

CHARTER  
OF THE  
**Town of Vienna**

DORCHESTER COUNTY, MARYLAND

*As found in the Public Local Laws of Dorchester County  
1974 Edition, as amended*

(Reprinted November 2008)

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## VIENNA

### Section 22-1. Incorporated; general powers.

The citizens of the town of Vienna, in Dorchester County, Maryland, are hereby created a body corporate, by the name of “The Commissioners of Vienna”, with all the powers and privileges of a body politic and corporate, and by said corporate name may have perpetual succession, sue and be sued and have and use a common seal; and may receive in trust and control and dispose of for the purposes of said trust and invest and reinvest any character of property in aid of any charitable purpose or for the relief of the poor and afflicted of the town.

### Section 22-2. Corporate boundaries. (See Note 1)

The boundaries of said Town of Vienna shall be as follows: Beginning for this description at the eastern most point at the top of a plat entitled “Town of Vienna, Maryland, 2009 Annexation of The Lands of Phillips Farm, LLC, Layton Farm, LLC, Commissioners of Vienna, Joseph R. Bialek and James & Cynthia McFarlane” (hereinafter “Plat”) dated October 8, 2008, revised on April 23, 2009, revised on July 14, 2009, revised on January 4, 2010, revised February 9, 2010 and revised on May 5, 2010, prepared by William C. Craig & Company, LLC, Land Surveyors (hereinafter referred to as the “Plat”);

THENCE south 27 degrees 41 minutes 5 seconds west, a distance of 310.62 feet along the shoreline of the Nanticoke River to a point;

THENCE south 9 degrees 38 minutes 49 seconds west, a distance of 309.56 feet along the shoreline of the Nanticoke River to a point;

THENCE 42 degrees 36 minutes 25 seconds west, a distance of 69.19 feet along the shoreline of the Nanticoke River to a point;

THENCE south 78 degrees 58 minutes 2 seconds west, a distance of 174.33 feet following the shoreline of the Nanticoke River to a point;

THENCE south 9 degrees 55 minutes 34 seconds west, a distance of 134.23 feet along the shoreline of the Nanticoke River to a point;

THENCE south 43 degrees 1 minute 30 seconds east, a distance of 237.39 feet along the shoreline of the Nanticoke River to a point;

THENCE south 22 degrees 40 minutes 31 seconds east, a distance of 179.65 feet following the shoreline of the Nanticoke River to a point;

THENCE south 0 degrees 53 minutes 43 seconds east, a distance of 247.71 feet along the shoreline of the Nanticoke River to a point;

THENCE south 5 degrees 54 minutes 22 seconds west, a distance of 338.48 feet along

the shoreline of the Nanticoke River to a point;

THENCE south 27 degrees 33 minutes 56 seconds east, a distance of 287.84 feet along the shoreline of the Nanticoke River to a point;

THENCE south 43 degrees 51 minutes 36 seconds west, a distance of 1,511.81 feet through designated wetlands, and through the first of two tall plastic pipes found, to a point containing the second tall plastic pipe found;

THENCE north 67 degrees 59 minutes 4 seconds west, a distance of 1,063.22 feet through designated wetlands to a point within a ditch;

THENCE north 87 degrees 44 minutes 4 seconds west, a distance of 759 feet along a ditch to a point;

THENCE north 57 degrees 29 minutes 4 seconds west, a distance of 1,419.80 feet along a ditch to a point on the south side of the Vienna–Elliott’s Island Road;

THENCE north 40 degrees 2 minutes 31 seconds east, a distance of 1,329.60 feet running with the south side of and binding upon the Vienna–Elliott’s Island Road to a point;

THENCE 260.35 feet along the arc of a curve deflecting to the east, and having a radius of 600 feet (chord: north 49 degrees 37 minutes 43 seconds east), 258.31 feet along the south side of and binding upon the Vienna–Elliott’s Island Road to a point;

THENCE north 64 degrees 39 minutes 4 seconds east, along the south side of Vienna–Elliott’s Island Road a distance of 1,237.79 feet to a point;

THENCE 435.15 feet along the arc of a curve deflecting to the north, having a radius of 813.73 feet (chord: north 49 degrees 15 minutes 25 seconds east, 429.98 feet) along the south side of and binding upon the Vienna–Elliott’s Island Road, to a point and designated as L–9 Lot 6 as shown on the said plat;

THENCE north 36 degrees 29 minutes 22 seconds east, along the south side of and binding upon the Vienna–Elliott’s Island Road, a distance of 136.52 feet to a point, more specifically shown on Inset Detail for Lot 8 on the Plat;

THENCE north 53 degrees 31 minutes 28 seconds west directly across Vienna–Elliott’s Island Road designated as LR–5 on Lot 8 of the Plat a distance of 49.98 feet to a point on the north side of Vienna–Elliott’s Island Road;

THENCE south 36 degrees 28 minutes 32 seconds west, a distance of 138.74 feet running along the north side of Vienna–Elliott’s Island Road to a point of curvature, more specifically shown on Inset Detail for Lot 8 on the Plat;

THENCE 408.41 feet along the arc of a curve deflecting to the right, having a radius of

763.73 feet (chord: south 49 degrees 15 minutes 25 seconds west, 403.56 feet) running along the north side of Vienna–Elliott’s Island Road to a point;

THENCE south 64 degrees 37 minutes 43 seconds west, running along the north side of Vienna–Elliott’s Island Road a distance of 246.14 feet to a point of intersection of an existing farm lane with Vienna–Elliott’s Island Road contained on the southwestern corner of the property owned by Phillip’s Farm, LLC shown as Lot 3 on the Plat, described further in a deed recorded in Liber 646, at folio 343;

THENCE 64 degrees 39 minutes 14 seconds west, running along the north side of Vienna–Elliott’s Island Road a distance of 993.85 feet to a point;

THENCE 282.05 feet along the arc of a curve deflecting to the left, having a radius of 650 feet (chord: south 49 degrees 37 minutes 43 seconds west, 279.84 feet) running along the north side of Vienna–Elliott’s Island Road to a point;

THENCE south 39 degrees 43 minutes 23 seconds west, running along the north side of Vienna–Elliott’s Island Road a distance of 262.56 feet to a point containing a railroad spike;

