

CHARTER OF THE TOWN OF MILLINGTON

KENT AND QUEEN ANNE'S COUNTIES, MARYLAND

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ARTICLE I
Corporate Powers and Limits

§ C 1-1. General Corporate Powers

The inhabitants of the Town included within the provisions of this Charter within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of the “Town of Millington” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

§ C 1-2. Corporate Limits

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court in the county in which the Town is located, the Commissioner of the Land Office and the Director of the Department of Legislative Services. In addition a copy of the courses and distance describing the corporate boundaries shall be on file in the office of the Mayor or of the Town Clerk. All the officials named in this Section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE II
Council

§ C2-1. Number, Selection; Term

All legislative powers of the Town shall be vested in a Council consisting of a Mayor and four (4) Council Members until such time as additional Council members and a Mayor shall have been elected and qualified in accordance with Article V hereof, at which time all legislative power shall be vested in a Council consisting of four Council members and a Mayor, who shall be elected as hereinafter provided and who shall, unless otherwise specified herein, hold office for a term of three (3) years or until their successors take office. The regular term of Council Members shall expire at such time as the successors are sworn in to office following the election. Council Members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter.

§ C2-2. Qualifications of Council Members

Council Members shall have resided in the Town for at least six (6) months immediately preceding their election and shall be qualified voters of the Town.

§ C2-3. Salaries

Each Council Member may receive an annual salary which shall be equal for all Council Members and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected. The ordinance making any change in the salary paid to the several Council Members, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

§ C2-4. Meetings

Meetings of the Council

The newly elected Council shall meet at its first regular meeting in April following its election for the purpose of organization after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. A notice shall be published at least once in a newspaper of general circulation, on the public bulletin board, on the Town's website, or displayed at the Town office visible to the public stating the date, time and place of regular meetings. Special meetings shall be called by the Clerk-Treasurer upon the request of the Mayor or a majority of the members of the Council.

All meetings of the Council shall be open to the public unless closed by the Council in accordance with State law. The rules of the Council shall provide that residents shall have a reasonable opportunity to be heard at any public meeting in regard to any municipal question.

§ C2-5. Judge of Members' Qualifications

The Clerk-Treasurer shall be the judge of the election and qualification of its members.

§ C2-6. Quorum

Three (3) of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of three (3) members of the total number of members elected to the Council.

§ C2-7. Procedure; Journal of Proceedings

The Council shall determine its own rules and order of business. .

§ C2-8. Adoption of Resolutions and Ordinances

Definitions

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

"Ordinance" shall mean a legislative enactment adopted in a manner prescribed by this section that shall have the full force of law.

B. A proposed ordinance or proposed resolution may be introduced by any Council member at any public meeting of the Council.

The Council shall not vote on the passage or amendment of any proposed ordinance at the meeting in which it is introduced. The Council may (1) pass, (2) amend and pass, (3) reject, or (4) defer consideration of a proposed ordinance at any meeting of the Council held not less than 6 days or more than 60 days after the meeting at which the ordinance was introduced. Every ordinance passed by the Council must be signed by at least three (3) Council Members before it becomes effective.

Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of twenty (20) calendar days following adoption by the Council unless a later effective date has been specified therein. Upon adoption, a fair summary of the ordinance shall be immediately published in a newspaper of general circulation in the Town, and may be posted on the public bulletin board or the Town's website or displayed at the Town office visible to the public.

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 the Council Members present. An emergency ordinance may be enacted when it is necessary for the immediate preservation of the public peace, health, safety, or welfare. Notwithstanding Section C 2-6, no action shall be taken unless at least three (3) Council Members are present. An emergency ordinance may become effective immediately upon adoption or on a later date as specified therein. No emergency ordinance shall levy any tax or authorize borrowing; abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; sell any public property or land; or create any vested right or interest. Every emergency ordinance shall be plainly designated as such and shall describe the emergency in clear and specific terms. Upon adoption, a fair summary of the emergency ordinance shall be immediately published in a newspaper of general circulation in the Town and posted on an official bulletin board to be maintained by the Council in a public place. All emergency ordinances shall have a date of termination not to exceed one (1) year after enactment.

