

CHARTER
OF THE
Town of Garrett Park
MONTGOMERY COUNTY, MARYLAND

*As found in the Public Local Laws of Montgomery County
1977 Replacement Volume, as amended*

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CONTENTS

ARTICLE I In General

Section

- 78-1. Corporate name.
- 78-2. Definitions.
- 78-3. General powers.
- 78-4. Corporate limits.

ARTICLE II The Mayor and Council

- 78-5. Number and powers of council members; powers of mayor; selection; term.
- 78-6. Qualifications of mayor and council members.
- 78-7. Salary of council members.
- 78-8. Meetings of council.
- 78-9. Council to be judge of qualifications of its members.
- 78-10. Presiding officer of council.
- 78-11. Quorum.
- 78-12. Rules and order of business; journal.
- 78-13. Vacancies in council or office of mayor.
- 78-14. Publication, effective date and filing of ordinances.
- 78-15. Referendum.
- 78-16. Powers and duties of mayor.
- 78-17. Powers of council enumerated.
- 78-18. Exercise of powers.
- 78-19. Enforcement of ordinances.

ARTICLE III Registration, Nominations and Elections

- 78-20. Qualifications of voters.
- 78-21. Election judges.
- 78-22. Registration.
- 78-23. Nominations.
- 78-24. Election of mayor and council members.
- 78-25. Conduct of elections.
- 78-26. Vote count.
- 78-27. Preservation of voting records.
- 78-28. Regulation and control by council.

ARTICLE IV

Finance

- 78-29. Clerk-treasurer—Generally.
- 78-30. Same—Powers and duties.
- 78-31. Fiscal year.
- 78-32. Budget.
- 78-33. Appropriations.
- 78-34. Overexpenditures forbidden.
- 78-35. Appropriations lapse after one year.
- 78-36. Checks.
- 78-37. Taxable property.
- 78-38. Budget authorizes levy.
- 78-39. Notice of tax levy.
- 78-40. When taxes are overdue.
- 78-41. Sale of tax-delinquent property.
- 78-42. Fees.
- 78-43. Audit.
- 78-44. Tax anticipation borrowing.
- 78-45. Payment of indebtedness.
- 78-46. Referendum required for bond issues.

ARTICLE V

Personnel

- 78-47. Clerk to council.
- 78-48. Town attorney.
- 78-49. Authority to employ personnel.

ARTICLE VI

Public Ways and Sidewalks

- 78-50. Definition.
- 78-51. Control of public ways.
- 78-52. Powers of town.
- 78-53. Powers of town as to sidewalks.

ARTICLE VII

Water and Sewers

- 78-54. Powers of town.
- 78-55. Placing structures in public ways.
- 78-56. Obstructions.
- 78-57. Entering on county public ways.

- 78-58. Connections.
- 78-59. Private systems.

ARTICLE VIII Special Assessments

- 78-60. Power of town to levy special assessments.
- 78-61. Procedure.

ARTICLE IX Town Property

- 78-62. Acquisition, possession, and disposal.
- 78-63. Condemnation.
- 78-64. Town buildings.
- 78-65. Protection of town property.

ARTICLE X General Provisions

- 78-66. Oath of office.
- 78-67. Official bonds.
- 78-68. Prior rights and obligations.
- 78-69. Misdemeanors.
- 78-70. Gender.
- 78-71. Effect of Charter on existing ordinances.
- 78-72. Separability.

GARRETT PARK

(See note (1))

ARTICLE I

In General

Section 78-1. Corporate name.

This charter is the municipal corporation Charter of the Town of Garrett Park, the corporate name of which is Garrett Park. (Reso. 4-26-71.)

Section 78-2. Definitions.

The terms “town,” “city,” “municipality,” or “municipal corporation” in this Charter shall be construed as synonymous. (Reso. 4-26-71.)

Section 78-3. General powers.

The municipal corporation here continued, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and corporate existence are legally abrogated. (Reso. 4-26-71.)

