

CHARTER
OF THE
Town of Eagle Harbor
PRINCE GEORGE'S COUNTY, MARYLAND

*As found in the Public Local Laws of Prince George's County,
1963 Edition, 1967 Supplement, as amended*

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EAGLE HARBOR

Section 25–1. Incorporated; general powers.

The citizens of the Town of Eagle Harbor, Prince George’s County, Maryland, are hereby made a body corporate by the name and style of “Commissioners of Eagle Harbor,” and by that name may have a perpetual succession, sue and be sued, have and use a common seal, purchase and hold real, personal and mixed property, and sell and dispose of the same for municipal purposes. (P.L.L., 1930, Art. 17, sec. 382; 1943 Code, sec. 494; 1953 Code, sec. 540; 1929, ch. 397, sec. 1.)

Section 25–2. Boundaries.

The boundaries of said town shall be as defined and included within the plat of Eagle Harbor subdivision, as the said plat is now designated and recorded among the plat records of Prince George’s County, Maryland, in Liber S.D.H. 3, Folio 22. (P.L.L., 1930, Art. 17, sec. 383; 1943 Code, sec. 495; 1953 Code, sec. 541. 1929, ch. 397, sec. 2.)

Section 25–3. Government.

(a) *Number, election, term.* All legislative powers of the Town shall be vested in a Board of five Commissioners, each of whom shall be elected at large as hereinafter provided. Commissioners shall take office on the second Saturday in September following their election and hold office for a term of two years or until the succeeding Board takes office.

(b) *Qualifications.* Commissioners shall be at least twenty–five years of age and qualified voters of the Town for at least one year prior to their election.

(c) *Commission to be judge of qualifications of its members.* The Commission shall be the judge of the election and qualification of its members.

(d) *Organization.* The Commissioners shall, at their first meeting after election, elect one of their number to be Chairman of the Board of Commissioners. They shall pass laws and by–laws for their own government while in session. (P.L.L., 1930, Art. 17, sec. 384; 1943 Code, sec. 496; 1953 Code, sec. 542. 1929, ch. 397, sec. 3; Res. I, Nov. 5, 1977.)

Section 25–4. Voters.

(a) *Qualifications.* Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the Town for at least six months out of the year immediately preceding any Town election or who owns real property within the corporate limits of an assessed valuation of at least one hundred (\$100.00) dollars, and (4) is registered in accordance with the provisions of this charter, shall be a qualified voter of the Town.

(b) *Registration.* There shall be a registration on the first Saturday in June, each year of qualified persons not registered to vote. If necessary for the performance of registration or the

convenience of qualified persons, the Commission may designate additional days as registration days. A person registered to vote as a qualified voter shall not be required to register again, and such registration shall be permanent unless such registration shall be cancelled, and it shall be the duty of the Commission to cancel a registration for the following reasons: failure to vote at least once at a general or special election within the five (5) preceding calendar years; adjudicated a lunatic or a person who is non compos mentis; failure to meet the qualifications in subparagraph (a) above stated. No person shall be entitled to vote unless he is registered. The judges of election shall keep the registration list up to date by striking therefrom the names of persons known to have died, removed or otherwise become disqualified as a voter. (P.L.L., 1930, Art. 17, sec. 385; 1943 Code, sec. 497; 1953 Code, sec. 543; 1929, ch. 397, sec. 4; Res. II, Nov. 5, 1977.)

Section 25–5. Elections.

(a) *Time and place.* The election for town officers shall be held on the second Saturday in August of each odd-numbered year at a place to be designated by the Commissioners, at which election the polls shall remain open from Ten o'clock A.M. until Seven p.m.

(b) *Judges.* The election shall be conducted by three judges of election and one clerk, to be appointed by the Commissioners of the said town.

