

CHARTER

OF THE

Town of Woodsboro

FREDERICK COUNTY, MARYLAND

*As enacted by a Resolution
Effective July 28, 1992*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I Incorporation and Boundaries

Section

- C-1. Incorporation.
- C-2. Boundaries.

ARTICLE II Powers of Board of Commissioners

- C-3. Meetings.
- C-4. Promulgation of laws.
- C-5. Enforcement; general penalty; disposition of moneys.
- C-6. Powers of Burgess and Commissioners.
- C-7. Referendum.
- C-8. Burgess and Commissioners.
- C-9. President Pro Tempore.
- C-10. Appointment of Judge.
- C-11. Tie votes; new elections.
- C-12. Filling vacancies.

ARTICLE IV Finance

- C-13. Fiscal year.
- C-14. Budget.
- C-15. Adoption of budget.
- C-16. User charges.
- C-17. Assessments for improvements.
- C-18. Fees.
- C-19. Audit.
- C-20. Levy of taxes.
- C-21. Tax-anticipation borrowing.
- C-22. Municipal bonds and notes.
- C-23. Payment of indebtedness.
- C-24. Previous issues.

ARTICLE V Officers and Employees

- C-25. Oath of office.
- C-26. Burgess.

- C-27. Administrative Assistant.
- C-28. Town Attorney.

WOODSBORO

ARTICLE I Incorporation and Boundaries

Section C-1. Incorporation.

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

Section C-2. Boundaries. (See Note (1))

The corporate limits of the Town of Woodsboro shall be as follows: Beginning at the center of the Northern Central Railroad Company's tracks and Mill Alley Crossing and running N. 87 1/2 W. 525 feet to the Allen Bowers property and clear of it and with N. 45 1/4 E. 895 1/2 feet to corner post at bend of Spahr's Lane north of warehouse S. 41 3/4 E. 873 feet to the west margin of the state highway to Key Mar and with such west margin as 14 1/4 W. 384 feet to pin and to clearing the Raymond Gilbert and Lutz properties S. 66 1/2 W. 599 feet to intersect the eastern line of the original Woodstown extended north to the Johnsville Road in the north wheel track and such straight line and eastern boundary S. 8 1/2 W. 1795 1/2 feet to the north margin of the Liberty Road and outside of the present telephone poles N. 75 W. 291 feet to the eastern boundary of Flickinger's Addition and with it and extended S. 8 W. 1422.5 feet to a point in the field belonging to Harvey E. Bohn and from such point in Harvey E. Bohn's field and with the southern boundary of lots laid out by George F. Smith and extended to intersect a line with the center of the west alley of Woodsboro N. 82 1/2 W. 542.5 feet and with such center of the west alley N. 7 1/2 E. 1733 feet to the center of the Lutheran Church alley and with the center of such Church alley N. 82 W. 414 1/2 feet to the center of the Northern Central Railroad Company's tracks and with such center to the beginning. (1930 Code, art. 11, § 876.)

1971 Annexation.

The area of land known as "Meadow View" which is more particularly described as in Plat Book 4, Folio 11, one of the plat records in the office of the Clerk of the Circuit Court for Frederick County, Maryland, be added to the corporate limits of the Burgess and Commissioners of Woodsboro and that the persons and property therein be generally subject to the provisions of the charter of the Burgess and Commissioners of Woodsboro. (Res. No. A-1, 8-9-71.)

1972 Annexation.

The area of land known as "WOODSBORO COMMUNITY PARK" which is more particularly described in Liber 877, Folio 311, one of the land records of Frederick County, Maryland be added to the corporate limits of the Burgess and Commissioners of Woodsboro and that the persons and property therein be generally subject to the provisions of the charter of the Burgess and Commissioners of Woodsboro. (Res. No. A-2, 8-9-72.)

