MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance 2022-19

Introduced By: Mayor Matt Roath

Date Introduced: December 6, 2022

Amendments Adopted: N/A

Date Adopted: January 3, 2023

Date Effective: Effective Date of Charter Amendment Res. 2022-01

AN ORDINANCE concerning

RECALL OF ELECTED OFFICIALS

FOR the purpose of providing for implementation procedures for the recall of the Mayor or a
and Commissioner as prescribed by Section C3-11 of the Town of Perryville Charter; providing
that the provisions of this Ordinance are severable; specifying when this Ordinance becomes
effective; and generally relating to regulation of the conduct of the Mayor and Commissioners of
the Town of Perryville.

BY adding
Chapter 2 Administration
Section 2-9
Code of the Town of Perryville

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.

SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE that new Section 2-9 is hereby added to the Code of the Town
of Perryville, to be under Chapter 2 – Administration, to follow immediately after Section 2-8 of
Chapter 2, and to read as follows:
§ 2-9. RECALL OF ELECTED OFFICIALS.

(A) THIS SECTION GOVERNS RECALLS OF THE MAYOR OR A
COMMISSIONER INITIATED PURSUANT TO SECTION C3-11 OF THE TOWN OF
PERRYVILLE CHARTER.

(B) THE TOWN CLERK, WITH APPROVAL OF THE TOWN ATTORNEY,
SHALL PRESCRIBE THE FORM OF A PETITION SEEKING THE RECALL OF THE
MAYOR OR A COMMISSIONER, HEREAFTER REFERRED TO AS A RECALL
PETITION. A RECALL PETITION SHALL BE CIRCULATED FOR SIGNATURE ON THE
FORM PRESCRIBED BY THE TOWN CLERK.

(C) A RECALL PETITION SHALL BE ADDRESSED TO THE MAYOR AND
COMMISSIONERS AND FILED WITH THE TOWN CLERK. UPON RECEIVING A
RECALL PETITION, THE TOWN CLERK SHALL IMMEDIATELY NOTIFY THE MAYOR
AND COMMISSIONERS THAT A RECALL PETITION HAS BEEN FILED. WITHIN 15
DAYS AFTER THE FILING OF A RECALL PETITION, THE CLERK SHALL ASCERTAIN
WHETHER THE RECALL PETITION IS SIGNED BY THE REQUISITE NUMBER OF
REGISTERED VOTERS OF THE TOWN AND SHALL ATTACH A DATED CERTIFICATE
STATING THE RESULTS OF THE EXAMINATION AND WHETHER THE RECALL
PETITION MEETS THE REQUIREMENTS OF THIS SECTION AND SECTION C3-11 OF
THE TOWN CHARTER. THE CLERK SHALL FORWARD THIS CERTIFICATION SHALL
BE FORWARDED TO THE MAYOR AND COMMISSIONERS.

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

(2) IF THE CERTIFICATE SHOWS THE RECALL PETITION MEETS THE
REQUIREMENTS OF THIS SECTION AND SECTION C3-11 OF THE CHARTER, THE
REQUEST FOR RECALL SHALL BE PLACED ON THE NEXT TOWN MEETING
AGENDA FOR ACTION BY THE MAYOR AND COMMISSIONERS TO SET A RECALL
ELECTION, IF SUCH A MEETING IS SCHEDULED TO OCCUR WITHIN 15 DAYS FROM
THE DATE OF CERTIFICATION. IF THE NEXT TOWN MEETING IS SCHEDULED FOR
16 OR MORE DAYS FROM THE DATE OF CERTIFICATION A SPECIAL MEETING
SHALL BE SCHEDULED WITHIN FIFTEEN 15 DAYS FROM THE DATE OF
CERTIFICATION, TO SET A RECALL ELECTION.

(E) AT THE MEETING DESCRIBED IN SECTION 2-9(D)(2), THE MAYOR AND
COMMISSIONERS SHALL, BY RESOLUTION, ORDER THAT A RECALL ELECTION BE
HELD AND SET A DATE FOR THE RECALL ELECTION WHICH IS NOT LESS THAN 30
DAYS AND NOT MORE THAN 60 DAYS FROM THE DATE OF THE CERTIFICATION,
UNLESS:
(1) THE ELECTED OFFICIAL WHO IS THE SUBJECT OF THE RECALL PETITION HAS RESIGNED; OR

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

(F) AT THE MEETING DESCRIBED IN SECTION 2-9(D)(2), THE MAYOR AND COMMISSIONERS SHALL SCHEDULE A PUBLIC HEARING TO TAKE PLACE NO LATER THAN FOURTEEN 14 DAYS BEFORE THE RECALL ELECTION AT WHICH TIME THE PERSONS PETITIONING FOR RECALL, THOSE OPPOSED TO RECALL, AND THE ELECTED OFFICIAL WHO IS THE SUBJECT OF THE RECALL PETITION SHALL HAVE AN OPPORTUNITY TO SPEAK ON THE PROPOSED RECALL.

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

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

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

(3) THOSE PERSONS IN FAVOR OF THE RECALL OF THE ELECTED OFFICIAL AND THOSE OPPOSED TO THE RECALL OF THE ELECTED OFFICIAL SHALL HAVE THE RIGHT TO HAVE ONE (1) POLL WATCHER IN THE POLLING ROOM. POLL WATCHERS SHALL BE GOVERNED BY SECTION 29-17 OF THIS CODE, AND SHALL NOT BE AN ELECTED OFFICIAL OR THE INDIVIDUAL SUBJECT TO THE RECALL VOTE.

(4) THE ELECTED OFFICIAL WHOSE RECALL IS SOUGHT SHALL CONTINUE TO SERVE IN OFFICE PENDING THE RESULTS OF THE RECALL ELECTION BUT MAY NOT PARTICIPATE IN ANY DISCUSSIONS OR ACTIONS RELATED TO THE RECALL EXCEPT AT THE PUBLIC HEARING DESCRIBED IN SECTION 2-9(F).

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


SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Mayor and Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective from the date that Charter Amendment Resolution No. 2022-01 becomes effective, and if Charter Amendment Resolution No. 2022-01 is not adopted or does not take effect, this Ordinance shall be rescinded without further action of the Mayor and Commissioners.

ADOPTED this 3rd day of January, 2023.

SEAL:

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

By: Matt Roath, Mayor

ATTEST:

Jackie Sample, Town Clerk

Date: 1/3/2023