

CHARTER

OF THE

# **Town of Highland Beach**

ANNE ARUNDEL COUNTY, MARYLAND

*As enacted by Charter Amendment No. 1-91  
Effective October 8, 1991*

(Reprinted November 2008)

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

For further information concerning this document contact:

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

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

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

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

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

E-mail: [libr@mlis.state.md.us](mailto:libr@mlis.state.md.us)

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

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

## **CONTENTS**

### **ARTICLE I Incorporation**

Section

- 101. Corporate Name.
- 102. Definitions.
- 103. Municipal Status.
- 104. Description of Corporate Boundaries.

### **ARTICLE II The Board of Commissioners**

- 201. Number of Commissioners; Selection; Term.
- 202. Powers and Duties of the Board of Commissioners.
- 203. Qualifications of Commissioners.
- 204. Salary of Commissioners.
- 205. Meetings of Board; Removal of Commissioners.
- 206. Presiding Officer.
- 207. Quorum.
- 208. Rules and Order of Business; Journal.
- 209. Passage of Ordinances; Publication; Effective Date.
- 210. Referendum.
- 211. File of Ordinances.

### **ARTICLE III The Mayor**

- 301. Selection and Term.
- 302. Qualifications.
- 303. Salary.
- 304. Powers and Duties.
- 305. Vice Mayor.
- 306. Removal of Mayor.

### **ARTICLE IV Powers of the Town**

- 401. Powers of Board Enumerated.
- 402. Exercise of Powers.
- 403. Enforcement of Ordinances.

404. Municipal Infractions.

## **ARTICLE V Elections**

- 501. Qualifications of Voters.
- 502. Board of Supervisors of Elections.
- 503. Same — Removal of Members.
- 504. Same — Duties.
- 505. Notice of Registration Days and Elections.
- 506. Registration.
- 507. Appeal from Action of Board of Supervisors of Elections.
- 508. Filing Certificate of Nomination.
- 509. Election of Mayor and Commissioners.
- 510. Conduct of Elections Generally.
- 511. Voting by Absentee Ballot.
- 512. Special Election.
- 513. Vote Count.
- 514. Preservation of Ballots.
- 515. Vacancies.
- 516. Regulation and Control by The Board of Commissioners.
- 517. Penalties.
- 518. Recall of Elected Officials.

## **ARTICLE VI Finance**

- 601. Treasurer.
- 602. Same — Powers and Duties.
- 603. Same — Bond.
- 604. Fiscal Year.
- 605. Budget.
- 606. Same — Adoption.
- 607. Appropriations.
- 608. Transfer of Funds.
- 609. Overexpenditures Forbidden.
- 610. Appropriations Lapse After 1 Year.
- 611. Checks.
- 612. Taxable Property.
- 613. Budget Authorizes Levy.
- 614. Notice of Tax Levy.
- 615. Overdue Taxes.
- 616. Fees.
- 617. Audit.
- 618. Tax Anticipation Borrowing.
- 619. Payment of Indebtedness.

- 620. Previous Issues.
- 621. Purchasing and Contracts.
- 622. Special Assessments.
- 623. Borrowing.

**ARTICLE VII  
Personnel**

- 701. Secretary/Town Clerk to Board of Commissioners.
- 702. Town Attorney.
- 703. Authority to Employ Personnel.

**ARTICLE VIII  
Public Ways and Sidewalks**

- 801. Definition of Public Ways.
- 802. Control of Public Ways.
- 803. Powers of Town as to Public Ways.
- 804. Powers of Town as to Sidewalks.

**ARTICLE IX  
Town Property**

- 901. Acquisition, Possession, and Disposal.
- 902. Condemnation.
- 903. Town Buildings.
- 904. Protection of Town Property.

**ARTICLE X  
General Provisions**

- 1001. Oath of Office.
- 1002. Official Bonds.
- 1003. Prior Rights and Obligations.
- 1004. Effect of Charter on Existing Ordinances.
- 1005. Separability.



# HIGHLAND BEACH

## ARTICLE I Incorporation

### Section 101. Corporate Name.

This charter is the municipal corporation charter of the Town of Highland Beach, the corporate name of which is Highland Beach.

### Section 102. Definitions.

- (a) In this charter, the following terms have the meanings indicated:
- (b) The terms “town”, “city”, “municipality”, or “municipal corporation” in this charter are synonymous.
- (c) “Household member” means someone who is the individual’s spouse, child, ward, or parent.
- (d) “Legal residence” means the place that the law accepts as the permanent residence of a person; the place where a person has a true fixed permanent home and principal establishment.
- (e) “Public purpose” means any activity, project, or improvement authorized by this charter or any State law applicable to the town.

### Section 103. Municipal Status.

The municipal corporation here continued, under its corporate name, has all of 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 corporate seal, and to have perpetual succession, unless the charter and the corporate existence are abrogated legally.

### Section 104. Description of Corporate Boundaries.

A description of the corporate boundaries of the town shall be on file at all times in the town office and with the clerk of the court of the county. The corporate boundaries are as follows:

1. All that ground that was included in a deed from Robert Moss, trustee, and Daniel Brashears and wife to Charles H. Douglass dated April 10, 1893, and recorded among land records of Anne Arundel County in Liber S.H. No. 43, folio 346, etc.

2. Additionally all that tract or parcel of land beginning for the same at a post and stone on the south side of Black Walnut Creek. This being the beginning of the 26 and two-thirds acres described in the deed to Joseph E. Douglass dated April 27, 1893, and running thence with the first line of the Douglass deed south 28 degrees 17 minutes west for the distance of 1,480.5 feet to the shore of Oyster Creek; thence following the shore of Oyster Creek north 41 degrees west for the distance of 214.5 feet; thence north 70 degrees 13 minutes west for the distance of 82.5 feet; thence following the shoreline of Oyster Creek and running north 28 degrees 17 minutes east for the distance of 1435 feet to Black Walnut Creek; thence following the shore of Oyster Creek south 88 degrees east for the distance of 415 feet, thence south 79 degrees east for the distance of 140 feet, thence south 27 degrees east for the distance of 50 feet to the place of beginning.