THENCE away from Vienna–Elliott’s Island Road, north 35 degrees 1minute 55 seconds west, a distance of 534.69 feet to a concrete monument;

THENCE north 35 degrees 6 minutes 6 seconds west, a distance of 515.22 feet to a point that ends near the beginning of a ditch;

THENCE 591.99 feet along the arc of a curve deflecting to the left, having a radius of 443.87 feet (chord: north 22 degrees 2 minutes 33 seconds east, 549.08 feet) through a ditch to a point;

THENCE north 68 degrees 53 minutes 38 seconds east, along a wooded section through a ditch a distance of 475.57 feet to a point;

THENCE north 8 degrees 18 minutes 17seconds west, a distance of 821.96 feet along a wooded section to a point;

THENCE south 78 degrees 33 minutes 2 seconds west, a distance of 856.03 feet along a wooded section through a ditch to a point containing a large white oak tree with old wire;

THENCE north 6 degrees 21 minutes 10 seconds west, a distance of 337.31 feet running along a ditch to a point containing a bent iron rod;

THENCE north 11 degrees 43 minutes 16 seconds east, a distance of 1,274.76 feet traveling through a ditch and a wooded area containing an old fence line to a point containing an iron rod;

THENCE south 81 degrees 48 minutes 9 seconds east, through a wooded section and

through a ditch a distance of 1,698.42 feet to a point;

THENCE south 81 degrees 47 minutes 29 seconds east, a distance of 200 feet to a point;

THENCE south 25 degrees 13 minutes 44 seconds west, a distance of 111.44 feet to a point;

THENCE south 64 degrees 46 minutes 16 seconds east, a distance of 394.02 feet to a point;

THENCE south 57 degrees 14 minutes 36 seconds east, a distance of 18.46 feet to a point;

THENCE south 57 degrees 14 minutes 36 seconds east, a distance of 245.76 feet to a point;

THENCE south 59 degrees 6 minutes 59 seconds east, a distance of 268.58 feet to a point;

THENCE north 39 degrees 45 minutes 49 seconds east, a distance of 406.81 feet to a point;

THENCE north 50 degrees 15 minutes 47 seconds west, a distance of 288.42 feet to a point;

THENCE north 37 degrees 29 minutes 25 seconds east, a distance of 224.70 feet to a point;

THENCE south 61 degrees 58 minutes 34 [seconds] east, a distance of 289.75 feet to a point;

THENCE north 38 degrees 6 minutes 44 seconds east, a distance of 780.08 feet to a point;

THENCE south 45 degrees 47 minutes 30 seconds east, a distance of 1,253.42 feet to a point;

THENCE south 47 degrees 48 minutes 39 seconds east, a distance of 1,038.81 feet to a point;

THENCE running in a southerly direction along the shoreline of the Nanticoke River to the Point of Beginning.

The layout of the Corporate Boundaries are shown on a plat entitled "Annexed and Corrected Corporate Limits Town of Vienna, Maryland, 2010" dated April 20, 2010, prepared by William C. Craig & Company, LLC, Land Surveyors. (Res. No. 2010-3, 8-3-10.)

Section 22–3. Election of commissioners.

*22–3–1 General.*

A. The citizens of Vienna of eighteen years and upwards who have resided in Vienna for and during the preceding thirty days shall on the first Monday in May of each year, elect the town’s commissioners. Each voter shall have one vote for each vacancy.

B. In even-numbered years, two Commissioners will be elected. In odd-numbered years, one person will be elected as Commissioner and that person shall also serve as Mayor and be obligated and entitled in this capacity as the body of this charter sets forth. Refusal to serve as Mayor by any person elected Commissioner in an odd-numbered year shall constitute a vacancy as set forth hereafter in 22–3–1 [22–3–2] “I.” A vacancy in the post of Mayor occurring after 60 days of the Mayor’s election and more than 90 days before the next election in an odd-numbered year shall be filled through a special election conducted at the direction of the remaining Commissioners. During the period between the vacancy and the special election, the remaining Commissioners shall choose one of their number to serve as Interim Mayor. No Commissioner elected in an even-numbered year shall be eligible to run for office in a special election unless that Commissioner’s term has expired. (Res. No. 97–1, 4–29–97.)

C. Any person who has actually resided in the town for at least the six months immediately preceding an election may become a candidate for election by filing a written notice of his/her candidacy for election with the town clerk at least ten days prior to the date of an election. Such notice of candidacy shall contain the candidate’s full name, the date of filing, and a statement that the candidate has actually resided in Vienna for at least six months preceding the election.

D. Any person desiring to withdraw from being a candidate may do so by giving written notice to the town clerk at least ten days prior to the date of such election.

*22–3–2 Election procedure.*

A. The town clerk shall post notices of election at least seven days prior to the holding of any town election in at least four conspicuous places in Vienna. The notices shall specify the time and place of holding such election and the names of the candidates.

B. The town clerk shall prepare the ballots and/or voting machines for use in the election at lease [least] seven days before an election. Ballots will be based upon the notices of candidacy filed and not withdrawn prior to ten days before the date of an election. The top of the ballot shall indicate what office is being voted for and direct the voter to vote for not more than one if there is one vacancy or two if there are two vacancies. Ballots and/or voting machines shall contain the name of every candidate, arranged alphabetically according to surnames. To the right of the candidate’s name shall be a square in which the voter may make a mark to indicate



the voter's choice of candidate. There shall be no indication of a candidate's political party, organization or association. If a question is to be submitted to the popular vote at an election, the question shall be briefly explained upon the ballot and/or voting machine and the words "For Proposition" and "Against Proposition" shall be placed thereunder with squares by which the voter may indicate his/her vote for or against the proposition.

C. The commissioners shall, not more than thirty days and not less than ten days prior to an election of commissioners, appoint three election judges. Such appointments shall be for a period of two months from the date of appointment.

D. Election judges shall, before opening the polls, take an oath before a judge of the district court or a notary public for Dorchester County to permit every qualified voter, and no other, to vote.

