

CHARTER

OF THE

# **Town of Willards**

WICOMICO COUNTY, MARYLAND

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# WILLARDS

## ARTICLE I The Municipal Corporation

### GENERAL CORPORATE POWERS

#### Section 101. "The Town of Willards".

The inhabitants of Willards within the provisions of this article within the corporate limits legally established from time to time are hereby constituted and/or continued a body politic, by the name of "The Town of Willards" 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.

### CORPORATE LIMITS

#### Section 102. A Description of the Corporate Boundaries.

The corporate boundaries of the Town of Willards shall be a circle with a radius of two thousand six hundred forty (2,640) feet from a center point located at the intersection of the south right-of-way line of Regnault Avenue with the west right-of-way line to Canal Street; said center point having a west longitude of 75 degrees; 20 minutes, 55.95 seconds and a north latitude of 38 degrees, 23 minutes, 28.69 seconds.

#### Section 103. Records of Corporate Boundaries.

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 of Wicomico County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference [Services]. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Town Clerk. All such descriptions of corporate boundaries shall be recorded and filed in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (Res. No. 1988-2, 1-31-89.)

## ARTICLE II The Council

### MEMBERSHIP OF THE COUNCIL

#### Section 201. Number, Selection and Term of Councilmembers.

All legislative and executive powers of the town shall be vested in a body designated as "The Council of Willards" consisting of five (5) commissioners who shall be elected as hereinafter provided and who shall hold office as follows:

a) Two (2) shall be elected for an initial term of four (4) years or until their successor takes office.

b) Three (3) shall be elected for an initial term of two (2) years, which seats on the Council shall thereafter be for terms of four (4) years, or until their successor takes office.

The regular term of each commissioner shall terminate and expire on second Monday of July following the quadrennial election of their successors. Commissioners 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. (Res. 1985-2, 7-30-85; Res. 2007-1, 4-3-07.)

#### Section 202. Qualifications of Commissioners.

Commissioners shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town. The Council shall be the judge of the election and qualification of its members.

#### Section 203. The President and Vice-President of the Council.

There shall be elected by the Council after each election as provided in Section 201 above a President of the Council. The Council shall elect a Vice-President of the Council from among its members who shall act as President of the Council in the absence of the President of the Council.

#### Section 204. The Salary of Commissioners.

Each Commissioner shall receive an annual salary which shall be equal for all commissioners 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 commissioners, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council.

Section 205. Filling Vacancies in the Council.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy until the next general election at which time, if the seat vacated has not expired, the unexpired term shall be filled by election. 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.

**PROCEDURE OF THE COUNCIL**Section 206. The Rules and Order of Business.

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

Section 207. Meetings of the Council.

The newly-elected Council shall be sworn in at 7:00 p.m. on the second Monday of July following its election and then meet for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk-Treasurer upon the request of the President or a majority of the members of the Council. All meetings of the Council shall be open to the public, except in special and appropriate circumstances when meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article, Open Meetings Law, of the Annotated Code of Maryland, as amended from time to time. The rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting open to the public in regard to any municipal question. (Res. 1985-2, 7-30-85; Res. 2010-1, 4-27-10.)

Section 208. Seating of the Council.

A majority of the members of the Council shall constitute a quorum for the transaction of business. No ordinance shall be approved nor any other action taken without the favorable votes of a majority of the councilmembers.

Section 209. Passage of Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative unanimous votes of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar

days following approval by the Council. An ordinance shall become effective on the date specified in the ordinance.

Section 210. Processing Referendums.

If, before the expiration of twenty calendar days following the effective date specified in any ordinance, a petition is filed with the Clerk–Treasurer containing the signatures of not less than twenty per centum (20%) of a (See Note (1)) qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum submitted to a vote of the qualified voters of the town at the next regular town election or, in the Council’s discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provision of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 612, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Sections 618 and 619. The provisions of this section shall be self–executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 211. The Filing of Ordinances.

Ordinances shall be permanently filed by the Clerk–Treasurer and shall be kept available for public inspection. An annual compilation of all public ordinances of general application and continuing force that have been enacted during the year will be supplemented to the most recent Code of Ordinances and filed with the State Department of Legislative Reference [Services].

## **ARTICLE III**

### **Powers of the Council**

#### **GENERAL POWERS**

Section 301. Administrative.

The Council shall have the authority to create, change or abolish offices and departments and to assign additional functions to offices and departments but not including the power to create, change, abolish or discontinue any office or department or to transfer any function of an office or department established by this Council.

Section 302. Legislative.

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; 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.

Section 303. Financial.