Being that same tract of land as described in a deed from George L. Pendleton, Trustee, to Thomas F. Myers dated September 22, 1905, and recorded among the land records of Anne Arundel County in Liber G.W. No. 45, folio 349, and as shown on a “plat of subdivision for Dr. Washington at Highland Beach” dated May 1946, recorded among the land records of Anne Arundel County in plat book no. 19, folio 24.

## **ARTICLE II**

### **The Board of Commissioners**

#### Section 201. Number of Commissioners; Selection; Term.

(a) All legislative powers of the town are vested in a Board of Commissioners, also called the Board, consisting of 4 Commissioners and a Mayor, who shall be elected as provided in Article V of this charter.

(b) Commissioners shall hold office for a term of four years, or until the succeeding Board takes office. Commissioners holding office at the time that this charter becomes effective shall continue to hold office for the term for which they were elected, and until the succeeding Board takes office under the provisions of this charter.

(c) The regular term of Commissioners shall expire on the first Saturday following the election of their successors. (Res. No. CA-1-01, 7-27-02.)

#### Section 202. Powers and Duties of the Board of Commissioners.

(a) The Board shall exercise the legislative powers of the town and shall perform any other duties as specified in this charter or by the laws of Maryland. The Commissioners also shall have the responsibilities provided for in this section.

(b) Except for the Mayor, each Commissioner shall exercise administrative responsibility for certain governmental functions of the town, as follows:



(1) One Commissioner shall exercise administrative responsibility for public works. This Commissioner shall be known as the Public Works Commissioner.

(2) One Commissioner shall exercise administrative responsibility for plans and zoning. This Commissioner shall be known as the Plans and Zoning Commissioner.

(3) One Commissioner shall exercise administrative responsibility for government operations. This Commissioner shall be known as the Government Operations Commissioner.

(4) One Commissioner shall exercise administrative responsibility for financial planning. This Commissioner shall be known as the Finance Commissioner.

(c) The Board may define further the responsibility of the Commissioners as provided in subsection (b) of this section by ordinance.

(d) For each of the for [four] government functions specified in subsection (b) of this section, the Mayor shall appoint one Commissioner as the Commissioner responsible administratively for those specified government functions. The appointment shall be for the regular term of office of the Commissioner, until changed by the Mayor, or until a vacancy occurs.

Section 203. Qualifications of Commissioners.

Commissioners must have been qualified voters, as defined in Section 501 of this charter, for at least 10 months immediately preceding election. The Board shall be the judge of the election and qualification of its members. A Commissioner shall immediately forfeit office on ceasing to be a qualified voter of the Town. (Res. CA-1-92, 12-17-92.)

Section 204. Salary of Commissioners.

Each Commissioner may be entitled to an annual salary that shall be equal for all Commissioners, except for the Mayor. Any salary that the Commissioners are entitled to shall be as specified by ordinance passed by the Board; provided, however, that the salary specified at the time any Board [Commissioner] takes office may not be changed during the period for which that Board [Commissioner] was elected. An ordinance that makes any changes in the salary paid to the Commissioners, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Board, and shall take effect only as to the members of the next succeeding Board.

Section 205. Meetings of Board; Removal of Commissioners.

(a) The newly elected commissioners shall meet with the existing Board of Commissioners on the first Saturday following election for the purpose of taking the oath of office and for organization. Otherwise, the Board shall meet regularly at those times as it may require in its rules, but not less frequently than once a month. The Board shall comply with all

provisions of any open meetings law applicable to the legislative bodies of municipal corporations that the State may enact.

(b) Except for just cause as may be determined by the Board after notice and a public hearing, the Board may remove a Commissioner who fails to attend at least 3 consecutive regular meetings of the Board. 75% of the Board must vote in the affirmative to remove any Commissioner. The Commissioner whose removal the Board is considering may not vote in this matter. Any vacancy caused by the removal of a Commissioner under this section shall be filled as provided in Section 515 of this charter. (Res. CA-1-92, 12-17-92.)

Section 206. Presiding Officer.

The Mayor shall serve as the presiding officer of the Board. The Mayor may participate in all discussions and shall have a vote.

Section 207. Quorum.

A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board may not approve an ordinance without the affirmative votes of a majority of the number of members elected to the Board.

Section 208. Rules and Order of Business; Journal.

The Board shall determine its own rules and order of business. The rules of the Board shall provide that residents of the Town shall have a reasonable opportunity to be heard at any special or general Board meeting in regard to any question or issue. The Board shall keep a journal of its proceedings and enter in it the yeas and nays on final action on any question, resolution, or ordinance, or at any other time if required by any member. The journal shall be available for public inspection.

Section 209. Passage of Ordinances; Publication; Effective Date.

The Board may not pass an ordinance at the meeting at which it is introduced. The Board may pass, amend and pass, reject, or defer consideration on an ordinance at any meeting of the Board held not less than 6 nor more than 60 days after the meeting at which the ordinance was introduced. In cases of emergency, the Board may suspend the provision that prohibits the passage of an ordinance at the meeting at which it is introduced by the affirmative votes of 4 Board members. Except for an ordinance that the Board passes as an emergency ordinance, every ordinance shall become effective after 20 calendar days following approval by the Board. An ordinance that the Board passes as an emergency ordinance shall become effective immediately after passage. The town clerk shall post a summary of each ordinance on the Highland Beach bulletin board for 20 days after the Board enacts an ordinance. The town clerk shall record the passage and publication of each ordinance in the town records.

Section 210. Referendum.

(1) Except for an ordinance passed under the authority of Section 620 of this charter, which authorizes the levying of property taxes for the payment of indebtedness, the qualified voters of the town may petition an ordinance to referendum, as provided in this section.