1978 Annexation. (21 properties, Adams Street, S. Main) on file

1980 Annexation. (Kirkpatrick & Sewer Plant)

Situated on the South side of Maryland Route 550 and on the East side of the Woodsboro By-Pass, and being more particularly described as:

Beginning at a point on the Easterly right-of-way line of the Woodsboro By-Pass, said point being 190.00 feet perpendicular from Station 328 + 32.78 feet as shown on S.H.A. Plat No. 15460, thence with the said right-of-way bearings corrected to Maryland State Grid North seven courses:

1. N 06° 04' 15" E 702.22 feet, thence
2. S 83° 55' 45" E 08.00 feet, thence
3. N 06° 04' 15" E 50.00 feet, thence
4. N 83° 55' 45" W 08.00 feet, thence
5. N 06° 04' 15" E 115.00 feet, thence
6. N 29° 17' 33" E 97.50 feet, thence
7. N 35° 42' 24" E 80.64 feet to a point on the South side of Maryland Route 550 (20' bituminous concrete), thence leaving the Woodsboro By-Pass right-of-way and with Maryland Route 550
8. S 55° 30' 03" E 468.46 feet to a point in the center of Maryland Route 550, thence
9. S 14° 55' 41" W 43.07 feet to a P.K. nail set on the South side of the 80-foot right-of-way of Maryland Route 550, thence with the said right-of-way
10. S 53° 18' 40" E 32.30 feet to a steel bar and survey cap NO. 8644 (hereinafter referred to as SBC), thence leaving the said right-of-way and with nine division lines now established
11. S 14° 55' 41" W 140.48 feet to an SBC, thence 99.93 feet by an arc curving to the left with a radius of 1,131.71 feet, which arc is subtended by a chord bearing
12. S 12° 23' 55" W 99.90 feet to an SBC, thence
13. S 09° 52' 07" W 251.17 feet to an SBC, thence 148.97 feet by an arc curving to the left with a radius of 520.62 feet, which arc is subtended by a chord bearing

14. S 01° 40' 15" W 148.47 feet to an SBC, thence
15. S 06° 31' 35" E 124.47 feet to an SBC, thence 99.20 feet by an arc curving to the right with a radius of 319.65 feet, which arc is subtended by a chord bearing
16. S 02° 21' 49" W 98.80 feet to an SBC, thence
17. S 11° 15' 15" W 620.00 feet to a concrete monument, thence
18. N 75° 07' 42" W 387.00 feet to a concrete monument, thence
19. S 72° 19' 11" W 58.61 feet to a point on the Easterly right-of-way line 205.00 feet perpendicular from Station 321 + 39.00 feet, thence with the said right-of-way
20. N 06° 04' 15" E 26.00 feet, thence
21. N 83° 55' 45" W 15.00 feet, thence
22. N 06° 04' 15" E 667.78 feet to the place of beginning Containing 17.915 Acres of land more or less

Being part of the lands conveyed by Elizabeth S. Kirkpatrick to Richard F. Kirkpatrick by deed dated January 15, 1972 and recorded in the Land Records of Frederick County in Liber 868, Folio 248. (Res., 1-21-80.)

1982 Annexation. (Fire Company Property)

Beginning at an end fence just located at the end of the second line of a deed from L. Cramer Powell to the Frederick County Board of Education, dated October 11, 1933; and recorded in Liber 390, Folio 238, one of the Land Records of Frederick County, and running thence by and with the third line of said deeds: (1) North, 80 5/8°, West, 269 feet to a planted stone, thence with Third Avenue, (2) North, 2°, East, 455.66 feet to a marker, thence by two lines of division now made, (3) South, 80° 37 feet and 30 inches, East, 277.25 feet to a marker, thence (4) South, 2°, 40 feet, West, 455.66 feet to the place of beginning, containing three acres, more or less. This property, recorded in Liber 562, Folio 56; and Liber 587, Folio 336; these being land records of Frederick County, Maryland have consented to the annexation of such land by the Burgess and Commissioners of Woodsboro. (Res., 7-12-82.)

1984 Annexation. (8.84.3 Acres – I Kirkpatrick) – See file

February 20, 1990, Buckeye Annexation. (118.014 acres) – See Resolution of Annexation

1995 Annexation – Woodsboro Livestock and Sales Incorporated. (14.649 acres) (effective 10-9-95) – See Resolution of Annexation

2001 Annexation – Woodsboro Medical Center, Inc. and Farmers and Mechanics Bank. (3.390 acres) (effective 3–29–02) – See Resolution of Annexation

ARTICLE II

Powers of Board of Commissioners

Section C–3. Meetings.

The Commissioners of the Town of Woodsboro may meet together at such times as occasion may seem to require, upon the business of the town, not less than once in every month.

Section C–4. Promulgation of laws.

