

CHARTER

OF THE

Town of University Park

PRINCE GEORGE'S COUNTY, MARYLAND

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UNIVERSITY PARK

ARTICLE I General Corporate Powers

Section 101. General Corporate Powers.

The Town of University Park is continued as a body corporate, to have and exercise the powers, duties, and functions authorized under Article XI–E of the Constitution of Maryland, and this charter, with all the powers and privileges of a body politic, and, by its corporate name, it may have perpetual succession, sue and be sued, have and use a common seal, and may purchase and hold real, personal and mixed property for municipal purposes, and dispose of the same for the benefit of said Town. It is the same body corporate as that with the name Mayor and Common Council of University Park created by Chapter 132 of the Laws of Maryland Special Session of 1936, as subsequently amended from time to time. In this article it may be referred to hereinafter as “the Town” or “Town”, and the Common Council may be referred to as “the Council”.

ARTICLE II Corporate Limits

Section 201. Boundaries.

The boundaries of said town shall be as follows: Beginning for the same at a point in the center of the County road 30 feet wide leading from Bladensburg to Colesville, said point being South 65 degrees 21 minutes East 17.86 feet from an old stone on the West side of said road at the end of the compromise line as described in deed from W. O. Eversfield to W. F. Deakins dated March 21, 1876, and recorded in Liber H. B. No. 17, folio 182 one of the land records of Prince George’s County, Maryland; (Note, the old stone as above mentioned stands South 8 degrees 12 minutes East 72.73 feet from another old stone in the West side of the said County road, supposed to be at the end of the fourth line of Smith’s Folly and at the Southwestern corner of W. O. Eversfield’s original tract) thence leaving the center line of the aforementioned County road and running with the aforementioned compromise lines between W. O. Eversfield and W. F. Deakins the two following courses and distances: (1) South 65 degrees 21 minutes East 3540.18 feet to an old stone at the end of the seventh line of Smith’s Folly, thence (2) North 58 degrees 20 minutes East 222.60 feet to a gas pipe at the extreme Western corner of David M. Nesbit’s old tract as recently surveyed by Edward L. Latimer, County Surveyor of Prince George’s County, Maryland; and to the Northwest corner of Lot No. 44, Block E, as shown on the Plat of College Heights, Prince George’s County, thence with the outlines of College Heights North 54 degrees 33 minutes East 382.09 feet thence South 70 degrees 50 minutes East 841.84 feet to the West side of Washington–Baltimore Boulevard, thence binding on the West side of Washington–Baltimore Boulevard South 6 degrees 13 minutes West 1416.63 feet to the Southeast corner of Lot No. 4, Block E, thence still with the West side of said Washington–Baltimore Boulevard South 12 degrees 32 minutes West 2866.68 feet to the center

line of the County road (30 feet wide) leading from Bladensburg to Colesville; (Note: At 15.75 feet on the extension of this last line is an old gas pipe on the South side of said County road) thence leaving the Washington–Baltimore Boulevard and running with the center line of the aforementioned County road as now traveled, the eighteen following courses and distances:

North 59 degrees 24 minutes West 554.85 feet to a gas pipe.

North 57 degrees 3 minutes West 195.37 feet to a gas pipe.

North 59 degrees 2 minutes West 209.72 feet to a gas pipe.

North 63 degrees 28 minutes West 260.20 feet to a gas pipe.

North 76 degrees 49 minutes West 135.02 feet to a point on the extension of the East line of Ellaville Street (Note: said point is North 14 degrees 12 minutes East 24.00 feet from the intersection of the South line of the aforementioned County road as widened by sub–division and the East line of Ellaville Street).

North 79 degrees 46 minutes West 399.06 feet to a gas pipe.

North 80 degrees 30 minutes West 704.18 feet to a gas pipe.

North 79 degrees 46 minutes West 235.14 feet to a sharp bend in said road thence still with the center line of said County road as now traveled.

North 11 degrees 16 minutes 30 seconds West 539.87 feet to a gas pipe.

North 1 degree 34 minutes East 543.37 feet to a gas pipe.

North 2 degrees 47 minutes 30 seconds East 558.69 feet to a gas pipe.

North 8 degrees 44 minutes West 109.50 feet to a gas pipe.

North 21 degrees 31 minutes West 175.00 feet to a gas pipe.

North 13 degrees 4 minutes West 372.81 feet to a gas pipe.

North 22 degrees 20 minutes West 1638.00 feet to a gas pipe.

North 27 degrees 37 minutes West 512.15 feet to a gas pipe.

North 18 degrees 17 minutes West 395.91 feet to a gas pipe.

North 8 degrees 12 minutes West 139.12 feet to the beginning.

Section 202. Wards.

(a) *Division.* The Town of University Park shall be divided into seven wards, as follows:

(b) *First Ward.* The first ward shall consist of that portion of land beginning at the northeasterly corner of Lot 4, Block 3, Section One University Park and running south along the west side of Baltimore Avenue to East–West Highway, thence west along East–West Highway to Queen’s Chapel Road, thence northeasterly along Queen’s Chapel Road to Sheridan Street, thence easterly along Sheridan Street to 42nd Avenue; thence northerly on 42nd Avenue to intersect with the northerly line of the land of Howard J. and Randi L. Bender, as described in Liber 6811 at Folio 643, said northerly line also being known as the division line of part of Lot 14, Block 8, Section Two, University Park; thence proceeding in a northeasterly direction with said northerly line, and to include the southerly portion of said Lot 14, to the rear common corner of Lots 13, 14 and 15 in said Block 8; thence easterly with the rear or northerly lines of Lots 1 through 13 in said Block 8, to 43rd Avenue, thence north along 43rd Avenue to Wells Parkway, thence east along Wells Parkway to 44th Avenue; thence southwesterly on 44th Avenue to intersect with the extension of the division line of Lots 10 and 11, Block 3, Section One, University Park; thence in a southeasterly direction with the rear lines of Lots 11 through 16 in said Block 3, to the rear common corner of Lots 4, 5 and 16 in said Block 3; thence in a southwesterly direction to the southeasterly corner of said Lot 4; thence with the division line of Lots 3 and 4 in said Block 3, to the point of beginning.

(c) *Second Ward.* The second ward shall consist of that portion of land commencing with 43rd Avenue and Wells Parkway, thence south along 43rd Avenue to the extension of the rear or northerly lines of Lots 1 thru 13, Block 8, Section One, University Park; thence westerly with said rear lines of said Lots 1 thru 13, to the rear common corner of Lots 13, 14 and 15 in said Block 8; thence in a southwesterly direction and crossing said Lot 14 and following the land of Howard J. and Randi L. Bender, as described in Liber 6811 at Folio 643, to 42nd Avenue; thence southerly on 42nd Avenue to Sheridan Street, thence westerly on Sheridan Street to Queen’s Chapel Road, thence southwesterly on Queen’s Chapel Road to Adelphi Road, thence north on Adelphi Road to Toledo Road, thence east along Toledo Road to Wells Parkway, thence southeasterly along Wells Parkway to 43rd Avenue.