(2) Before the expiration of 20 calendar days following approval of an ordinance, the qualified voters of the town may file with the Board a petition to referendum, which must contain the signatures of not less than 20% of the qualified voters of the town. The petition to referendum shall request that the Board submit the ordinance, or any part of the ordinance, to a vote of the qualified voters of the town for their approval or disapproval. After receipt of the petition to referendum, the Board shall submit the ordinance, or the part petitioned to referendum, to a vote of the qualified voters of the town at the next regular town election or, in the Board's discretion, at a special election that may occur before the next regular election.

(3) Except for an emergency ordinance, after the receipt of a petition to referendum by the Board, the ordinance or the part of the ordinance named in the petition to referendum may not become effective until approved at the election by a majority of the qualified voters that vote on the question. An emergency ordinance, or the part of the emergency ordinance, petitioned to referendum shall continue in effect for 90 days after receipt of the petition to referendum. If an election is not held during this 90 day period, then the emergency ordinance, or the part of the emergency ordinance, may not become effective until approved by a majority of the qualified voters that vote on the question. Any ordinance, or part of any ordinance, that the voters disapprove, shall be repealed.

Section 211. File of Ordinances.

The town clerk shall file ordinances permanently, and shall keep them available for public inspection.

**ARTICLE III**  
**The Mayor**

Section 301. Selection and Term.

Except as provided in this charter, the executive powers of the town are vested in a Mayor. The Mayor shall be elected as provided in Article V of this charter and shall hold office for a term of 4 years or until a successor is elected and qualified. The newly elected Mayor shall be sworn in and take office on or before the first Saturday following election. (Res. CA-1-98, 10-15-98; Res. No. CA-1-01, 7-27-02.)

Section 302. Qualifications.

The Mayor must have been a qualified voter, as defined in Section 501 of this charter, for at least 10 months immediately preceding election. The Mayor immediately shall forfeit office on ceasing to be a qualified voter of the Town. (Res. CA-1-92, 12-17-92.)

#### Section 303. Salary.

The Mayor may be entitled to an annual salary as set by ordinance. The Board may not change the salary for any Mayor during the term for which the Mayor has been elected. The Board shall enact any ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, before the election of the next succeeding Mayor, and shall take effect only as to the next succeeding Mayor.

#### Section 304. Powers and Duties.

(a) *Generally.* – The Mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and head of the administrative branch of the town government.

(b) *Appointments and removal of heads of offices, departments, agencies, boards, committees and commissions.* – The Mayor, with the approval of the Board, shall appoint the heads of all offices, departments, agencies, boards, committees and commissions of the town government as established by this charter or by ordinance. All office, department, agency[, board, committee, and commission] heads shall serve at the pleasure of the Mayor and Board. The Board may remove any office, department, agency, board, committee, or commission head on the affirmative vote of a majority of the Board, provided that the Mayor casts one of the affirmative votes.

(c) *Reports and recommendations to Board.* – The Mayor shall report each year to the Board the condition of municipal affairs, and shall make those recommendations that the Mayor considers proper for the public good and the welfare of the town.

(d) *Supervision of financial administration of government.* – The Mayor shall have complete supervision over the financial administration of the town government. The Mayor shall prepare or shall have prepared annually a budget and submit it to the Board. The Mayor shall supervise the administration of the budget as adopted by the Board. The Mayor shall supervise the disbursement of all moneys and shall control all expenditures to ensure that budget appropriations are not exceeded.

(e) *Other powers and duties.* – The Mayor shall have those other powers and perform those other duties that may be required by this charter or by the Board. (Res. CA-1-98, 10-15-98.)

#### Section 305. Vice Mayor.

The Board shall elect a Vice Mayor from among its members, who shall perform the duties of the Mayor during the absence or disability of the Mayor, or until a vacancy in the office

of Mayor is filled as provided in Section 515 of this charter. The Vice Mayor may not receive any compensation other than the compensation received as a Commissioner. (Res. CA-1-92, 12-17-92.)

Section 306. Removal of Mayor.

Except for just cause as may be determined by the Board of Commissioners after notice and a public hearing, the Board may remove the Mayor if the Mayor fails to attend at least 3 consecutive regular meetings of the Board. 75% of the Board must vote in the affirmative to remove the Mayor under this section. The Mayor may not vote in the matter of the Mayor's removal from office. [Any vacancy caused by the removal of the Mayor under this office.] Any vacancy caused by the removal of the Mayor under this section shall be filled as provided in Section 515 of this charter. (Res. CA-1-92, 12-17-92.)

**ARTICLE IV**  
**Powers of the Town**

Section 401. Powers of Board Enumerated.

(1) *General powers.* – The Board shall have the power to pass all ordinances not contrary to the Constitution and laws of the State of Maryland or this charter, as it may consider necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

(2) *Specific powers.* – The Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.

(3) *Advertising.* – To provide for advertising for the purposes of the town, for printing and publishing statements to the business of the town.

(4) *Aisles and doors.* – To regulate and prohibit the obstruction of aisles in public halls, churches and other places or [of] worship, and places of amusement, and to regulate the construction and operation of the doors and means of egress from these doors.

(5) *Amusements.* – To provide for licensing, regulating, or prohibiting theatrical or other public amusements.

(6) *Appropriations.* – To appropriate municipal moneys for any purpose within the powers of the Board.

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

(8) *Billboards.* – To license, tax, regulate, or prohibit the erection or maintenance of billboards within the town, and the placing of signs, bills, and posters on any building, fence, post, billboard, pole, or other place within the town.

(9) *Boards, commissions, and committees.* – To appoint any boards, commissions, and committees that may be necessary to promote the health, welfare, and safety of the residents. In the ordinance that creates each board, commission, or committee, the Board of Commissioners shall specify the authority and responsibility of the board, commission, or committee.

(10) *Bridges.* – To erect and maintain bridges.

(11) *Buildings.* – To make reasonable regulations in regard to buildings to be erected or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code, and to appoint a building inspector; to require reasonable charges for permits and inspections; and to authorize and require the condemnation in whole or in part of dangerous or insecure buildings, and to require that dangerous and insecure buildings be made safe or taken down.