E. A majority of the judges shall have the power to do all things committed unto said judges.

F. The election judges shall conduct the election according to the election laws of the State of Maryland; except that:

1. The hours for holding the election shall be from three o'clock to seven o'clock p.m.
2. One of the judges shall act as clerk of the election; and
3. No registration shall be required to entitle any adult citizen offering to vote.

G. The judges shall carefully count all votes cast immediately after the closing of the polls. They shall then certify, over their signatures, the results of the election to the commissioners of Vienna then holding office.

H. The eligible person(s) receiving the greatest number of votes shall be declared elected by the commissioners at their next meeting. A record of the vote shall be entered in the minutes of that meeting.

I. In the event that, within sixty days of his/her election, a person elected commissioner resigns or does not serve for any other reason, the candidate receiving the next highest number of votes in that election shall be appointed commissioner to fill that vacancy. All other vacancies occurring in the Board, either by death, removal from the town, resignation, refusal to act as commissioner, or failure to file for and to seek election, shall be filled by the remaining commissioners by electing some citizen of Vienna who possesses the required qualifications for being commissioner. Such appointed commissioners shall hold office for the unexpired term of the commissioner vacancy for which he/she was appointed. (Res. 1994-1, 1-31-95.)

Section 22-4. Repealed.

(Res. 1994-1, 1-31-95; Res. No. 97-1, 4-29-97.)

Section 22-5. Commissioners; meetings.*22-5-1 Frequency.*

The commissioners shall meet in Vienna at least twice each month, for the trans-action [transaction] of town business and carrying out of their responsibilities.

*22-5-2 Quorum.*

Two members of the board of commissioners shall constitute a quorum for the transaction of business, and in the absence of the mayor, may appoint one of their number mayor pro tempore, and their proceedings at such meetings shall be valid.

*22-5-3 Procedure.*

All meetings of the commissioners shall be presided over by the mayor, or the mayor pro tempore in the absence of the mayor. (Res. 1994-1, 1-31-95.)

Section 22-6. By-laws.

The commissioners may adopt such by-laws for their government and such rules and regulations as they find necessary for properly and expeditiously conducting the business of the corporation. (Res. 1994-1, 1-31-95.)

Section 22-7. Clerk; appointment, duties, bond.

The Commissioners of Vienna shall annually appoint a clerk, who shall also be Treasurer and collect the town taxes of Vienna, who shall keep the minutes of the proceedings of said Commissioners in a well-bound book, which book shall be open to the inspection of any one interested. The said clerk shall give bond as such treasurer in such sum as the Commissioners shall deem proper, and shall pay out the money that shall come into his or her hands as such treasurer in such sum as the Commissioners shall deem proper, and shall pay out the money that shall come into his or her hands as such treasurer only on the order of the said Commissioners, which order shall be recorded among their minutes of proceedings.

Section 22-8. Police officer; appointment, duties, bond.

The said Commissioners may annually hire a police officer, and may also hire under police officers as from time to time may be necessary to preserve the good order of the town. The said police officer shall attend the meetings of the Board of Commissioners and shall execute all orders of the said Commissioners and shall perform such other duties as the Commissioners may assign him; before proceeding to act as police officer he shall give bond in

such sum as the Commissioners shall deem proper, and at each regular meeting of said Commissioners he shall account for any [and] pay over to the Treasurer all monies collected or received by him, if any there be, as such police officer; he shall preserve the peace and good order of the town, may make arrests and serve warrants and other legal processes within the corporate limits of the town, except the line in the river, and for these purposes he is hereby invested with police powers.

Section 22-9. Compensation.

Compensation of the commissioners, town clerk, police officer, and town employees shall be set by a vote of the commissioners in a public meeting. (Res. 1994-1, 1-31-95.)

Section 22-10. Oath of office.

The Commissioners and all other officers of the Corporation, including the judges of election, shall before entering upon the duties of their respective offices, take and subscribe an oath before a judge of the District Court or notary public of Dorchester County, that they will diligently and faithfully to the best of their abilities, skill and judgment and without favor or affection, partiality or prejudice, perform the duties of their office, and shall file a certificate showing the taking of such oaths among the records of the corporation, and the said oath and certificate shall be recorded among the minutes of the proceedings of the Commissioners.

Section 22-11. Powers enumerated.

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

2. *Specific powers.* The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the 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 as to the business of the town.

4. *Aisles and doors.* 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.

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

6. *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the council.

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

8. *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

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

10. *Bridges.* To erect and maintain bridges.

11. *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 them; 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.

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 for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

15. *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

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

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

18. *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional

functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

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 them; 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 dangerous or without a license.

21. *Eminent domain.* To condemn land and property in accordance with the procedures provided in Title 12 of the Real Property Book of the Annotated Code of Maryland (1974 Edition, as amended).

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

23. *Filth.* To compel the occupant of any premises, building, or outhouse situated in the town, if it 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 the property, making it collectible by taxes or against the occupant or occupants.

24. *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.

25. *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

27. *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject 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 years.

28. *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points, or to require the occupants of the premises to place them conveniently for removal.

29. *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 funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

30. *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 any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

31. *Health.* To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but 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.

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

33. *Housing.* To provide for a code of minimum housing standards.

34. *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

35. *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.

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

37. *Lights.* To provide for the lighting of the town.

38. *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.

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

40. *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.

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

42. *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 they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

43. *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.

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

45. *Parking meters.* To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

46. *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.

47. *Police force.* To establish, operate, and maintain a police force. All town policemen, within the municipality shall have the powers and authority of constables in this State.

48. *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.

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

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

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

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

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

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

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

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

57. *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

58. *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

#### Section 22–12. Violation of ordinances.

(a) To ensure the observance of the ordinances of the city, the council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal

within ten (10) days to the circuit court of the county in which the fine, forfeiture, or penalty was imposed. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) (1) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this section a municipal infraction is a civil offense.

(2) A fine not to exceed \$100.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$200 for each repeat offense, and each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

#### Section 22-13. Other powers.

The said Commissioners shall also have power to impose license fees on any business, occupation or employment conducted in said town whether temporary or permanent; to provide for fire protection, police protection, for lights upon the highways of the town; to arrange for a supply of water for fire protection and for the use of its citizens; and to borrow money on their notes or certificates of indebtedness, this borrowing right to be in addition to any other borrowing right that the said Commissioners of Vienna now have.