(c) *Conduct of elections.* At least ten days before any election the said Commissioners shall insert a notice thereof for two consecutive weeks in a newspaper in general circulation throughout Prince George's County, and shall cause to be posted in five conspicuous places in said town notice of said election, designating the place of voting, the hours the polls are open and the names of the judges and clerks. In the event that any judge or clerk after appointment is unable or declines to serve, the remaining judges shall name some one to take his place. Suitable ballot boxes, polling places and printed ballots shall be provided by the Commissioners.

(d) *Candidates for election.* Any person desiring to become a candidate for any elective office shall at least forty-five days before election file or cause to be filed, with the Commissioners, or clerk thereof, a petition stating that he or she is a candidate for the office, which petition must be filed by such person and indorsed by at least fifteen registered voters. Upon the filing of said petition the Commissioners shall print such person's name upon the ballot with a square opposite each name and there shall appear a statement instructing the voter as to how many persons to vote for.

(e) *Vote count.* Immediately upon the closing of the polls the ballots shall be publicly counted, and the said judges, within two days thereafter, shall make a truthful and correct return to the Chairman of the said Commissioners, and within ten days thereafter the said Commissioners shall meet and declare those qualified persons receiving the highest number of votes duly elected.

(f) *Procedure for ties.* In case two or more persons shall have received the same number of votes so that there is no choice [choice] for the office, a new election shall be

immediately proclaimed by the said Commissioners from among such candidates, which election shall be held on five days' notice and in all respects as aforesaid except as to the day of election and the convening of the Commissioners. (P.L.L., 1930, Art. 17, sec. 386; 1943 Code, sec. 498; 1953 Code, sec. 544; 1929, ch. 397, sec. 5; 1931, ch. 236, sec. 386; Res. II, Nov. 5, 1977.)

Section 25-6. Vacancies among Commissioners.

(a) *Existence of vacancy.* A vacancy on the Commission may be created by any of the following reasons: (a) failure of any person elected as Commissioner to qualify within thirty days after such election; (2) death; (3) resignation; (4) disqualification; (5) other reasons not specified. The Commission shall be the judge of whether a vacancy exists.

(b) *Filling of vacancies.* If the office of any Commissioner shall become vacant for any reason, the remaining Commissioners shall fill such vacancy by the appointment of another registered voter of the said town qualified as hereinbefore provided who shall hold office for the unexpired term. (P.L.L., 1930, Art. 17, sec. 387; 1943 Code, sec. 499; 1953 Code, sec. 545; 1929, ch. 397, sec. 6; Res. III, Nov. 5, 1977.)

Section 25-7. Meetings of Commissioners.

The Commissioners shall meet in some convenient place on the first Saturday of each and every month after their election and qualification, and from time to time thereafter, as occasion may require, or upon call of the Chairman. (P.L.L., 1930, Art. 17, sec. 388; 1943 Code, sec. 500; 1953 Code, sec. 546; 1929, ch. 397, sec. 7; Res. IV, Nov. 5, 1977.)

Section 25-8. Treasurer-Clerk.

The Commissioners shall appoint a Treasurer who shall also act as Clerk for the said Commissioners who, in addition to his or her duties as Treasurer, shall keep the minutes of their proceedings in a well-bound book, which shall be open to the inspection of all citizens of the said town, and said clerk shall perform such other duties that the said Commissioners shall assign to him or her. (P.L.L., 1930, Art. 17, sec. 389; 1943 Code, sec. 501; 1953 Code, sec. 547; 1929, ch. 397, sec. 8.)

Section 25-9. Reserved. (P.L.L., 1930, Art. 17, sec. 390; 1943 Code, sec. 502; 1953 Code, sec. 548; 1929, ch. 397, sec. 9; Res. V, Nov. 5, 1977 (Formerly Bailiffs).)

Section 25-10. Compensation of officers.

The Commissioners may establish for themselves compensation and they may establish a reasonable compensation for the Treasurer, and other employees of the said Town; provided, however, that the compensation specified for Commissioners at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. (P.L.L., 1930, Art. 17, sec. 391; 1943 Code, sec. 503; 1953 Code, sec. 549; 1929, ch. 397, sec. 10; Res. VI, Nov. 5, 1977.)