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

(13) *Codification of ordinances.* – To provide for the codification of all ordinances.

(14) *Community services.* – To provide, maintain, and operate community and social services.

(15) *Cooperative activities.* – To make agreements with other municipal corporations, counties, districts, and other governmental bodies for the joint performance of or for cooperation in the performance of any governmental functions.

(16) *Curfew.* – To prohibit the youth of the town from being in the streets or other public places at unreasonable hours of the night.

(17) *Dangerous improvements.* – To require persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from this work that may be sustained by any persons or property.

(18) *Departments.* – Except for the agencies, departments, and offices established by this charter, to create, change, and abolish agencies, departments, and offices. Also, to assign additional functions or duties to agencies, departments, and offices established by this charter. This does not include the power to discontinue or to assign to any other agency, department, or office any function or duty assigned by this charter to a particular agency, department, or office.

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

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

(21) *Explosives and combustibles.* – To regulate or prohibit 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 that may endanger persons or property.

(22) *Filth.* – To require the occupant of any building in the town to abate or cleanse any filthy or unwholesome condition. After reasonable notice to the owners or occupants, to authorize the abatement or cleansing of the filthy or unwholesome condition by the proper officers of the town, at the owner or occupant's expense, and this expense shall constitute a lien on the property.

(23) *Finances.* – To levy, assess, and collect all municipal taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(24) *Fire.* – To suppress and to prevent fires 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 prohibit the use of fire-hazardous buildings permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fireplugs where necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(25) *Food.* – To inspect and to require the condemnation of any unhealthy food products, and to regulate the sale of any food products.

(26) *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 that the Board may consider beneficial to the town, subject to the provisions of the Annotated Code of Maryland, Article 23; to grant exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, to impose franchise fees, and to establish rates and regulations for franchises granted under this subsection. The Board may not grant a franchise for a longer period than 50 years.

(27) *Garbage.* – To prevent the deposit of any unwholesome substance either on private or public property and to require its removal to designated points; to require garbage and other wastes to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(28) *Grants in aid.* – To accept grants of federal or State funds, and to expend the funds subject to the conditions under which the grants were made.

(29) *Hawkers.* – To license, tax, regulate, and prohibit hawkers and all other persons selling any articles on the streets of the town; to revoke any licenses for any action or threat of action by such a licensee in the course of the licensee's occupation that causes or threatens harm to the inhabitants of the town.

(30) *Health.* – To protect and preserve the health of the inhabitants of the town; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations; to prevent and remove all nuisances; to inspect, regulate, and abate any places that may cause insanitary conditions or conditions detrimental to health. Nothing in this section shall be construed to affect any of the powers and duties of the Secretary of Health and Mental Hygiene, the county board of health, or any public general or local law relating to health.

(31) *House numbers.* – To regulate the numbering of houses and lots, and to require owners to renumber them. If the owner does not comply, the town may authorize the work to be done at the owner's expense, and this expense shall constitute a lien on the property.

(32) *Jail.* – To establish, operate, and maintain a lockup for temporary confinement of violators of the laws and ordinances of the town, or to use the county jail for this purpose.

(33) *Licenses.* – Subject to any restrictions imposed by the general laws of the State, to license and regulate all persons conducting business in the town for the sale of any goods or services; to license and regulate any business or occupation; to establish and collect fees for all licenses and permits issued under the authority of this charter.

(34) *Liens.* – To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens on the property, to be collected as the town collects municipal taxes.

(35) *Lights.* – To provide for the lighting of the town.

(36) *Livestock.* – To regulate and prohibit livestock and domestic animals.

(37) *Markets.* – To obtain, operate, and maintain public markets within the town.

(38) *Minor privileges.* – To regulate or prohibit 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.

(39) *Noise.* – To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

(40) *Nuisances.* – To prevent or prohibit all nuisances that are defined at common law, by this charter, or by the laws of the State, whether they are named specifically in this charter; to



regulate or prohibit all trading, handling, or manufacture of any commodity that may become offensive or injurious to the public. In this connection, the town may regulate or prohibit stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of illustration, not limitation.

(41) *Obstructions.* – To remove all obstructions from the streets, lanes, and alleys and from any lots adjoining the streets, lanes, and alleys, or any other places.

(42) *Parking facilities.* – To license and regulate and to establish, operate, and maintain facilities for off–street parking.

(43) *Parking meters.* – (a) Except as provided in paragraph (b) of this subsection, to install parking meters on the streets and public places of the town; to establish rates and provisions for the use of these parking meters.

(b) The State Highway Administration must approve the installation of parking meters on any road maintained by the State Highway Administration.

(44) *Parks and recreation.* – To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs.

(45) *Police force.* – To establish, operate, and maintain a police force.

(46) *Police powers.* – To enforce all laws of the Town and State equally within the town limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the city and beyond those limits for one–half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.

(47) *Property.* – To obtain real or leasable property for any public purposes; to erect buildings and structures on this property 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 20 days notice of the proposed conveyance.

(48) *Regulations.* – To adopt by ordinance and enforce police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State or with this charter.

(49) *Sidewalks.* – To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front of the premises free from snow or other obstructions; to require hours for cleaning sidewalks.

(50) *Taxicabs.* – To license, tax, and regulate public taxicab drivers, porters, and all other similar occupations.

(51) *Vehicles.* – To regulate and license vehicles not subject to the licensing powers of the State.

(52) *Voting machines.* – To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

(53) *Zoning.* – To exercise the powers as to planning and zoning conferred on municipal corporations generally in the Annotated Code of Maryland, Article 66B.

(54) *General authority.* – The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

#### Section 402. Exercise of Powers.

For the purpose of exercising the powers granted in this charter, the Board may pass all necessary ordinances. All the powers of the town shall be exercised in the manner required by this charter, or, if this charter does not require the manner, then in the manner that the Board may require by ordinance.