#### Section 22-14. Commissioners; quorum.

Two members of the Board of Commissioners shall constitute a quorum for the transaction of business, and in the absence of their president the Commissioners in attendance may appoint one of their number president pro tempore, and their proceedings at such meetings shall be valid.

#### Section 22-15. Same; procedure.

All meetings of the said Board shall be presided over by the president of said Board, or the president pro tempore in the absence of the president, and in all cases of a tie vote in the Board the presiding officer shall give the casting vote.

Section 22–16. Same; by-laws.

Said Commissioners may adopt such by-laws for their government and such rules and regulations as from time to time they shall find necessary for properly and expeditiously conducting the business of the corporation.

Section 22–17. Ordinances to be posted.

No ordinance passed by the said board shall go into effect before a copy thereof shall have been posted at one or more public places in the said town not less than ten days prior to the time named in the ordinance when the said ordinance shall go into effect.

Section 22–18. Taxes and assessments.

(a) *Tax rate.* The Commissioners of Vienna shall have full power to assess and collect an equal tax on all property within the corporate limits, and the sums at which the said property is assessed for the State and County purposes shall be the basis for levying the town taxes, but the said Commissioners may assess all new property and all property in the said town which they shall find [find] is not assessed for State and County purposes, and the assessment so made by said Commissioners shall be at the fair cash value of the property so assessed and shall bear its proportional part of the town taxes, provided that no part of any farm lands which are included within the corporate limits shall be taxed for corporate purposes so long as said farm lands shall be used for agricultural purposes, without the consent of the owners thereof.

(b) *Tax notices.* The clerk shall have ready and read to the Commissioners of Vienna at the meeting at which the general levy, or any other levy, of taxes to be made, a list of all new property which the clerk thinks should be assessed and taxed, and the Commissioners may fix such assessment at the fair cash value of said property as hereinbefore provided. The clerk shall then mail a notice to the person, firm or corporation whose assessment has been so established stating the amount of the said assessment and summoning such person to appear before the Commissioners of Vienna at their next regular meeting [meeting] (giving the date thereof) and show cause why said assessment shall not stand as made. Should such owner fail to appear, in person or by representative, the said property shall be entered upon the assessment books, provided, that such owner may appeal to the Circuit Court for Dorchester County at any time within ten days from the date of the regular meeting at which said person was summoned to appear and show cause why such property should not be assessed, according to said notice.

(c) *Transfers of property.* It shall be the duty of every person who disposes of property, and of every person who purchases or acquires the same, to see that a transfer is made on the assessment books of the town of Vienna, and no one shall be entitled to a notice for taxes due and in arrear [arrears] on property which is not charged to such person.

Section 22–19. Levy.

(a) *Procedure in making.* The Commissioners of Vienna shall, at their regular meeting on the first Monday in June in each year, or as soon thereafter as practicable, make a

general levy to meet the corporate expenses of the town. The Commissioners of Vienna shall cause to be made out an alphabetical list of all persons chargeable with the taxes levied to be made out, together with the sums payable by each person, and said list or an exact copy thereof, shall be entered in the general record book. At the end of the list as first made out, and also at the end of the exact copy in the general record book, shall be placed a certificate setting forth that the foregoing is levy list of the town of Vienna for the year. Both of said certificates shall be signed by the president of the board and the clerk, and authenticated by the corporate seal.

(b) *Responsibility for taxes.* After the sittings for the correction of tax accounts and the making of the appropriations and levy for the ensuing fiscal year, the person to whom property is assessed at the time of the making of the levy shall be held responsible for the whole tax charged to him, provided he or she has property of sufficient amount to cover said tax. After the levy has been made, the taxes must be adjusted between buyer and seller of any property for that tax year, and any part or class of property held by the seller shall be held as responsible for the whole tax bill charged to him, or her, but the clerk shall locate and hold the original property so named in the tax record as liable and responsible for the taxes only in such cases as to where the property remaining in the name of the person to whom it was assessed and charged at the time of the making of the levy is not of sufficient amount to cover the tax bill. In that event, the clerk shall proceed to locate and hold such property as responsible for the tax bills to the amount and value as it is assessed on the tax records at the time said levy was made.

Section 22-20. Tax collections and tax sales.

(a) *Tax Collection Book.* On the first Monday in August in each year, the clerk shall have ready what is to be known as the Tax Collection Book, setting forth in alphabetical form the name of the taxpayer and the amounts of real and personal property or bonds or other taxable property assessed to said taxpayer, a brief description showing the nature and location of said taxable property, and the amount of taxes due on same in accordance with the last named levy. The clerk shall make out a statement of each amount on the tax records, setting forth the total amount of property charged to each person, the tax rate and the amount of taxes due. These statements shall be mailed between the first and sixteenth days of August next following the date of the annual levy to the respective taxpayers in an envelope with the return printed notice on same, and in case the statement so mailed is not returned it shall be considered as delivered the same as if it had been delivered in person. In case any statement is returned to the clerk, the clerk shall make all reasonable effort better to locate the taxpayer and remail or deliver the statement of the tax account. If, after exercising due diligence, the clerk is unable to find the taxpayer to whom the said statement is addressed, the clerk shall post one copy of said statement on the property and a copy of said statement at two conspicuous places in the town of Vienna, and such posting of said statement shall be due notice. When property is taxed to more than one person a notice to one shall be a notice to all.

(b) *Notice of taxes payable.* During the week preceding the first day of September, of each year, the clerk shall announce by advertisement posted in at lease [least] two conspicuous places in the town of Vienna, that the town tax collection books will be open, and that taxes will be payable on September first.

Section 22–21. Dogs.

The Commissioners may assess and levy annually a tax not exceeding two dollars each, for any dog or bitch belonging to or kept by any of the inhabitants of said town to be collected as other taxes, and may compel the police officer to remove any dog or bitch within the limits of said town whose ostensible owner, or those exercising control over the said dog or bitch shall fail or refuse to pay the said tax or shall by any pretext try to evade the payment of the said tax, and they shall provide by ordinance suitable measures for enforcing the provisions of this section.

Section 22–22. Roads and streets.