Referendum

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

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

The provisions of this section shall not apply to any ordinance, or part thereof, or action of the Council levying property taxes for the payment of indebtedness, or the adoption of the annual budget, but the provisions of this Section shall apply to any ordinance, or part thereof, levying special assessment charges.

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

ARTICLE III

Mayor

§ C3-1. Election; Line of Succession

On the second Saturday in March, 2010, the qualified voters of the town shall elect one

person as Mayor to serve for a term ending on the first Monday of April, 2013. Thereafter the Mayor shall be elected for a term of three years by direct vote of the qualified voters of the Town as provided in Article V, Registration; Nominations; Elections.. At its organizational meeting, the Council shall establish a line of succession to the office of Mayor.

The Mayor shall preside at all meetings of the Council in accordance with parliamentary procedure, except that the Mayor may vote on all questions before the Council.

§ C3-2. Salary

The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which the Mayor was elected. The ordinance making any change in the salary paid to the Mayor, both by way of increase or decrease, shall be finally ordained prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

§ C3-3. Powers and duties

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.

The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the Town government as established by this Charter or by ordinance.

The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

The Mayor shall have complete supervision over the financial administration of the Town government. . The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures to assure that the budget appropriations are not exceeded.

The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of the Office of the Mayor by the Council, not inconsistent with this Charter.

ARTICLE IV

Powers

§ C4-1. General and Specific Powers; Savings Clause

General Powers. The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges: for the preservation of peace and good order; for securing persons and property from violence, danger or destruction: and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town and visitors thereto and sojourners therein.

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 following specific purposes:

Advertising. To provide for the purposes of the Town for printing and publishing statements as to the business of the Town.

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

Appropriations. To appropriate municipal moneys for any purpose within the powers of the Council.

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

Bridges. To erect and maintain bridges.

Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the Town and to grant building permits for the same; to formulate a Building Code and to appoint a Building Inspector and to require reasonable charges for permits and inspections; and 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.

Cemeteries. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

Codification. To provide for the codification of all ordinances which have been or

may hereafter be passed.

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.

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.

Curfew. To restrict the times during which people may be in the streets, lanes, alleys, or public places of the Town.

Dangerous conditions. 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.

Departments. To create, change and abolish offices, departments or agencies other than offices, departments and agencies established by this Charter and 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.

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

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

Filth. To compel the occupant of any premises, building situated in the Town, when the same 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 such property, making it collectible by taxes or against the occupant or occupants.

Finances. To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose and to have general management and control of the finances of the Town.

Fire. To suppress fires and prevent the dangers thereof and may 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 fire hydrants where and as necessary and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

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

B. 20. 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, however, 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.

Garbage. To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points and to require, 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.

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 same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

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 cause.

Health. To protect and preserve the health of the Town and its inhabitants; to appoint a Public Health Officer and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; and to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health, provided that nothing herein shall be construed to affect in any manner any of

the powers and duties of the State Board of Health, the County Board of Health or any public general or local law relating to the subject of health.

House numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same or, in default thereof, to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

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.

Licenses. Subject to any restriction 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 and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

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

Lights. To provide for the lighting of the Town.

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

Markets. To obtain by lease or rent, own, construct, purchase, operate and maintain public markets within the Town.

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.

Noise. To regulate or prohibit unreasonable ringing of bells, or sounding of whistles and horns.

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 the same be herein specifically named or not; to 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.

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.

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.

Parking meters. To install parking meters on the streets and public places of the Town in such places as it shall, by ordinance, determine and, by ordinance, to prescribe rates and provisions for the use thereof, except that 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.

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.

Police force. To establish, operate and maintain a police force.

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

Property. To acquire, by conveyance, purchase or gift, real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the Town and its inhabitants and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the Town.