Section 25–11. Oath of office.

Before any elective or appointive officer of the said Town of Eagle Harbor shall enter upon his or her duties he or she shall make oath before some officer authorized to administer oaths in said Prince George's County that he or she will diligently and faithfully discharge the duties of his or her office and he or she shall file a certificate of such oath with the clerk or chairman of said Commissioners which shall become part of the record of said town. (P.L.L., 1930, Art. 17, sec. 392; 1943 Code, sec. 504; 1953 Code, sec. 550; 1929, ch. 397, sec. 11.)

Section 25–12. Treasurer's bond.

The treasurer shall give bond to the Commissioners in such penalty and with such surety or sureties as said Commissioners may require, conditioned upon the faithful performance of the duties of his or her office. The premium on said bond shall be paid for by the Town Commissioners. (P.L.L., 1930, Art. 17, sec. 393; 1943 Code, sec. 505; 1953 Code, sec. 551; 1929, ch. 397, sec. 12.)

Section 25–13. Health.

The said Commissioners shall annually appoint one or more health officers for the said town, who shall perform such duties as the Commissioners may require by such health ordinances as they may pass for the protection and preservation of the health of the citizens of the town. (P.L.L., 1930, Art. 17, sec. 394; 1943 Code, sec. 506; 1953 Code, sec. 552; 1929, ch. 397, sec. 13.)

Section 25–14. Powers.

(a) *Ordinances.* The Commissioners may pass such ordinances, not inconsistent with law, as may be for the best interests of the town, and necessary for the preservation of health, safety and morals of the said town, and may provide in such ordinances the penalties and punishments for the violation thereof, and may provide for the enforcement of said ordinances by a prosecution before any justice of the peace of Prince George's County.

(b) *Streets and sidewalks.* The said Commissioners shall have supervision over all sidewalks, streets, and alleys of the said town, but shall not in any way interfere with the lawful public use of any county roads running through the said town.

(c) *Permits and licenses.* The Commissioners shall have power to require all persons, firms or corporations conducting places of business in Eagle Harbor to make an application to said Commissioners for a permit to conduct such business as the applicant may designate and shall have power to charge said applicant for a permit to conduct such business a license fee, the amount of which fee shall be fixed from time to time by said Commissioners but which shall in no event exceed ten dollars; provided, that, no person, firm or corporation shall conduct a place of business in Eagle Harbor unless a permit so to do has been granted by said Commissioners to such person, firm or corporation.

(d) *Buildings.* The Commissioners shall have power to regulate the location, erection or repair of buildings in Eagle Harbor in accordance with the public health, welfare and safety and to provide, by ordinance, for the granting of permits therefor.

(e) *Taxes and assessments.* For the purpose of the Town taxation the Commissioners shall adopt the county assessment of all real estate, and shall make up a full and complete list of said property in the said Town with the names and addresses of the owners thereof on or before the first day of July of each year. As soon thereafter as it is practicable, the said Commissioners shall be [by] ordinance levy a tax on such assessed real estate as the needs of the town may require. Said tax shall be levied as of July first of each year, which is hereby declared to be the beginning of the fiscal year of said town, and shall be in default on the first day of October of each year, and shall thereafter bear a penalty of one per centum per month until paid. The treasurer shall calculate the amount of taxes due by each person and shall render a bill to the address given on such list of assessment either by depositing the same in the mails or otherwise, or, if the address of such person is unknown, to the best address ascertainable. All taxes not paid by the first of March next succeeding their levy shall be collected in the following manner: The Treasurer shall make up a list stating the name of the owner, a brief description of the real estate, the amount of the taxes and interest and penalties due, and advertise the same for four consecutive weeks in some weekly newspaper published in Prince George's County, giving notice, therein that (see note (1)) the time and place named therein he will sell said property to the highest bidder for cash. At such time and place the said Treasurer shall attend and offer the said property for sale, and if there be no bidders for any particular piece to buy the same in the name of the town. Any person interested in said property may redeem the same within two years from the date of said sale, and if at the expiration of said two years said property is not redeemed the Commissioners shall give a deed to the purchaser which deed shall convey a fee simple title and be prima facie evidence of the validity of all acts of the Town authorities leading up to said sale and deed. The taxes levied by the said Commissioners are hereby declared to be a lien upon the respective taxpayer's real estate in said town from the date of their levy until paid.