The Corporation shall assume the supervision of all public highways in said town to keep the same repaired, and they shall have power to repair, widen or extend the same, lay out new streets and open the same, condemn rights of ways or acquire the same by purchase, assess damages in the premises and pay the same out of any moneys in the treasury not otherwise appropriated, according to the laws of the State of Maryland, in such cases made and provided, whenever in their judgment the general good of the town and the condition of the treasury shall justify such proceedings.

Section 22–23. Limit on expenditures.

The Commissioners of said town shall not expend nor contract to expend in any one year, more money than the amount receivable by the corporation from taxes and other sources for that year, providing however, that for any capital improvements for the public health, safety or well being of the people of the town of Vienna, the Commissioners may use any accrued monies available from whatever source for any such improvements.

Section 22–24. County to pay town.

The County Commissioners of Dorchester County, in each and every year, shall pay to the Commissioners of Vienna, to be used and applied by the said Commissioners [Commissioners] of Vienna for the corporate purposes of said town of Vienna, the sum of seven hundred and fifty (\$750.00) dollars.

Section 22–25. Annual statement.

The Commissioners of said town shall publish an annual statement setting forth the amounts of receipts and expenditures of said town for that year and such statement may be published either by advertisement in some newspaper published in Dorchester County or by handbills posted at conspicuous places in said town. Such statement shall be so published for each year not later than sixty days following the general levy made for the next succeeding year.

## Water and Sewerage Systems

### Section 22–26. General authority.

“The Commissioners of Vienna,” be, and they are hereby, authorized and empowered to design, construct, equip, and own a water supply system and sewerage or disposal system for the Town of Vienna, Maryland, including wells, intakes, purification works, reservoirs, pumping station, elevated tanks, distribution mains, water pipe lines, sewerage pipe lines, and disposal plant, and all required appurtenances both within and without the corporate limits of the said Town, as “The Commissioners of Vienna” may deem necessary; to maintain and operate the said systems, to purchase or condemn whatever property, rights of way, water rights or other facilities that may be required; and to do all other corporate acts, including the employment of engineering and other services, that may be necessary for carrying out the provisions of this sub-heading.

### Section 22–27. Redemption of bonds.

For the purpose of redeeming the said bonds authorized to be issued by this sub-heading, and for the payment of interest thereon, there shall be levied by “the Commissioners of Vienna” against all of the assessable property within the corporate limits of Vienna, annually, so long as any of said bonds are outstanding and not paid, a tax sufficient to pay the interest on said bonds as said interest shall become due and payable and to levy such sums in addition as may be required, and to pay or redeem said bonds as the same mature from time to time, until all of said bonds have been paid. Said tax shall be determined, levied, collected and paid over in the following manner: At least thirty days before the tax levying period of each year, “The Commissioners of Vienna,” shall determine the amount necessary to be raised for the ensuing year for the payment of the interest on all outstanding bonds, and for the redemption of a bond each year, as hereinbefore provided, and they, “The Commissioners of Vienna” shall determine the number of cents per hundred dollars necessary to raise the said amount; “The Commissioners of Vienna” in their next annual levy following the sale of the said bond, shall levy said tax on all land and improvements, and any other property assessed for municipal purposes within the Town of Vienna, which said tax shall be levied or collected as the town taxes are now, or may be hereafter by law, levied and collected, and have the same priority rights, bear the same interest and penalties, and in every respect be treated the same as other taxes of Vienna now are; from the money so received “The Commissioners of Vienna” shall first pay all interest on said bonds as it matures, and shall redeem one of said bonds in each and every year, as hereinbefore provided, beginning two years after date of issue of said bonds; should receipts from said taxes and assessments be inadequate to pay said interest and redeem one bond in each and every year, as hereinbefore provided, by reason of default or otherwise, such deficiency shall be added to and collected in the next year’s taxes. “The Commissioners of Vienna” are authorized to pay interest on any bonds they may issue prior to the first tax levying period out of the proceeds of the sale of said bonds. In order that prompt payment of interest on the bonds and a prompt redemption of one of said bonds shall be made in each and every year, the first of said bonds to be redeemed two years after said date, as hereinbefore provided, the prompt and proper performance of the respective acts and duties heretofore defined, is specifically enjoined, and a failure upon the part of “The Commissioners of Vienna,” or any of their agents, to perform the necessary acts and duties hereinafter set forth, to pay over the said funds as required, or to use

said funds, or any part thereof, for any purpose other than for the payment of the interest and redemption of said bonds, as hereinbefore specifically provided, is hereby declared a misdemeanor, and punishable as other misdemeanors are punishable by Section 22–39 of this sub-heading.

Section 22–28. Contract.

On April 21, 1933, “The Commissioners of Vienna” shall proceed to have surveys, plans and specifications, prepared for complete water and sewerage systems. When said plans and specifications have been completed, “The Commissioners of Vienna” shall advertise, by notice in such newspapers and technical press as they may deem proper, for bids for the construction of said water and sewerage systems in parts or as a whole, as in their judgment may appear advisable. The contract or contracts shall be let to the lowest responsible bidder, or “The Commissioners of Vienna” may reject any or all bids and, if in their discretion the prices quoted are unreasonable, they shall readvertise the work, or may do any part or all of the work by day labor; provided that at any time “The Commissioners of Vienna,” in their discretion, expend for day labor on construction an amount not exceeding one thousand dollars (\$1,000.00) without advertising or receiving bids. All contracts may be protected by such bonds, penalties and conditions as “The Commissioners of Vienna” shall require, all of which shall be enforceable in any Court having jurisdiction.

Section 22–29. Benefit assessments.

(a) *Authorized.* “The Commissioners of Vienna” shall assess benefits for such part of the cost of construction of said water and sewerage systems as they may deem proper, and for this purpose shall divide all properties binding upon a street, lane, alley or right-of-way, in which a water pipe or sewer pipe is to be laid, into four classes, namely: sub-division, industrial or business, small acreage, and agricultural. Immediately upon the commencement of the water supply and sewerage project, “The Commissioners of Vienna” are empowered and authorized to fix and levy an assessment upon all property abutting upon said water main in accordance with the classification, and shall in writing notify all owners of said properties into which class their respective properties fall and the assessment determined upon, naming also in said notice a time and place when and at which said owners will be heard. Such notice may be mailed to the last known address of the owner, or served in person upon any adult occupying the premises, or in the case of vacant or unimproved property, posted upon the premises. The classification of and assessment against any property as made by “The Commissioners of Vienna” shall be final, subject only to revision at said hearing. “The Commissioners of Vienna” may change the classification of properties from time to time, as said properties change in the uses to which they are put.

