

CHARTER
OF THE
Town of Mardela Springs

WICOMICO COUNTY, MARYLAND

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MARDELA SPRINGS

(See note (1))

ARTICLE I

Incorporation; Administration; Corporate Powers

Section MC1-1. Incorporated; general powers.

The citizens of the Town of Mardela Springs, in Wicomico County, Maryland, are hereby created a body corporate by the name of the "Commissioners of Mardela Springs," with all the powers and privileges of a body politic and corporate, and by such corporate name shall have perpetual succession, sue and be sued, plead and be impleaded in any court of law or equity, may have and use a common seal, may purchase and hold real, personal and mixed property and sell and dispose of the same for the benefit of the town and may own or lease suitable buildings for municipal purposes. (P.L.L., 1930, Art. 23, sec. 138; 1959 Code, sec. 157. 1906, ch. 325; 1927, ch. 268; 1947, ch. 539, sec. 138.)

Section MC1-2. Boundaries; 1947.

The limits of the said town shall be as follows: Beginning for the same on the northerly side of Barren Creek at a stone settled at the corner of the land of James E. Bacon, thence running in a northerly direction by and with the divisional line between the land of said James E. Bacon and the land of Charles W. Bacon to the County Road leading from Mardela Springs to the Vienna Ferry, thence on a continuation of the same line across the land of L. A. Wilson to a ditch in the rear of the barn of the said L. A. Wilson, thence in a northeasterly direction to the southwest corner of the thicket of William T. Wilson, thence in an easterly direction to the southeast corner of the said thicket, thence in a southeasterly direction to the corner of the land of William M. Cooper and the land of Clarence Glasgow, thence in a southerly direction by and with the divisional line between the said Cooper land and the said Glasgow land to the Stone Road leading from Mardela Springs to Salisbury, thence on a continuation of the same line across the said Stone Road and across the land of Virginia C. Graham to Barren Creek, thence in a southerly direction by and with said Barren Creek to the northeast corner of the lot of C. S. Gabler, thence in a southerly direction by and with the said Gabler lot to the land of Mrs. M. E. Wilson, thence by and with the line of the said Wilson land to the County Road, thence on a continuation of the same line across the land of James T. Hopkins to a private road about two hundred yards in the rear of his house, thence in a westerly direction in a straight line to the old Venables Mill Race, thence in a northerly direction by and with the said Mill Race and Barren Creek to the place of beginning. (1959 Code, sec. 158. 1947, ch. 539, sec. 139.)

Section MC1-3. Same: first 1964 annexation.

A. Boundaries. All that area of land, and all persons residing thereon and all property located thereon, adjacent to and binding upon the easterly corporate limits of Mardela Springs, in Barren Creek Election District of Wicomico County, State of Maryland, and being more

particularly described as follows: Beginning for the same at the intersection of the present easterly corporate limits of the Town of Mardela Springs with the northerly line of the right-of-way of U.S. Route 50, and running thence; by and with said northerly line of the right-of-way of U.S. Route 50 in a southeasterly direction to a point 624 feet southeasterly of the intersection of the northerly line of U.S. Route 50 with the southerly line of Main Street at a State Road Commission marker; thence (1) north 5 degrees 40 minutes east a distance of 176.5 feet to an iron rod; thence (2) north 8 degrees 24 minutes west a distance of 46.79 feet to an iron pipe; thence (3) south 61 degrees 30 minutes east to the line of the property of Harold Bennett; thence (4) by and with said Bennett property in a southerly direction across U.S. Route 50 to a point on said Line 150 feet south of the southerly line of U.S. Route 50; thence (5) in a westerly direction in a line parallel with the southwesterly line of the right-of-way of U.S. Route 50 to the southerly line of Main Street; thence (6) in a westerly direction by and with the southerly line of Main Street to the present easterly corporate limits of the Town of Mardela Springs; thence (7) by and with the present easterly corporate limits of the Town of Mardela Springs in a northerly direction to the place of beginning; be and the same is hereby annexed to and included in the boundaries of the Commissioners of Mardela Springs and the boundaries of the Commissioners of Mardela Springs are hereby changed accordingly.

B. *Conditions.* The annexation hereby proposed shall be made upon the following terms and conditions, to wit:

(1) That upon the effective date of the annexation hereby proposed the provisions of the Charter of Mardela Springs and all ordinances, resolutions, rules and regulations of the Commissioners of Mardela Springs, now in effect or adopted hereafter, shall apply to said area described in Subsection A hereof to the same extent as if said area were now located inside the corporate limits of Mardela Springs.