(f) *Nuisances.* The Commissioners shall have the power 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 and control the cutting of weeds, grass or deleterious, unhealthful growth or other noxious matter that may be growing, lying or located on any lot, place or area within the Town. If after due notice, the owner fails to comply, within a reasonable time to an order issued by the Commissioners to abate the nuisance or correct the condition authorized to be controlled or regulated by this subsection, the Town may do the work, and the expenses shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

(g) *Planning and zoning.* The Commissioners shall have and exercise all planning and zoning powers vested in them by Article 66B of the Annotated Code of Maryland and other applicable State laws. (P.L.L., 1930, Art. 17, sec. 395; 1943 Code, sec. 507; 1953 Code, sec. 553; 1929, ch. 397, sec. 14; 1931, ch. 236, sec. 395; 1933, ch. 136; Res., Feb. 23, 1965.)

Section 25–15. Parks.

The Commissioners of Eagle Harbor shall have authority to appoint a Park Commission, consisting of five members, for a term of two years. The said Park Commission shall have charge and control of all public parks and squares belonging to and controlled by or in the custody of the Commissioners of Eagle Harbor. (1943 Code, sec. 508; 1953 Code, sec. 554; 1931, ch. 236, sec. 395A.)

Section 25–16. County road taxes.

The County Commissioners of said Prince George's County shall and they are hereby directed to return and pay over annually to the Commissioners of said Town of Eagle Harbor three-fourths (3/4) of the money collected on account of the county road and bridge tax from property within the said Town of Eagle Harbor in the same amount and manner as is now required by law to be paid to incorporated Town in said county; the money so returned to be expended by the said Commissioners of Eagle Harbor for improving, maintaining and repairing the roads, streets, lanes and alleys of said town. (P.L.L., 1930, Art. 17, sec. 396; 1943 Code, sec. 509; 1953 Code, sec. 555; 1929, ch. 397, sec. 15.)

Section 25–17. Town Budget.

The Town shall operate on an annual budget, and the budget year shall be the same as the fiscal year.

(a) *Submission of budget.* The Chairman of the Board of Commissioners on such date as the Commissioners by ordinance determines, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Commissioners. The budget shall provide a complete financial plan for the budget year, and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of 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.

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

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

(d) *Transfer of funds.* Any transfer of funds between major appropriations for different purposes by the Chairman of the Board of Commissioners must be approved by the Commissioners before becoming effective.

(e) *Overexpenditures forbidden.* No officer or employee, during any budget year, may expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter, is null and void. Nothing in this section contained, however, prevents the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

(f) *Appropriations lapse after one year.* All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (P.L.L., 1930, Art. 17, sec. 397; 1943 Code, sec. 510; 1953 Code, sec. 556; 1929, ch. 397, sec. 17; Res. V, VII, Nov. 5, 1977.)

Section 25-18. Billiards.

It shall be unlawful for any person, firm or corporation to keep, maintain, or conduct in Eagle Harbor a public billiard or pool parlor or room or public billiard or pool table or tables, and the Commissioners of Eagle Harbor shall have no authority or power to, and shall not, grant a permit for the same.

Any person, firm or corporation who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than fifty dollars. (1943 Code, sec. 511; 1953 Code, sec. 557; 1933, ch. 135.)

NOTES

- (1) The word “at” omitted in the Resolution of Feb. 23, 1965.