

CHARTER

OF THE

# **Town of Queenstown**

QUEEN ANNE'S COUNTY, MARYLAND

*As found in the Public Local Laws of  
Queen Anne's County, 1974 Edition, as amended*

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## CONTENTS

### Section

- 19-1. Incorporated; general powers.
- 19-2. Corporate limits.

### The Commission

- 19-3. Number; selection; term.
- 19-4. Qualifications.
- 19-5. Salary.
- 19-6. Meetings; President.
- 19-7. Judge of qualifications of members.
- 19-8. Quorum.
- 19-9. Procedures.

### Powers

- 19-10. Powers.
- 19-11. Exercise of powers.
- 19-12. Enforcement of ordinances.
- 19-13. File of ordinances.

### Registration, Nominations and Elections

- 19-14. Voters.
- 19-15. Election duties.
- 19-16. Notice.
- 19-17. Registration of voters.
- 19-18. Appeals.
- 19-19. Nominations.
- 19-19.1. Write-In Candidates.
- 19-20. Election of Commissioners.
- 19-21. Conduct of Elections.
- 19-21.1. Absentee Voting.
- 19-21.2. Cancellation of Election Where Seat is Uncontested.
- 19-22. Special elections.
- 19-23. Vote count.
- 19-23.1. General Election Which Results in a Tie Among Two or More Candidates.
- 19-24. Preservation of ballots.
- 19-25. Vacancies.
- 19-26. Women.
- 19-27. Regulation of elections.
- 19-28. Penalty provisions.

## Finance

- 19-29. Clerk-Treasurer.
- 19-30. Same; powers and duties.
- 19-31. Same; surety bond.
- 19-32. Fiscal year.
- 19-33. Budget.
- 19-34. Same; adoption.
- 19-35. Appropriations.
- 19-36. Transfer of funds.
- 19-37. Over-expenditures.
- 19-38. Appropriations lapse.
- 19-39. Checks.
- 19-40. Budget authorizes levy.
- 19-41. Notice of levy.
- 19-42. Taxes; when overdue.
- 19-43. Same; collection.
- 19-44. Fees.
- 19-45. Audits.
- 19-46. Borrowing power.
- 19-47. Same; payment of indebtedness.
- 19-48. Same; prior bond issued.
- 19-49. Purchases and contracts.

## Personnel

- 19-50. Clerk to the Commission.
- 19-51. Town attorney.
- 19-52. Employment of personnel.
- 19-53. Retirement system.
- 19-54. Employees; compensation.
- 19-55. Same; benefit programs.

## Public Ways and Sidewalks

- 19-56. Definition.
- 19-57. Control.
- 19-58. Powers.
- 19-59. Sidewalks.

## Water and Sewers

- 19-60. Powers.
- 19-61. Structures in public ways.
- 19-62. Obstructions.

- 19-63. Entering county public ways.
- 19-64. Connections.
- 19-65. Same; charges.
- 19-66. Improper uses of systems.
- 19-67. Private systems.
- 19-68. Extensions beyond boundaries.
- 19-69. Right of entry.
- 19-70. Pollution of water supply.
- 19-71. Contracts for water or sewage removal.
- 19-72. Charges and service rates.

### **Special Assessments**

- 19-73. Powers.
- 19-74. Procedure.

### **Town Property**

- 19-75. Acquisition; possession; disposal.
- 19-76. Condemnation powers.
- 19-77. Town buildings.
- 19-78. Protection of town property.
- 19-78A. Historical Fund.

### **General Provisions**

- 19-79. Oath of office.
- 19-80. Surety bonds.
- 19-81. Prior rights and obligations.
- 19-82. Misdemeanors.
- 19-83. Effect of charter on existing ordinances.
- 19-84. Separability.



## QUEENSTOWN

(See note (1))

### Section 19–1. Incorporated; general powers.

The inhabitants of the Town of Queenstown within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of The Town Commissioners of Queenstown with 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 the corporate existence are legally abrogated. (Res., March 28, 1967, sec. 1.)

### Section 19–2. Corporate limits. (See Note (7))

Beginning at a point marked by a concrete monument, said point being on the lands of Helen Burgess and Queenstown Creek at a distance of 300 feet, more or less, North of Queenstown Landing Road and thence South 51 degrees 37 minutes 40 seconds East a distance of 2,400 feet, more or less, passing through concrete monument at the Northeast corner of the lands of the Queenstown Volunteer Fire Company, to the center of Maryland Route No. 18; thence South 17 degrees 18 minutes 30 seconds East 1, 130.65 feet to the center of U.S. Route 301 (at Station 907 + 59.48) and thence continuing the same course a distances [distance] of 590.90 feet to a concrete monument; thence South 55 degrees 30 minutes 10 seconds East, 1,337.37 feet to a point in the Wye River; thence South 34 degrees 29 minutes 50 seconds West (passing through the center of the Wye River bridge) a distance of 447.07 feet to a concrete monument; thence North 55 degrees 30 minutes 10 seconds West 1,337.27 feet to a concrete monument on the Southeast line of lands of the heirs of William Sheppard; thence North 63 degrees 58 minutes 50 seconds West, 1,208.71 feet to a concrete monument on the West side of U.S. Route 301; thence South 66 degrees 16 minutes West 450.53 feet to a concrete monument; thence South 64 degrees 17 minutes 50 seconds West, 976.34 feet; thence crossing U.S. Route 301 South 25 degrees 42 minutes 10 seconds West 304.82 feet to a point; thence leaving said point and binding on the division line between the lands of David V. Beecher and the lands of Chesapeake Village Associates Limited Partnership South 07 degrees 11 minutes 54 seconds East 195.80 feet to a point on the northernmost right-of-way line of Maryland Route 456; thence crossing the aforesaid Maryland Route 456 South 07 degrees 23 minutes 45 seconds East 40.00 feet to a point on the southernmost right-of-way line of the aforesaid Maryland Route 456; thence binding on the southernmost right-of-way line of the aforesaid Maryland Route 456 North 82 degrees 36 minutes 15 seconds East 892.44 feet to a point; thence leaving the aforesaid Maryland Route 456 and binding on the division line of the lands of S.E.W. Friel, Consuelo U. Ford and the aforementioned Chesapeake Village Associates Limited Partnership lands, the following two courses and distances: South 42 degrees 42 minutes 15 seconds West 1,001.45 feet to a point; thence South 49 degrees 32 minutes 45 seconds East 287.90 feet to a point on the northernmost right-of-way line of U.S. Route 50; thence binding on the northernmost right-of-way line of U.S. Route 50, the following two courses and distances: South 84 degrees 47 minutes 15 seconds West 1,086.12 feet to a point; thence South 84 degrees 47 minutes 48 seconds West 200.00 feet to a point; thence leaving the aforesaid right-of-way line and binding on the division line between the lands of Alan G. Chaires and the herein described lands the following two (2) courses and distances: North 27 degrees 00 minutes 17 seconds West