(d) *Third Ward.* The third ward shall consist of that portion of land contained in the area bounded by the Southwest corner of Baltimore Avenue and Queen’s Chapel Road, thence south along the west side of Baltimore Avenue to the extension of the division line of Lots 3 and 4, Block 3, Section One, University Park; thence in a southwesterly direction and with said division line of said Lots 3 and 4, to the southeasterly corner of Lot 4; thence in a northeasterly direction to the southwesterly corner of Lot 4; thence in a northwesterly direction and with the rear lines of Lots 5 thru 10 in said Block 3, to 44th Avenue; thence northeasterly on 44th Avenue to Wells Parkway, thence west along Wells Parkway to Queen’s Chapel Road, thence northeasterly along Queen’s Chapel Road to Baltimore Avenue.

(e) *Fourth Ward.* The fourth ward shall consist of that portion of land contained in the area starting at the intersection of Queen’s Chapel Road and Wells Parkway, thence

northwesterly along Wells Parkway to the intersection of Wells Parkway and College Heights Drive, thence northeasterly along College Heights Drive to the intersection with Woodberry Street, thence southeasterly along Woodberry Street to the intersection with Clagett–Pineway; thence northeasterly along Clagett–Pineway to the intersection with the easterly or North 21 degrees 53 minutes 10 seconds West, 566.89 feet line of lots 19 through 21 in Block 27, as shown in a plat of subdivision entitled “Section 7 University Park” and recorded in the land records for Prince George’s County in Plat Book BB7 at Plat 36, thence proceeding with said easterly line, with various courses and distances, crossing Beechwood Road, the rear lines of Lots 16 through 29 in Block 25, as shown in a plat of subdivision entitled “Section 6–A University Park” and recorded among the aforesaid land records in Plat Book SDH4 at Plat 67, to the northeasterly corner of Lot 29 in Block 25; thence in the northeasterly direction with part of the rear lines of Lots 2 and 3, in Block 25, University Park to a point being 29.66 feet distant from the northwesterly corner of said Lot 2; thence in a southeasterly direction, and crossing said Lot 3, with a line parallel to the division line of said Lots 2 and 3 to Queen’s Chapel Road, thence southwesterly along Queen’s Chapel Road to the beginning.

(f) *Fifth Ward.* The fifth ward shall consist of that portion of land contained in the area bounded as follows: beginning at a point in the northerly line of Queen’s Chapel Road, said point being distant 30 feet southwesterly from the southeastern corner of Lot 3, Block 25, University Park, thence northeasterly along Queen’s Chapel Road to the west side of Baltimore Avenue, thence northerly along the west side of Baltimore Avenue to the northern boundary of Block E of the sub–division known as College Heights, thence westerly along the northern boundary of said Block E, College Heights, to the northwest corner of Lot 52, Block E, thence southwesterly still along the boundary of Block E to the northwest corner of Lot 44, Block E, thence southwesterly still along the boundary of Block 28 to a point near the southwest side of Clagett Road on the lot line of Lot 16, Block 27, Section 7 of University Park, thence along the south 71 degrees 24 minutes east line of the whole tract of University Park in a northwesterly direction to its intersection with College Heights Drive, thence in a southwesterly direction along College Heights Drive to the intersection with Woodberry Street, thence in a southeasterly direction on Woodberry Street to the intersection with Clagett–Pineway, thence in an easterly direction on Clagett–Pineway to the intersection with the rear or westerly lot line of the properties abutting the west side of Clagett Road, thence along the rear or westerly lot line of the properties abutting the west side of Clagett Road to the intersection with the southeasterly corner of Lot 5, Block 25, University Park, thence with part of the southerly line of said Lot 5 to a point being 29.66 feet southwesterly from the northeasterly corner of Lot 3, Block 25, thence in a southerly direction and crossing said Lot 3, with a line parallel to the division line of Lots 3 and 4 to the place of beginning.

(g) *Sixth Ward.* The sixth ward shall consist of that portion of land contained in the area starting at the intersection of Adelphi Road and Toledo Road, thence northwesterly along Adelphi Road to the intersection of Adelphi Road and Van Buren Street, thence east along Van Buren Street to the intersection of Van Buren Street and 40th Avenue, thence southeasterly on 40th Avenue to the intersection of Underwood Street, thence east on Underwood Street to the intersection with Forest Hill Drive, thence northwesterly on Forest Hill Drive to the intersection with Van Buren Street, thence east along Van Buren Street to the intersection of Van Buren

Street and Wells Parkway, thence south along Wells Parkway to the intersection of Wells Parkway and Toledo Road, thence west along Toledo Road to the beginning.

(h) *Seventh Ward.* The seventh ward shall consist of that portion of land contained in the area starting at the intersection of Adelphi Road and Van Buren Street, thence northwesterly along Adelphi Road to Wells Parkway, thence southeasterly along Wells Parkway and continuing along the South 71 degree 24 minute East line of the whole tract of University Park to College Heights Drive, thence southwesterly along College Heights Drive to the intersection of College Heights Drive and Wells Parkway, thence north along Wells Parkway to the intersection of Wells Parkway and Van Buren Street, thence west along Van Buren Street to the intersection of Forest Hill Drive, thence south on Forest Hill Drive to the intersection of Underwood Street, Underwood Street to the intersection of 40th Avenue, thence northwest on 40th Avenue to the intersection with Van Buren Street, thence west along Van Buren Street to the beginning. (Res. No. 92-2, 4/8/92.)

ARTICLE III
Mayor and Common Council

Section 301. Number, Term of Office.

(a) The Common Council shall consist of seven members and a Mayor who shall be elected as set forth in Article V. The Mayor and Council members shall each hold office for a term of two years. The term of elected officers shall begin at the close of the regular meeting in May and shall end at the close of the regular meeting in May of the final year of the term of office of such person, or until a successor takes office, whichever is later.

(b) Commencing with the regular election to be held in May, 1981, no person shall serve in the same elected position for more than three (3) consecutive two-year terms; however, this provision shall not apply to persons holding office on the date this provision is effective.

Section 302. Qualifications of Mayor and Council Members.

The Mayor and Council members shall be at least twenty-five (25) years of age, shall have resided in the Town at least two years prior to the election, and shall be qualified and registered voters of the Town. The Mayor must reside continuously in the Town during his term of office. Each Council member shall reside continuously in his respective ward during his term of office.