(2) That said area shall be subject to taxation by the Commissioners of Mardela Springs at the full rate of ad valorem taxes levied by the Commissioners of Mardela Springs from time to time; provided, however, that no real property taxes shall be levied or imposed by the Commissioners of Mardela Springs upon the area described in Subsection A hereof or upon any part thereof until July 1, 1964. (Res., January 20, 1964.) (See note (2))

Section MC1-4. Same: second 1964 annexation.

A. *Boundaries.* All areas of land, and all persons residing thereof and all property located thereon, adjacent to and binding upon the northerly corporate limits of Mardela Springs, in Barren Creek Election District of Wicomico County, State of Maryland, and being more particularly described as follows: Parcel No. 1—Beginning for the same at the northwesterly corner of the existing corporate limits of Mardela Springs and continuing in a northerly direction on the same course as the existing westerly line of the town to the northerly line of U.S. Route 50, thence in a southeasterly direction in a curving line by and with said U.S. Route 50 to the intersection of the northerly line of said U.S. Route 50 with the northerly corporate limits of the town, thence in a westerly direction by and with the present northerly corporate limits of the town to the place of beginning. Parcel No. 2—Beginning for the same at a point on the northerly line of U.S. Route 50, said place of beginning being south 61 degrees 30 minutes east a distance

of 220 feet from the center line of East Main Street and running thence (1) by and with the northeasterly line of U.S. Route 50 a distance of 403.4 feet to the present corporate limits of the town; thence (2) by and with said corporate limits north 5 degrees 40 minutes east a distance of 176.5 feet; thence (3) partly with and partly beyond the present corporate limits north 8 degrees 24 minutes west a distance of 158.8 feet to an iron pipe; thence (4) south 68 degrees 12 minutes west a distance of 376.5 feet to the place of beginning; be and the same are hereby annexed to and included in the boundaries of the Commissioners of Mardela Springs and the boundaries of the Commissioners of Mardela Springs are hereby changed accordingly.

B. *Conditions.* The annexation hereby proposed shall be made upon the following terms and conditions, to wit:

(1) That upon the effective date of the annexation hereby proposed the provisions of the Charter of Mardela Springs and all ordinances, resolutions, rules and regulations of the Commissioners of Mardela Springs, now in effect or adopted hereafter, shall apply to said areas described in Subsection A hereof to the same extent as if said areas were now located inside the corporate limits of Mardela Springs.

(2) That said areas shall be subject to taxation by the Commissioners of Mardela Springs at the full rate of ad valorem taxes levied by the Commissioners of Mardela Springs from time to time; provided, however, that no real property taxes shall be levied or imposed by the Commissioners of Mardela Springs upon the areas described in Subsection A hereof or upon any part thereof until July 1, 1964. (Res., April 17, 1964.) (See note (3))

Section MC1-5. Town elections.

A. *Time and place.* The regular elections for the election of Commissioners shall be held on the first Monday of August 1959 and thereafter biennially on the first Monday of August in each second year. At the election held on the first Monday of August 1959, five (5) Commissioners shall be elected; the two (2) receiving the highest number of votes shall be elected to serve for four (4) years, the three (3) receiving the next highest number of votes to serve for two (2) years. Thereafter, three (3) Commissioners and two (2) Commissioners shall be elected to serve for four (4) years at alternate elections.

B. *Who may vote.* Any citizen of the Town of Mardela Springs who shall be entitled to register and vote in any special or general election of the State of Maryland and who shall have resided in the area included within the boundaries of the town as they exist at the time of any election for the period of one (1) month next immediately preceding any town election shall be a qualified voter.

C. *Regulation of elections.* The Commissioners shall make all needful rules and regulations, not inconsistent with this Charter or the laws of the State of Maryland, for the election.

D. *Judges of Election.* At least ten (10) days prior to any election, the Commissioners shall appoint three (3) Judges of Election. Before opening the polls, said Judges of Election shall

make oath before some notary public of Wicomico County to permit every qualified voter of said town to vote, and none other, and to truly and faithfully perform the duties of their office.

E. *Time, place and notice.* All elections hereunder shall be held within the town limits at such place or places as the Commissioners shall designate. At least ten (10) days prior to the holding of any election, the Commissioners shall give notice of the time and place or places of such election by handbills posted in at least five (5) public places in said town. The hours for such election shall be between the hours of 4:00 and 8:00 p.m.