Section 78-4. Corporate limits.

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

The several Garrett Park subdivisions of the lands of the Metropolitan Investment and Building Company of Montgomery County, Maryland, in said county, as the same are described, designated and laid out in the three plats and certificates thereof, recorded in Liber J.A., no. 4, Folio 121; Liber J.A., no. 5, Folio 225, and Liber J.A., no. 11, Folio 167, respectively, of the land record books of Montgomery County, Maryland, except that the easterly boundary shall be as follows: Beginning at a point in the southerly boundary of section 58 of said town and distant two hundred and twenty feet in an easterly direction from the easterly line of Keswick Street extended; thence in a northerly direction parallel to said Keswick Street to the northerly line of Strathmore Avenue; thence along the northerly line of Strathmore Avenue, and in an easterly direction to its intersection with Weymouth Street; thence along the westerly line of the old county road in a northerly direction to the southerly line of the right-of-way of the Baltimore and Ohio Railroad; provided, that in that portion of the Town of Garrett Park as heretofore bounded, which is excluded from said municipality by the boundary hereby established, and which lies between said boundary and Rock Creek, the streets or roadways heretofore laid out in said portion as shown on the plat filed in the office of the clerk of the circuit court for Montgomery County in Liber J.A., no. 5, Folio 225, and Liber J.A., no. 11, Folio 167, respectively, of the land record books of said county,

shall revert to and be the property of the owners of the land abutting thereon and closed as highways. (1898, ch. 453, sec. 2. 1912, ch. 790, sec. 245. 1916 ch. 700. P. L. L. (1930), Art. 16, sec. 415. Mont. Co. Code (1939), sec. 455. Mont. Co. Code (1947), sec. 517. Mont. Co. Code (1950), sec. 108–2. Mont. Co. Code (1955) sec. 53–2. Mont. Co. Code (1965), sec. 54–2.)

The boundaries are further enlarged by annexation of certain contiguous and adjacent lands described as follows:

(a) All those lands on the easterly boundaries of said Garrett Park as described in said section comprising lots 23 to 26, inclusive, in block no. 57, lots 29 to 36, inclusive in block no. 58, and lots 11 to 18, inclusive, in block no. 60, all as shown on a plat made by Ben Dyer, registered professional engineer, dated December 30, 1946, and recorded among the land records of Montgomery County, in plat book 30, plat no. 1884, filed February 18, 1947.

(b) Beginning for the same at the northwesterly corner of lot 63, block 102 of Garrett Park as such corner of lot coincides with the southwesterly side of the Baltimore and Ohio Railroad right-of-way and running thence along said northwesterly corner N. 42° 45' W. five hundred and seventy-one feet, thence leaving said northwesterly corner and with the outline of a conveyance from Flora A. McNeal to John McCarthy recorded in Liber J.A. 3 at folio 464, S. 1° 24' 20" E. five hundred and twelve and two hundredths feet to the corner of lot 61 in block 102 of Garrett Park, it being also the northwesterly lines of lots 61 and 63 of block 102 of said subdivision N. 75° 54' 30" E. three hundred and eighty-four and twenty-three hundredths feet to the place of beginning, all as shown on the plat recorded by R. K. Maddox, county surveyor prepared in June, 1953, and a copy of which is filed in equity proceeding, Equity No. 16810, included and contained in said tract is the subdivision known as Wells' Addition to Garrett Park as filed in plat book 49 at plat 3821, among the land records for Montgomery County, Maryland, the aforesaid property being the same conveyed by Alex K. Hancock, collector of taxes to Alton L. Wells and Mabel Vail Wells, his wife, in deed recorded in Liber 1860 at Folio 364 of the land records of Montgomery County, Maryland.

(c) Lots numbered one to twenty, inclusive, block lettered 'A', in the subdivision known as and called "Plavnieks Addition to Garrett Park," being a resubdivision of parts of sections 57, 59, 61 and 92, Garrett Park, Montgomery County, Maryland. (Reso. 4–26–71.)