134.63 feet to a point; thence North 40 degrees 33 minutes 38 seconds West 105.92 feet to a point of the southernmost outline of the lands now or formerly of Carlton F. Austin; thence leaving the aforesaid Chaires lands and binding on the division line between the aforesaid Austin lands and the herein described lands the following two courses and distances: North 49 degrees 30 minutes 24 seconds East 157.66 feet to a point; thence North 36 degrees 17 minutes 48 seconds West 64.00 feet to a point at the intersection of the division line between the lands now or formerly of Henry E. Smith and the herein described land; thence leaving the aforesaid Austin lands and binding on the division line between the aforesaid Smith lands and the lands now or formerly of Edna Smith, the lands now or formerly of Douglas L. Middleton and the herein described lands, the following four courses and distances: North 53 degrees 02 minutes 33 seconds East 75.27 feet to a point; thence North 53 degrees 50 minutes 26 seconds East 109.00 feet to a point; thence North 55 degrees 28 minutes 56 seconds East 99.89 feet to a point; thence North 41 degrees 11 minutes 04 seconds West 200.05 feet to a point on the southernmost side of the aforementioned Maryland Route 456; thence leaving the aforesaid Middleton lands and binding on the aforesaid Maryland Route 456 with the arc of a curve deflecting to the right 188.01 feet to a point of compound curvature; said curve being scribed by a chord of North 59 degrees 52 minutes 16 seconds East 187.92 feet and having a radius length of 1,788.55 feet; thence with the arc of a curve deflecting to the right 58.57 feet to a point; said point being scribed by a chord of North 64 degrees 17 minutes 33 seconds East 58.57 feet and having a radius length of 1,189.69 feet; thence still binding on the southernmost right-of-way line of Maryland Route 456 and crossing Kirkley Road North 64 degrees 51 minutes 06 seconds East 50.89 feet to a point on the northeasternmost right-of-way line of Kirkley Road; thence leaving said point and crossing the aforementioned Maryland Route 456 North 27 degrees 12 minutes 50 seconds East 62.41 feet to a point at the southwesternmost corner of the aforementioned Chesapeake Village Associates Limited Partnership lands; thence leaving the aforementioned Maryland Route 456 and binding on the southwesternmost outline of the aforesaid Chesapeake Village Associates Limited Partnership lands North 30 degrees 31 minutes 19 seconds West 31.94 feet to a point; thence leaving the aforesaid Chesapeake Village Associates Limited Partnership lands and crossing U.S. Route 301 North 42 degrees 30 minutes 04 seconds West 338.36 feet; thence North 27 degrees 40 minutes 20 seconds West 217.71 feet to a concrete monument, thence North 58 degrees 49 minutes 50 seconds West, 300 feet to a concrete monument; thence North 31 degrees 10 minutes 10 seconds East 1,300 feet, more or less, to the waters of Queenstown Creek, thence with the waters of Queenstown Creek meandering North to the point of beginning. (See note (2)) (Res., March 28, 1967, sec. 2; Res., June 1, 1971; Res., July 19, 1991.)

## **The Commission**

### Section 19-3. Number; selection; term.

All legislative powers of the town shall be vested in a Commission (sometimes hereinafter referred to as town) consisting of three (3) Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of three (3) years or until the succeeding Commissioner takes office. The regular term of Commissioner shall expire on the fourth Monday in May following the election and qualification of a successor. Commissioners holding office at the time this charter becomes effective shall continue to hold office for the term for which they

were elected and until the succeeding Commissioners take office under the provisions of this charter. (Res., March 28, 1967, sec. 3.)

Section 19-4. Qualifications.

Commissioners shall have resided in the town at least two years immediately preceding their election and shall be qualified voters of the town. (Res., March 28, 1967, sec. 4.)

Section 19-5. Salary.

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners and shall be as specified from time to time by an ordinance passed by the Commission in the regular course of its business; provided, however, said ordinance shall be subject to a referendum of the voters at the next regularly scheduled election and that the salary specified at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. An ordinance making any change in the salary paid to the several Commissioners, either by way of increase or decrease, shall take effect only as to member [members] of the Commission who shall be elected or re-elected to office after the passage of such salary change. (Res., March 28, 1967, sec. 5.)

Section 19-6. Meetings; President.