The Council shall have complete supervision over the financial administration of the town government, it shall have the authority to prepare an annual budget, to supervise the disbursement of all monies and to control all expenditures so as to assure that the budget appropriations are not exceeded.

SPECIFIC POWERS

Section 304. Enumeration of 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 advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

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

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

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

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

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

*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 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.

*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 any governmental functions.

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

*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.

*Disorderly Houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

*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 the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

*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; 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 or outhouse 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

officials 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; and all lawful municipal taxes; to expend municipal funds for any public purpose; to borrow such sum or sums of money from time to time as they shall deem advisable in such manner and by such means as they shall in their sound discretion deem most advantageous to the town; to have general management and control of the finances of the town.

*Fire.* To suppress fires and prevent the danger 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 fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

*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 [the Public Utilities Article] of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

*Gambling.* To restrain and prohibit gambling.

*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.

*Grant-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 license 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.

*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 monies.

*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 restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services; to license any business, occupation, trade, calling, or place of amusement or business; to establish and collect reasonable 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; 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, crying of goods 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, 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.

*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 they 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 road maintained by the State Roads Commission of Maryland must first be approved by the Commission. (See Note (1))

*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 as needed.

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

*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 or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or 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 wagons and 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 [the Land Use Article] of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said article.

*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.

## ENFORCEMENT OF ORDINANCES

Section 305. 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 be not prescribed, then in such manner as may be prescribed by ordinance.

Section 306. Establishment of Penalties.

To insure the observance of the ordinances of the town, the Council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within ten (10) days to the Circuit Court of Wicomico County. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

## ARTICLE IV Municipal Elections

## THE REGULATION OF ELECTIONS

Section 401. The Powers of the Council.

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 registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 402. Violations and Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this article or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

Section 403. Equal Franchise.

All persons shall have equal privileges in registering, voting, and holding town offices, subject to the qualifications of Section 409. Whenever the masculine gender has been used as to any registering, voting, or holding town office, it shall be construed to include the feminine gender.

THE BOARD OF SUPERVISORS OF ELECTIONS

Section 404. Membership of the Board.

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the President of the Council with the approval of the whole Council on or before the first Monday in March in every second odd-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in March in the year in which they are appointed and run for four (4) years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the President of the Council with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

Section 405. Removal of Board Members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges against him.

Section 406. Duties of the Board.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

Section 407. Notice of Registration Days and Elections.

The Board of Supervisors of Elections shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

## REGISTRATION

Section 408. Voter Registration.

There shall be a registration on the first Monday in April, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the Council may designate additional days as registration days. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The Council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for the registration of voters as frequently and conveniently as possible.

Section 409. Qualifications of Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen years of age, (c) has resided within the corporate limits of the town for ninety (90) days next preceding any town election, and (d) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections.

Section 410. Appeal from an Action of the Board of Supervisors of Elections.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for the County within thirty (30) days of the decision or action of the Council.

## THE NOMINATION OF CANDIDATES FOR OFFICE

Section 411. Filing for Office.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the second Monday in April next preceding the town election. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elective town public office at any one time.

## ELECTION PROCEDURES

Section 412. Conduct of Elections Generally.

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate

nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 9:00 a.m. to 6:00 p.m. on election days or for longer hours if the Council requires it.

Section 413. Election of Commissioners.

On the second Tuesday of May in every odd-numbered year, the qualified voters of the town shall elect persons to serve on the Council to fill vacancies and replace those councilmembers whose terms have expired.

Section 414. Special Elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section 415. Absentee Votes.

Any registered voter is entitled to vote in a town election by absentee ballot. It shall be the duty of the Board of Supervisors of Elections to transmit and receive applications for absentee ballots and to provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote.

Section 416. The Counting and Preservation of Ballots.

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the results of the election to the Clerk-Treasurer of the town who shall record the results in the minutes of the Council. The three (3) candidates for commissioners with the highest number of votes in the general election shall be declared elected as commissioners.

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

Section 417. Uncontested Elections.

If, on the day immediately following the second Monday in April next preceding the Town election, the number of duly qualified candidates for the office of commissioner is equal to the number of vacancies in such office, then no election shall be held on the second Tuesday in May and all such candidates shall be sworn in on the second Monday in July as provided for in Section 207 of Article II of the Charter and assume the office of commissioner thereafter. (Res. No. 2014-2, 1-27-15.)

## ARTICLE V Municipal Employees

### GENERAL AUTHORIZATION

#### Section 501. The 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.

#### Section 502. The Authority to Establish a Merit System.

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

#### Section 503. Definition of Unclassified and Classified Service.

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

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

- a) The councilmen, and persons appointed to fill vacancies in these positions.
- b) The Clerk–Treasurer and town attorney.
- c) The heads of all offices, departments, and agencies and members of town boards and commissions.
- d) Part–time, temporary, and unpaid offices and positions.