ARTICLE II

The Mayor and Council

Section 78–5. Number and powers of council members; powers of mayor; selection; term.

All legislative powers of the town are vested in a council consisting of five council members who shall be elected as hereinafter provided and who shall serve for a term of two years or until their successors are elected and duly qualified. Executive powers of the town are vested in the mayor who shall be elected as hereinafter specified and who shall serve for a term of two years or until a successor is elected and duly qualified. The mayor and council members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they

were elected, and until their successors are qualified. (Reso. 4-26-71; Reso. 3-10-1997 #1, 4-29-97; Reso. 2-12-01 #1, 4-3-01.)

Section 78-6. Qualifications of mayor and council members.

The mayor and council members shall be citizens of the United States, shall have resided in the town for at least one year prior to their election, and shall be qualified voters of the town. (Reso. 4-26-71; Reso. 3-10-1997 #1, 4-29-97; Reso. 2-12-01 #14, 4-3-01.)

Section 78-7. Salary of council members.

The mayor and council members shall receive no fees or compensation for their services. (Reso. 4-26-71; Reso. 3-10-1997 #1, 4-29-97.)

Section 78-8. Meetings of council.

The council shall meet on the first Monday following its election, and thereafter the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month, except that the council may omit meeting in only one month of each calendar year at its discretion but may not omit meeting during two consecutive months. The council shall give public notice of its intention to omit a monthly meeting, at least one week prior to the meeting preceding the meeting to be omitted. Special meetings shall be called by the clerk-treasurer upon the request of the mayor or a majority of the council members. All regular meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard in regard to any municipal question. (Reso. 4-26-71; Reso. 3-10-1997 #1, 4-29-97; Reso. 2-12-01 #9, 4-3-01.)

Section 78-9. Council to be judge of qualifications of its members.

The council shall be the judge of the qualification of its members and of the mayor. (Reso. 4-26-71; Reso. 2-12-01 #4, 4-3-01.)

Section 78-10. Presiding officer of council.

The mayor shall preside at meetings of the council. The mayor may take part in all discussions, but shall have no vote except in case of a tie. The mayor shall select from the council members or, if the mayor fails to do so, the council shall elect from among its members one member who shall serve as acting mayor in the absence or incapacitation of the mayor. The council member serving as acting mayor shall continue to function as a member of the council with full voting rights only as a council member, until the mayor returns or a new mayor takes office. (Reso. 4-26-71; Reso. 3-10-1997 #3, 4-29-97; Reso. 2-12-01 #2, 4-3-01.)

Section 78-11. Quorum.

Three members of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be approved without the favorable votes of at least three members of the council. (Reso. 4-26-71.)

Section 78-12. Rules and order of business; journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action of any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection. (Reso. 4-26-71.)

Section 78-13. Vacancies in council or office of mayor.

In case of a vacancy on the council or in the office of mayor for any reason, the council shall elect, by majority vote of the remaining members, some qualified person to fill the vacancy until the next general election. If the person selected as mayor is a member of the council, a vacancy in the council will then exist which shall be filled by a majority vote of the remaining members. The results of such vote shall be recorded in the journal. An individual may not hold office simultaneously as both council member and mayor, except while serving as acting mayor. (Reso. 4-26-71; Reso. 2-12-01 #3, 4-3-01.)

Section 78-14. Publication, effective date and filing of ordinances.

(a) *Passage.* No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council, held not less than six or more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected or its consideration deferred to some specified future date. Notwithstanding the foregoing, in cases deemed by the mayor to be of an emergency nature, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the council.

(b) *Publication.* Each ordinance shall be posted in a public place within the town, and/or a summary thereof published in a newspaper of general circulation within the town.