Quarantine. To establish quarantine regulations in interests of the public health.

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

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

Sweepings. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the Town.

Taxicabs. To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

Vehicles. To regulate and license other vehicles not subject to the licensing powers of the State of Maryland.

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

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, however, to the limitations and provisions of said Article.

Animals. To regulate the keeping of and provide for the licensing of all animals in the Town; and, to authorize the impounding, keeping, sale, destruction, or redemption of homeless animals on which no license fee is paid.

Parades. To regulate the holding of meetings, processions and parades in Town streets, parks, or other public places.

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.

§ C4-2. Exercise of Powers

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

§ C4-3. Enforcement of Ordinances

To ensure the observance of the ordinances of the Town, the Council shall have the power

to provide that violation thereof shall be a misdemeanor or an infraction and shall have the power to affix thereto penalties as provided in and pursuant to §C 12-4. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance or resolution passed under the authority of this Charter shall have the right of appeal within ten (10) days to the Circuit Court of Kent and Queen Anne's Counties. The Council 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.

§ C4-4. Elected Office Malfeasance

A member of the Council may be removed upon conviction of a felony, being declared mentally incompetent by the Circuit Court, or by extended absenteeism (defined as missing 50% of the regular scheduled meetings within a six month time period). Removal is only effective after an advertised public hearing and majority vote of remaining Council members.

ARTICLE V Registration; Nominations; Elections

§ C5-1. Qualifications of Voters, Registration

Qualifications of Voters

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty (30) days, and (d) is registered to vote in the State of Maryland in accordance with provisions of this Charter, is a qualified voter of the Town.

Registration

Provided that persons meet the voter qualifications enumerated in this Charter, registration to vote by the Kent County Board of Elections or the Queen Anne's County Board of Elections shall be deemed registration for Town elections and the Clerk-Treasurer shall accept the list of registered voters provided by either board of elections as a valid registration list for the Town. County voter registration forms shall be made available at the Town offices during normal business hours.

No person shall be entitled to vote in a Town election unless he/she is duly registered to vote at least thirty (30) days prior to that election.

§ C5-2. Election Duties of Clerk-Treasurer

The Clerk-Treasurer shall be in charge of all Town elections and shall not be a candidate

for any elective office during his/her appointment as Clerk-Treasurer.

§ C5-3. Notice of Elections

At least fourteen (14) days but not more than twenty (20) days prior to each Town election, the Clerk-Treasurer shall provide notice of the upcoming election at least once a week for two (2) weeks in a newspaper of general circulation within the Town and by posting a notice thereof in some public place or places in the Town.

§ C5-4. Certificate of Nomination

Persons may be nominated for elective office in the Town by filing a certificate of nomination signed by five (5) registered voters in the Town. Such certificate shall state the following:

The office for which the candidate is seeking the nominations.

The name of the candidate.

A statement that the signers of the certificate are registered voters.

The signers support the nomination of the named candidate.

No person shall be allowed to be a write-in candidate at the time of election who has not previously filed notice as required herein. Write-in candidates must file with the Clerk-Treasurer twenty-one (21) days prior to the election date.

While serving as a council member, no council member may hold any other elected public office.

D. If an election is uncontested, the Clerk-Treasurer is authorized and directed to cancel the election and certify the candidates to be duly elected to office.

§ C5-5. Election of Council Members

On the first Tuesday in March in every year, the qualified voters of the Town shall elect one (1) person as Council member to serve for a term of three (3) years. On the second Saturday in March, 2010, the qualified voters of the Town shall elect one person as Council member to serve for a term ending on the first Saturday of April, 2013; and one person as Council member to serve for a term ending on the first Monday in April, 2011. Such Council members shall be in addition to those Council members already serving, having been elected in their respective elections of March, 2010 and 2011, (or completing the terms of Council members then so elected). On the second Saturday in March 2011,

and on the second Saturday in March of each succeeding year, the qualified voters of the Town shall elect as Council members either one or two persons, as the case may be, to succeed those Council members whose terms are expiring at its first regular meeting in April.