The said Commission shall have power to meet and adjourn from time to time as they shall think proper, except that they shall meet at least once in every month and at their first meeting on or after the fourth Monday in May shall choose from their own body a President, who shall preside at all their meetings, vote on all questions before them, and remain in office until superseded by the appointment of a new President. Special meetings shall be called by the President or a majority of the members of the Commission. All meetings of the Commission shall be open to the public except in special and appropriate circumstances when meetings may be closed in accordance with State Open Meetings Act, MD. CODE ANN., STATE GOV'T § 10-501 *et seq.*, as amended from time to time. The rules of the Commission shall provide that residents of the town shall have a reasonable opportunity to be heard at any open meeting in regard to any municipal question. (Res., March 28, 1967, sec. 6; Res. 06-103, 3-14-06.)

Section 19-7. Judge of qualifications of members.

The Commission shall be the judge of the election and qualifications of its members. (Res., March 28, 1967, sec. 7.)

Section 19-8. Quorum.

A majority of the members of the Commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Commission. (Res., March 28, 1967, sec. 8.)

Section 19-9. Procedures.

The Commission 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 on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection. (Res., March 28, 1967, sec. 9.)

## Powers

Section 19-10. Powers.

(1) *General powers.* The Commission shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland of (See note (3)) 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 the town and visitors thereto and sojourners therein.

(2) *Specific powers.* The Commission shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(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.* 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 Commission.

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

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

(9) *Bridges.* To erect and maintain bridges.

(10) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for the same; to formulate a building code and 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.

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

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

(13) *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.

(14) *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.

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

(16) *Dangerous conditions.* 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.

(17) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the office (See note (3)) 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.

(18) *Disorderly houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(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 the same; to provide for the disposition of homeless dogs and 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.* 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, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(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) *Franchise.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, cable television companies, transit companies, taxicab companies and any other which may be deemed advantageous and beneficial to the town, subject, however, to the limitations and provisions of Article 23 [Division I of the Land Use Article] of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

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

(28) *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.

(29) *Grants-in-aid.* To accept gifts and grant of Federal or of State Funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(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 cause.

(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; that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health, or any public general or local law relating to the subject of health.

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

(33) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purposes.

(34) *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 or amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

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

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

(37) *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.

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

(39) *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.

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

(41) *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the town

which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(42) *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.

(43) *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.

(44) *Parking Meters.* To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance prescribe rates and provisions for the use thereof.

(45) *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.

(46) *Police Force.* To establish, operate, and maintain a police force. All town policemen shall, within the municipality have the powers and authority of sheriffs in this State.

(47) *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.

(48) *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.

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

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

(51) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above the same; 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.

(52) *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 to any public or private property in the town.

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

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

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

(56) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B [the Land Use Article] of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.

(57) *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. (Res., March 28, 1967, sec. 10; Res., 5-15-83.)

Section 19-11. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this charter the Commission 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. (Res., March 28, 1967, sec. 11.)

Section 19-12. Enforcement of ordinances.

To ensure the observance of the ordinances of the town, the Commission shall have the power to provide the (See note (4)) violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not exceeding thirty 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 shall have the right of appeal within ten days to the Circuit Court for Queen Anne's County. The Commission may provide that, where 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. (Res., March 28, 1967, sec. 12.)

Section 19-13. File of ordinances.

Ordinances shall be permanently filed by the Clerk-Treasurer and shall be kept available for public inspection. (Res., March 28, 1967, sec. 13.)

## Registration, Nominations and Elections

### Section 19–14. Voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the State of Maryland for at least one year next preceding any town election, (4) has resided within the corporate limits of the town for six months next preceding any town election, and (5) is registered in accordance with the provisions of this charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections. (Res., March 28, 1967, sec. 14; Res. No. 93–C, 6–2–93.)

### Section 19–15. Election duties.

The Clerk–Treasurer shall be in charge of the registration of voters, nominations, and all town elections. The Commission may appoint election clerks or other employees to assist him in any of its duties. He shall not be a candidate for any elective office during the appointment as Clerk–Treasurer. (Res., March 28, 1967, sec. 15.)

### Section 19–16. Notice.

The Clerk–Treasurer shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town. (Res., March 28, 1967, sec. 16.)

### Section 19–17. Registration of voters.

There shall be a registration the first Monday in May in every year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the commission may designate additional days as registration days. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Clerk–Treasurer to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The Commission is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a re-registration when necessary. (Res., March 28, 1967, sec. 17.)

### Section 19–18. Appeals.

If any persons shall feel aggrieved by the action of the Clerk–Treasurer in refusing to register or on striking off the name of any person, or by any other action, such person may appeal to the Commission. Any decision or action of the Commission upon such appeals may be appealed to the Circuit Court for Queen Anne's County within thirty days of the decision or action of the Commission. (Res., March 28, 1967, sec. 18.)

Section 19–19. Nominations.

Persons may be nominated for elective office in the town by filing a certificate of nomination. Such certificate shall state the following: (1) the office [for] which the candidate is seeking the nomination, (2) the name of the candidate. The certificate shall be filed with the Clerk at least thirty calendar days prior to the election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. (Res., March 28, 1967, sec. 19; Res. No. 18–105, 10–07–2018.)

Section 19–19.1. Write-In Candidates.

(a) As used in this Section, the following definitions shall apply.

“Write-in candidate” means an individual whose name will not appear on the ballot but who files a certificate of nomination in accordance with subsection (b) below.

“Write-in vote” means a vote cast in an election for an individual whose name is not on the ballot for that election.