(c) *Effective date.* Every ordinance, unless it be passed as an emergency ordinance, shall become effective on the date specified in the ordinance which shall be at least twenty-one calendar days following passage by the council; if no effective date is specified, the ordinance shall become effective at the expiration of twenty calendar days following passage by the council. An emergency ordinance shall become effective on the date specified in the ordinance.

(d) *Filing of ordinances.* Ordinances shall be permanently filed by the clerk-treasurer and shall be available for public inspection. (Reso. 4-26-71; Reso. 2-12-01 #10, 4-3-01.)

Section 78–15. Referendum.

If, before the expiration of twenty calendar days following passage of any ordinance, a petition is filed with the clerk–treasurer containing the signatures of not less than twenty per centum of the qualified voters of the town requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council’s discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of section 78–45, relating to levying taxes for the payment of indebtedness. (Reso. 4–26–71.)

Section 78–16. Powers and duties of mayor.

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

(b) *Appointment of employees.* The mayor, with the approval of the council, shall appoint and employ such officers, department heads, and employees as he deems necessary to operate the town government.

(c) *Supervision of financial administration of government.* The mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the council. He shall supervise the administration of the budget as adopted by the council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(d) *Other powers and duties.* The mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required by the council, not inconsistent with this Charter. The mayor, at the mayor’s discretion and with the approval of the council, may delegate select administrative responsibilities to council members for the betterment of the operation of the town government. (Reso. 4–26–71; Reso. 3–10–1997 #4, 4–29–97.)

Section 78–17. Powers of council 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 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 monies 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 persons from being in the streets, lanes, alleys, or public places at specified hours.

(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) *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.

(22) *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.

(23) *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.

(24) *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 fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

(26) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others 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.

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

(28) *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.

(29) *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.

(30) *Health.* To preserve and protect 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.

(31) *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 monies.

(32) *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.

(33) *License.* 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.

(34) *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.

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

(36) *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.

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

(38) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

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

(40) *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.

(41) *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.

(42) *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.

(43) *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.

(44) *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.

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

(46) *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.

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

(48) *Quarantine.* To establish quarantine regulations in the interests of the public health.

(49) *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.

(50) *Sidewalks.* To regulate the use of sidewalks and all structures in, under, or above them.

(51) *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.

(52) *Taxicabs.* To license, tax, and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

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

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

(55) *Zoning.*

(a) For the purpose of promoting health, safety, or the general welfare of the community, the council is empowered to regulate or restrict the height, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes.

(b) No property within the corporate limits of the town shall be rezoned to more intensive use without the consent of the council.

(c) Upon the zoning or rezoning of any land or lands within the corporate limits, the council may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned, or of the surrounding or adjacent lands and improvements, and may retain the power to approve or disapprove the design of buildings, construction, landscaping, or other improvements and changes made or to be made on the subject land or lands. Appropriate enforcement procedures and requirements for adequate notice of public hearings and conditions sought to be imposed shall be provided for by ordinance.

(56) *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. (Reso. 4-26-71; Reso. 2-12-01 #11, 4-3-01; Reso. 2-12-01 #12, 4-3-01; Reso. 2-12-01 #13, 4-3-01.)

Section 78-18. Exercise of powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed then in such manner as may be prescribed by ordinance. (Reso. 4-26-71.)

Section 78-19. Enforcement of ordinances.

(a) To assure the observance of the ordinances of the town, the council has the power to provide that violations 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) or imprisonment for not exceeding ninety days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter has the right of appeal within ten 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 article a municipal infraction is a civil offense.

(2) A fine not to exceed \$100 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the town of Garrett Park, Maryland, within 20 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 town clerk-treasurer 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. (Reso. 4-26-71; Reso. 4-11-83.)

ARTICLE III

Registration, Nominations and Elections

Section 78-20. Qualifications of voters.