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

Section 504. Compensations and Benefits.

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

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 officers and employees, and to expend public monies of the town for such programs.

Section 505. Retirement.

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.

Section 506. Prohibitions and Penalties.

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

*Penalties.* Any person who by himself or with others, willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine or [of] not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the town service, and shall, if he be an officer or employee of the town, immediately forfeit the office or position he holds.

## MUNICIPAL OFFICERS

Section 507. Establishment of the Position of Clerk–Treasurer.

The Council shall appoint a Clerk–Treasurer who shall serve at its pleasure. The Clerk–Treasurer shall be the chief financial officer of the town under the supervision of the Council. The Clerk–Treasurer shall serve as Clerk to the Council, attend every meeting of the Council, keep a full and accurate account of the proceedings of the Council, and keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 508. Establishment of the Position of Town Attorney.

The President of the Council, with the approval of the Council, may appoint a town attorney. The town attorney shall be a member of the bar of Maryland Court of Appeals. The town attorney shall be the legal advisor of the town and perform such duties in connection as may be required by the Council. His 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.

## ARTICLE VI Finance

## THE OFFICE OF CLERK–TREASURER

Section 601. Powers and Duties.

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

- a) prepare at the request of the Council an annual budget to be submitted to the Council.
- b) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- c) maintain a general accounting system for the town in such form as the Council may require, not contrary to State law.
- d) 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.
- e) ascertain that all taxable property within the town is assessed for taxation.
- f) collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

g) do such other things in relation to the fiscal or financial affairs of the town as the Council may require or as may be required elsewhere in this Charter.

Section 602. Surety Bond.

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

THE MUNICIPAL BUDGET

Section 603. The Fiscal Year.

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

Section 604. Submission of the Budget.

The President of the Council, on such date as the Council by ordinance shall determine, but at least thirty–two 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.

Section 605. Adoption of the Budget.

Before adopting the budget, the Council shall hold a public hearing thereon after two weeks’ 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 proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

EXPENDITURES

Section 606. 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.

Section 607. The Transfer of Funds.

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

Section 608. Over-Expenditures.

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

Section 609. Unexpended/Unencumbered Appropriations.

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

Section 610. The Issue of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk-Treasurer and shall be countersigned by the President of the Council.

Section 611. Purchases 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 using of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than one hundred dollars (\$100.00) shall be made on written contract. The Clerk-Treasurer 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.

Section 612. Authority for borrowing; payment of indebtedness.

(a) The Town of Willards 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.

(b) 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:

(1) 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;

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

(3) 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

(4) For either cash or other valuable consideration.

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

(d) 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.

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

(f) 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 section shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property within the corporate limits of the town for the prompt payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation as to rate or amount. The full faith and credit of the town is hereby pledged to 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 section, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance or resolution authorizing their issuance.

(g) 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. (Res. No. 3, 8-31-99.)

## REVENUES

Section 613. Taxable Property Defined.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 614. The Establishment of the Tax Levy.

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

Section 615. Announcement of the Tax Levy and Notification of Tax Due.

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. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property.

Section 616. Date of Payment and Overdue Payments of Taxes.

The taxes provided for in Section 615 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following November. They shall bear interest while in arrears at the rate of one per centum (1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 617.

Section 617. The Sale of Tax–Delinquent Property.

A list of all property on which the town taxes have not yet been paid and which are in arrears as provided by Section 616 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.

## SPECIAL ASSESSMENTS

Section 618. The Authority to Levy Special 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, storm water 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 assessments. 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 land acquired for the project, the interest of 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 reasonable [reasonably] be attributed to the project.

Section 619. Procedures for Assessment and Collection.

The procedure for special assessment, wherever authorized in the Charter, shall be as follows:

- a) The cost of the project being charged for shall be assessed according to the front-foot rule or [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 centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- 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 or [of] record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The Clerk-Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure

of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the 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, not to exceed ten (10) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

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 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 Clerk–Treasurer.

## FISCAL ACCOUNTABILITY

### Section 620. Collectors of Fees.

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

### Section 621. Municipal Audit.

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

### Section 622. Tax Anticipating [Anticipation] Borrowing.

During the first six 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 are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all

matters concerning the issuance and sale of tax anticipation notes. Nothing herein shall prevent the borrowing of money by the Council on open notes or long term notes or other evidences of indebtedness not in anticipation of repayment by future taxes.