(b) A person may run in the general election for a Commissioner position as a write-in candidate provided that he or she is qualified to serve as a Town Commissioner in accordance with Section 19–4 of the Town Charter, and provided that he or she has filed a certificate of nomination with the Town Clerk–Treasurer at least twenty-five (25) days prior to the election. A write-in candidate shall comply with all requirements imposed by the Town upon candidates running for office. (Res. No. 20–106, 1–7–2021.)

(c) In any general election, the Town Clerk–Treasurer shall count any write-in vote for a write-in candidate who has complied with the provisions set forth in subsection (b) above. A write-in vote shall not be counted unless the vote is for a write-in candidate who has complied with subsection (b). (Res. No. 18–105, 10–07–2018.)

Section 19–20. Election of Commissioners.

On the third Monday of May, 1967, the qualified voters of the town shall elect one person as Commissioner to serve for a term of one year; one person as Commissioner to serve for a term of two years; and one person as Commissioner to serve for a term of three years. On the third Monday of May of each succeeding year, the qualified voters of the town shall elect one person as Commissioner to serve for a term of three years. (Res., March 28, 1967, sec. 20.)

Section 19–21. Conduct of Elections.

It shall be the duty of the Clerk–Treasurer to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines and provide for the casting of absentee ballots. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The

Clerk–Treasurer shall keep the polls open from 3:00 p.m. until 8:00 p.m., on election days or for longer hours if the Commission requires it. (Res., March 28, 1967, sec. 21; Res., May 1, 1980; Res. No. 18–107, 10–07–2018.)

Section 19–21.1. Absentee Voting.

(a) *Qualified voters may vote by absentee ballot.* Any qualified voter as defined in Section 19–14 who may be absent or unable to vote for any reason on election day may vote as an absentee voter under this subtitle. An absentee ballot must be received on or before the election day in accordance with this Section.

(b) *Elections in which absentee voters may vote.* This subtitle applies to elections for all candidates, charter amendments and other questions at any election held in any year.

(c) *Applications for absentee ballots.*

(1) *Required; contents.* A qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Town Clerk–Treasurer for an absentee ballot, which application must be received not later than seven (7) days before the election. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury.

(a) The voter’s name and residence address, including the street and number, if any, or rural route, if any;

(b) That the person is a qualified voter at the residence address given;

(c) If the person voted at the preceding election, the residence address from which he voted; and

(d) That the voter expects in good faith to be unable to vote in person.

(d) *Application forms.*

(1) Applications for absentee ballots in accordance with the requirements of this section shall be provided by the Clerk–Treasurer and shall be available to any qualified voter upon request.

(2) The Town Clerk–Treasurer shall prescribe the form “Application for Absentee Ballot by Registered Voter,” and related affidavits and statements.

(e) *Determination of absentee voter’s application; delivery of ballots.*

(1) *Rejection of Application.* Upon receipt of an application containing the affidavit, the Clerk–Treasurer, when rejecting the application, shall notify the applicant of the reason therefor if he determines upon the inquiry that the applicant is not legally qualified to vote

at the election as an absentee voter.

(2) *Delivery of Ballot.* If the applicant is a qualified voter as stated in his affidavit the Clerk–Treasurer shall, as soon as practicable thereafter, deliver to him, at the office of the Clerk–Treasurer, or mail to him at an address designated by him, an absentee voter’s ballot and envelopes therefore. The absentee ballot may also be delivered by electronic transmission to the qualified voter, with the envelope template described in subsection (j) herein.

Postage for transmitting ballot material to the voter shall be paid by the Clerk–Treasurer, and postage for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail, the determinations required in this section shall be made in such time as will allow for the sending and return of the ballots by regular mail, or airmail, depending on the mailing address and including at least one secular day for marking the ballots and completing the affidavit. All such investigations shall be concluded and any determination made as to all absentee ballot applications not later than five (5) days before election day.

(3) *Record of applications received and ballots delivered.*

(a) The Clerk–Treasurer shall keep a record of applications for absentee voters’ ballots as they are received, showing the date and time received, the names and residence of the applicants, and such record shall be available for examination by any registered voter.

(b) After approval of an application for an absentee ballot, the Clerk–Treasurer shall place the absentee voter’s name on the Registered Absentee Voter’s List, which shall be maintained in the office of the Clerk–Treasurer, recording the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at the polling place.

(4) *One ballot to an applicant.* Not more than one absentee ballot shall be mailed to any one applicant unless the Clerk–Treasurer has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed, or spoiled.

(g) *Ballots for absentee voters.*

(1) *Printing of ballots, envelopes and instructions.* In sufficient time prior to any election, the Clerk–Treasurer shall have an adequate number of absentee ballots, the envelopes described in this section, and the instructions to absentee voters as set out in this article.

(2) *Form of ballots.* The ballots shall contain the words “Absentee Ballot” printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: “Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark.”

(h) *Instruction to voters.* The instructions for the casting of absentee ballots shall be prescribed by the Town Clerk–Treasurer.

(i) *Envelopes for absentee ballots.* An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the Town Clerk–Treasurer. The Clerk–Treasurer shall use three envelopes. The innermost envelope shall be designated the “ballot envelope,” which shall fit inside the envelope designated the “oath envelope” on which has been printed an oath prescribed by the Town Clerk–Treasurer, both of which, when used, shall fit inside the envelope designated the “return envelope”.

(j) *Online ballots sent by electronic transmission.* If an absentee ballot is sent by the internet or facsimile transmission, the Town Clerk–Treasurer shall provide the voter with an envelope template, the oath prescribed by the Town Clerk–Treasurer, and instructions for marking and returning the absentee ballot.