(b) *Basis.* Said assessment shall be levied for both water and sewerage supply and construction and shall be based for each class or property upon the number of front feet abutting upon the street, lane, alley or right-of-way in which the water or sewer pipe is placed; provided, however, that no lot in a sub-division property shall be assessed on more than one side, that corner lots in this class shall be assessed on that frontage towards which the building shall naturally face, and that all lots in this class shall be assessed for their full frontage even though a

water or sewer main may not extend along the full length of any boundary; that in case of irregular shaped lots and shallow lots fronting on more than one street in which a water or sewer main is placed, "The Commissioners of Vienna" may assess such length of frontage as they deem reasonable and fair; and provided, further, that in the case of small acreage and agricultural property, where a water or sewer main does not extend along the whole frontage, "The Commissioners of Vienna" may assess such length of frontage as they deem reasonable and fair. Front-foot assessments for water supply and sewerage construction shall be uniform for each class of property throughout the Town. The amount of the assessment per front foot for each class of property for water mains shall be determined annually by "The Commissioners of Vienna," as costs and conditions require.

(c) *Payment.* Said assessments shall be paid annually beginning in the year such construction is begun by all persons owning property located, as above specified, and the said annual assessment to continue for a period of years co-extensive with the period of the latest maturity of the said serial bonds, out of the proceeds of which such construction was done; provided, however, that any owner of property may, at his option, within one year from the time said front foot assessment or benefit charge is levied, extinguish the same by the payment in cash in one sum of the proportion of the estimated cost of the project, of which the construction abutting upon his property is a part, represented by the number of front feet which he is assessed with interest at the rate of six per cent per annum from the date of such levy, less any annual payment that may have been made thereon. "The Commissioners of Vienna," in estimating the said cost for the purpose of extinguishment, may add thereto a reasonable margin to protect themselves against possible changes in the cost of construction and loss of interest. All sums received under such plan of extinguishment shall be preserved intact by "The Commissioners of Vienna" and applied toward the payment of the interest on said bonds and toward the redemption of one bond in each and every year beginning two years after date of said issue, as hereinbefore provided; and provided further, that any property owner whose property is classified under business or industrial, or sub-division, may, at his option, at any time during the life of said assessment, extinguish the same by payment in cash of an amount, which, if put at interest at 3 1/2 per cent, compounded annually, would yield an annuity equal to the annual assessment for the period for which said assessment has yet to run.

(d) *Connections.* "The Commissioners of Vienna" shall at any time permit a connection with a water main or sewer main by a property owner whose property does not abut on said water or sewer mains and who has not previously thereto paid an assessment for the construction of said water or sewer mains, provided the said "The Commissioners of Vienna" shall first determine the classification of said property, and a front foot charge to be paid by said property owner, as though his property abutted on said water or sewer mains; and in the event of such connection being made, said property owner and said property, as to all charges, rates and assessments, shall in every respect stand in the same position as if the said property abutted upon said water or sewer mains.

(e) *Assessments to be liens.* The annual assessments as above specified shall be a first lien upon the property against which they are assessed, subject only to prior State, County and Municipal charges, and shall be enforced by a judge of the District Court or the Circuit Court for Dorchester County, and usual execution thereof. No such annual assessment shall continue as

a lien for a period longer than three years from the date from which the same became in default, unless it is reduced to a judgment and duly recorded among the records at the office of the Clerk of Dorchester County. Said assessments shall be payable at the office of "The Commissioners of Vienna" immediately upon being levied, and shall be in default after sixty days from that date; and said levy, and any judgment obtained as a result of the default of the payment thereof, shall bear interest at the rate of one per cent, a month from and after the time said levy is in default.

Section 22–30. Connections; polluted wells.

The said "The Commissioners of Vienna" shall provide for each and every property abutting upon a street or right-of-way in which, under this sub-heading, a water or sewer main is laid, a water or sewer connection which shall be extended as required, from the water or sewer main to the property line of the abutting lot, said water connection to be constructed by, and at the sole expense of, "The Commissioners of Vienna," and the said sewer connection to be paid for by the abutting property owner. When any water or sewer main is declared by "The Commissioners of Vienna" complete and ready for the delivery of water or the carrying away of sewage, every abutting property owner, after due notice, shall make connections of all spigots or hydrants with said water main, and all sewage pipes with the said sewer main, within the time prescribed by "The Commissioners of Vienna." Where the aforesaid fixtures do not exist or are of a nature which, in the judgment of "The Commissioners of Vienna," is [are] improper or inadequate, satisfactory equipment shall be installed. All wells that are found by "The Commissioners of Vienna," or the County or State Health authorities, to be polluted or a menace to health shall be abandoned, and closed. Any violations of the provisions of this section shall be a misdemeanor, punishable under Section 22–39 of this subheading.

Section 22–31. Permits.

Before any plumbing, water supply or construction, and sewer construction is done in any building or upon any private property, within the corporate limits of the Town of Vienna, or on any property outside of said limits that connects with a water or sewer main under the jurisdiction of "The Commissioners of Vienna," the person, firm or corporation doing the same shall first obtain a permit from "The Commissioners of Vienna" and pay therefor such reasonable sum as "The Commissioners of Vienna" may prescribe. Such work shall be done under and pursuant to such rules, regulations and requirements as "The Commissioners of Vienna," may from time to time formulate, not inconsistent, however, with the requirements of the Plumbing Code of the State of Maryland, and subject to such inspection as may be deemed necessary. No connection of any kind shall be made with any water or sewer main, constructed or maintained by "The Commissioners of Vienna," without a permit and under such conditions as "The Commissioners of Vienna" may authorize. The said "The Commissioners of Vienna" shall have the right of entry at reasonable hours to all buildings and premises having any connection with the water supply or sewerage system under its jurisdiction, and may order and require such changes in all water or sewerage connections, or plumbing as they may deem necessary to eliminate improper use of water or to correct defective plumbing. No private water supply or sewerage installation shall be constructed in the Town of Vienna without the person, firm or corporation doing the work having first obtained a permit from "The Commissioners of Vienna" and paid a reasonable charge therefor, and such plants shall then be installed,

maintained and operated under such rules and regulations as “The Commissioners of Vienna” may require. Any violation of any of the provisions of this Section shall be a misdemeanor, punishable under Section 22–39 of this sub-heading.