F. *Count and return.* After the polls have been closed, the ballots shall be publicly counted, and the said Judges shall within two (2) days after such election make a true and correct return of the results of said election under their hands and seals to be addressed and transmitted to the Commissioners along with the ballots. Said return to be made a part of the records of the said Commissioners.

G. *Tie elections.* If at the election held on the first Monday in August 1959, it shall appear from the returns of the Judges of Elections that there shall be a tie for the second highest number of votes, the two (2) candidates shall draw lots to determine which of them shall serve for four (4) years and which for two (2) years. If at any election it shall appear from the returns of the Judges of Election that two (2) or more persons voted for as Commissioner have received the same number of votes, so that there is not a choice for the office, a new election shall be immediately proclaimed by the Commissioners to fill the vacancy from among such tie candidates, which election shall be held on ten (10) days' notice and in all respects as aforesaid, except as to day of election.

H. *Persons elected to qualify.* The Commissioners shall qualify and take possession of their offices on the second Monday in August immediately following their election, and the failure of any person so elected to appear and qualify within the time prescribed shall be deemed a refusal of the person failing to qualify to accept the office of Commissioner, whereupon the person receiving the next highest number of votes shall be declared duly elected. (1959 Code, sec. 159. 1947, ch. 539, sec. 140; Res., March 20, 1959, sec. 159; Res. 1-1983, 7-29-83.)

Section MC1-6. Town Commissioners.

A. *Number.* The government of said town shall be vested in five (5) Commissioners who shall possess the qualifications, receive the compensation and have the power and duties as set forth in this section.

B. *Qualifications.* Each Commissioner shall have attained the age of twenty-one (21) years on the day of election and shall have resided within the area included within the corporate limits of Mardela Springs at the time of his election for a period of not less than two (2) years prior to the date of his election. The Commissioners must be the owners of real estate within said town and must continue to reside within the town during the term of their office.

C. *Compensation.* The Commissioners shall receive as compensation for their services as Commissioners such salaries as the Commissioners may from time to time prescribe by

ordinance; provided, however, that no salary ordinance shall become effective until after the expiration of the current terms of all Commissioners in office when such ordinance is passed.

D. *Allocation of duties.* The said Commissioners shall appoint one (1) of their number as President, one (1) as Vice President, one (1) as Secretary and the same or another as Secretary [Treasurer]. (See note (4)) In addition one (1) Commissioner shall be named to act as Street Commissioner and another as Public Works Commissioner.

E. *Powers and duties of the President.* The President of the Commissioners shall be the executive officer of the Town of Mardela Springs, clothes [clothed] with all of the power necessary to secure the enforcement of all ordinances passed by the Commissioners under this Charter. He may call the Commissioners in special session when he is of the opinion that the public good may require.

F. *Vice President.* The Vice President shall possess the powers of and perform the duties of the President in the event of his absence or inability to serve.

G. *Powers and duties of the Secretary.* The Secretary shall keep the minutes of the Commissioners in a well-bound book, which book shall be open to the inspection of anyone interested. He shall maintain a complete and well indexed file of the ordinances of the Commissioners passed from time to time and of such correspondence and other records as shall be deemed desirable by the Commissioners.

H. *Powers and duties of the Treasurer.* The Treasurer shall give such bond as the Commissioners may deem proper. He shall receive all moneys due the town, and he shall pay out such moneys only on the orders of the Commissioners, which order shall be recorded on their minutes.

I. *Powers and duties of the Street Commissioner.* The Street Commissioner shall have charge of the maintenance, repair, paving and repaving of all the streets, ways, alleys, curbs, gutters and sidewalks within the town which are not a part of the state roads system. He shall inspect all work done and approve it before payment therefor shall be made by the Commissioners of Mardela Springs.

J. *Powers and duties of the Public Works Commissioner.* The Public Works Commissioner shall have charge of the installation, maintenance and repair of any public water or sewer systems within the town. He shall have charge of the operation of any municipal garbage or rubbish collection within the town limits.

K. *Vacancy.* Should a vacancy occur among the Commissioners during the term of their office, the remaining Commissioners shall have the power to fill the vacancy, and the new Commissioner so appointed shall hold office until the next regular or special election.

L. *Quorum.* Three (3) Commissioners shall constitute a quorum for the transaction of business. (1959 Code, sec. 160. 1947, ch. 539, sec. 141; Res., March 20, 1959, sec. 160; Res. No. 1-1981, July 2, 1981.)

Section MC1-7. Town Clerk.