(k) *Canvassing of ballots.*

(1) *Opening or unfolding ballots.* The Town Clerk–Treasurer shall not open or unfold any absentee ballot at any time prior to the closing of the polls and the beginning of the canvass of the absentee ballots.

(2) *Procedure generally.* At any time after the closing of the polls and not later than the canvass of the votes cast at the regular voting places at any election, the Town Clerk–Treasurer shall proceed to count, certify and canvass the absentee ballots contained in the ballot envelopes, received by them prior to the closing of the polls on election day. No ballot shall be rejected except by the Town Clerk–Treasurer. All voter’s applications, medical certificates, notarial affidavits, certifications, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time, the Town Clerk–Treasurer shall be ordered by a court of competent jurisdiction, to keep the same for any longer period.

(3) *Voter dying before election day.* Whenever the Town Clerk–Treasurer shall determine from proof or investigation that any person who has marked and transmitted or deposited in person with the Town Clerk–Treasurer an absentee ballot has died before election day, said Town Clerk–Treasurer shall not count the ballot of the said deceased voter, but it shall be preserved by the Town Clerk–Treasurer for six (6) months and may then be destroyed, unless prior to that time the Town Clerk–Treasurer is ordered by a court of competent jurisdiction to keep the same for any longer period. If at or prior to the time of counting and canvassing the Town Clerk–Treasurer shall not have determined that the absentee resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

(4) *More than one ballot received from same person.* If the Town Clerk–Treasurer receives from the same person prior to the closing of the polls on election day more than one absentee ballot, it shall count, certify and canvass only the absentee ballot contained in the ballot envelope on which the voter’s oath was first executed, and if the oath on two or more of the ballot envelopes containing absentee ballots are dated the same or if both are undated, none of the ballots received from such person shall be counted. (Res. No. 18–104, 10–07–2018.)

Section 19–21.2. Cancellation of Election Where Seat is Uncontested.

In the event that the seat for Commissioner is uncontested and the time period for filing a certificate of nomination has expired to file as either an official candidate or as a write-in candidate, then the Town Clerk–Treasurer may cancel the election. If the election is canceled, the candidate running for the uncontested seat shall be declared elected and shall be sworn in as Commissioner. (Res. No. 18–106, 10–07–2018.)

Section 19–22. Special elections.

All special town elections shall be conducted by the Clerk–Treasurer in the same manner and with the same personnel, as far as practicable, as regular town elections. (Res., March 28, 1967, sec. 22.)

Section 19–23. Vote count.

Within twelve hours after the closing of the polls, the Clerk–Treasurer shall determine the vote cast for each candidate or question and shall certify the results of the election to the Commission and shall record the results in the minutes of the Commission. The candidate(s) for Commissioners with the highest number of votes in the general election shall be declared elected. (Res., March 28, 1967, sec. 23.)

Section 19–23.1. General Election Which Results in a Tie Among Two or More Candidates.

In the event that an election results in a tie among two or more candidates for Commissioner, a special election among the candidates receiving the same number of votes shall be held on or before thirty (30) days of the general election to break the tie and determine which of said candidates shall be elected to the office of Commissioner. (Res. No. 18–103, 10–07–2018.)

Section 19–24. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six months from the date of the election. (Res., March 28, 1967, sec. 24.)

Section 19–25. Vacancies.

In case of a vacancy on the Commission for any reason, the Commission shall elect some qualified person to fill such vacancy for the unexpired term. Any vacancies on the Commission shall be filled by the favorable votes of a majority of the remaining members of the Commission. The results of any such vote shall be recorded in the minutes of the Commission. (Res., March 28, 1967, sec. 25.)

Section 19–26. Women.

Women shall have equal privilege with men in registering, voting, and holding town offices. Whenever the masculine gender has been used as to any registering, voting, or holding town office, it shall be construed to include the feminine gender. (Res., March 28, 1967, sec. 26.)

Section 19–27. Regulation of elections.

The Commission shall have the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Res., March 28, 1967, sec. 27.)

Section 19–28. Penalty provisions.

Any person who (1) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions fo [of] this section shall immediately upon conviction thereof cease to hold such office or employment. (Res., March 28, 1967, sec. 28.)

## Finance

Section 19–29. Clerk–Treasurer.

There shall be a Clerk–Treasurer appointed by the Commission who shall serve at the pleasure of the Commission and whose compensation shall be determined by the Commission. 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 Commission. (Res., March 28, 1967, sec. 29.)

Section 19–30. Same; powers and duties.

Under the supervision of the Commission the Clerk–treasurer shall have authority and shall be required to:

(1) Prepare at the request of the Commission an annual budget to be submitted to the Commission.

(2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(3) Maintain a general accounting system for the town in such form as the Commission may require, not contrary to state law.

(4) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.

- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens, and all other revenue (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.
- (7) 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.
- (8) Do such other things in relation to the fiscal or financial affairs of the town as the Commission may require or as may be required elsewhere in this charter. (Res., March 28, 1967, sec. 30.)

Section 19–31. Same; surety bond.

The Clerk–Treasurer shall execute a bond, at the expense of the town, with such corporate surety, in such amount and with such conditions as the Commission by resolution may require. (Res., March 28, 1967, sec. 31.)

Section 19–32. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July of each year and shall end on the last day of June. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Res., March 28, 1967, sec. 32.)

Section 19–33. Budget.

The Clerk–Treasurer, on such date as the Commission by ordinance shall determine, but at least thirty–two days before the beginning of any fiscal year, shall submit a budget to the Commission. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk–Treasurer, open to public inspection by anyone during normal business hours. (Res., March 28, 1967, sec. 33.)