§ C5-6. Conduct of Elections

It shall be the duty of the Clerk-Treasurer to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Clerk-Treasurer shall keep the polls open from 12:00 noon until 8:00 p.m. on election days or for longer hours if the Council requires it. The Clerk-Treasurer is authorized and directed to cancel the election and certify the candidate to be duly elected to office if the candidate runs for office unopposed.

§ C5-7. Special Elections

All special Town elections shall be conducted by the Clerk-Treasurer in the same manner and with the same personnel, as far as practicable, as regular Town elections.

§ C5-8. Vote Count

Within two (2) hours after the closing of the polls, the Clerk-Treasurer shall determine the vote cast for each candidate or question and shall certify the results of the election to the Mayor of the Town and shall record the result and post for public review. The candidate for Council Member with the highest number of votes in the general election shall be declared elected as Council Member. The counting of ballots shall be open to the public.

§ C5-9. Preservation of Ballots

All ballots used in any Town election shall be preserved for at least six (6) months from the date of the election.

§ C5-10. Vacancies

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy for the unexpired term. Any vacancies on the Council shall be filled by the favorable votes of a majority of the remaining members of the Council. The results of any such vote shall be recorded in the minutes of the Council.

§ C5-11. Regulation and Control of Elections

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of nomination and Town elections and for the prevention of fraud in connecting therewith and for a recount of ballots in case of doubt or fraud.

ARTICLE VI

Finance

§ C6-1. Clerk-Treasurer, Assistant Clerk-Treasurer

There shall be a Clerk-Treasurer appointed by the Mayor with the approval of the Council and such Assistant Clerk-Treasurer as it deems necessary. The Clerk-Treasurer shall serve at the pleasure of the Council. The compensation of Clerk-Treasurer shall be determined by the Council. The Clerk-Treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the Council.

§ C6-2. Powers and Duties of Clerk-Treasurer

Under the supervision of the Council, the Clerk-Treasurer shall have authority and shall be required to:

Prepare at the request of the Mayor and Council an annual budget with the assistance of the Town Administrator that will be submitted to the Mayor and Council.

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

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

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

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

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.

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.

Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in this Charter.

§ C6-3. Bond of Clerk-Treasurer

The Clerk-Treasurer shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require.

§ C6-4. Fiscal Year

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July 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.

§ C6-5. Submission of Budget to Council

The Clerk-Treasurer, on such date as the Council shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, open to public inspection by anyone during normal business hours.

§ C6-6. Adoption of Budget

Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the municipality. The Council may 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 such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

§ C6-7. Appropriations

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

§ C6-8. Transfer of Funds, Amendments After Adoption of Budget

Amendments after Adoption of Budget

Supplemental Appropriations. If during the fiscal year the Clerk-Treasurer certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, the Council may make emergency appropriations by emergency ordinance in accordance with the provisions of § C2-8 of this Charter.

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

Procedure. The authorization of supplemental and emergency appropriations or transfer of funds shall require a two-thirds (2/3) vote of the entire Council in accordance with state law.

§ C6-9. Over-Expenditure Prohibited; Contracts and Bonds

No Council member 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 amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter 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.

§ C6-10. Lapse of Appropriations; Unexpended Funds

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.

§ C6-11. Issuance and Signing of Checks

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by a Council member and shall be countersigned by the Mayor. In the absence of the Mayor, checks may be countersigned by an additional member of the Council.

§ C6-12. Taxable Property

All real property and all tangible personal property within the corporate limits of the Town is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

§ C6-13. 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.

§ C6-14. Notice of Tax Levy; Tax Bills

Immediately after the levy is made by the Council in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town.

§ C6-15. When Taxes Are Overdue

The taxes provided for in §C6-14 of this Charter shall be due and payable as provided in the Tax-Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears and shall be subject to additional penalties as authorized by State law. Any interest or penalty rates to be imposed by the Town shall be established by ordinance. All taxes not paid and in arrears one year after the date on which they are due and payable shall be collected as

provided in § C6-16.