Section 303. Compensation of Mayor and Council.

The Mayor and Council members shall receive such compensation for their services as they may, by ordinance, establish; however, the salary or compensation of any person serving as Mayor or a member of the Common Council may not be increased during his term of office. The Mayor and Council members may be reimbursed or paid for any expenses incurred by them in the performance of their official duties on behalf of the Town.

Section 304. Meetings of Mayor and Council.

(a) *Regular Meetings.* The Mayor and Common Council shall meet in a convenient place in the Town on or before the last Monday in May of each year, and as often thereafter as may be necessary to discharge their duties, provided, however, that they shall not meet less than once in every month. Special meetings may be called by the Mayor with the consent of a majority of the Council. The Mayor shall also call a special meeting at the request of a majority of the members of the Council. In the absence of the Mayor, a majority of the members of the Common Council, may call a special meeting for a specific purpose. No matters other than those for which the meeting is called may be considered. Upon convening such meeting the Council may elect a chairperson to preside at the special meeting. Except as otherwise provided in subsection (b) of this section, meetings of the Mayor and Common Council shall be open to the public and residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. (Res. No. 2-82, 6-8-82; Res. No. 85-5, 4-27-85.)

(b) The Mayor and Common Council may, at any time, upon call by the Mayor or a majority of the members of the Common Council, meet in executive session. Attendance at such sessions shall be limited to the Mayor, members of the Common Council and such persons who may be invited by the Mayor and Common Council. No ordinance, resolution, rule or regulation shall be finally adopted at an executive session.

(c) Whenever a special meeting or executive session is proposed to be called, reasonable effort shall be made to notify all elected officials. A record of which Councilmember's [Councilmembers] consented to or requested a special meeting or executive session shall be kept and shall be made part of the minutes for that meeting. (Res. No. 93-18, 4-19-94.)

Section 305. Quorum.

A majority of the members of the Common Council shall constitute a quorum for the transaction of business.

Section 306. Procedure of Council.

The Mayor and Common Council shall enact, by resolutions, rules and regulations consistent with the provisions of this Article for their own government while in session. The Mayor shall preside at all meetings of the Mayor and Common Council. They, or their designee, shall keep minutes of their proceedings which shall be maintained as the official records of the Town. They shall enter in the minutes the ayes and nays upon final action on any question, resolution or ordinance, or, at any other time, if required by any other member. The minutes shall be open to public inspection during normal business hours. Unless otherwise prescribed by Charter, the Council may act on any matter by a vote of the majority of a quorum.

Section 307. Absence of Mayor.

In the Mayor's absence Council members may elect one of their members to perform the duties of the Mayor, and this member shall have the authority of the Mayor for the period of the Mayor's absence.

Section 308. Vacancies in Office.

(a) *Vacancy in the Office of Mayor.* In the event the Mayor dies, resigns, is absent from two consecutive regular meetings of the Mayor and Common Council without excuse, is removed from office, or is otherside [otherwise] unwilling or unable to complete his/her term, and there are fewer than one hundred twenty (120) days remaining in the Mayor's term of office, the Common Council shall elect one of its members to serve as Mayor for the unexpired term. If there are one hundred twenty (120) or more days remaining in said term of office, then a special election to fill the term for that office shall be held in conformance with Section 507(c) of this Charter.

(b) *Council Vacancies.* In the event that any Councilmember dies, resigns, is absent from two consecutive regular meetings of the Mayor and Common Council without excuse, is removed from office, or is otherwise unwilling or unable to complete his/her term, or, where a Councilmember is appointed to fill the unexpired term of the Mayor, and there are fewer than one hundred twenty (120) days remaining in the Councilmember's term of office, the Mayor shall appoint a successor, subject to the confirmation of a majority of the members of the Common Council, to serve the unexpired term of the Councilmember. If there are one hundred twenty (120) or more days remaining in said term of office, then a special election to fill the term for that office shall be held in conformance with Section 507(c) of this Charter. (Res. No. 93-2, 5-4-93; Res. No. 01-09, 3-19-02.)

Section 309. Removal from Office.

Any elected official of the Town who, during his term of office, is convicted of or enters a plea of nolo contendere to any crime which is a felony or a misdemeanor related to his public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be suspended by operation of law from elective office. The suspension of such elected official and provision for the filling of such office during this suspension shall be governed by the provisions of Article XV, Section 3 of the Constitution of Maryland.

Section 310. Ordinances.

(a) In general, for the purpose of carrying out the powers granted in this Charter, the Mayor and Common Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed in this Charter or, if the Charter is silent, in such manner as may be prescribed by ordinance.

(b) To ensure the observance of ordinances of the Town, the Mayor and Common Council have the power to provide that such violation shall be punishable as a misdemeanor, unless otherwise specified as an infraction, and to affix thereto penalties of a fine not exceeding Five Hundred Dollars (\$500.00) plus costs or imprisonment for a period not exceeding ninety (90) days or both such fine and imprisonment. Imprisonment in default of the payment of fine and costs shall be regulated by the provisions of Article 38, Section 4, Annotated Code of Maryland, as amended from time to time. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter may within ten (10) days appeal to the Circuit Court of Prince George's County. Each day such violation continues shall constitute a separate offense and the conviction for one violation shall not be a bar to a conviction for a continuation of the same offense or any subsequent violation.

(c) In lieu of other provisions for penalties and enforcement, to ensure the compliance with the ordinances and laws of the Town, the Town may provide that a violation of the ordinances and laws be designated a municipal infraction. The definition, description and scope of municipal infractions shall be contained in the Ordinances of the Town. A municipal infraction shall be considered a civil offense.

(d) All writs, summons [summonses] and citations issued by the Town shall be served by officers of the Town, Prince George's County, or the Prince George's County Sheriff's Office.

Section 311. Enactment of Ordinances.

(a) *Enactment.* A proposed ordinance shall be introduced only in written or printed form, which shall indicate the sponsor(s) of said ordinance. A Council vote shall be required for introduction of a proposed ordinance. A proposed ordinance shall be introduced at a regular meeting of the Mayor and Common Council. Notice of the introduction of a proposed ordinance must be published in the Town's newsletter. The notice shall include a fair summary of the proposed ordinance, and state the earliest meeting at which it may be considered for passage. No ordinance shall be passed at the meeting at which it is introduced but shall be passed, amended and/or passed, rejected, or its consideration deferred to some future date at a special or regular Council meeting held not less than six (6) days nor more than one hundred twenty (120) days after the meeting at which it was introduced, unless otherwise extended by a vote of the council [Council]. In cases of emergency, any provision that an ordinance may not be passed at the meeting at which it is introduced, and/or for the delay in the effective date of an ordinance may be suspended by the affirmative vote of four (4) members of the Common Council. (Res. No. 86-1, 4-8-86, (See note (1)); Res. No. 93-4, 4-13-93; Res. No. 01-04, 7-13-01.)