#### Section 403. Enforcement of Ordinances.

The Board may provide that violation of an ordinance shall be a misdemeanor. The Board may establish penalties for misdemeanors of a fine not exceeding \$500 or imprisonment not exceeding 90 days, or both. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this charter has the right of appeal within 10 days to the Circuit Court of Anne Arundel County. If the violation is of a continuing nature, the Board may provide that 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.

#### Section 404. Municipal Infractions.

To the fullest extent permitted by the laws of Maryland, the Board may provide that violations of some or all of the ordinances of the town are municipal infractions; the Board also may provide for the imposition of fines for violations of ordinances classified as municipal infractions and for the administration of a municipal infraction system.

## **ARTICLE V**

### **Elections**

#### Section 501. Qualifications of Voters.

A qualified voter of the town is a person who:

- (a) is a citizen of the United States;
- (b) will be at least 18 years old on or before the date of the next town election; and

(c) (1) is a legal resident of the town and is registered to vote in Anne Arundel County, or

(2) is an individual who has resided within the corporate limits of the town at his or her voter registration address not less than 30 days after the previous town election and preceding the next town election. (Res. CA-1-95, 6-15-95.)

Section 502. Board of Supervisors of Elections.

There is a Board of Supervisors of Elections, also called the elections board, which consists of three members. The Mayor shall appoint the elections board with the approval of the Board of Commissioners on or before the first Monday in March in every second odd-numbered year. The members of the town Board of Supervisors of Elections serve a 4 year term. Members of the Town Board of Supervisors of Elections must be qualified voters of the town, and may not hold nor be candidates for any elective office during their term of office. The elections Board shall appoint one of its members as chairman. The Mayor shall fill vacancies on the elections board with the approval of the Commissioners for the remainder of the unexpired term. The members of the elections board shall serve without compensation.

Section 503. Same — Removal of Members.

The Board of Commissioners may remove any member of the town Board of Supervisors of Elections for good cause, if in the judgement of the commissioners the member is not performing properly the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against the member to be removed. The Board of Commissioners shall afford the member to be removed the opportunity of a public hearing if the member to be removed so requests within 10 days after receiving the written copy of the charges.

Section 504. Same — Duties.

The town Board of Supervisors of Elections shall supervise the registration of voters, accept nominations, and conduct all town elections. The elections board may appoint election clerks or other employees to assist it in any of its duties. The chairman of the elections board shall be the municipal corporation liaison who is responsible for working with the Anne Arundel County Board of Supervisors of Elections to develop and implement the universal voter registration plan, in accordance with the laws of Maryland.

Section 505. Notice of Registration Days and Elections.

The town Board of Supervisors of Elections shall give at least 2 weeks notice of every registration day and every election by posting a notice in a public place or places in the town. The town elections board shall conduct registration days on at least 1 Saturday in May, 1 Saturday in June, and 1 Saturday in July of every year in which the town holds a general election. The town elections board shall conduct a registration day on the Saturday before any town special election. The town elections board shall conduct a registration day on every election

day. Nothing in this section shall prevent the town elections board from conducting registration days at any other times that it considers necessary.

Section 506. Registration.

Registration with the Anne Arundel County Board of Elections by a qualified voter who has a legal residence within the corporate limits shall be deemed registration for town elections. Any qualified voter who is not registered to vote in Anne Arundel County may request to be registered as a voter in person or by written application mailed to the town Board of Supervisors of Elections. Registration shall be permanent, and no person may vote in town elections unless registered. In accordance with the Laws of Maryland, the town Board of Supervisors of Elections shall 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 Board of Commissioners shall adopt any ordinances necessary to establish and maintain a system of permanent registration and of reregistration.

Section 507. Appeal from Action of Board of Supervisors of Elections.

If any person is aggrieved by any action of the town Board of Supervisors of Elections, that person may appeal to the Board of Commissioners. Any decision or action of the Board of Commissioners on these appeals may be appealed to the Circuit Court for Anne Arundel County within the time allowed for these appeals.

Section 508. Filing Certificate of Nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the town Board of Supervisors of Elections not less than 20 days preceding the town election. The certificate of nomination shall contain the signatures of 5 qualified voters of the town. A person may not file for nomination to more than 1 elective town office or hold more than 1 elective town office at any time.

Section 509. Election of Mayor and Commissioners.

(a) Beginning in 1993, and every 2 years thereafter, the registered voters of the town shall elect 2 persons as commissioners to serve for terms of 4 years.

(b) Beginning at the first general election that occurs after this charter becomes effective, and every 2 years thereafter, the registered voters of the town shall elect a Mayor to serve for a term of 2 years. Beginning in 1999 and every 4 years thereafter, the registered voters of the town shall elect a Mayor to serve for a term of 4 years.

(c) The term of the Commissioner serving as Mayor in 1993 shall expire in accordance with subsection (b). (Res. CA-1-93, 6-30-93; Res. CA-1-98, 10-15-98.)

Section 510. Conduct of Elections Generally.

For each special and general election, the town Board of Supervisors of Elections shall provide a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. The ballots or voting machines shall show the name of each candidate 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 town Board of Supervisors of Elections shall keep the polls open from 8:00 a.m. to 8:00 p.m. on election days, or for longer if the Board of Commissioners requires. (Res. CA-2-98, 10-15-98.)

#### Section 511. Voting by Absentee Ballot.

Any qualified voter registered to vote in the town may vote in any town election by absentee ballot. The elections board shall provide the procedure to vote by absentee ballot, which shall include provisions for the transmittal and receipt of applications for absentee ballots, envelopes, instructions, and printed matter to enable absentee voters to vote.

#### Section 512. Special Election.

The town Board of Supervisors of Elections shall conduct all special elections in the same manner and with the same personnel, as far as is practicable, as regular elections.

#### Section 513. Vote Count.

Within 48 hours after the closing of the polls, the town 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 Board of Commissioners. The Board of Commissioners shall record the results in the minutes of the Board of Commissioners. The Board of Commissioners shall declare elected as commissioners the 2 candidates for commissioner with the highest number of votes in the election.