The Commissioners shall immediately after taking office appoint a Town Clerk. The Clerk shall attend all meetings of the Commissioners; he shall, under the direction of the Secretary, be responsible for keeping the records, minutes and ordinances of the town and the making of all necessary reports to the federal or state governments or agencies thereof. He shall, under the direction of the Treasurer, make collection of all moneys due the town from all sources and shall keep the tax and financial records of the town. He shall perform such other duties as shall be from time to time assigned to him by the Commissioners or directed by ordinance. He shall serve at the pleasure of the Commissioners and shall receive such compensation as they shall from time to time determine. (Res., April 8, 1965, sec. 161.)

Section MC1-8. Engineer.

Should the Commissioners deem that the best interests of the town require it, they shall by resolution create the office of Town Engineer. He shall be responsible for the maintenance and operation of all buildings, equipment and public works owned or operated by the town; he shall, under the direction of the Street Commissioner, be responsible for the construction, maintenance and repair of the streets and highways of the town not under the jurisdiction of the State Roads Commission of Maryland. He shall perform such other duties as may be from time to time assigned him by the Commissioners or directed by ordinance. He shall serve at the pleasure of the Commissioners and shall receive such compensation as the Commissioners shall from time to time determine. (Res., April 8, 1965, sec. 162.)

Section MC1-9. Public officers; bond.

Any officer or employee of the town may by resolution of the Commissioners be required to give bond for the faithful performance of his duties as such. The amount of said bond shall be determined by the Commissioners and the premium or premiums therefor paid out of public funds. (Res., April 8, 1965, sec. 163.)

Section MC1-10. Oaths of town officials.

The Commissioners, Town Clerk and such other town officers as the Commissioners shall by resolution require shall, before entering upon the duties of their offices, take an oath before a notary public of the State of Maryland that they will diligently and faithfully to the best of their judgment and ability discharge the duties of their office and without favor, partiality or prejudice; and will support the Constitutions of the United States and the State of Maryland. The taking of such oaths shall be recorded among the records of the town. (1959 Code, sec. 164. 1947, ch. 539, sec. 145; Res., April 8, 1965, sec. 164.)

Section MC1-11. Powers.

A. *General.* The Commissioners of Mardela Springs shall have full power to pass all such resolutions and ordinances not contrary to the Constitution and laws of Maryland or this

Charter as from time to time they may deem necessary, wise, equitable and expedient for the good government, comfort, health, convenience and prosperity of the town and its inhabitants; for the preservation of peace and good order; for the prevention and removal of nuisances; for the preservation of health and suppression of vice and immorality within the limits of the town; and for the protection of the property of the town and that of the residents, visitors and sojourners therein.

B. *Specific.* No enumeration of powers herein shall be deemed to restrict the general authority of the Commissioners of Mardela Springs, but for the sake of clarity the Commissioners' powers to pass ordinances not contrary to the laws and Constitution of this state for the following specific purposes is described as follows:

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

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

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

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

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

(6) *Band.* To establish a municipal band or other musical organization and to regulate by ordinance the conduct and policies thereof.

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

(8) *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.

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

(10) *Codification.* To provide for the codification of all ordinances which may have been or may hereafter be passed.

(11) *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.

(12) *Cooperative activities.* To make agreements with other municipalities, counties, urban service authorities, bureaus, commissions and governmental authorities, including drainage district authorities, for the joint performance of or for cooperation in the performance of any governmental or proprietary functions, or for the performance by the other governmental authority of some governmental or proprietary function normally performed by municipalities or under their direction.

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

(14) *Dangerous conditions.* To compel persons about to undertake dangerous improvements to give 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.

(15) *Departments.* To create, change and abolish offices, departments or agencies, other than the offices established by this Charter; to assign additional functions or duties to offices established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office.

(16) *Dogs.* To regulate the keeping of dogs in the town and to provide for the disposition of homeless dogs and dogs on which no license fees have been paid.

(17) *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, bonfires, explosives or any other similar things which may endanger persons or property.

(18) *Filth.* To compel the occupant of any premises, building or structure situated in the town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

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

(20) *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 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 make regulations concerning fire hazards; to install and maintain fireplugs and fire alarm boxes and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(21) *Franchises.* To grant and regulate franchises to all public utility companies, including taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(22) *Gambling.* To restrain and prohibit gambling.

(23) *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 materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal.

(24) *Grants-in-aid.* To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(25) *Hawkers.* To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the town and to revoke such licenses for cause.

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

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

(28) *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 and regulate any business, occupation, trade, calling or place of amusement or business; to establish

and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(29) *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.