(b) *Effective Date.* Every ordinance, unless passed as an emergency ordinance, shall become effective upon such date as the Common Council may prescribe, but, in no event, less than twenty (20) calendar days following approval by the Mayor, or passage by the Common Council over the Mayor's veto. A complete and exact copy of the ordinance shall be posted at the main public place for a period of not less than ten (10) days following its adoption and a fair summary thereof shall be published at least once in a newspaper having general circulation in the community [community]. An emergency ordinance shall become effective on the date specified on

the ordinance but no ordinance shall become effective until approved by the Mayor or passed over the Mayor's veto.

(c) *Veto.* All ordinances passed by the Council shall be promptly delivered to the Mayor for his approval. If the Mayor approves any ordinance, he shall sign it. If the Mayor fails to sign the ordinance within fifteen (15) days of passage by the Common Council, it shall be considered disapproved. The Mayor shall notify the Council of his intention to disapprove an ordinance no later than the fifteenth day after passage of the ordinance. Any ordinance approved by the Mayor shall be law. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of five members of the Common Council at the next regular meeting of the Mayor and Common Council or at a special meeting called to consider the proposed ordinance.

(d) *Referendum.* If, before the expiration of twenty (20) calendar days following approval of any ordinance by the Mayor or passage of any ordinance over the Mayor's veto, a petition is filed with the Clerk-Treasurer containing the signatures of not less than twenty percentum (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 Common Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular town election or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, 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 Sections 614 and 616, levying property taxes for the payment of indebtedness. The provisions of this section shall be self-executing, but the Common Council may adopt ordinances in furtherance of these procedures.

(e) *Suspension of Ordinance.* An ordinance may be suspended if one-half of the voters of the Town who voted at the last general election sign a petition demanding suspension of such ordinance. The petition shall be filed within thirty (30) days after enactment of the ordinance with the Clerk-Treasurer. The Mayor and Common Council shall reconsider the ordinance. If they decide not to repeal it, they shall submit it to a vote of the qualified voters of the Town at the next election. If the next election shall occur more than ninety (90) days after the decision of the Mayor and Common Council, the Mayor and Common Council shall call a special election to decide whether the proposed ordinance shall become law. The ordinance shall become operative only if a majority of the votes cast at the election are favorable to it. (Res. No. 93-17, 4-19-94.)

Section 312. Files of Ordinances.

Ordinances shall be permanently filed by the Clerk–Treasurer and made available for public inspection at reasonable times during normal business hours.

ARTICLE IV

Powers of Mayor and Common Council

Section 401. Powers and Duties of Mayor.

(a) *General.* 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.* The Mayor, with the approval of the Common Council, shall appoint the head 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. The Police Chief shall serve at the pleasure of the Mayor and Common Council. 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 the rules and regulations which may be adopted by the Common Council. Each officer, holding appointment on the effective date of this Charter, shall continue to hold office for such term as the Mayor and Common Council shall designate or until a successor is duly appointed.

(c) *Council Meetings.* The Mayor shall serve as a non–voting, presiding officer at all meetings of the Mayor and Common Council, but may participate in debate or discussion on any matter on the agenda. In the event of an evenly divided vote on any matter before the Common Council, the Mayor may cast the deciding vote thereon.

(d) *Veto.* The Mayor shall have the power to veto ordinances, resolutions, rules, regulations and orders passed by the Common Council as provided in Section 311.

(e) *Finances.* The Mayor and Common Council shall supervise the financial administration of the Town government in accordance with the provisions of Article VI. The Mayor shall also supervise the administration of the budget as adopted by the Common Council to assure that budget appropriations are not exceeded.

(f) *Other.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as required by the Common Council through ordinance or otherwise, but not inconsistent with this Charter. (Res. No. 1–83, 4–12–83.)

Section 402. Powers and Duties of Council.

(a) *General Powers.* The Common Council shall have the power to pass all such ordinances and resolutions not contrary to the constitution, the State of Maryland or this Charter

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

(b) *Specific Powers.* The Council 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 subparagraphs of this subsection.

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

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

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

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

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

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

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

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

(ix) *Buildings.* To make reasonable regulations in regard to buildings, walls, fences 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.

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

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

(xii) *Community Services.* To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment [enlightenment] of the inhabitants of the Town.

(xiii) *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.

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

(xv) *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.

(xvi) *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.

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

(xviii) *Explosives and Combustibles.* To regulate or prevent the storage of gunpowder, oil, or 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.

(xix) *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.

(xx) *Finances.* To levy 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.

(xxi) *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.

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

(xxiii) *Franchises.* To grant and regulate franchises to water 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 Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(xxiv) *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.

(xxv) *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, agreeable to the conditions under which the gifts or grants were made.

(xxvi) *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 harm or injury to inhabitants of the Town or to their welfare or happiness.

(xxvii) *Health.*

(A) 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 Department of Health, the County Department of Health, or any public general or local law relating to the subject of health.

(B) To adopt and provide an efficient system of drainage and suitable measures for the removal of gargage [garbage] and trash, and to fix the amount to be paid therefore [therefor]. Except as otherwise prohibited by State law, the Town shall have the same power as the State Board of Health, within the corporate limits of the Town.

(xxviii) *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.

(xxix) *Household Pets.* To regulate the keeping of household pets in the Town, and to provide, wherever the County does not license such pets, for the licensing and taxing of household pets, and to provide for the disposition of homeless household pets for which no license had [been] issued nor fees or taxes paid.

(xxx) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the law and ordinances of the Town or to use the County jail for such purposes.

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

(xxxii) *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.

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

(xxxiv) *Livestock.* To regulate and/or prohibit the keeping or running at large of cattle, horses, swine, fowl, pigeons, 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.

(xxxv) *Markets.* To obtain by lease or rent, own, construct, purchase, operate and maintain public markets with [within] the Town.

(xxxvi) *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.

(xxxvii) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or amplification of music and other sounds.

(xxxviii) *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.

(xxxix) *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,[]

(xxxx) [(xl)] *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.

(xxxxxi) [(xli)] *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.

(xxxixii) [(xlii)] *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.

(xxxixiii) [(xliii)] *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.

(xxxixiv) [(xliv)] *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 disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(xlv) *Property.* To acquire by conveyance, purchase, gift or condemnation real or leasehold property needed 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 twenty (20) days public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds and property of the Town. (Leg. Res. 9-80, 12/9/80.)