Section 22–32. Assessments for connections.

For the purpose of paying the interest on the bonds and for the redemption of said bonds, as hereinbefore provided, covering the cost of water supply and sewer connections, as provided under Section 22–30, the said “The Commissioners of Vienna” shall make such assessment for each of such connections as they shall determine to be necessary. All of said assessments for water and sewer connections shall be uniform throughout the Town, subject, however, to revision annually by “The Commissioners of Vienna” as costs and conditions may require. Assessments for water and sewer connections shall be payable annually for a period of years co-extensive with the period of last maturity of the bonds, out of the proceeds of which they are constructed; provided, however, that “The Commissioners of Vienna” shall establish a fixed uniform charge for all water and sewer connections, fully sufficient to cover their costs and changeable annually, which any property owner may elect to pay in one sum at the time the connection is extend [extended] to his property line by “The Commissioners of Vienna,” instead of said annual payments for said connection as above provided; and provided further, that any property owner, at any time during the life of a connection assessment, may extinguish the same by payment in cash of an amount, which, if put at interest at 3 1/2 per cent, compounded annually, would yield an annuity equal to the annual connection assessment for the period which said assessment has yet to run. Water and sewer connection assessments shall have the same priority rights, by [be] payable at the same time and in the same manner, be enforceable in the same way, and be subject to the same penalties for non-payment as front foot assessments.

Section 22–33. Current interest and redemption fund.

All sums collected by “The Commissioners of Vienna” for front foot and connection assessments, levied against property for water and sewer construction, as provided under Sections 22–29 and 22–32, shall be set aside as a separate fund and designated as the “Current Interest and Redemption Fund Account,” from which fund interest shall be paid on all outstanding bonds, and the balance, if any, applied to the redemption of said bonds, as provided under Section 22–27, shall deduct the amount to the credit of the said “Current Interest and Redemption Fund Account” from the whole amount to be raised in any one year for interest and redemption fund on outstanding bonds, and the balance remaining to be raised shall be the amount to be collected by taxation as provided under Section 3.

Section 22–34. Service rates.

(a) *Authorized.* For the purpose of providing funds for maintaining, repairing and operating their water supply system, including overhead expenses and proper depreciation allowance, the said “The Commissioners of Vienna” shall be empowered and directed to make such flat or meter service rates as may be necessary in their discretion, chargeable against all property having a connection with any water main under their ownership. Said rates shall be uniform throughout the Town but subject to change from time to time as necessary.

(b) *Meter rates; collections.* In the event of the use of meter rates, the rates for service shall consist of a ready-to-serve charge based upon the size of the meter on the water connection leading to the property, and of a charge for water used, and shall be based upon the amount of water passing through the meter during the period between the last two readings, said meter being required to be placed on each water connection by, and at the sole expense of, "The Commissioners of Vienna." Bills for the amount of the charges as above specified shall be sent quarterly or semi-annually, as "The Commissioners of Vienna" shall determine, to each property served, and shall be thereupon payable at the office of "The Commissioners of Vienna," and if any bill shall remain unpaid after thirty days from date of sending, "The Commissioners of Vienna" shall, after written notice, to be left upon the premises or mailed to the last known address of the owner, turn off the water from the property in question and it shall not be turned on again until said bill shall have been paid, together with such turn-on charge as "The Commissioners of Vienna" shall require. If any bill shall remain unpaid for sixty days after being sent out by "The Commissioners of Vienna," it shall be collectible against the owner of the property served in the same manner as other public debts are collectible in the Town of Vienna.

(c) *Assistants; materials.* The said "The Commissioners of Vienna" may employ at such salary or wages as they may deem advisable, such Superintendent engineers, workmen, laborers, legal aid, or employees as may be necessary to carry on and maintain the said water supply and sewerage systems, and supply the said Town of Vienna and the inhabitants thereof with water and proper sewage disposal, and shall have authority to purchase materials and supplies necessary to operate same, and to make repairs and additions as necessity may require for fire protection and domestic use.

(d) Notwithstanding any other provision of this section to the contrary, any surplus remaining from the funds collected according to the provisions of this section after expenditures for maintaining, repairing and operating the water supply system may be used for the redemption of any outstanding water system bonds. (Res. No. 1983-1, 5-17-83.)

#### Section 22-35. Entry upon highways.

"The Commissioners of Vienna" may enter upon any State or County highway within said corporate limits for the purpose of installing, maintaining or operating their water and sewerage systems, and they may construct in such highway, within said corporate limits, a water or sewer main or any appurtenance thereof without the receipt of a permit or the payment of a charge; provided, that whenever any State or County highway is to be disturbed the public authority having control thereof shall be duly notified; and provided further, that said highway shall be repaired and left by "The Commissioners of Vienna" in the same or a not inferior condition to that existing before being torn up, and that all costs incident thereto shall be borne by "The Commissioners of Vienna."

#### Section 22-36. Entry upon private premises.

Any employee or agent of "The Commissioners of Vienna" shall have the right of entry at all reasonable hours, upon any private premises and into any building in the Town of Vienna,

and outside of said town if the premises or building is connected with the town's water or sewerage systems, while in the pursuit of his official duties, and any restraint or hindrance offered to such entrance by any owner or tenant or agent of said owner or tenant, shall be a misdemeanor, punishable under Section 22–39 of this sub-heading.

Section 22–37. Obstructions to systems.