#### Section 514. Preservation of Ballots.

The Town Board of Supervisors of Elections shall preserve all ballots used in any election for at least 6 months from the date of the election.

#### Section 515. Vacancies.

If there is a vacancy on the elections board, the Board of Commissioners, or in the office of Mayor or vice Mayor, for any reason, then the Board of Commissioners shall elect a qualified person to fill the vacancy for the unexpired term. The Board of Commissioners shall fill any vacancies by the affirmative votes of a majority of the remaining commissioners.

#### Section 516. Regulation and Control by The Board of Commissioners.

The Commissioners may provide by ordinance in every respect not covered by this charter for the conduct of registration, nomination, and town elections. The Board of

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

Section 517. Penalties.

Any person who (1) fails to perform any duty required under the provisions of this article or any ordinances passed under the provisions of this article, (2) in any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed under the provisions of this article, or (3) willfully or corruptly does anything that will or tend to affect fraudulently any registration, nomination, or town election, is 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 cease to hold that office or employment immediately on conviction.

Section 518. Recall of Elected Officials.

The Mayor or a commissioner may be recalled or removed from office for failure to uphold the oath of office, for malfeasance, misfeasance, or nonfeasance in office, in accordance with the following procedure:

(a) A petition stating specifically the justification for removal, signed by at least 30 of the qualified voters of the town must be presented to the Board of Commissioners at a regular meeting of the Board of Commissioners. The petition shall state a desire to have the named elected official subjected to reaffirmation by a vote of the electorate. A petition may not name more than 1 town elected official subject to recall. The qualified town voters shall sign the petition, and under each signature shall be typed or printed each petitioner's name and address. The individual circulating the petition shall sign at the bottom of each page of the petition, and shall make an affidavit before a notary public that the individual circulated the petition and saw each individual whose name appears on the petition sign the petition in his or her presence.

(b) On receipt of the petition, the Board of Commissioners shall refer the petition to the town elections board for verification of the appropriate number of qualified voters' signatures and addresses. The town elections board shall return the petition with written findings as to qualified voters and addresses to the Board of Commissioners at the Board of Commissioner's [Commissioners'] next regular meeting. At this meeting, if the town elections board has authenticated the petition, the Board of Commissioners shall announce that:

(1) Within 30 days the Board of Commissioners shall hold a public hearing on the petition, and

(2) Within 45 days the town shall hold a special election to allow all registered voters of the town to vote on the petition.

(c) The voting ballot shall contain the official's name and the choice of "reaffirm" or "remove". For the official to be removed, two-thirds of those voting must vote "remove".

(d) The Town Elections Board shall conduct the voting in the manner provided in Section 512 of this charter. If removal results, the Board of Commissioners shall fill the vacancy as provided in Section 515 of this charter. (Res. CA-1-92, 12-17-92.)

## **ARTICLE VI**

### **Finance**

#### Section 601. Treasurer.

There is a Treasurer appointed by the Mayor with the approval of the Commissioners. The Treasurer shall serve at the pleasure of the Mayor. The Treasurer shall be the chief financial officer of the town. Except as otherwise provided by this charter, the Treasurer shall exercise the financial powers of the town under the direct supervision of the Mayor.

#### Section 602. Same — Powers and Duties.

Under the supervision of the Mayor, the Treasurer shall:

- (a) Prepare an annual budget that the Mayor shall submit to the Board;
- (b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (c) Maintain a general accounting system for the town in the form that the Board may require, not contrary to State law;
- (d) Submit at the end of the fiscal year, and at such other times as the Board may require, a complete financial report to the Board through the Mayor;
- (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 that the town may collect, and receive any funds receivable by the town;
- (g) Have custody of all public moneys belonging to or under the control of the town, and have custody of all bonds and notes of the town; and
- (h) Do those other things in relation to the fiscal or financial affairs of the town as the Mayor or the Board may require, or as may be required elsewhere in this charter.

#### Section 603. Same — Bond.

The Treasurer and any other officers or employees of the town as the Board or this charter may require, shall give bond in the amount and with that surety that the Board may require. The town shall pay the premiums on these bonds.

Section 604. Fiscal Year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on July 1 in any year and shall end on June 30 in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 605. Budget.

The Mayor shall submit a budget in the form of an ordinance to the Board on or before May 30 of each fiscal year. 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 must equal or exceed the total of the proposed expenditures. The budget shall be a public record and shall be posted on the Town bulletin board. (Res. CA-4-98, 10-15-98.)

Section 606. Same — Adoption.

Before adopting the budget ordinance, the Board shall hold a public hearing on the budget ordinance after giving 2 weeks notice of the public hearing. The Board may insert new items or may increase or decrease the items of the budget. If the Board increases the total proposed expenditures it also shall increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The Board shall adopt the budget ordinance at any meeting which is held at least 6 days after the meeting at which the budget ordinance was introduced and before June 30 of each fiscal year. (Res. CA-4-98, 10-15-98.)

Section 607. Appropriations.

The town may not expend any public money that the Board has not appropriated. From the effective date of the budget, the several amounts stated in the budget as proposed expenditures shall be and become appropriated to the several objects and purposes named in the budget.

Section 608. Transfer of Funds.

The Board shall approve any transfer of funds between major appropriations for different purposes before the Mayor may transfer the funds.

Section 609. Overexpenditures Forbidden.

- (a) An officer or employee may not:
  - (1) expend any money;
  - (2) contract to expend any money;



(3) incur any liability; or

(4) enter into any contract that 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.

(b) Any contract that violates any provision of this charter is void.

(c) Nothing in this section, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, as provided in Sections 618 through 620 of this charter. Neither does anything in this section prevent 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.

Section 610. Appropriations Lapse After 1 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. The Mayor shall include the surplus with the anticipated revenues for the next succeeding budget year.

Section 611. Checks.

All checks issued in payment of municipal obligations shall be supported by a properly executed voucher and signed by the Mayor and the Treasurer.

Section 612. Taxable Property.