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

(xxxixvii) [(xlvii)] *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.

(xxxxviii) [(xlviii)] *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.

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

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

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

(lii) *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.

(liii) *Town Newsletter*. To publish and distribute a Town newsletter to provide information to the citizens of the Town relating to governmental activities of the Town, to provide official notices as required by Charter or ordinance, provided, however, that publication of such notices in the Town newsletter shall not be considered a substitute for any requirement for advertisement in a newspaper of general circulation in the Town or the posting of notices in a public place.

(liv) *Saving Clause*. The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

ARTICLE V

Registration, Nomination and Elections

Section 501. Voters.

Only persons qualified to vote in the Town shall be registered as qualified voters. A qualified voter is:

- (a) A citizen of the United States.
- (b) Eighteen (18) years of age or older on the date of the next election.
- (c) A resident of the Town of [at] the time of the closing of registration preceding the election.

Section 502. Supervisors of Elections.

(a) Beginning January 1, 1976, at its first meeting in January of each even-numbered year, or as soon thereafter as may be feasible, the Mayor and Common Council shall appoint two qualified voters to the positions of Supervisors of Elections. The Mayor and Common Council shall also designate one of the persons appointed to be Chairman. The Chairman shall serve in that capacity at the pleasure of the Mayor and Common Council. The appointees shall not hold public office nor be candidates for election to public office during their term of office, nor shall they be the spouse, parent, or child of a candidate or elected official. The Supervisors shall serve for two-year terms beginning on March 1st and ending on the last day of February of the next even-numbered year. Supervisors, whose terms have expired, shall continue to serve until a successor is appointed. The Mayor and Common Council may remove a Supervisor during the Supervisor's term of office for cause. In the event of a vacancy during a Supervisor's term of office, the vacancy may be filled by the Mayor and Common Council in the manner in which the initial appointment is made. Appointment to a vacant position shall be effective for the unexpired term of the Supervisor whose position has become vacant.

(b) Compensation for Supervisors may be established by the Mayor and Common Council.

(c) The Supervisors are responsible for registration of voters, administration of the procedures for nomination for Town offices, and the administration and supervision of all Town elections. In the performance of their duties, Supervisors are empowered to administer oaths. Pursuant to authorization of the Mayor and Common Council, the Chairman of the Supervisors of Elections may employ necessary personnel to assist in the performance of their duties. The Mayor and Common Council shall establish compensation for personnel employed by the Chairman.

Section 503. Registration.

(a) The Supervisor shall give at least two weeks' notice of every election date by notices published in at least one newspaper of general circulation in the Town and posted in at least one prominent place in each Ward of the Town. Notices of election shall contain a summary of questions that may be on the ballot and the names of nominees for each Town office as those names will appear on the ballot. The Supervisors may also cause notices required by this subsection to be published in the Town newsletter. (See note (2))

(b) Registration of voters shall be available at any time during office hours. Voter registration may be accomplished in person or by mail. Further, registration with the Prince George's County Board of Elections, by a voter who resides in University Park, shall be deemed registration for elections in University Park. No registration date for municipal elections shall be established, whether by the County or the Town, within the thirty (30) day period immediately preceding an election. The Mayor and Common Council shall take those actions necessary to timely schedule and plan for implementing universal registration of voters in conjunction with Prince George's County. Registration shall be permanent if the individual votes at least once in every five years, and no person shall be entitled to vote in Town elections unless he is registered.

(c) The Supervisors shall maintain, establish and amend registration lists in appropriate form containing the name, age, place of residence in the Town, Ward, date of registration, and signature of each person registered to vote. Prior to each election, the Supervisors shall prepare a list containing the names and addresses of the registered voters of the Town and the Ward in which each voter resides. Copies of the list shall be available to the public. The Common Council may establish and charge reasonable fees to the public for copies of such lists. The Supervisors shall use the preliminary and certified lists of town registered voters provided by Prince George's County, together with a supplemental list prepared by the Supervisors, of persons not registered to vote in the county but qualified to vote in the town, in preparing any list required herein.

(d) It shall be the duty of the Supervisors to keep the registration lists current by striking from the list persons who are no longer qualified to vote and/or have not voted at least once within the preceding five years. Within twenty (20) days after receiving any preliminary list of registered voters, the Supervisors shall notify the county of any potential errors in the list of registered voters, including errors in the residency of registered voters. Whenever the registration of any voter is removed for any reason from the supplemental voter registration list maintained by the Town, the supervisors [Supervisors] shall send a notice of this action and the reason for the action to the last known address of the voter. The voter shall be given at least fifteen (15) days to respond to indicate whether the voter wishes to remain on the town's voter registration list. If the voter wishes to remain on the town's list and continues to be qualified under the town's voter registration requirements, the voter's name shall be reinstated to the town's supplemental voter registration list upon written request of the voter.

(e) Persons aggrieved by acts of the Supervisors may appeal to the Mayor and Common Council. Decisions of the Common Council on such appeals may be appealed to the Circuit Court of Prince George's County within the time allowed for such appeal. (Res. No. 90-1, 4-15-90; Res. No. 91-9, 3-10-92; Res. No. 92-14, 11-24-92.)

Section 504. Elections.

(a) At or before the February general meeting each year, the Common Council will set the date in May for general elections in the Town. If the Common Council fails to do so on or before that date, the general elections for Town offices shall be held on the first Tuesday in May. The Mayor and Common Council are authorized to provide for the conduct of special elections, as appropriate. Special elections shall be conducted, as far as practicable, under the same procedures as general elections.

(b) The Supervisors shall provide a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. The ballots or voting machines shall show the name of each candidate arranged in alphabetical order according to their surnames, under the designation of the office for which they are candidates. In addition to surnames, the candidates' given name and middle initial shall be printed. The use of party affiliation or designation, nicknames, titles, degrees or other designations on the ballot is prohibited. The ballots shall also contain an appropriate space to permit voting for "write-in" candidates, and an appropriate space

to provide the option to vote for “none of the above”. Only write-in candidates qualified pursuant to Section 506 of the Article may be elected. The Supervisors shall not provide ballots nor permit any person to vote whose name does not appear in the registration books.

(c) At or before the February general meeting each year, the Common Council will set the hours during which the polls will be open for the general elections in the Town, provided however that the polls shall be open at least the minimum of 1:00 p.m. to 8:00 p.m. If the Common Council fails to do so on or before that date, the hours during which the polls will be open for the Town general elections shall be 8:00 a.m. to 8:00 p.m.