All individuals, firms, and corporations having buildings, conduits, pipes, tracks, or other physical obstructions in, over or under the public roads, streets or alleys of the town of Vienna, or of those portions of Dorchester County outside of said town, which shall block or impede the progress of the town's water or sewerage systems, while in process of construction, shall, upon reasonable notice from "The Commissioners of Vienna," promptly so shift, adjust, accommodate or remove the same, at their own cost and expense as to fully meet the exigencies occasioning such notice; and should the exigencies of any case involve the taking, in the constitutional sense, of the franchise or right in the exercise of which such construction has its origin, "The Commissioners of Vienna" shall be empowered to condemn an easement in said franchise or right. Every public service corporation, company or individual, before it or they shall begin any underground construction in any street, road, alley or public highway within the Town of Vienna, shall file with "The Commissioners of Vienna" a plan of such construction showing the location and depth in such street, road, alley, or public highway of the proposed main, conduit or pipe, which plans must be approved by "The Commissioners of Vienna" before such construction is begun; and when approved, no change shall be made in the physical location of anything shown upon said plan except upon the approval of "The Commissioners of Vienna." Whenever any such underground main, conduit, or pipe is put in without the filing of plans with "The Commissioners of Vienna" and the approval thereof, or when any change is made in the physical location of such underground main, conduit or pipe, as shown upon the plans approved by "The Commissioners of Vienna," or any approved change therein, "The Commissioners of Vienna," when such conduit, main or pipe interferes with the Construction or operation of its water or sewerage systems, remove the same or change the location thereof at the cost and expense of the party so putting them in, or its successors, and without any liability upon the part of "The Commissioners of Vienna" for damage that might be done to the same by reason of "The Commissioners of Vienna's" operations in constructing or maintaining its said water and sewerage systems. Any violation of the provision of this section shall be a misdemeanor punishable under Section 22–39 of this sub-heading.

Section 22–38. Acquisition [Acquisition] of property.

Whenever it shall be deemed necessary by "The Commissioners of Vienna" to take or acquire any land, structures or buildings, or any stream bed, water way, water rights or water shed, either in fee or as an easement, within or without the town of Vienna, for to construction, extension or maintenance of any water or sewer main or appurtenance thereof, or for any reservoir, water purification plant, tank or pumping station, or the acquisition of property for any corporate purpose, "The Commissioners of Vienna" may purchase the same from the owners or failing to agree with the owner or owners thereof, may condemn the same by proceedings in the Circuit Court of Dorchester County, as now provided for condemnation of land by public service corporation in the Code of Public General Laws of Maryland, and "The Commissioners of

Vienna” may likewise condemn the interest of any tenant, lessee or other person having an interest in said land, structures or buildings, stream bed, water way, water rights or water shed. At any time after ten days after the return and recordation of the verdict or award in said proceedings, “The Commissioners of Vienna” may enter and take possession of the property so condemned, upon first paying to the Clerk of the Court the amount of said award and all costs taxed to date, notwithstanding any appeal or further proceedings upon the part of the Defendant; at the time of said payment, however, it shall give its corporate undertaking to abide by and fulfill any judgment on such appeal or further proceeding.

Section 22–39. Penalty provisions.

Every act or omission designated as a misdemeanor in this sub-heading, unless otherwise provided, shall be punishable before any judge of the District Court for Dorchester County, and shall be brought by warrant or indictment upon the oath or information of any member of “The Commissioners of Vienna” or any employee thereof, and the offender shall, upon conviction, be subject to a fine not exceeding one hundred dollars or thirty days in the County Jail, or both, in the discretion of the Court. Where such act or omission is of a continuing nature, and is persisted in, in violation of the provisions of this sub-heading, or any rule or regulation formulated thereunder, a conviction for one offense shall not be a bar to a conviction for a continuation of such offense subsequent to the first or any succeeding conviction.

Section 22–40. Extensions.

At any time “The Commissioners of Vienna” shall be empowered to extend its water and sewerage systems into any area outside of the corporate limits of Vienna, contiguous hereto or in the vicinity thereof, whenever a majority of the property owners of said areas shall agree to the conditions that may be imposed by The Commissioners of Vienna.

Section 22–41. Additional bonds and borrowing powers.

In addition to any other borrowing powers contained in this Charter and notwithstanding any other provision of law The Commissioners of Vienna shall have power and authority from time to time to borrow money and incur indebtedness in order to finance the enlargement, extension or repair of any of the public facilities owned by The Commissioners of Vienna including, but not limited to the public water system and public sewer system and to evidence such borrowing or indebtedness by the issuance of its tax anticipation notes, its bond anticipation notes, notes in anticipation of other sources of revenue or its general obligation bonds without limitation as to the rate of interest or aggregate amount notwithstanding any limitation as may appear in any other section of this Charter, the same to be issued, sold and delivered in accordance with the terms and conditions of an ordinance or resolution passed by The Commissioners of Vienna, which may provide for private sale without necessity for advertisement or other solicitation of competitive bids.

**Section 22–42. Powers of State Board of Health.**

All Acts and parts of Acts inconsistent with the provisions of this sub-heading be, and the same are hereby, repealed to the extent of their inconsistency, provided that nothing herein contained shall be taken as affecting Chapter 810 of the Acts of the Maryland Legislature of 1914, nor as restricting any control which the State Board of Health of Maryland is empowered to exercise within the corporate limits of the Town of Vienna.

**Section 22–43. Interpretation.**

Nothing in this subheading is construed or shall be intended to be taken as releasing the said The Commissioners of Vienna from any and all provisions of Chapter 180 of the Acts of the General Assembly of Maryland of 1910, known as the Public Service Commission Law, or any amendment thereto, to the extent that the same may apply to municipal water supply systems.

**Section 22–44. Industrial and commercial development.**

The Commissioners of Vienna shall have the same authority to provide funds for industrial development and in the same manner as counties are authorized by Article 45–A of the Annotated Code of Maryland (1957 Edition) entitled “Industrial Development”. In addition thereto The Commissioners of Vienna shall have the authority to apply for loans and/or grants and to make loans and/or grants to private businesses or concerns as authorized by Secs. 460 through 466, inclusive, of Art. 41 of the Annotated Code of Maryland as the same is now or may hereafter from time to time be amended. (Res. No. 1980–1, 4–3–80.)

### Notes

(1) Resolution 2017–08, effective October 26, 2017, provided for the annexation of 2.73 acres of land, more or less. This Resolution, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section.