## **ARTICLE VII Municipal Holdings**

### TOWN PROPERTY

#### Section 701. The Authority to Acquire, Possess and Dispose of Property.

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

#### Section 702. The Acquisition of Property by 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 that established in Article 33A of the Annotated Code of the Public General Laws of Maryland, title "Eminent Domain".

#### Section 703. Protection and Maintenance of Town Property.

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.

### PUBLIC WAYS AND SIDEWALKS

#### Section 704. The Definition of Public Ways.

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

Section 705. The Control of Public Ways.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland Department of Transportation, State Highway Administration on [or] the Wicomico County Roads Division. 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. The town shall have the power:

- a) to establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public ways or part thereof, bridges, curbs, and gutters.
- b) to grade, lay out, construct, open, extend, and make new town public ways.
- c) to grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- d) to pave, surface, repave, or resurface any town public way or part thereof.
- e) to install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- f) to construct, reconstruct, maintain, and repair bridges.
- g) to name town public ways.
- h) to have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 706. The Control of Public Sidewalks.

The town shall have the power:

- a) 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.
- b) to grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
- c) to require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- d) to 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.

WATER AND SEWERAGE SYSTEM

Section 707. The Authorization of a Municipal System.

The town shall have the power:

- a) to construct, operate, and maintain a water system and water plant.
- b) to construct, operate, and maintain a sanitary sewerage system and a sewerage treatment plant.
- c) to construct, operate, and maintain a storm water drainage system and storm water sewers.
- d) to construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- e) to have surveys, plans, specifications, and estimates made for any of the above plans and systems or parts thereof or the extension thereof.
- f) to do all things it deems necessary for the efficient operation and maintenance of the above plants and systems, including denial of water for rents or payments due directly or indirectly connected with any of the above systems or to collect such sums due in any other manner it deems fit.

Section 708. Authority to Extend the System Beyond Town Limits.

The town shall have the power to extend its water or sewerage system beyond the town limits.

Section 709. Access to Installations, Right of Entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, 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. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor.

Section 710. Authority to Contract Services.

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 or [of] sewage.

Section 711. The Responsibility for Obstructions and Their Removal.

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 obstruction 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 Section 702. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 712. Municipal Authority to Enter on County Public Ways.

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

Section 713. The Authorization of Other-Than-Municipal Constructions.

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

Section 714. Authority to Provide and Regulate Private Connections to the Municipal System.

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

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

Section 715. Authority to Charge for Connections.

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.

Section 716. Authority to Regulate Private Systems.

All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. The town may, by ordinance, provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal affecting or likely to affect adversely the public comfort and health, may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor, and a continuing offense punishable separately for each day's failure to perform.

Section 717. Control of Water Pollution.

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

Section 718. Authorization to Establish and Collect Charges.

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 thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law, and/or by denial of water supply.

Section 719. Exception.

The provisions of this subtitle shall not extend to any situation in which a sanitary district or special tax area or district has been authorized, as to the particular powers included in the authorization to discharge the powers provided in this subtitle.

## ARTICLE VIII General Provisions

### AFFIRMATION AND ASSURANCE OF PUBLIC TRUST

#### Section 801. Oath of Office Required.

Before entering upon the duties of their offices, all members of the Council, the Clerk–Treasurer, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmative [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 judgement, diligently and faithfully, without partiality or prejudice, execute the office of ....., according to the Constitution and laws of this State”.

#### Section 802. Administration of the Oath of Office.

The councilmembers shall take and subscribe this oath or affirmation before the clerk of the circuit court of 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 councilmen.

#### Section 803. Official Bonds of Town Officers and Employees.

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.

### APPLICABILITY OF PREVIOUS AND SUBSEQUENT CHARTERS

#### Section 804. 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 cause 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 judgement as if this Charter had not become effective.

Section 805. Effect of Charter on Existing Ordinances.

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

b) 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 shall be and the same hereby are repealed to the extent of such conflict.

DEFINITIONS/CLARIFICATIONS

Section 806. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the Circuit Court of Wicomico County by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for ninety (90) days in the county jail, or both, in the discretion of the Court of Trial Magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 807. Severability.

If any section or part of any 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 section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 808. "Town" Construed to Mean "City".

Wherever in this article the word "town" shall appear, it shall be taken and construed to mean also the word "city".

## NOTES

(1) Thus in the original.

(2) Annexation Resolution 2002–2, effective May 11, 2002, provided for the annexation of 21.95 acres of land, more or less. Annexation Resolution 2005–3, effective July 28, 2005, provided for the annexation of 28.90 acres of land, more or less. Annexation Resolution 2007–5, effective August 23, 2007, provided for the annexation of 2.7864 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.