Every person who (1) legally resides within the corporate limits of the town on the day he or she registers to vote and continuously thereafter until casting his or her vote in any Garrett Park election, (2) is at least eighteen years of age, and (3) is registered in accordance with the provisions of this Charter is a qualified voter of the town. Every qualified voter of the town is entitled to vote in all town elections. (Reso. 4-26-71; Reso. 4-11-83; Reso. 2-12-01 #15, 4-3-01; Reso. 2017-1, 7-10-2017.)

Section 78-21. Election Judges.

(a) The election judges shall ensure the integrity of the voting process and that the election is, fair, honest, and an accurate representation of the votes cast. The judges are responsible for all aspects of conducting the elections, consistent with the charter and policies adopted by ordinance. The election judges shall establish all rules and procedures for the conduct of elections, and shall have sole authority to interpret those rules and procedures.

(b) The election judges shall ensure that only qualified voters cast votes, and shall make all decisions necessary to determine who may vote, what ballots are valid, and how ballots are tabulated.

(c) The election judges shall ensure the integrity of the ballot box, if used, or other vote recording and tabulation mechanisms.

(d) It is the duty of the election judges to ensure that for each special and general election a suitable place or places and times are provided for voting and suitable ballot boxes and ballots and/or voting machines, consistent with policies adopted by ordinance.

(e) There shall be three judges of election who shall be appointed by the mayor with the approval of the council on or before the second Monday in February in every odd-numbered year. The terms of the judges of elections begin on the second Monday in February in the year in which they are appointed and run for two years. Judges of elections shall be qualified voters of the town and shall not hold or be candidates for any town, county, state, or federal government elective office during their term of office.

(f) The election judges shall select one member as chief election judge.

(g) Vacancies shall be filled by the mayor with the approval of the council for the remainder of any unexpired term.

(h) The compensation of the judges shall be determined by the council. (Reso. 4-26-71; Reso. 2017-2, 7-10-2017.)

Section 78-22. Registration.

The town manager shall provide for the registration of voters in a flexible and available manner in order to encourage registration and voting, consistent with the policies adopted by ordinance and the rules and procedures specified by the election judges. Qualified persons may register by universal registration with either Montgomery County or the town, or may register only with the town, including residents who are not citizens of the United States, up to and including election day. (Reso. 4-26-71; Reso. 2017-3, 7-10-2017.)

Section 78-23. Nominations.

Persons may be nominated for elective office in the town at a meeting as specified by ordinance, which shall occur at least 30 days prior to the election, or by petition signed by ten registered voters and filed with the town manager at least 21 days before the date of the town election. (Reso. 4-26-71; Reso. 2017-4, 7-10-2017.)

Section 78-24. Election of mayor and council members.

On the first Monday in May in every even-numbered year, the qualified voters of the town shall elect one person as mayor and two persons as council members to serve for terms of two years; on the first Monday in May in every odd-numbered year the qualified voters of the town shall elect three persons as council members to serve for terms of two years. The newly elected and certified mayor and council members shall take office at the next council meeting after the election. Vacancies shall be filled in accordance with the provisions of section 78-13. (Reso. 4-26-71; Reso. 2017-5, 7-10-2017.)

Section 78–25. Conduct of elections.

The election judges shall:

(a) Take actions to encourage voting by making registration and absentee ballots easily available with minimum constraints, by allowing all persons to vote who claim to be eligible, and by issuing provisional ballots to those for whom eligibility cannot be determined immediately.

(b) Establish rules and procedures to enforce the integrity of the voting process, including restrictions on campaigning and attempts to influence or to intimidate voters in or near the polling place. Develop policies and regulations to support the ability for qualified voters to be poll watchers and to observe voting without interfering with the electoral process except to challenge the qualifications of potential voters.

(c) Prepare in writing the rules and procedures developed under subsection (b) above or any amendments to previously published rules and procedures, shall circulate the proposed rules and procedures to the mayor and the members of the town council and shall provide public notice of the proposed rules and procedures at least 60 days prior to the next election to which they would apply. The rules and procedures shall take effect 30 days prior to the next election to which they would apply. (Reso. 4–26–71; Reso. 2017–6, 7–10–2017.)