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

(31) *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.

(32) *Markets.* To obtain by lease or rent, own, construct, purchase, operate and maintain public markets within the town.

(33) *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.

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

(35) *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, broiler houses, tanneries and renderies. This listing is by way of enumeration, not limitation.

(36) *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.

(37) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots for off-street parking.

(38) *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.

(39) *Police force.* To establish, operate and maintain a police force. All town policemen shall, within the town, have the powers and authority of constables in this state.

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

(41) *Property.* To acquire by conveyance, purchase or gift, real or leasehold property for any public purpose; to erect buildings and structures thereon for the benefit of the town and its inhabitants; to lease public property to other agencies of government; and to convey any real or leasehold property when no longer needed for public use; to control, protect and maintain public buildings, grounds and property of the town.

C. *Saving clause.* The enumeration of powers in this section is by way of example and not limitation upon the powers of the Commissioners of Mardela Springs. (1959 Code, sec. 165; 1947, ch. 539, sec. 146; Res., April 8, 1965, sec. 165.)

Section MC1-12. Taxes.

The Commissioners shall have power to levy and collect taxes in the town not exceeding, for general purposes in any one (1) year, seventy-five cents (\$0.75) on each one hundred dollars (\$100.) of assessable property, all of which taxes shall be levied during the month of May in each and every year. The taxes so levied shall be due and in arrears on the first day of October succeeding the levy and shall bear such interest and penalty as the Commissioners shall by ordinance provide. (1959 Code, sec. 166; 1947, ch. 539, sec. 147.)

Section MC1-13. Same: collection.

The Commissioners shall, during the month of May in each and every year, levy the taxes authorized to be levied by law and shall enter upon their records their warrant to the Treasurer for the collection thereof. Such taxes shall thereupon be collected as herein provided. (1959 Code, sec. 167; 1947, ch. 539, sec. 148.)

Section MC1-14. Special assessments.

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

staff of the town and any other item of cost which may be reasonably attributed to the project. (1959 Code, sec. 168. 1947, ch. 539, sec. 149; Res., April 8, 1965, sec. 168.)

Section MC1–15. Same: procedure.

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

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

B. The amount assessed against any property for any project 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 percent (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. The Commissioners may divide the affected property into industrial, commercial, residential and agricultural classes with each to be charged different rates; but the rate for each class shall be uniform.

D. All special assessment charges shall be levied by the Commissioners by ordinance. Before levying any special assessment charges, the Commissioners shall hold a public hearing. The President of the Commissioners 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 must 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 attorneys, may appear before the Commissioners and be heard concerning the proposed project and special assessment. Such notice shall be by sending for each property to be assessed a copy thereof by mail addressed to the person or persons to whom the town tax bill is sent at the address shown on the assessment records of the town and by publication of the notice at least once in a newspaper of general circulation in the town. The President of the Commissioners shall cause to be filed among the records of the town a certificate that notice as herein required has been given, which certificate shall be deemed proof of notice, but failure of any addressee to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be not less than ten (10) nor more than twenty (20) days after the notice required herein has been given. Following the hearing the Commissioners in their 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 on property in which he has an interest shall have the right to appeal the special assessment on such property to the Circuit Court for Wicomico County within ten (10) days after the levying of the special assessment thereon.

F. Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the Commissioners may determine; provided, however, that no special assessment, except one imposed for payment of a municipal bond issue, shall exceed ten (10) years.

G. All special assessment installments shall be overdue sixty (60) days after the date at which they become due and payable and shall bear interest when overdue and in arrears at the rate of one-half of one percent (1/2 of 1%) for each month or fraction of a month until paid. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law. (Res., April 8, 1965, sec. 169.)

Section MC1-16. Same: expenditure.

All moneys received from the levying of special assessments, including interest on delinquent assessments, shall be treated as special funds and shall not be expended for any purpose other than the liquidation of the municipal debt for the payment of which they were imposed. After the final payment of all debt for any given project, the surplus, if any, in such fund or account shall be transferred to the general fund of the Commissioners of Mardela Springs. (Res., April 8, 1965, sec. 170.)

Section MC1-17. Same: computation.

Before the holding of any public hearing on a special assessment, the Commissioners shall determine what class rate shall apply to each property proposed to be assessed, what rules shall apply to corner properties, odd-shaped lots and other situations or conditions which require special rules to prevent inequities in assessments in the area to be assessed. The Commissioners are hereby authorized to make reasonable adjustments and allowances thereafter in order to prevent the working of undue hardships; but no adjustments or allowances shall be made which would reduce the total receipts from any special assessment below the amount needed to pay the portion of municipal debt for which the assessment was imposed. (Res., April 8, 1965, sec. 170A.)