All real property and all tangible personal property within the corporate limits of the town, or personal property that may have a situs there by reason of the residence of the owner in the town, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. This section does not authorize the town to impose taxes on any property that the State has exempted from taxation.

Section 613. Budget Authorizes Levy.

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

Section 614. Notice of Tax Levy.

Immediately after the levy is made by the Board in each year, the Treasurer shall post a notice of the making of the levy in some public place or places in the town. The Board shall contract with Anne Arundel County for the county to:

- (a) notify taxpayers of their tax liability;
- (b) collect property taxes due;
- (c) assess interest and penalties for overdue property taxes and nonpayment of property taxes; and
- (d) sell tax delinquent property.

#### Section 615. Overdue Taxes.

The taxes provided for in Section 613 of this charter are due and payable on July 1 in the year in which they are levied. Taxes payable are overdue and in arrears on October 1 of that year. They shall bear interest while in arrears at the rate of 2/3% for each month or fraction of a month until paid.

#### Section 616. Fees.

All fees received by an officer or employee of the town in the officer or employee's official capacity shall belong to the town and be accounted for to the town.

#### Section 617. Audit.

The financial records of the town shall be audited annually as required by state [State] law.

#### Section 618. Tax Anticipation Borrowing.

During the first 6 months of any fiscal year the town may borrow in anticipation of the collection of the property tax levied for that fiscal year and may issue tax anticipation notes or other evidences of indebtedness as evidence of this borrowing. These tax anticipation notes or other evidences of indebtedness shall be a first lien on the proceeds of the property tax and shall mature and be paid not later than 18 months after the town issues them. The town may not issue tax anticipation notes or other evidences of indebtedness that will cause the total tax anticipation indebtedness of the town to exceed 50 of the property tax levy for the fiscal year in which the town issues the notes or other evidences of indebtedness. The town shall authorize all tax anticipation notes or other evidences of indebtedness by ordinance before the town issues them. The Board may regulate all matters concerning the issuance and sale of tax anticipation notes and other evidences of indebtedness.

#### Section 619. Payment of Indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter and under the authority granted in Sections 31 through 39, Article 23A, Annotated Code of Maryland, shall be unlimited. The town shall levy ad valorem taxes on all the taxable property of the town for the payment of any bonds,

notes, or other evidences of indebtedness and interest, without limitation of amount. The faith and credit of the town is pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness issued under the authority of this charter, whether or not this pledge is stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

#### Section 620. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town before the effective date of this charter and all ordinances passed concerning them are to be valid, legal, and binding and of full force and effect as if set forth in this charter.

#### Section 621. Purchasing and Contracts.

The Treasurer shall approve all purchases and contracts for the town for availability of funds. Subject to compliance with the provisions of this section and other provisions of law, purchases and contracts on behalf of the town may be made by the Mayor and, within their respective areas of responsibility, by the Public Works Commissioner, Plans and Zoning Commissioner, Government Operations Commissioner, and Financial Planning Commissioner. The Board may provide by ordinance for regulations regarding the use of competitive bidding for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than \$1,000 shall be made on written contract, which the Board shall approve before becoming effective. Where required by the Board, the Treasurer shall advertise for sealed bids, in the manner that the Board may require by ordinance, for town purchases and contracts. Where more than one bid is received for a purchase or contract, the Board shall award the contract to the bidder who offers a combination of the best bid, highest quality of goods and work, fastest time of delivery or completion and responsibility of the bidder. The Board may authorize the Treasurer to reject all bids and readvertise. The town may employ its own personnel for the construction or reconstruction of public improvements without advertising for, readvertising for, or receiving bids. The Board may require the protection of all written contracts by bonds, penalties, and conditions.

#### Section 622. Special Assessments.

(a) *General power.* – The town may levy and collect taxes in the form of special assessments on property in a limited and determinable area for special benefits conferred on the property by the installation or construction of water mains, sanitary sewer mains, storm water [stormwater] sewers, curbs and gutters and by the construction and paving of public ways and sidewalks. The town may provide for the payment of all or any part of the above projects out of the proceeds of the special assessments. The cost of any project to be paid in whole or in part by special assessments may include the direct cost of the project, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost that may be attributed to the project.

(b) *General procedure.* – The procedure for levying special assessments, as authorized in this charter, is as provided in this section.

(c) *Assessment of cost.* – The town shall assess the cost of the project according to the front rule of apportionment or some other equitable basis determined by the Board.

(d) *Amount.* – The amount assessed against any property for any project or improvement may not exceed the value of the benefits accruing to the property from the project or improvement. The town may not levy any special assessment that will 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 25% of the assessed value of the property after including the benefit accruing to the property from the project or improvement for which the property is assessed.

(e) *Uniformity of rates.* – Except that the town may divide the affected property into different classes to be charged different rates, any rate shall be uniform.

(f) *Levy of charges; public hearing; notice.* – The Board shall levy all special assessment charges by ordinance. Before levying any special assessment charges the Board shall hold a public hearing. The town clerk shall give notice 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 also shall state the time and place at which all persons interested, or their agents or attorneys, may appear before the Board to be heard concerning the proposed project and special assessment. The town clerk shall give notice by sending a copy by mail to the owner of record of each parcel of property proposed to be assessed, and to the person in whose name the property is assessed for taxation, and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The town clerk shall present a certificate of publication and mailing of copies of the notice at the hearing. This certificate shall be deemed proof of notice, and failure of any owner to receive the mailed copy may not invalidate the proceedings. The date of hearing shall be set at least 10 and not more than 30 days after the town clerk shall have completed publication and service of notice as provided in this section. Following the hearing the Board may vote to proceed with the project and to levy the special assessment.

(g) *Right to appeal.* – Any interested person may appeal to the Circuit Court for Anne Arundel County within 10 days after the levying of any assessment by the Board.

(h) *Payments; interest.* – Special assessments may be made payable in annual or more frequent installments over the period of time, not to exceed 10 years, and in the manner that the Board determines. The Board shall determine on what date installments shall be due and payable. The town may charge interest on overdue installments at the rate to be determined by the Board.