Section 19–34. Same; adoption.

Before adopting the budget the Commission shall hold a meeting thereon. The Commission may insert new items or may increase or decrease the items of the budget. Where the Commission shall increase the total proposed expenditures it shall also increase the total anticipated revenues in any amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Commission shall be necessary for adoption. (Res., March 28, 1967, sec. 34.)

Section 19–35. Appropriations.

No public money may be expended without having been appropriated by the Commission. 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. (Res., March 28, 1967, sec. 35.)

Section 19–36. Transfer of funds.

Any transfer of funds between major appropriations for different purposes must be approved by the Commission before becoming effective. (Res., March 28, 1967, sec. 36.)

Section 19–37. Over–expenditures.

No officer or employee shall during any budget year 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 or expenditure pursuant to this charter. Any contract verbal or written, made in violation of this charter shall be null and void. Nothing in this section contained, however, shall prevent 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 of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Res., March 28, 1967, sec. 37.)

Section 19–38. Appropriations lapse.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. An [Any] unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Res., March 28, 1967, sec. 38.)

Section 19–39. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk–Treasurer and shall be countersigned by the President of the Commission. (Res., March 28, 1967, sec. 39.)

Section 19–40. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Res., March 28, 1967, sec. 40.)

Section 19–41. Notice of levy.

Immediately after the levy is made by the Commission in each, (See note (4)) 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 date established by this charter all taxes levied on his property. (Res., March 28, 1967, sec. 41.)

Section 19–42. Taxes; when overdue.

Taxes provided for in this charter shall be due and payable on the 1st day of July in the year for which they are levied and shall be overdue and in arrears on the 1st day of the following October. They shall bear interest while in arrears at the rate of one–half of one per centum (0.5%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the 1st day of January shall be collected as provided in Section 19–44. (See note (6)) (Res., March 28, 1967, sec. 42.)

Section 19–43. Same; collection.

(a) *Collection.* If any taxes, charges and assessments due the town have not been paid within three (3) months, after the same have become overdue and in arrears, the Clerk–Treasurer, as collector of taxes of the Town of Queenstown, may proceed to enforce collection from the property of the delinquent for the payment of the taxes, charges and assessments, thereon, by first publishing within thirty (30) days thereafter as an advertisement in one newspaper of general circulation in said town, a list of all delinquent, together with amount of taxes, charges and assessments due by each, and the interest and penalty due thereon, with a notice of warning to such delinquent thereto attached that unless payment be made in full on or before a day six (6) months after the same may have become overdue and in arrears, the same will be collected by process of law; and if on the last mentioned day the said taxes, charges, interest, penalty and advertising costs are unpaid, the Clerk–Treasurer may proceed to sell the property of the delinquent by complying with any of the Public General Laws of the State of Maryland relating to the sale of property for the non–payment of taxes. Whenever the word “Collector” appears in such laws the same shall be taken to mean the Clerk–Treasurer of the Town of Queenstown whenever the context so requires.

(b) *Additional method of collection.* In addition to the methods now relating to the sale of property for the non–payment of taxes, charges and assessments, whenever it shall be necessary to enforce the payment of taxes, charges and assessments levied upon personal property, the Clerk–Treasurer may proceed in the same manner as an owner of real estate enforcing collection of past due rent by way of distraint. (Res., March 28, 1967, sec. 43.)

Section 19–44. Fees.

All fees received by an officer or employees of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Res., March 28, 1967, sec. 44.)

Section 19–45. Audits.

The financial books and accounts of the town shall be audited annually. (Res., March 28, 1967, sec. 45.)

Section 19–46. Borrowing power.

Notwithstanding any other provision or limitation of public general or public local law, the town shall have the power to borrow money for any public purpose, including the refinancing of any outstanding indebtedness, and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issued in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issuance and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, all in the manner prescribed in Section 31–37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), title “Municipal Corporation,” subtitle “Home Rule,” subheading “Creation of Municipal Public Debt,” [Title 19, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland] provided, however, that if the ordinance or ordinances authorizing the issuance and sale of any of such bonds or notes shall so specify, said bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation of competitive bids. (Res., March 28, 1967, sec. 46.)

Section 19–47. Same; payment of indebtedness.

The issuance and sale of general obligation bonds, or tax anticipation notes, authorized by section 19–46 hereof, shall constitute a pledge of the full faith and credit of the town to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid, in whole or in part, from the proceeds of such benefits, assessments or charges, or any combination thereof, as the Commissioners may impose and collect during the life of said bonds, power and authority so to do being hereby specifically granted where appropriate to the public purpose for which said bonds may be issued, notwithstanding any limitation contained in this charter or in any other law; but, in any event, the town shall, if and when necessary, annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide for the payment of the maturing principal of an [and] interest on any such bonds or notes, without limitation as to rate or amount notwithstanding the limitation of any other law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect. (Res., March 28, 1967, sec. 47.)

Section 19–48. Same; prior bond issued.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Res., March 28, 1967, sec. 48.)

Section 19–49. Purchases and contracts.

All purchases and contracts for the town government shall be made by the Commission. The commission may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. The town at any time in its discretion may employ its own forces or [for] construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Res., March 28, 1967, sec. 49.)

## Personnel

Section 19–50. Clerk to the Commission.

The Clerk–Treasurer shall serve as Clerk to the Commission. He shall attend every meeting of the Commission and keep full and accurate account of the proceedings of the Commission. He shall keep such other records and perform such other duties as may be required by this charter or the Commission. (Res., March 28, 1967, sec. 50.)

Section 19–51. Town attorney.