Section MC1-18. Ordinances; penalties.

The style of all ordinances shall be "Be it enacted and ordained by the Commissioners of Mardela Springs." All actions and prosecution for the violations of any rules, ordinances, [or] regulations shall be instituted in the name of the Commissioners of Mardela Springs against offending parties, and all fines recovered in such suits, actions or prosecutions for the breach of any rule, ordinance or regulation of the Commissioners of Mardela Springs before the Judge of the People's Court of Wicomico County shall be collected by the said Judge and paid over to the Commissioners every month, and in the event of failure of the said Judge to account for any of said collection, he shall be fined and pay not less than one hundred dollars (\$100.) to be imposed and collected as other fines imposed by the penal laws of this state. (1959 Code, sec. 171; 1947, ch. 539, sec. 152.)

Section MC1-19. Bonds.

The Commissioners of Mardela Springs shall have the power to borrow on the faith and credit of the town from time to time as may be deemed necessary for the general welfare of the town and in pursuance of its corporate purposes. The Commissioners may issue and sell bonds to evidence such borrowing, and such bonds may be secured by a pledge of the full faith and credit of the town or of the revenues derived from the particular project, undertaking or property in connection with which such bonds were authorized and issued or by a pledge both of the town's full faith and credit and such revenues. (Res., April 8, 1965, sec. 172.)

Section MC1-20. Same: requirements and limits.

The Commissioners of Mardela Springs shall be authorized to issue bonds from time to time in such amounts as they deem necessary, but at no time shall the amount of bonds issued and outstanding exceed twenty-five percent (25%) of the assessed valuation of all property subject to taxation by the Commissioners of Mardela Springs. Said bonds shall be serial bonds issued upon a serial maturing plan and in such denominations as shall be determined by the Commissioners; said bonds may be redeemable before maturity at the option of the Commissioners at such price and under such terms and conditions as may be fixed by the Commissioners prior to the issuance of such bonds, shall bear interest at a rate not exceeding five percent (5%) per annum, payable semiannually and shall mature in not more than forty (40) years after date of issue and shall be forever exempt from state, town and county taxation. They shall be issued under the signature and seal of the Commissioners. The Commissioners may sell such bonds in such manner, either at public or private sale, and for such price as they may determine to be for the best interests of the town of Mardela Springs, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five percent (5%) per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation, the amount of any premium to be paid on the redemption of any bonds prior to maturity. (Res., April 8, 1965, sec. 173.)

Section MC1-21. Same: payment of.

The funds or receipts from the sources of income which are or shall be pledged for the payment of bonds shall be set aside in a special fund maintained for this purpose only. All receipts from these sources shall be deposited therein, and no funds shall be withdrawn therefrom except for payment of principal and interest on said bonds. In addition the Commissioners may enter into a trust agreement or trust indenture with any bank or trust company doing business in Wicomico County, Maryland, and may make in such instrument such covenants and commitments as may be required by any purchaser for the adequate security of said bonds. (Res., April 8, 1965, sec. 174.)

ARTICLE II

Water and Drainage Systems

Section MC2-1. Water and sewers; powers of Commissioners.

The Commissioners shall have the power:

A. To construct, operate and maintain a water system and a water plant; or to construct, operate and maintain such a system or plant in conjunction with any other political subdivision of the State of Maryland.

B. To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant; or to construct, operate and maintain such a system or plant in conjunction with any other political subdivision of the State of Maryland.

C. To construct, operate and maintain a stormwater drainage system and stormwater sewers; to contract with any other political subdivision of the State of Maryland for the disposal of such stormwater either within or without the corporate limits of the town.

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 plants and systems or parts thereof or the extension thereof.

F. To do all things they deem necessary for the efficient operation and maintenance of the above plants and systems.

G. To enter into any necessary agreements with any agency of the federal government or of the State of Maryland in order to obtain loans or grants for planning, construction or extension of any sewer, water or stormwater drainage system or plant. (Res., April 8, 1965, sec. 175.)

Section MC2-2. Placing structures in public ways.

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 Commissioners and obtain written approval upon such conditions and subject to such limitations as may be imposed by them. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Commissioners may order removal or relocation whether such water, sewerage or stormwater systems are wholly or partly the property of the town, some other political subdivision of the State of Maryland or of a water or sewer company granted an exclusive franchise by the Commissioners of Mardela Springs. (Res., April 8, 1965, sec. 176.)

