

1 **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**
2 **Ordinance 2023-06**

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5 **Introduced By: Mayor Matt Roath**

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7 **Date Introduced: February 7, 2023**

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9 **Amendments Adopted: N/A**

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11 **Date Adopted: February 7, 2023**

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13 **Date Effective: February 27, 2023**
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16
17 **AN ORDINANCE concerning**

18
19 **RECALL OF ELECTED OFFICIALS**

20
21 **FOR** the purpose of repealing Ordinance 2022-19 to correct technical errors; providing for
22 implementation procedures for the recall of the Mayor or a and Commissioner as prescribed by
23 Section C3-11 of the Town of Perryville Charter; providing that the provisions of this Ordinance
24 are severable; and generally relating to regulation of the conduct of the Mayor and
25 Commissioners of the Town of Perryville.

26
27 **BY** repealing
28 Ordinance 2022-19 (adopted January 3, 2023)

29
30 **BY** adding
31 Chapter 2 Elections and Election Districts
32 Section 2-4
33 Code of the Town of Perryville
34

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36
37 **EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted
from the law by amendment
*** indicates omitted text that is not amended by this ordinance.

38 **SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF**
39 **THE TOWN OF PERRYVILLE** that Ordinance 2022-19, adopted January 3, 2023, is hereby
repealed.

40 **SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
41 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that new Section 2-4 is hereby
42 added to the Code of the Town of Perryville, to be under Chapter 2 – Elections and Election
43 Districts, and to read as follows:

44 **Chapter 2 – ELECTIONS AND ELECTION DISTRICTS**

45 **§ 2-4. RECALL OF ELECTED OFFICIALS.**

46 (A) THIS SECTION GOVERNS RECALLS OF THE MAYOR OR A
47 COMMISSIONER INITIATED PURSUANT TO SECTION C3-11 OF THE TOWN OF
48 PERRYVILLE CHARTER.
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50 (B) THE TOWN CLERK, WITH APPROVAL OF THE TOWN ATTORNEY,
51 SHALL PRESCRIBE THE FORM OF A PETITION SEEKING THE RECALL OF THE
52 MAYOR OR A COMMISSIONER, HEREAFTER REFERRED TO AS A RECALL
53 PETITION. A RECALL PETITION SHALL BE CIRCULATED FOR SIGNATURE ON THE
54 FORM PRESCRIBED BY THE TOWN CLERK.
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56 (C) A RECALL PETITION SHALL BE ADDRESSED TO THE MAYOR AND
57 COMMISSIONERS AND FILED WITH THE TOWN CLERK. UPON RECEIVING A
58 RECALL PETITION, THE TOWN CLERK SHALL IMMEDIATELY NOTIFY THE MAYOR
59 AND COMMISSIONERS THAT A RECALL PETITION HAS BEEN FILED. WITHIN 15
60 DAYS AFTER THE FILING OF A RECALL PETITION, THE CLERK SHALL ASCERTAIN
61 WHETHER THE RECALL PETITION IS SIGNED BY THE REQUISITE NUMBER OF
62 REGISTERED VOTERS OF THE TOWN AND SHALL ATTACH A DATED CERTIFICATE
63 STATING THE RESULTS OF THE EXAMINATION AND WHETHER THE RECALL
64 PETITION MEETS THE REQUIREMENTS OF THIS SECTION AND SECTION C3-11 OF
65 THE TOWN CHARTER. THE CLERK SHALL FORWARD THIS CERTIFICATION SHALL
66 BE FORWARDED TO THE MAYOR AND COMMISSIONERS.
67

68 (D) (1) IF THE CERTIFICATE SHOWS THE RECALL PETITION DOES NOT MEET
69 THE REQUIREMENT OF THIS SECTION, THE CLERK SHALL SEND WRITTEN NOTICE
70 OF THIS FACT TO THE INDIVIDUAL WHO FILED THE RECALL PETITION.
71

72 (2) IF THE CERTIFICATE SHOWS THE RECALL PETITION MEETS THE
73 REQUIREMENTS OF THIS SECTION AND SECTION C3-11 OF THE CHARTER, THE
74 REQUEST FOR RECALL SHALL BE PLACED ON THE NEXT TOWN MEETING
75 AGENDA FOR ACTION BY THE MAYOR AND COMMISSIONERS TO SET A RECALL
76 ELECTION, IF SUCH A MEETING IS SCHEDULED TO OCCUR WITHIN 15 DAYS FROM
77 THE DATE OF CERTIFICATION. IF THE NEXT TOWN MEETING IS SCHEDULED FOR
78 16 OR MORE DAYS FROM THE DATE OF CERTIFICATION A SPECIAL MEETING
79 SHALL BE SCHEDULED WITHIN FIFTEEN 15 DAYS FROM THE DATE OF
80 CERTIFICATION, TO SET A RECALL ELECTION.
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82 (E) AT THE MEETING DESCRIBED IN SECTION 2-4(D)(2), THE MAYOR AND
83

84 COMMISSIONERS SHALL, BY RESOLUTION, ORDER THAT A RECALL ELECTION BE
85 HELD AND SET A DATE FOR THE RECALL ELECTION WHICH IS NOT LESS THAN 30
86 DAYS AND NOT MORE THAN 60 DAYS FROM THE DATE OF THE CERTIFICATION,
87 UNLESS:

88
89 (1) THE ELECTED OFFICIAL WHO IS THE SUBJECT OF THE RECALL
90 PETITION HAS RESIGNED; OR

91
92 (2) THE REGULAR TOWN ELECTION IS SCHEDULED TO OCCUR WITHIN
93 60 DAYS AFTER THE CERTIFICATION DATE, IN WHICH CASE THE MAYOR AND
94 COMMISSIONERS MAY VOTE TO ORDER THE RECALL ELECTION BE INCLUDED ON
95 THE TOWN ELECTION BALLOT.