The Commissioner [Commission] may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the Commission. His compensation shall be determined by the Commission. The town shall have the power to employ such legal consultants as it deems necessary from time to time. (Res., March 28, 1967, sec. 51.)

Section 19–52. Employment of personnel.

The town shall have the power to 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. (Res., March 28, 1967, sec. 52.)

Section 19–53. Retirement system.

The town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town. (Res., March 28, 1967, sec. 53.)

Section 19–54. Employees; compensation.

The Compensation [compensation] of all officers and employees of the town shall be set from time to time by a resolution passed by the Commission, subject to the restrictions imposed

upon establishing the salaries of the Commission. (Res., March 28, 1967, sec. 54.)

Section 19–55. Same; benefit programs.

The town is authorized and empowered, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the town for such programs. (Res., March 28, 1967, sec. 55.)

## Public Ways and Sidewalks

Section 19–56. Definition.

The term “public ways” as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res., March 28, 1967, sec. 56.)

Section 19–57. Control.

The town shall have control of all public ways of the town. 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. (Res., March 28, 1967, sec. 57.)

Section 19–58. Powers.

The town shall have the power:

- (1) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any public way or part thereof, bridge, curbs, and gutters.
- (2) To grade, lay out, construct, open, extend, and make new public ways.
- (3) To grade, straighten, widen, alter, improve, or close up any existing public way or part thereof.
- (4) To pave, surface, repave, or resurface any public way or part thereof, and to provide for all necessary removal therefrom of snow, ice and debris.
- (5) To install, construct, reconstruct, repair and maintain curbs and/or gutters along any public way or part thereof.
- (6) To construct, reconstruct, maintain, and repair bridges.
- (7) To name public ways.
- (8) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or part thereof. (Res., March 28, 1967, sec. 58.)

Section 19–59. Sidewalks.

The town shall have the power:

(1) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof along any public way or part thereof.

(2) To grade, lay out, construct, pave, repave, repair, extend, or otherwise alter sidewalks along any public way or part thereof.

(3) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(4) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice the owner fails to comply with the order within a reasonable time, the 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. (Res., March 28, 1967, sec. 59.)

## **Water and Sewers**

Section 19–60. Powers.

The town shall have the power to acquire, establish, design, construct, reconstruct, expend, extend, alter, improve, operate, maintain and repair a water supply and distribution system, a sanitary sewer system, a storm water drainage system, and a sanitary disposal plant system, or stabilization lagoon, within or without the corporate limits of the town, and to take any and all action necessary or appropriate thereto, including the making of surveys, plans, specifications and estimates. The town may by ordinance regulate the use and operation of any such plant or system or part thereof in any manner it deems to be in the public interest. (Res., March 28, 1967, sec. 60.)

Section 19–61. 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 way of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such reasonable limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed. (Res., March 28, 1967, sec. 61.)

Section 19–62. 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 shall, upon reasonable notice, remove or adjust the obstruction 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 19–76. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., March 28, 1967, sec. 62.)

Section 19–63. Entering county public ways.

The town may enter upon or do construction in, on, or over any 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, sewerage treatment plant, or storm water sewers provided for in this charter. (Res., March 28, 1967, sec. 63.)

Section 19–64. Connections.

The town shall provide for each and every property abutting upon a street or right of way in which a water main or sewer is laid, a water service pipe or sewer connection, which shall be extended from the water main or sewer to the property line of the abutting lot, and shall be constructed by and at the sole expense of the town, but subject to the connection charge provided for in Section 19–65, (which charge shall be paid before the actual connection with any pipe or private property is made). When any water main or sewer is declared by the town complete and ready for the delivery of water or the reception of sewage, every abutting property owner, after due notice, shall make a connection of all spigots or hydrants, toilets and waste drains with said water main or sewer within the time prescribed by the town. Where the aforesaid fixtures do not exist, or are of a nature, which, in the judgment of the town, is improper or inadequate, satisfactory equipment shall be installed by the owner on the premises consisting of at least one water closet and one sink or washbasin, both of which shall be properly connected with the sewer. The town 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. (Res., March 28, 1967, sec. 64.)

Section 19–65. Same; charges.

The town may make a charge, the amount to be determined by the Commission, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res., March 28, 1967, sec. 65.)

Section 19–66. Improper uses of systems.

In order to prevent any leakage or waste of water or other improper use of the town's water

system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use. (Res., March 28, 1967, sec. 66.)

Section 19–67. Private systems.

The town may by ordinance 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. 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. (Res., March 28, 1967, sec. 67.)

Section 19–68. Extensions beyond boundaries.

The town shall have the power to extend its water or sewerage systems beyond the town limits. (Res., March 28, 1967, sec. 68.)

Section 19–69. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may by ordinance, be made a misdemeanor. (Res., March 28, 1967, sec. 69.)

Section 19–70. Pollution of water supply.

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor. (Res., March 28, 1967, sec. 70.)

Section 19–71. Contracts for water or sewage removal.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage. (Res., March 28, 1967, sec. 71.)

Section 19–72. Charges and service rates.

The town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the

removal of sewage. These charges are to be billed and collected by the Clerk–Treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law. (Res., March 28, 1967, sec. 72.)

## Special Assessments

### Section 19–73. Powers.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation, or construction, of water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special 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. (Res., March 28, 1967, sec. 73.)

### Section 19–74. Procedure.

(a) *Established.* The procedure for special assessments, wherever authorized in this charter, shall be as follows:

(b) *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 Commission.

(c) *Assessment.* 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 levied by the town and outstanding against any property at any time, exclusive of delinquent installments, exceed fifty percentum (50%) of the fair market value of the property after giving effect to the benefits accruing thereto from the projects or improvements for which assessed.