Section MC2-3. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way within the town limits which impede the establishment, constructions or operation of any sewer or water main owned by the town or any other political subdivision of the State of Maryland shall, upon reasonable request, remove or adjust the obstructions at their own expense to the satisfaction of the Commissioners. If necessary to carry out the provisions of this section, the Commissioners may use their condemnation powers for any town-owned system. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., April 8, 1965, sec. 177.)

Section MC2-4. Entering 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, sewerage system or stormwater sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to the (See note (5)) existing before. (Res., April 8, 1965, sec. 178.)

Section MC2-5. Connections.

The Commissioners may provide or require 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 any sanitary sewer is declared ready for operation, whether owned by the Commissioners of Mardela Springs and/or others, the Commissioners may after reasonable notice require all abutting property owners to connect all fixtures with the water or sewer main, except fixtures used solely for the watering of lawns, gardens and shrubbery or for industrial or commercial uses of water not involving human consumption thereof. The Commissioners may require that existing unsatisfactory fixtures be replaced by satisfactory ones and may require that all cesspools, sink drains or other private sanitary disposal systems and privies be abandoned, filled, removed, disconnected or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered abandoned and closed. Any violation of any ordinance passed under the provisions of this section may be made a misdemeanor. (Res., April 8, 1965, sec. 179.)

Section MC2-6. Charge for connections.

The Commissioners may make a charge in an amount to be determined by them for each connection made to a water or sewer main owned by the town. This charge shall be uniform throughout the town and shall be the same for properties on both sides of the street, but may be changed from year to year. Nothing in this section shall prevent the Commissioners of Mardela Springs from paying out of public funds for such connections within the town where the water or sewer system is owned by some other political subdivision of the State of Maryland, provided

that such connections shall be made for all properties within the town which abut on any public way where such water or sewer main is located. (Res., April 8, 1965, sec. 180.)

Section MC2-7. Plumbing: changes in.

In order to prevent any leakage of water or any other improper use of or danger to any public water or sewerage disposal systems within the town, the Commissioners may require such changes in plumbing, fixtures, filters or connections, not inconsistent with the directions or requirements of the owner of such system if not the town, as they deem necessary to prevent such waste, danger or improper use. (Res., April 8, 1965, sec. 181.)

Section MC2-8. Private systems.

The Commissioners may by ordinance provide that no water supply, sewerage or stormwater drainage system and no water mains, sewers, drains or connections therewith shall be constructed or operated within the corporate limits of the town except by the town, another political subdivision of the State of Maryland or a private firm or corporation acting under a franchise issued by the Commissioners of Mardela Springs, whether upon private premises or otherwise; and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health. Any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and abated by the Commissioners. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., April 8, 1965, sec. 182.)

Section MC2-9. Extensions beyond boundaries.

The Commissioners shall have the power to extend any municipally owned, or jointly owned, water, sewerage or stormwater drainage system beyond the town limits and may serve the properties abutting its mains or lines. (Res., April 8, 1965, sec. 183.)

Section MC2-10. 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. (Res., April 8, 1965, sec. 184.)

Section MC2-11. Pollution of water supply.

No persons 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 violations of the provisions of this section shall be misdemeanors. (Res., April 8, 1965, sec. 185.)

Section MC2-12. Contracts for sewer or water.

The Commissioners may, if they deem it advisable, contract with any person, firm, corporation or governmental body or agency to provide water for distribution through its mains or to treat and dispose of the sewerage collected in its mains; or to contract for the sale of water produced by it to others or for the treatment and disposal of sewage collected through the mains of others. (Res., April 8, 1965, sec. 186.)

Section MC2-13. Charges and service rates.

The Commissioners shall have the power to charge and collect such service rates, water rents, ready-to-serve charges or other charges as they deem necessary for water supplied and for the removal and treatment of sewage. These charges are to be billed and collected by the Town Clerk, and, if the charges are unpaid sixty (60) days after mailing or delivery of a bill therefor, 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. (Res., April 8, 1965, sec. 187.)

ARTICLE III

General Provisions

Section MC3-1. Condemnation powers.

The Commissioners shall have the power to condemn property of any kind, or interest therein, or franchise connected therewith, in fee or as an easement which lies entirely or partly within the corporate limits of the town for any public purpose and shall further have the power to condemn any real property or interest therein outside of the town, in fee or as an easement, where such real property or interest therein is necessary for the installation, completion, erection, extension or maintenance of sewerage, water or stormwater drainage systems serving the town. (Res., April 8, 1965, sec. 188.)