(d) The Supervisors are authorized to permit voters to vote by absentee ballot and shall establish procedures for voting by absentee ballot. A registered voter must apply for such ballot to the Chairman of the Supervisors of Elections not less than five (5) days before the date of the election. The Supervisors of Election [Elections] shall verify the identity of the persons applying for an absentee ballot. No absentee ballot shall be counted unless it is received by the Supervisors on or before the date of election. The Supervisors shall maintain control and supervision of such ballots and maintain the secrecy of such ballots.

(e) The Supervisors shall permit each candidate to designate an appropriate number of poll watchers. The Supervisors will establish appropriate rules governing the designation and conduct of poll watchers at the election which rules shall provide for the observation of the proceedings by the watchers.

(f) Within twenty-four (24) hours after the polls are closed, the Supervisors shall tabulate the vote cast for each candidate or, if appropriate, question, and shall certify the results to the Clerk-Treasurer of the Town who shall record the results in the minutes of the proceedings of the Mayor and Common Council. The Clerk-Treasurer shall notify the Mayor, each member of the Common Council, and all candidates for office of the results of the election. The candidate for each office with the highest number of votes shall be declared by the Chairman of the Supervisors of Elections to be elected to the office for which he is a candidate.

(g) Within two (2) days after the date of certification in an election conducted with paper ballots, any candidate may request a re-count of the votes cast in the election for an office for which he is a candidate by filing a written request with the Chairman of the Supervisors of Election [Elections]. Such request shall be accompanied by a certified check in the amount of fifty dollars (\$50.00) to defray the cost of the re-count. Within ten (10) days from the date of receipt of the request, the Supervisors shall count the ballots cast for the office for which the petitioner was a candidate. If the results of the re-count are favorable to the petitioner, the Chairman shall direct the Clerk-Treasurer to return the fee to the petitioner.

(h) The Board of Elections Supervisors, and each of them, has the authority to keep the peace and to cause any person to be arrested for any breach of the peace, or for any breach of the election laws, or any interference with the progress of an election, the canvass of the ballots or the ascertainment and transcription of the votes recorded on the voting machines. It shall be the duty of all officers of the law present to obey the order of any of the Election [Elections] Supervisors, and an officer making an arrest by the direction of the Election [Elections]

Supervisors shall be protected in so doing fully as if a warrant had been issued to him to make such arrest. Removal of any official town election material from the polling place, or refusal to return said materials to the Board of Election [Elections] Supervisors, is prohibited.

(i) Contested Elections.

(i) *Petition of Contest.* Any person wishing to contest the results of an election shall file a petition with the Clerk–Treasurer within two (2) days after the results of the election are certified to the Mayor and Common Council, which petition shall set forth in writing one or more of the following grounds:

(A) Malconduct, fraud or irregularity by any election official sufficient to change or place in doubt the results;

(B) Ineligibility of the defendant for the office in dispute;

(C) Illegal votes received, or legal votes rejected, sufficient to change the results;

(D) An error in counting the votes or in declaring the result of an election, if such error would change the result; or

(E) Any other cause which shows that another was the person legally elected.

(ii) *Notice and Hearing.* Upon the filing of the contest petition, a hearing shall be set before the Mayor and Common Council and written notice stating the time and place of the hearing and containing a copy of the contest petition shall be given to all affected candidates. The hearing will take place not less than five (5) nor more than twenty (20) days after service of the notice upon the affected candidates, and shall be conducted in an informal manner.

(iii) *Determination by Mayor and Common Council.* The Mayor and Common Council shall examine the qualifications of electors concerning their right to vote, order a re–count of ballots, examine the registration lists, and perform such acts and conduct such examinations as may be necessary to determine the appeal of the results of an election; except that the Mayor or members of the Common Council who are candidates in the disputed contest shall not participate in the appeal.

(iv) *Appeal.* The final determination of the Mayor and Common Council may be appealed to the Circuit Court of Prince George’s County. Such appeal shall be made within ten (10) days after the determination of the contest by the Mayor and Common Council.

(j) If two or more candidates for the same office, receiving the highest number of votes, receive an equal number of votes, the Mayor and Common Council shall direct the Supervisors of Elections to administer a special election to be conducted in the same manner as far as practicable as regular Town elections. The Supervisors of Elections shall declare the

candidate receiving the highest number of votes in the special election to be elected to the office for which he is a candidate.

(k) All ballots will be retained in the custody of the Clerk–Treasurer for a period of not less than six (6) months from the date of election. (Res. No. 92–16, 11–24–92; Res. No. 94–7, 1–10–95; Res. No. 96–3, 6–4–96.)

Section 505. Regulation and Control by Mayor and Common Council.

The Mayor and Common Council may provide by ordinance in every respect not covered by the provisions of this Charter for appointment of Supervisors, registration of voters, nominations and Town elections.

Section 506. Candidates for Office.

(a) The elective offices of the Town shall be those of Mayor and seven Common Council members. The Mayor shall be elected at large by the qualified voters of the Town, and the council members shall be elected by the qualified voters in the ward in which the candidate resides.

(b) The Mayor and Council members from the first, third and seventh wards shall be elected at the general election for Town offices held during even–numbered years. Council members from the second, fourth, fifth and sixth wards shall be elected at the general election for Town offices held during odd–numbered years.

(c) Any person desiring to run for Mayor of said town shall file with the Board of Election [Elections] Supervisors of said Town a petition containing the names of at least twenty (20) persons, who are qualified voters; and any person desiring to run for councilmember shall file a petition with said Board of Election [Elections] Supervisors containing the names of at least ten (10) qualified voters in the ward at least thirty (30) days, including Sunday and legal holidays, prior to election. After the petitions have been filed and the time for filing has expired, the Board of Election [Elections] Supervisors shall cause to be published in some manner as shall give general publicity the names of the candidates filing petitions under this paragraph (c) and the positions to which they aspire.

(d) Any person desiring to run for Mayor or Common Council of the town who does not file a petition as provided in paragraph (c) of this section, may qualify to run for such office as a write–in candidate by filing with the Board of Election [Elections] Supervisors of the town, at least five (5) calendar days before the date of the election, a petition to run as a write–in candidate containing the names of at least ten (10) persons who are qualified voters, and a financial disclosure statement as required by § 12–104 of this code of ordinances.

(e) Any person desiring to run for Mayor or Common Council of the town must qualify as a candidate under paragraph (c) or paragraph (d) of this section. All votes cast in an election for persons who are not qualified as candidates shall be void.

(f) Before entering upon the duties of their office, each elected officer shall take an oath of office as provided for in Section 707. (Res. No. 14-82, 1-4-83; Res. No. 84-8, 12-4-84; Res. No. 92-17, 11-24-92.)

Section 507. Special Elections or Appointments where there are no Qualifying Candidates.