(d) *Classes.* 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; notice; hearing.* All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission 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, 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 Commission 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 name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The 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 30 days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Commission, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Appeals.* Any interested person feeling aggrieved by the levying of any special assessments under the provisions of this section shall have the right to appeal to the Circuit Court of Queen Anne’s County within thirty days after the levying of any assessment by the Commission.

(g) *Payment.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years, and in such manner as the Commission may determine. The Commission shall determine on what installments shall be due and payable. Interest may be charged in installments at the rate to be determined by the Commission.

(h) *When overdue.* All special assessment installments shall be 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) *Collection.* All special assessments shall be billed and collected by the Clerk–Treasurer. (Res., March 28, 1967, sec. 74.)

## **Town Property**

### Section 19–75. Acquisition; possession; disposal.

The town may acquire, real, personal, or mixed property 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. (Res., March 28, 1967, sec. 75.)

### Section 19–76. Condemnation powers.

The town shall have the power to 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 shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in Article 33A of the “Annotated Code of the Public General Laws of Maryland,” title “Eminent Domain”. [Title 12 of the Real Property Article] (Res., March 28, 1967, sec. 76.)

Section 19–77. Town buildings.

The town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the town government. (Res., March 28, 1967, sec. 77.)

Section 19–78. Protection of town property.

The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition. (Res., March 28, 1967, sec. 78.)

Section 19–78A. Historical Fund.

The town shall have the authority to establish a fund for the maintenance, care, upkeep and improvement of the Queenstown Courthouse property or other historical properties that may be acquired by the town; this fund shall be separate and apart from other funds of the town and all principal and income therefrom shall be expended solely for the purposes stated above. (Res., 5–15–83.)

## General Provisions

Section 19–79. Oath of office.

(a) *Text.* Before entering upon the duties of their offices, the Commissioners, shall take 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 Commissioner of Queenstown, according to the constitution and laws of this State.”

(b) *How to take.* The Commissioners shall each take this oath or affirmation before a notary public or other officer authorized to administer oaths in the State of Maryland, who shall certify to the Clerk–Treasurer that such oath has been administered, which certification shall be filed and recorded in the journal of the proceedings of said Commission. (Res., March 28, 1967, sec. 79.)

Section 19–80. Surety bonds.

Such officers or employees of the town as the Commission or this charter may require shall execute a bond in such amount, with such surety and with such conditions as may be required by the Commission. The premiums on such bonds shall be paid by the town. (Res., March 28, 1967, sec. 80.)

Section 19–81. 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, and shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective. (Res., March 28, 1967, sec. 81.)

Section 19–82. 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 judge of the District Court or in the Circuit Court for the county within which the offense is committed by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for thirty days in the county jail, or both, in the discretion of the court or judge of the District Court. The party aggrieved shall have 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 shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res., March 28, 1967, sec. 82.)

Section 19–83. Effect of charter on existing ordinances.

(a) *Not in conflict.* 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) *In conflict.* 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 be and the same hereby are repealed to the extent of such conflict. (Res., March 28, 1967, sec. 83.)

Section 19–84. Separability.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which

such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res., March 28, 1967, sec. 84.)

## NOTES

- (1) The charter of Queenstown was revised by the Resolution of March 28, 1967.

The prior charter was in secs. 323–353 of the 1930 Code. Before 1967, other amendments to the earlier charter were made by ch. 774 of 1939, involving secs. 325, 328, 328A, 330, 343, 343A, 353A, 353B, 353C, 353D, and 353E.

Ch. 247 of 1943 validated the purchase by Queenstown of the “Queen Theatre Property” and authorized the sale of the property.

Also, ch. 341 of 1939 added sec. 353F to the old charter, concerning the water system; and ch. 772 of 1939 added new sec. 353H to the old charter, concerning the disposal of sewage.

Ch. 102, 1935, authorized Queenstown to borrow \$15,000 for a fire prevention system and engine house. The Act of 1935 was amended by ch. 12 of the Acts of the Special Session of 1936.

- (2) The resolution of June 1, 1971, had this preamble:

“WHEREAS, on November 15, 1970, there was formally presented to the Commissioners of the Town of Queenstown, a written petition signed by owners of 25 per cent of the assessed valuation of the real property located in the areas to be annexed and by 25 per cent of the persons, who reside in the areas to be annexed and who are voters in Queen Anne’s County elections in the precinct in which the areas to be annexed are located, requesting and consenting to the annexation, and

“WHEREAS, the President of the Commissioners of Queenstown has caused to be made a verification of the signatures on said petitions, and has ascertained that the persons signing the petitions represented at least 25 per cent of the persons who reside in the areas to be annexed and who are registered voters in Queen Anne’s County elections in the precinct in which the territory so requested to be annexed is located, and that the assessment records of Queen Anne’s County show that the signers are owners of at least 25 per cent of the assessed valuation of the real property located in the areas to be annexed.”

- (3) Thus in the Resolution of March 28, 1967.

- (4) Thus in the original.

- (5) Repealed.

(6) The cross reference in the Resolution of March 28, 1967, was to sec. 44 of the charter. It probably should have been to sec. 43, which is sec. 19–43 in this Code.

(7) Resolution 06–108, effective February 2, 2007, provided for the annexation of 809.564 acres of land, more or less. Resolution 14–101, effective November 8, 2014, provided for the annexation of 148.212 acres of land, more or less. Resolution 18–102, effective October

6, 2018, provided for the annexation of 200.552 acres of land, more or less. These resolutions, however, failed to provide for a change in the boundary description contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers sections of this Charter.