Section MC3-2. Same: procedure.

The manner of procedure in case of any condemnation proceeding shall be that as provided in Article 33A of the Annotated Code of Maryland, 1957 Edition, titled "Eminent Domain," or subsequent amendments thereto. (See note (6)) (Res., April 8, 1965, sec. 189.)

Section MC3-3. Town buildings.

The Commissioners shall have the power to acquire, obtain by lease or rent, purchase, construct and operate all buildings it deems necessary for the operation of the town government and the convenience and recreation of the citizens of Mardela Springs. (Res., April 8, 1965, sec. 190.)

Section MC3-4. Public ways: definition of.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys. (Res., April 8, 1965, sec. 191.)

Section MC3-5. Same: control of.

The Commissioners shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. (Res., April 8, 1965, sec. 192.)

Section MC3-6. Same: powers as to.

The Commissioners, save as limited by § MC3-5, 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 way or part thereof, bridges, curbs and gutters.

B. To grade, straighten, widen, alter, improve or close up any existing town public ways or part thereof.

C. To grade, lay out, construct, open, extend and make new town public ways; or to require than [that] any person, firm or corporation desiring to develop property within the town grade, lay out, construct, open, extend and make public ways through said property in accordance with the requirements of the Commissioners at his expense and thereafter convey the bed of such public ways to the town.

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 public way or part thereof.

F. To construct, reconstruct, maintain and repair bridges belonging to the town.

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. (Res., April 8, 1965, sec. 193.)

Section MC3-7. Powers as to sidewalks.

The Commissioners 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 or private property along any public way or part thereof.

B. To grade, lay out, construct, reconstruct, pave, repave, extend or otherwise alter sidewalks on town property along any public way or part thereof; to require that any person, firm or corporation desiring to develop property within the town construct at his expense sidewalks along the proposed public ways within such development in accordance with specifications of the Commissioners.

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 Commissioners may have the work done and the cost thereof shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

E. To require by ordinance that owners of corner properties do not maintain adjacent to their sidewalks or sidewalk areas shrubbery or other obstructions which screen or block the view of motorists nearing the corner, thus creating an undue traffic hazard, and to provide that violation thereof shall be a misdemeanor. (Res., April 8, 1965, sec. 193A.)

Section MC3-8. Severability.

If any section or part of 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. (Res., April 8, 1965, sec. 193B.)

NOTES

(1) Mardela Springs was incorporated by ch. 325 of 1906. The Charter was revised by ch. 268 of 1927; and in the 1930 Edition of the Code of Public Local Laws of Wicomico County, the Charter was in sections 138 to 155, inclusive. Another revision in ch. 539 of 1947 repealed these sections and enacted new sections 138 to 155S, inclusive.

(2) The preamble to the Resolution of January 20, 1964, was as follows:

“Whereas, the Commissioners of Mardela Springs are desirous of annexing a certain area of land adjacent to the present corporate limits of Mardela Springs hereinafter described into the Town; and

“Whereas, the Commissioners of Mardela Springs have obtained the consent for the proposal from the owners of more than twenty-five per cent (25%) of the assessed valuation of the real property located in the area to be annexed; and

“Whereas, there are no persons residing in the area to be annexed, the Commissioners of Mardela Springs are duly entitled in law to introduce the passage of an ordinance for the annexation into the Town of Mardela Springs of the area hereinafter described.”

(3) The preamble to the Resolution of April 17, 1964, was as follows:

“Whereas, the Commissioners of Mardela Springs are desirous of annexing certain areas of land adjacent to the present corporate limits of Mardela Springs hereinafter described into the Town; and

“Whereas, the Commissioners of Mardela Springs have obtained the consent for the proposal from the owners of more than twenty-five per cent (25%) of the assessed valuation of the real property located in the area to be annexed; and

“Whereas, there are no persons residing in the areas to be annexed, the Commissioners of Mardela Springs are duly entitled in law to introduce the passage of an ordinance for the annexation into the Town of Mardela Springs areas hereinafter described.”

(4) So in original. Probably should read “Treasurer.”

(5) So in original. Probably should read “that.”

(6) Article 33A was repealed by Acts 1972, ch. 349, § 1. For current provisions on the subject, see Anno. Code of Md. (1957), Real Property, § 12-101, et seq.