96
97 (F) AT THE MEETING DESCRIBED IN SECTION 2-4(D)(2), THE MAYOR AND
98 COMMISSIONERS SHALL SCHEDULE A PUBLIC HEARING TO TAKE PLACE NO
99 LATER THAN FOURTEEN 14 DAYS BEFORE THE RECALL ELECTION AT WHICH
100 TIME THE PERSONS PETITIONING FOR RECALL, THOSE OPPOSED TO RECALL, AND
101 THE ELECTED OFFICIAL WHO IS THE SUBJECT OF THE RECALL PETITION SHALL
102 HAVE AN OPPORTUNITY TO SPEAK ON THE PROPOSED RECALL.

103
104 (G) THE MAYOR AND COMMISSIONERS SHALL CAUSE TO BE POSTED
105 PUBLIC NOTICE OF THE DATES OF THE RECALL ELECTION AND THE PUBLIC
106 HEARING. THE NOTICE SHALL BE POSTED AT TOWN HALL AND ON THE TOWN'S
107 INTERNET WEBSITE AND SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL
108 CIRCULATION IN THE TOWN OF PERRYVILLE. THE MAYOR AND COMMISSIONERS
109 MAY UNDERTAKE ANY SUCH FURTHER MEASURES TO NOTIFY THE TOWN
110 RESIDENTS OF THE RECALL ELECTION AND PUBLIC HEARING AS THEY MAY
111 DEEM APPROPRIATE.

112
113 (H) (1) A RECALL ELECTION SHALL BE CONDUCTED IN ALL RESPECTS NOT
114 OTHERWISE ADDRESSED BY THIS SECTION AS OTHER TOWN ELECTIONS.

115
116 (2) A PERSON MAY NOT IMPEDE THE ORDERLY PASSAGE OF VOTERS
117 TO AND FROM THE POLLING LOCATION.

118
119 (3) THOSE PERSONS IN FAVOR OF THE RECALL OF THE ELECTED
120 OFFICIAL AND THOSE OPPOSED TO THE RECALL OF THE ELECTED OFFICIAL
121 SHALL HAVE THE RIGHT TO HAVE ONE (1) POLL WATCHER IN THE POLLING
122 ROOM. POLL WATCHERS SHALL BE GOVERNED BY SECTION 2-3 OF THIS CODE,
123 AND SHALL NOT BE AN ELECTED OFFICIAL OR THE INDIVIDUAL SUBJECT TO THE
124 RECALL VOTE.

125
126 (4) THE ELECTED OFFICIAL WHOSE RECALL IS SOUGHT SHALL
127 CONTINUE TO SERVE IN OFFICE PENDING THE RESULTS OF THE RECALL
128 ELECTION BUT MAY NOT PARTICIPATE IN ANY DISCUSSIONS OR ACTIONS
129 RELATED TO THE RECALL EXCEPT AT THE PUBLIC HEARING DESCRIBED IN

130 SECTION 2-4(F).

131

132 (5) THE RECALL ELECTION BALLOT SHALL READ: "SHALL (NAME OF
133 OFFICIAL) CONTINUE IN THE OFFICE OF (INSERT OFFICE NAME) OF PERRYVILLE?"
134 FOLLOWING THIS QUESTION SHALL BE THE WORDS "YES" AND "NO" WHICH THE
135 VOTER SHALL USE TO VOTE FOR OR AGAINST RECALL.

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137 (6) THE QUESTION OF RECALL SHALL BE DECIDED BY A SIMPLE
138 MAJORITY OF VOTES CAST. IF A MAJORITY OF VOTES CAST IS IN FAVOR OF
139 RECALL, THE ELECTED OFFICIAL'S TERM OF OFFICE SHALL IMMEDIATELY
140 TERMINATE UPON THE CERTIFICATION OF THE ELECTION. IF THE MAJORITY OF
141 VOTES CAST ARE NOT IN FAVOR OF RECALL, THE ELECTED OFFICIAL'S TERM
142 SHALL CONTINUE UNAFFECTED.

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144 **SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
145 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that if any section, subsection,
146 provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal
147 or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable,
148 and shall not affect or impair any remaining section, subsection, provision, sentence, clause,
149 phrase or word included within this Ordinance, it being the intent of the Mayor and
150 Commissioners that the remainder of the Ordinance shall be and shall remain in full force and
151 effect, valid and enforceable.

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153 **SECTION 4. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
154 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that this Ordinance shall become
155 effective at the expiration of twenty (20) calendar days following approval by the
156 Commissioners.

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158 ADOPTED this 7th day of February, 2023.

159


160 SEAL:

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MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE

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163

By: 
Matt Roath, Mayor

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167 ATTEST:

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Jackie Sample, Town Clerk

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Date: 2/7/2023