§ C6-16. 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 § C6-15 of this Charter shall be turned over by the Clerk-Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law.

§ C6-17. Possession of and Accounting for Fees

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

§ C6-18. Auditing

The financial books and accounts of the Town shall be audited annually.

§ C6-19. Tax anticipation Borrowing

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (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 per centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the powers to regulate all matters concerning the issuance and sale of tax anticipation notes.

§ C6-20. Long-Term Borrowing

In addition to the authority provided for in § C6-19 of this Charter with respect to tax anticipation borrowings, the Town shall have the power to 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 evidences of indebtedness in the manner prescribed in this section.

As determined by or provided for in the authorizing ordinance or resolution of the council, the bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law (which competitive bids may be delivered by electronic or facsimile means or any other commercially reasonable manner determined by the Council by ordinance or resolution);

For a price or prices which may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Council; and

For either cash or other valuable consideration.

The ordinance or resolution that authorizes the bonds, notes or evidences of indebtedness may provide for their redemption prior to maturity and for the manner of publishing or otherwise giving notice of such redemption.

The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

The official signatures and seals affixed to any of the bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

The provisions of this § C6-20 shall not apply to any tax anticipation borrowing in accordance with § C6-19 of this Charter.

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

§ C6-21. Revenue Bonds

The Town shall have the power to issue revenue bonds for one or more revenue-producing projects that serve a proper public. Prior to issuance of revenue bonds, the Council shall enact an ordinance stating the public purpose for which the proceeds of the

revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the Town shall not be pledged for the payment of revenue bonds.

§ C6-22. 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, hereafter 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.

§ C6-23. Validity of Previous Bonds

All bonds, notes or other evidence 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.

§ C6-24. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Clerk-Treasurer. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than ten thousand dollars (\$10,000.00) shall be made on written contract. The Clerk-Treasurer shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the lowest responsible bidder, taking into consideration such factors (but not by way of limitation) as quality of goods and work, time of delivery or completion and past performances of the bidder. All such written contracts shall be approved by the Council before becoming effective. The Council shall have the right to reject all bids and readvertise. The Town, at any time, in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for or readvertising for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the Town may require.

ARTICLE VII
Personnel

§ C7-1. Clerk to the Council

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

§ C7-2. Town Attorney; Compensation; Legal Consultants

The Mayor, with the approval of the Council, may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal adviser of the Town and shall perform such duties in this connection as may be required by the Council or the Mayor. His/Her compensation shall be determined by the Council. The Town shall have the power to employ such legal consultants as it deems necessary from time to time.

§ C7-3. Authority to Employ Personnel

The Town shall have the power to 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

§ C7-4. Retirement System

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

§ C7-5. Compensation of Mayor, Council, and Employees

The compensation of the Mayor and Council of the Town shall be set from time to time by the Mayor and Council, subject to the restrictions imposed upon establishing the salaries of the Council and Mayor. The compensation of employees shall be set from time to time by the Mayor and Council in accordance with the current budget line item for employee compensation.

§ C7-6. Employee Benefit Programs

The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its council members and employees and to expend public moneys of the Town for such programs.

ARTICLE VIII Public Ways and Sidewalks

§ C8-1. Term Defined

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

§ C8-2. Control and Maintenance by Town; Exception

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the Town.

§ C8-3. Powers of Town Regarding Public Ways

Regarding public ways, the Town shall have the power to:

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

Grade, layout, construct, open, extend, and make new Town public ways.

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

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

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

Construct, reconstruct, maintain, and repair bridges

G. Name Town public ways.

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

or projects or parts thereof.

§ C8-4. Powers of Town Regarding Sidewalks

Regarding sidewalks, the Town shall have the power to:

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

Grade, layout, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.