(a) In the event that no candidate qualifies for an election for an office under paragraphs (c) and (d) of Section 506 of this charter, the regular election for that office shall be cancelled by the Board of Election Supervisors and the person holding that office shall remain in office until replaced pursuant to this section.

(b) If the event described in paragraph (a) of this section occurs, the Mayor and Common Council of the town shall direct the Board of Election Supervisors to conduct a special election for that office to be held pursuant to section [Section] 504(a) of this charter.

(c) In the event that the Mayor or a Common Council member dies, resigns, is absent from two consecutive regular meetings of the Mayor and Common Council without excuse, is removed from office or is otherwise unwilling or unable to complete his/her term of office, and there are one hundred twenty (120) or more days remaining in that term of office, the Board of Election [Elections] Supervisors shall be directed to conduct a special election to fill the unexpired term for that office, within sixty (60) days of such event occurring, to be held pursuant to Section 504 of this charter.

(d) If no candidate qualifies for election in the special election provided in paragraphs (b) or (c) of this section, the Mayor, subject to the confirmation of a majority of the members of the Common Council, shall appoint a person qualified under Section 302 of this charter to the office. (Res. No. 84-9, 12-4-84; Res. No. 92-3, 6-9-92; Res. No. 93-3, 5-4-93; Res. No. 01-9, 3-19-02.)

ARTICLE VI

Finance

Section 601. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 602. Budget.

The Mayor shall prepare and submit a budget to the Council, on such date as the Council by ordinance shall determine, but no later than the first day of April before the beginning of any fiscal year. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues, including projected surplus revenues as defined in Section 606, 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 at reasonable times during normal business hours.

Section 603. Budget Adoption.

Before adopting the budget the Council shall hold a public hearing thereon after notice thereof in at least one newspaper having general circulation within the Town. Such notice and hearing shall comply with those requirements of Section 6–308 of the Tax–Property Article of the Annotated Code of Maryland concerning the constant yield tax rate. The Council may, delete items, insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance on or before May 31st of each year. A favorable vote of at least a majority of the total elected membership of the Common Council shall be necessary for adoption. Upon adoption, the Town Treasurer is authorized to notify Prince George’s County of the Town’s adopted tax rate. In the event the Town fails to adopt a tax rate by May 31st, the Treasurer is authorized to notify Prince George’s County that the tax rate for the new fiscal year shall be the same rate as the prior year. In the event the council fails to adopt a budget by May 31st, it shall appropriate expenditures equal to the prior year’s budget for personnel and operating expenses and shall continue to honor its carry–over contractual commitments and its financial obligation to its employees and officials in the new fiscal year. (Res. No. 91–7, 1–7–92.)

Section 604. Transfer of Funds.

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

Section 605. Over–Expenditure Forbidden.

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

Section 606. Appropriations Lapse After One Year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be

considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 607. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Clerk–Treasurer, or, in his absence, by the Mayor.

Section 608. Taxable Property.

All real property within the corporate limits of the Town shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and county taxes. The Town shall not by authority of this section impose taxes on property which is exempt from taxation by any Act of the General Assembly.

Section 609. Budget Authorized Levy.

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

Section 610. Notice of Tax Levy.

Each year after the tax levy is made, a bill or account of the taxes due from him shall be mailed or delivered in person to each taxpayer or his agent at his last known address on or before August 15. This bill or account shall contain a statement of the amount of real property as well as business personal property with which the taxpayer is assessed, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive notice required by this section shall not relieve any taxpayer of the responsibility to pay all taxes levied on his property when due. The Clerk–Treasurer shall notify residents of University Park of the municipal tax rate by publication in the Town newsletter or by such other means as he deems appropriate.

Section 611. When Taxes are Overdue.

The taxes provided for in Section 610 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate prescribed by the Mayor and Common Council by ordinance, or, if there is no ordinance, at the rate for tax arrearages established by Prince George’s County, Maryland 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 Section 612.

Section 612. Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 611 of this Charter shall be submitted 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 shall, if necessary, be sold for taxes by this county official, in the manner prescribed by State law or set forth in Article 81 of the Annotated Code of Maryland, as amended.

Section 613. Audit.

The financial books and accounts of the Town shall be maintained in accordance with the rules of the Maryland Department of Fiscal Services or its successor, and audited annually in a manner determined by the Common Council but not contrary to applicable State law.

Section 614. Tax Anticipation Borrowing.

During the first six (6) months of any fiscal year, the Town shall, by ordinance, have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid no 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 percent (50%) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness shall be authorized by ordinance before being issued. The Common Council may regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 615. Authorization to Borrow Money.

The Town may borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Sections 31 to 37 inclusive, of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title "Municipal Corporations," sub-title "Creation of Municipal Public Debt."

Section 616. 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 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. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 617. 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 618. Purchasing and Contracts.

(a) Purchases for the Town government shall be made by the Clerk–Treasurer under the direction of the Mayor and Common Council. The Common Council may establish, by ordinance, rules and regulations regarding purchasing procedures including the use of competitive bids.

(b) All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the Mayor and approved by the Common Council.

Section 619. Reserves.

All funds reserved by the Council for a particular purpose shall be denoted by a specific reserve category and shall continue from fiscal year to fiscal year until further action of the Council. No such funds shall be expended, transferred to a budget line item, or transferred to and/or combined with another specific or general reserve category without prior approval of the Council. (Res. No. 93–13, 4–19–94.)

ARTICLE VII Administration

Section 701. Clerk–Treasurer.

(a) The Clerk–Treasurer shall be appointed by the Mayor and approved by the Common Council and shall serve at the pleasure of the Mayor and Common Council.

(b) The Mayor and Common Council may fix such compensation for the Clerk–Treasurer as they deem just and necessary.

(c) The Clerk–Treasurer shall maintain the records of the Town, which shall be open to inspection to interested persons at reasonable times during normal business hours. The Clerk–Treasurer shall receive all taxes, special assessments, license fees, liens and all other revenues, including “utility revenues” of the Town, for whose collection the Town is responsible, and any funds receivable by the Town. The Clerk–Treasurer shall have custody of all funds belonging to or under control of the Town, except as to funds in the control of any Trustees. All Town monies shall be kept or may be invested in any manner authorized for municipalities by State law and approved by the Mayor and Council. The Treasurer shall be responsible for

dispersing funds on behalf of the Town in accordance with the direction of the Mayor and Common Council.

(d) The Clerk–Treasurer shall provide a bond with such corporate surety in such amount as the Mayor and Common Council may require. (Res. No. 5–82, 9/7/82; Res. No. 90–11, 2/5/91; Res. No. 95–2, 6/13/95.)

Section 702. Town Attorney.