Section 78–26. Vote count.

The election judges shall determine the vote cast for each candidate or question and shall certify the results of the elections as quickly as reasonably possible, consistent with the provisions of section 78–24. Preliminary results may be announced when the determination can be made that outstanding absentee and provisional ballots would not change the results. Certification of results shall occur only after all absentee ballots are counted and provisional ballot issues are resolved and shall be recorded in the minutes of the next council meeting. The candidate for mayor with the highest number of votes in the general election shall be declared elected as mayor. The two candidates for council member (three in odd-numbered years) with the highest number of votes in the general election shall be declared elected as council members. (Reso. 4–26–71; Reso. 2017–7, 7–10–2017.)

Section 78–27. Preservation of voting records.

All ballots or other equivalent voting materials or records used in any town election shall be preserved for at least six months from the date of the election. (Reso. 4–26–71; Reso. 2017–8, 7–10–2017.)

Section 78–28. Regulation and control by council. (See Note (2))

(a) The council has the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration; nomination; town elections; the content of the ballot; and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

(b) Conduct of election in a state of emergency.

Notwithstanding anything to the contrary contained in this Charter, due to the state of emergency has been declared by the Governor of Maryland, within the corporate limits of the town, the council shall be authorized to pass an ordinance to implement such emergency election procedures as may be deemed necessary as a result of the state of emergency, including but not limited to changing the election date and nomination deadlines; altering the method, conduct, or voting system of the election; altering the manner of balloting; cancelling an uncontested election; and eliminating the use of polling stations. (Reso. 4–26–71; Reso. 2020–1A; 4–20–2020; Reso. 2021–1, 3–8–2021.)

ARTICLE IV Finance

Section 78–29. Clerk–treasurer—Generally.

There shall be a clerk–treasurer appointed by the mayor with the approval of the council. He shall serve at the pleasure of the council. His compensation shall be determined by the council. The clerk–treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the clerk–treasurer under the direct supervision of the mayor. (Reso. 4–26–71.)

Section 78–30. Same—Powers and duties.

Under the supervision of the mayor, the clerk–treasurer shall have authority and shall be required to:

- (a) Prepare at the request of the mayor an annual budget to be submitted by the mayor to the council.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the town in such form as the council may require, not contrary to state law.
- (d) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.
- (e) Ascertain that all taxable property within the town is assessed for taxation.
- (f) Collect all taxes, special assessments, license fees, liens, and other revenues (including utility revenues) of the town and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
- (g) Have custody of all public monies belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.
- (h) Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this Charter. (Reso. 4–26–71.)

Section 78–31. Fiscal year.

The town shall operate on an annual budget. The fiscal year shall begin on the first day of July in any year and end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year. (Reso. 4-26-71.)

Section 78-32. Budget.

(a) *Preparation.* The mayor, at least thirty days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The budget may provide funds for major construction projects, exclusive of routine maintenance and repair. Such provision of funds in the budget will be termed the "capital account." Sufficient funds shall be set aside in a reserve to be available for appropriation for unanticipated or extraordinary expenses that may be incurred in either the operating account or the capital account. The budget shall provide that total expenditures shall not exceed total revenues, borrowings, and reserves, including balances from prior years.

(b) *Adoption.* Prior to adoption of the budget the council shall hold a public hearing thereon after five days notice of such hearing has been given by posting in a public place within the town or by publication in a paper having general circulation within the town. The council may insert new items or may increase or decrease the items of the budget at that time or subsequently. The budget shall be prepared and adopted in the form of an ordinance. Total budgeted expenditures shall not be increased by the council except by ordinance. (Reso. 4-26-71; Reso. 3-10-1997 #6, 4-29-97; Reso. 2-12-01 #5, 4-3-01; Reso. 2-12-01 #6, 4-3-01.)