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

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

ARTICLE IX Water and Sewers

§ C9-1. Powers of Town

The Town shall have the power to:

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

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

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

Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts,

installations and structures of the above plants and systems.

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

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

§ C9-2. Submission of Plans and Written Approval Required Prior to Construction of Structures in Public Ways; Penalty

Any public service corporation, company or individual, before beginning any construction of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Town may order it removed.

§ C9-3. Removal of Obstructions Upon Notice; Use of Condemnation Powers

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the Town or in the county which impede the establishment, construction or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in § C11-2.

§ C9-4. Right of Entry on County Public Ways; Notification Required

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

§ C9-5. Connections to Water and Sewer Mains; Disposition of Cesspools, Privies

and Wells

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

§ C9-6. Connection Charges

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

§ C9-7. Prevention of Waste or Improper Use of System

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

§ C9-8. Operation and Maintenance of Private Systems

The Town may, by ordinance, provide that no water supply, sewerage or stormwater drainage system and no water mains, sewers, drains or connections therewith shall be constructed or operated by any person or persons, firm, corporation, institution or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town.

§ C9-9. Extension of Water and Sewer Mains

The Town shall have the power to extend its water or sewerage systems beyond the Town limits.

§ C9-10. Right of Entry for Access to Installations

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

§ C9-11. Pollution of Water Supply Prohibited.

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

§ C9-12. Contracts for Water or Sewage Removal

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

§ C9-13. Service Rates and Charges; Collection

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Clerk-Treasurer, and if bills are unpaid within seventy (70) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

ARTICLE X Special Assessments

§ C 10-1. Power of Town to Levy Special Taxes and Assessments

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

item of cost which may reasonably be attributed to the project.

§C10-2. Procedure

The procedure for special assessments, wherever authorized in this charter, shall be as follows:

A. The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Council.

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

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

D. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Clerk-Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk-

Treasurer shall have completed publication and a service of notice as provided in this section, following the hearing, the Council in its discretion, may vote to proceed with the project and may levy the special assessment.

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

F. Special Assessments may be made payable in annual or more frequent installments over such period of time, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

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

H. All special assessments shall be billed and collected by the Kent County Office of Budget and Finance.

ARTICLE XI Town Property

§ C11-1. Acquisition, Possession and Disposal

The Town may acquire real, personal or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town, by whatever prior name known, at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

§ C11-2. Condemnation

The Town shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the Town shall be deemed

to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be in accordance with State law.

§ C11-3. Acquisition and Maintenance of Buildings for Town Government

The Town shall have the power to acquire obtain by lease or rent, purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the Town government.

§ C11-4. Protection

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

ARTICLE XII General Provisions

§ C12-1. Oath of Office

Before entering upon the duties of their offices, the Mayor, the Clerk-Treasurer and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: "I, _____ do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and laws of this state."

The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the county or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

§ C 12-2. Bonds

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

§ C 12-3. Prior Rights and Obligations

All right, title and interest held by the Town or any other person or corporation at the time this Charter is adopted in and to any lien acquired under any prior Charter of the Town

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

§ C 12-4. General Penalty

Misdemeanors

Every act or omission which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the Circuit Court of Kent and Queen Anne's Counties by a fine, imprisonment, or both, not to exceed the maximum misdemeanor penalty prescribed by State law.

Municipal Infractions

B.1 The Council may declare that a violation of a Town ordinance shall be a municipal infraction, unless that violation is declared to be a felony by State law or other ordinance, and affix penalties thereto not to exceed the maximum penalty for a municipal infraction prescribed by State law. For purpose of this Section, a municipal infraction is a civil offense.

B.2. Any person receiving a citation for a municipal infraction may choose to stand trial for the infraction in a manner prescribed by State law.

B. 3. Each day a violation continues shall constitute a separate offense.

§ C12-5. Effect of Charter on Existing Laws and Rules

All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

All ordinances, resolutions, rules and regulations in effect in the Town at the time this

Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

§ C12-6. Severability

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

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