The Mayor, with the approval of the Council, may appoint a Town Attorney. He shall serve at the pleasure of the Council and his compensation shall be determined by the Mayor and Common Council. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. He shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Mayor and Common Council. The Town may employ other legal consultants as it deems necessary from time to time.

Section 703. Town Engineer.

The Mayor, with the approval of the Common Council, may appoint a Town Engineer who shall serve at the pleasure of the Mayor and Common Council and shall receive such compensation as the Mayor and Common Council may determine. The Town Engineer shall be responsible for advising the Mayor and Common Council on engineering matters affecting the Town and shall perform such other engineering duties as the Mayor and Common Council may require.

Section 704. 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 705. 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 Common Council, subject to the restrictions imposed upon establishing the salaries for the Mayor and Common Council.

Section 706. Employee Benefit Programs.

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

Section 707. Prohibition.

No employee in the service of the Town shall continue in such position after filing a petition for nomination or election to any public office in the Town.

Section 708. Oath of Office.

Before entering upon the duties of his office, each officer, elected or appointed, shall take oath that he will diligently and faithfully discharge all his duties of office without favor, partiality or prejudice. The oath shall be filed among the records of said Town.

ARTICLE VIII

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 such as may be under the jurisdiction of the Maryland State Highway Administration or the Prince George’s County Department of Public Works. 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 803. Construction of Sidewalks, Curbs, Etc.

In the event the Town decides to construct or improve sidewalks, curbs, gutters, roadbeds or streets in University Park, they shall observe the following procedure:

(a) The Town shall notify, as far as practicable, each property owner upon each street, proposed to be improved, by depositing in the United States Post Office, postage prepaid, in a sealed envelope addressed to such owner’s last known address, a notice concerning the proposed construction or improvement.

(b) The Town shall publish a notice in one or more of the newspapers having general circulation in the Town of University Park specifying the kind of sidewalk, curb, gutter, roadbed or street improvement or construction in question.

(c) The notice to the affected property owners and the published notice shall specify the place, time and date of a hearing on this matter at which the affected property owners are invited to express their views. The hearing shall not be held less than ten (10) days after the date notices were mailed to the property owners.

(d) The owners appearing at the hearing shall have the opportunity to express their views on the proposed improvements. The decision made by the Mayor and Common Council shall be final and conclusive, provided, however, that no street improvements to be paid for by special assessments shall be made under this section unless and until the consent in writing of the owners of fifty-one percent (51%) of the abutting lots on each street proposed for improvement shall be filed with the Clerk-Treasurer, and further provided that no sidewalks construction to be paid for by special assessments shall be made unde [under] this section unless and until the consent in writing of the owners of sixty-six percent (66%) of the abutting lots on each side of the street proposed for sidewalk construction shall be filed with the Clerk-Treasurer.

(e) This section shall not apply to minor construction activity involved in the repair or maintenance of existing sidewalks, curbs, gutters, roadbeds or streets. (Res. 85-2, 4/27/85; Res. No. 93-6, 10-5-93.)

Section 804. Bids and Contracts.

The Mayor and Common Council are hereby authorized to make such sidewalk, curb, gutter, roadbed and street improvements and construction as determined and authorized in accordance with Section 803. Where work is done under contract the Mayor and Common Council shall invite proposals for said work by advertisement on at least three separate occasions in a newspaper having general circulation in the Greater Washington Metropolitan area. The Mayor and Common Council may award the contract for such work to the lowest responsible bidder or to a bidder whom the Mayor and Common Council determine to be the most desirable contractor for the proposed work, but in all events reserve at all times the right to reject any and all bids received. All bids shall be accompanied by bonds insuring the bids in an amount to be determined by the town engineer. All contractors for such street improvements shall give bond in such sum as the Mayor and Common Council shall require with sufficient surety or sureties, to be approved by the Mayor and Common Council, for the faithful performance of their contract. The Mayor and Common Council shall not be required to invite proposals for work to be performed under contract where the amount of the contract does not exceed five thousand dollars. (Res. 85-3, 5/7/85.)

Section 805. Assessments.

The Mayor and Common Council shall assess the value of the said improvements and construction and bill the owners of the abutting property accordingly. The cost shall include that of street and public alley intersections, provided, however, that when property fronts or abuts on two or more streets where such improvements are made, or are about to be made, the abutting front feet along the side or sides of said property (the term "sides of said property" used in connection herewith shall mean the two longest sides of said property) shall be computed for the purpose of assessment as one-half of the total front feet on the side or sides of the property abutting on the street or streets improved. The assessment for sidewalks, curbs, gutters, roadbed and street improvements, or construction shall be a lien upon such abutting property and shall be payable in cash, or in installments, the number of which and the manner of payment to be determined by the Mayor and Common Council, with interest at a rate to be established by the

Mayor and Common Council. The owner of the property assessed or any one [anyone] on his behalf shall at any time have the right to anticipate by payment of part or all installments of the assessment not then due, together with interest accrued, and any assessment or part thereof remaining due and unpaid for more than one year shall be enforced as a tax in the same manner as taxes due the Town of University Park are enforced under its Charter. The Mayor and Common Council shall have the power to make regulations to carry out the objects and purposes of the section. The Mayor and Common Council shall have full authority to adjust assessments against particular properties made pursuant to this section where it is proven to the satisfaction of the Mayor and Common Council that the assessment is, or the proposed assessment would be, unjust and inequitable.

Section 806. Collections.

The Clerk–Treasurer of University Park shall be charged with the prompt collection and safekeeping of the monies collected pursuant to assessment for specific improvement under Section 805. The funds shall be kept as a separate account and fund in such bank or banks as the Mayor and Common Council may designate. No part of these funds shall be used for any other purpose than to liquidate the certificates of indebtedness, and interest thereon, issued for the cost and necessary expenses incident thereto in the construction of sidewalks, curbs, gutters and roadbed and street improvements. Certificates, when paid, shall be cancelled and properly kept and filed among the papers of the Town.

NOTES

(1) Resolution No. 86-1, effective April 8, 1986, inadvertently failed to reflect all the changes that the Council had passed at that time. Accordingly, the 1993 Supplement to this compilation adds the phrase “unless otherwise extended by a vote of the council” at the end of the fifth sentence of Section 311(a), which sentence was the first sentence of Section 311(a) in 1986.

(2) Resolution No. 92-14, effective November 24, 1992, inadvertently failed to include all the existing language in Section 503(a) of the charter. Accordingly, the changes made in the September, 1993 supplement to the charter failed to show the complete text of Section 503(a), although the amendments to the language, as adopted by Res. No. 92-14, were accurate. The September, 1994 supplement simply puts back in the omitted phrase “and posted in at least one prominent place in each Ward of the Town” at the end of the first sentence of Section 503(a).