(i) *When due; lien on property; collection.* – All special assessment installments are overdue 6 months after the date on which they become due and payable. All special assessments

shall be liens on the property, and the town shall collect all special assessments in the same manner as town property taxes, or by suit at law.

Section 623. Borrowing.

(a) The town may borrow upon its faith and credit for a period not to exceed five (5) years such sum or sums from time to time as may be deemed necessary to provide for payment of obligations of the town. The aggregate principal amount of the sums borrowed outstanding and unpaid at any one time shall not exceed fifty thousand dollars (\$50,000).

(b) The town may issue notes to secure the repayment of the sums borrowed. The notes shall be signed by the Mayor and duly attested by the town clerk. The seal of the town shall be affixed to each note. The attached interest coupons, if any, shall be authenticated by the facsimile signature of the Mayor, printed, engraved or lithographed on each coupon. Each note shall be dated and shall mature and be payable not later than sixty (60) months from the date of the note.

(c) Each note shall be and remain an obligation of the town issued upon the full faith and credit of the town. The note shall be issued and sold in such manner and upon such terms and conditions and shall bear such rate of interest as the Board of Commissioners shall determine, but the aggregate principal amount of the notes at any time outstanding and unpaid shall not exceed fifty thousand dollars (\$50,000).

(d) For the purpose of repaying the sums borrowed, the notes issued in evidence thereof and the interest on the notes, the Board of Commissioners may levy a tax on all the assessable property in the town in an amount sufficient to provide funds for the payment of all sums when due and payable. (Res. CA-1-92, 12-17-92.)

**ARTICLE VII**  
**Personnel**

Section 701. Secretary/Town Clerk to Board of Commissioners.

There is a secretary/town clerk to the Board of Commissioners, whom the Mayor shall appoint with the approval of the Board. The secretary shall attend every meeting of the Board and shall keep a full and accurate account of the proceedings of the Board. The secretary shall record the passage of any ordinances by the Board, and shall be the custodian of the town records. The secretary shall keep those other records and perform those other duties that this charter or the Board may require.

Section 702. Town Attorney.

The Mayor may appoint a town attorney with the approval of the Board. The town attorney must be a member of the bar of the Maryland Court of Appeals. The town attorney is the legal adviser of the town and shall perform those duties that the Board or the Mayor may

require. The Board shall determine the fees or salary to which the town attorney is entitled. The town may employ any additional legal consultants that it considers necessary. (Res. CA-3-98, 10-15-98.)

Section 703. Authority to Employ Personnel.

The town may employ any officers, employees, or independent contractors that it considers necessary to execute the powers and duties provided by this charter or other State law and to operate the town government. The Board shall determine the fees or salaries to which town employees and independent contractors are entitled. (Res. CA-3-98, 10-15-98.)

## **ARTICLE VIII**

### **Public Ways and Sidewalks**

Section 801. Definition of Public Ways.

“Public ways” includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 802. Control of Public Ways.

Except for public ways that are under the jurisdiction of the State Highway Administration, the town controls all public ways in the town. Subject to State law and this charter, the town may establish, operate, and maintain the public ways of the town.

Section 803. Powers of Town as to Public Ways.

The town may:

- (a) Establish, regulate, and change the grade lines, width, and construction materials of any town public way, bridges, curbs, and gutters;
- (b) Grade, lay out, construct, open, extend, and make new town public ways;
- (c) Grade, straighten, widen, alter, improve, or close any existing town public way;
- (d) Pave, surface, repave, or resurface any town public way;
- (e) Install, construct, reconstruct, and maintain curbs and gutters along any town public way;
- (f) Construct, reconstruct, and maintain bridges;
- (g) Name town public ways; and

(h) Have made surveys, plans, specifications, and estimates for any of the above activities or projects.

Section 804. Powers of Town as to Sidewalks.

The town may:

(a) Establish, regulate, and change the grade lines, width, and construction materials of any sidewalk;

(b) Grade, lay out, construct, reconstruct, pave, repave, maintain, extend, or otherwise alter sidewalks on town property along any public way;

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

(d) Require 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.

**ARTICLE IX**  
**Town Property**

Section 901. Acquisition, Possession, and Disposal.

The town may acquire real, personal or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise. The town may sell, lease, or otherwise dispose of any property belonging to the town. All town 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 any terms and provisions of the town property, funds, and franchises.

Section 902. Condemnation.

The town may condemn property of any kind, or the interest in any property, or the franchise connected with the property, in fee or as an easement, within the corporate limits of the town, for any public purpose. In case of condemnation procedure, the town shall comply with the provisions and procedures of State law.

Section 903. Town Buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it considers necessary for the operation of the town government.

Section 904. Protection of Town Property.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

## ARTICLE X General Provisions

Section 1001. Oath of Office.

(a) *Oath required.* – Before beginning the duties of their offices, the Mayor, the Commissioners, the Treasurer, the members of the town 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 to the following oath: “I ....., do swear (or affirm, as the case may be), that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and laws of this State.”

(b) *Before whom taken and subscribed.* – The Mayor shall take and subscribe to this oath before the clerk of the Circuit Court for Anne Arundel County or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the Mayor.

Section 1002. Official Bonds.

The Treasurer and any other officers or employees of the town that the Board or this charter may require, shall give bond in the amount and with the surety that the Board may require. The town shall pay the premiums on these bonds.

Section 1003. Prior Rights and Obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation to this charter. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or that may be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.



Section 1004. Effect of Charter on Existing Ordinances.

(a) *Ordinances, etc., not in conflict with charter remain in effect.* – All ordinances, resolutions, and regulations in effect in the town at the time this charter becomes effective that do not conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) *Ordinances, etc., in conflict with charter are repealed.* – All ordinances, resolutions, and regulations in effect in the town at the time this charter becomes effective that conflict with the provisions of this charter are repealed to the extent of that conflict.

Section 1005. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which that section or part of section so held invalid appears, 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 that holding shall apply directly.

