prescribe by ordinance..."
- (3) So in original. Probably should read "constructed."
- (4) So in original. Probably should read "reasonably."
- (5) Resolution No. 12-04, effective January 20, 2005, provided for the annexation of 20,908 square feet of land, more or less. Resolution No. 04-06, effective July 20, 2006, provided for the annexation of 29,000 square feet of land, more or less. These resolutions, however, failed to provide for a change in the boundary description that is contained in this Charter. Accordingly, these resolutions are simply noted pursuant to the municipal general powers section of this Charter.