Section 78-33. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. The council may appropriate funds from the reserve provided in the budget from time to time during the fiscal year to meet extraordinary or unanticipated expenditures that may occur. Any transfer of funds between major appropriations for different purposes must be approved by the council before becoming effective. (Reso. 4-26-71.)

Section 78-34. Overexpenditures forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts or lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law. (Reso. 4-26-71.)

Section 78-35. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered, except for funds appropriated to the capital account, which shall remain available until expended. Reserve funds shall remain available until appropriated and expended. (Reso. 4-26-71; Reso. 3-10-1997 #7, 4-29-97.)

Section 78-36. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by two town officials, at least one of whom shall be the mayor or the clerk-treasurer. The council, by resolution, may designate additional officials to co-sign checks with the mayor or clerk-treasurer. Any such additional official shall be either a council member or a bonded employee of the town. (Reso. 4-26-71; Reso. 2-12-01 #7, 4-3-01.)

Section 78-37. Taxable property.

All real property and all tangible personal property within the corporate limits of the town is subject to taxation for municipal purposes, and the assessment used for real property shall be the same as that for state and county taxes. (Reso. 4-26-71.)

Section 78-38. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year. (Reso. 4-26-71.)

Section 78-39. Notice of tax levy.

Immediately after the levy is made by the council in each year, the clerk-treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Reso. 4-26-71.)

Section 78-40. When taxes are overdue.

The taxes provided for in section 78-38 of this Charter are due and payable on the date or dates specified by ordinance of the council, in the year for which they are levied, and are overdue and in arrears on the date or dates specified by ordinance of the council. They shall bear interest while in arrears at a rate to be determined from time to time by the Council. All taxes not paid and

in arrears after the first day of the following January shall be collected as provided in section 78-41. (Reso. 4-26-71; Reso. 11-30-82; Reso. 2-12-01 #8, 4-3-01.)

Section 78-41. Sale of tax-delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by section 78-40 of this Charter shall be turned over by the clerk-treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by state law. (Reso. 4-26-71.)

Section 78-42. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Reso. 4-26-71.)

Section 78-43. Audit.

The financial books and accounts of the town shall be audited annually as required by section 40 of Article 19 of the Annotated Code of Maryland (1957 Edition, as amended). (Reso. 4-26-71.)

Section 78-44. Tax anticipation borrowing.

During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Reso. 4-26-71.)

Section 78-45. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Reso. 4-26-71.)

Section 78-46. Referendum required for bond issues.

Every resolution or ordinance authorizing the issuance of general obligation bonds shall be submitted to a referendum of the qualified voters of the town. No bonds shall be issued pursuant to such resolution unless approved by a majority of the qualified voters voting on the referendum. (Reso. 4-26-71.)

ARTICLE V

Personnel

Section 78-47. Clerk to council.

The clerk-treasurer shall serve as clerk to the council. He shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. He shall keep such other records and perform such other duties as may be required by this Charter or the council. (Reso. 4-26-71.)

Section 78-48. Town attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney is the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town has the power to employ such legal consultants as it deems necessary from time to time. (Reso. 4-26-71.)

Section 78-49. Authority to employ personnel.

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the town government. (Reso. 4-26-71.)

ARTICLE VI

Public Ways and Sidewalks

Section 78-50. Definition.

The term "public ways," as used in this Charter, includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Reso. 4-26-71.)

Section 78-51. Control of public ways.

The town has control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town. (Reso. 4-26-71.)

Section 78-52. Powers of town.

The town may:

- (a) 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) Grade, lay out, construct, open, extend, and make new town public ways.
- (c) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (d) Pave, surface, repave, or resurface any town public way or part thereof.
- (e) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (f) Construct, reconstruct, maintain and repair bridges.
- (g) Name town public ways.
- (h) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Reso. 4-26-71.)

Section 78-53. Powers of town as to sidewalks.