A. The Commissioners of the Town of Woodsboro shall have the power to make regulations and ordinances not in conflict with the Constitution and laws of the state. All ordinances shall be entered by the Administrative Assistant in a book kept by him/her for that purpose and shall be open for the inspection of any person during the normal business hours for the Town office.

B. An ordinance or resolution may be passed at a meeting at which a quorum of the Commissioners of the Town of Woodsboro are present. A majority of the Commissioners present at any such meeting may adopt an ordinance. The Burgess shall sign all ordinances and resolutions presented by the Commissioners. All ordinances, resolutions, and motions, when passed by the Commissioners, shall be subject by [to] the approval of the Burgess. In the event he shall veto the same, they shall not become operative unless passed by the unanimous vote of all of the Commissioners elected to office.

C. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners of the Town of Woodsboro 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 or passed as amended or rejected or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all Commissioners present at that meeting, provided that a quorum exists.

D. Every ordinance shall become effective with its passage unless otherwise stated therein or provided by law.

Section C–5. Enforcement; general penalty; disposition of moneys.

A. To ensure observance of the ordinances of the town, the Commissioners shall have the power to provide, by ordinance, that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding \$1,000 and/or imprisonment not exceeding 6 months or as otherwise provided in Article 23A, § 3(A) of the 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 authority of the Town Charter shall have the right to appeal within ten (10) days to the Circuit Court for Frederick County. The Commissioners may provide that where 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.

B. The Town Commissioners may provide, by ordinance, that violations of any municipal ordinance shall be a municipal infraction within the terms of and subject to the provisions in Article 23A, § 3(b), of the Annotated Code of Maryland, as amended from time to time.

C. *Disposition of moneys.*

(1) The Commissioners of Woodsboro may impose and appropriate fines, penalties and forfeitures for the breach of their ordinances.

(2) All fines, fees and costs shall go to the town and shall be appropriated as directed by ordinance.

Section C-6. Powers of Burgess and Commissioners.

A. The Burgess and Commissioners shall have the power to pass all ordinances and resolutions not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town and to exercise by ordinance all powers granted to it by Article XI-E of the Constitution of Maryland, Article 23A of the Annotated Code of Maryland, as amended from time to time, and/or otherwise granted by the laws of the State of Maryland.

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

(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 of theatrical or other public amusements.

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

(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 made [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 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 water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, railroad companies, and any others which may be deemed advantageous and be beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(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, consistent with 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 or happiness.

(28) *Health.* To protect and preserve the health of the town and its inhabitants; 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 Secretary of Health and Mental Hygiene, the county board of health, or any public general or local law relating to the subject to [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, ware, 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.

(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 keeping or 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 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 other 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 Highway Administration must first be approved by the Administration.

(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 days' public notice of the propose [proposed] conveyance to control, protect, and maintain public buildings, grounds, and property of the town.

(46) *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.

(47) *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. (1955, ch. 258; 1966, ch. 572; 1977, ch. 765, § 5; 1981, ch. 270, § 1.)

Section C-7. Referendum.

Where State or town law requires that an action by the Commissioners shall be subject to review by the voters by means of referendum and the law permitting such review does not set out the requirements or procedures by which a referendum shall be called or conducted, a referendum will be conducted, if within 30 days after adoption of the act to be reviewed a petition requesting a referendum and containing the signatures and home addresses of residents of the town comprising 25% of the registered voters qualified to vote in a town election is presented to the town Administrative Assistant. The Administrative Assistant shall certify whether the petition meets the foregoing requirements and, if so, an election shall be conducted within 60 days after certification. The act or action shall be suspended from the date of certification of a proper petition until the results of the election are determined.

Section C-8. Burgess and Commissioners.

A. *Terms of office.* All legislative powers of the town are vested in the Burgess and four (4) Commissioners. The term in office of the Burgess and Commissioners shall be four (4) years. The terms shall be staggered with two Commissioners being elected every two years. Elections shall be held every odd-numbered year on the second Saturday in May. All elected officials are to assume office on the first day of June. Each Commissioner shall hold office until his/her successor has been duly elected and qualified.