The town may:

- (a) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.
- (b) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
- (c) Require that the owners or occupants of any property abutting on a public sidewalk keep the sidewalk clear of all ice, snow, and other obstructions; and prescribe rules for cleaning sidewalks.
- (d) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable

plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law. (Reso. 4-26-71; Reso. 2-12-01 #12, 4-3-01.)

ARTICLE VII Water and Sewers

Section 78-54. Powers of town.

The town may:

- (a) Construct, operate and maintain a water system and water plant.
- (b) Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- (c) Construct, operate, and maintain a storm water drainage system and storm water sewers.
- (d) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (e) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (f) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Reso. 4-26-71.)

Section 78-55. 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 town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed. (Reso. 4-26-71.)

Section 78-56. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry

out the provisions of this section, the town may use its condemnation powers provided in Section 78–63. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Reso. 4–26–71.)

Section 78–57. 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, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. (Reso. 4–26–71.)

Section 78–58. Connections.

When any water main or sanitary sewer is declared ready for operation all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Reso. 4–26–71.)

Section 78–59. Private systems.

The town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal 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 and 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 may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Reso. 4–26–71.)

ARTICLE VIII

Special Assessments

Section 78–60. Power of town to levy special assessments.

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide

for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of 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 reasonably be attributed to the project. (Reso. 4-26-71.)

Section 78-61. Procedure.

(a) *Provided.* The procedure for special assessments, wherever authorized in this Charter, is as provided in this section.

(b) *Assessment of cost.* 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 council.

(c) *Amount.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Uniformity of rates.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) *Levy of charges; public hearing; notice.* All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The clerk-treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose names the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk-treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk-treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to appeal.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

(g) *Payments; interest.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

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

(i) *Clerk-treasurer.* All special assessments shall be billed and collected by the clerk-treasurer. (Reso. 4-26-71.)

ARTICLE IX Town Property

Section 78-62. Acquisition, possession, and disposal.

The town may acquire real, personal, or mixed property within the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof. (Reso. 4-26-71.)

Section 78-63. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland, title 'Eminent Domain.' (Reso. 4-26-71.)

Section 78-64. Town buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government. (Reso. 4-26-71.)

Section 78–65. Protection of town property.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition. (Reso. 4–26–71.)

ARTICLE X General Provisions

Section 78–66. Oath of office.

(a) *Oath required.* Before entering upon the duties of their office, the mayor, the councilmen, the clerk–treasurer, the judges of elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation: “I,, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and laws of this State.”

(b) *Before whom taken and subscribed.* The mayor shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing the oath shall do so before the mayor. (Reso. 4–26–71.)

Section 78–67. Official bonds.

The clerk–treasurer and such other officers or employees of the town as the council or this Charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town. (Reso. 4–26–71.)

Section 78–68. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective. (Reso. 4–26–71.)

Section 78–69. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the circuit court for the county within which the offense is committed by a fine not exceeding one hundred dollars or imprisonment for thirty days in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved has the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Reso. 4–26–71.)

Section 78–70. Gender.

Wherever the masculine gender has been used in the provisions of this Charter, it shall be construed to include the feminine gender. (Reso. 4–26–71.)

Section 78–71. Effect of Charter on existing ordinances.

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

(b) *Ordinances, etc., in conflict with Charter repealed.* All ordinances, resolutions, rules, and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict. (Reso. 4–26–71.)

Section 78–72. Separability.

If any section or part of section of this Charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Reso. 4–26–71.)

NOTES

(1) The Garrett Park Charter set out herein became effective June 15, 1971. Resolutions noted in historical citations in this chapter [Chapter] are resolutions of the Town of Garrett Park.

(2) Resolution No. 2020–1, effective April 3, 2020, purported to enact a new section 78–29. However, there was already existing a section 78–29. Resolution No. 2020–1A, effective April 20, 2020, repealed and replaced Resolution No 2020–1 in its entirety and moved the new text to be subsection (b) of existing section 78–28.