B. *Qualifications of Commissioners and voters.* The Burgess and Commissioners of Woodsboro shall have resided within the taxable limits of the town for one (1) year next preceding the election. All citizens of the United States, eighteen (18) years old and older, who have resided within the taxable limits of the Town of Woodsboro for sixty days prior to the day of the election shall be entitled to vote after proper voter registration. (See note (1))

C. *Compensation.* The Burgess and Commissioners shall receive as compensation for their respective services an annual salary which shall be as specified from time to time by a resolution passed in the regular course of business. Any salary increase will be passed upon the affirmative vote by the Burgess and Commissioners. Any proposed salary increase will be accommodated in the budgetary process of the town.

Section C-9. President Pro Tempore.

The Board of Commissioners, at their first meeting after each municipal election, shall select one (1) of their own number as President Pro Tempore. The President Pro Tempore shall act as Burgess in the case of the temporary absence or indisposition of the Burgess and shall have and exercise all the powers of the Burgess conferred by this Charter.

Section C-10. Appointment of Judge.

The Commissioners of the Town of Woodsboro shall semiannually appoint two (2) persons to act as Judge of each town election, who shall open the polls from 8:00 a.m. to 2:00 p.m. Said times of opening and closing shall be Eastern standard time or Eastern daylight saving time, as the same may be in effect in the Town of Woodsboro. The candidates who shall have the plurality votes shall be declared elected.

Section C-11. Tie votes; new elections.

If, at any election for Commissioners of the Town of Woodsboro, it shall appear by the certificate of the Judges of Election that any two (2) or more persons voted for as Commissioners have received the same number of votes, so that there is no choice for an entire Board but a vacancy in one (1) or more seats, if there shall be as many as three (3) duly elected, the incumbent Board of Commissioners or any three (3) of them shall assemble immediately and shall proclaim a new election to supply the vacancy occasioned by the failure to elect, giving at least five (5) days' notice of such election.

Section C-12. Filling vacancies.

If, during this year for which they are elected, any Commissioner shall die, resign, remove from the town or for any cause be disqualified, an appointment to fill the vacancy, or ten (10) days' notice being given by the Commissioners, shall be made.

ARTICLE IV Finance

Section C-13. 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 C-14. Budget.

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

Section C-15. Adoption of budget.

Before adopting the budget, the Board of 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 Board of Commissioners may insert new items or may increase or decrease the items of the budget. If the Board of Commissioners increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Board of Commissioners is necessary for adoption.

Section C-16. User charges.

The Commissioners of the Town of Woodsboro are hereby authorized and empowered to impose and collect a charge for the use of water, sewer and other services of the town. Such charges shall be collected on a regular basis and shall be liens on the property served by such.

Section C-17. Assessments for improvements.

The Commissioners of the Town of Woodsboro shall have the power to provide for the payment of damages and expenses of opening, widening, laying out and grading the streets, lanes and alleys in the town by levying and assessing the same generally upon the whole of the assessable property or especially upon the assessable property of persons benefited thereby.

Section C-18. Fees.

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

Section C-19. Audit.

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

Section C-20. Levy of taxes.

The Burgess and Commissioners of the Town of Woodsboro are hereby authorized and empowered to levy, annually, with full power to provide by ordinance for the collection of the same, upon the taxable property of the town such taxes as, in their judgment, may be necessary and proper to pay all expenses and debts of the town and all obligations lawfully incurred in pursuance of the power conferred by this Charter. Such levy shall not be in gross but shall designate the particular purposes for which the levy is made and the amount levied for each particular purpose. Such taxes, when levied, shall be a lien on the property on which they are levied, in the same manner as state and county taxes are liens on property on which such taxes are levied.

A. *Overdue taxes.* The taxes provided for in this section 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 current rate, as determined by the Burgess and Commissioners, 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 this section.

B. *Sale of tax-delinquent [delinquent] property.* A list of all property on which the town taxes have not been paid and which are in arrears, as provided by this section of this Charter, shall be turned over by the Administrative Assistant 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 C-21. 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 eighteen (18) months after the beginning of the fiscal year in which they are issued. All tax-anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Board of Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax-anticipation notes.

Section C-22. Municipal bonds and notes.

A. The Burgess and Commissioners may, in the name of the town, borrow money and incur indebtedness, from time to time, for any public purpose, and evidence that borrowing or indebtedness by the sale and issuance of its general obligation or revenue bonds (hereinafter sometimes collectively referred to as “bonds”) in the manner hereinafter prescribed.

B. Bonds issued by the Burgess and Commissioners shall be authorized by Resolution sold and issued in accordance with the terms and conditions of said resolution and ordinance or ordinances passed in conformity with Sections 31 to 39, inclusive, of Article 23A of the Annotated Code of Maryland (1990 Replacement Volume), as amended from time to time, title “Corporations–Municipal,” subtitle “Home Rule,” subheading “Creation of Municipal Public Debt,” provided, however, that the Burgess and Commissioners may sell bonds at private sale if the ordinance or ordinances authorizing the sale and issuance of the bonds shall so specify and provided further that the Burgess and Commissioner may sell bonds at private sale to the United States Government or the State of Maryland or their respective agencies without advertisement or publication of notice of sale or solicitation of competitive bids.

C. The Commissioners of the Town of Woodsboro are authorized to levy upon the assessable property of Woodsboro for such amount as shall be necessary, from time to time, to pay the interest and, as from time to time the same shall mature, to pay the principal of all municipal bonds and notes issued according to law and to provide a sinking fund thereof. (Res., 11-3-92.)

Section C-23. 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 is stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

Section C-24. 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.

ARTICLE V
Officers and Employees

Section C-25. Oath of office.

The Burgess and Commissioners of the Town of Woodsboro and all other officers of the town, before they enter upon the duties of their respective offices, shall severally take the following oath or affirmation: "I do solemnly swear or affirm that I will faithfully execute the office of _____ to the best of my knowledge and ability, without favor, affection or partiality."

Section C-26. Burgess.

A. The Burgess 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. The Burgess, with the approval of the Board of Commissioners, shall appoint the heads of all offices, departments and agencies of the town government as established by this Charter or by ordinance. All subordinate officers and employees of the offices, departments and agencies of the town government shall be appointed and removed by the Board of Commissioners in accordance with rules and regulations which may be adopted by the Board.

C. The Burgess, each year, shall report to the Board of Commissioners the condition of municipal affairs and make such recommendations as he/she deems proper for the public good and the welfare of the town.

D. The Burgess shall have supervision over the financial administration of the town government. He/she shall prepare or have prepared annually a budget and submit it to the Board. He/she shall supervise the administration of the budget as adopted by the Board. He/she shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

E. The Burgess shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him/her by the Board of Commissioners.

F. The Burgess can vote to break a tie vote.

Section C-27. Administrative Assistant.

A. There shall be an Administrative Assistant appointed by the Burgess with the approval of the Board of Commissioners, and he/she shall serve at their pleasure. His/her compensation shall be determined by the Board of Commissioners. The Administrative Assistant shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the Administrative Assistant under the direct supervision of the Burgess.

B. *Powers and duties.* Under the supervision of the Burgess and Commissioners, the Administrative Assistant shall have authority and shall be required to:

- (1) Prepare, at the request of the Board, an annual budget to be submitted by the Burgess to the Board.
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the town in such form as the Board may require and in conformance with state law.
- (4) Submit at the end of each fiscal year and at such other times as the Board may require a complete financial report to the Board through the Burgess.
- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the town and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
- (7) Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.
- (8) Do such other things in relation to the affairs of the town as the Burgess or the Board may require or as may be required elsewhere in this Charter.

C. The Administrative Assistant shall be bonded in such amount as the Board may require.

Section C-28. Town Attorney.

The Burgess, with the approval of the Board of Commissioners, may appoint a Town Attorney. The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals. The Town Attorney is the legal adviser of the town and shall perform such duties in this connection as may be required by the Burgess or the Board of Commissioners. His/her compensation shall be determined by the Board of Commissioners. The town has the power to employ such legal consultants as it deems necessary from time to time.

NOTES

(1) Annexation Resolution 2004-1, effective October 29, 2004, provided for the annexation of 0.2190 acres of land, more or less. Annexation Resolution 2005-01, effective September 23, 2005, provided for the annexation of 10.02 acres of land, more or less. Annexation Resolution 2005-02, effective October 28, 2005, provided for the annexation of 2.54 acres of land, more or less. Annexation Resolution 2005-03, effective October 28, 2005, provided for the annexation of 0.876 acres of land, more or less. These resolutions, however, did not provide for a change in the boundary description found in this Charter. Thus, these annexation resolutions are simply noted as pursuant to the municipal general powers.

