

CHARTER

OF THE

Town of North Brentwood

PRINCE GEORGE'S COUNTY, MARYLAND

May 2002

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CONTENTS

Section

ARTICLE I Corporate Name

- 101. Corporate Name.
- 102. Definitions.

ARTICLE II General Corporate Powers

- 201. Enumeration.

ARTICLE III Corporate Boundaries

- 301. Description of Corporate Boundaries.
- 302. Corporate Boundaries.

ARTICLE IV The Council

- 401. Number, Selection, Term.
- 402. Repealed.
- 403. Qualifications of Councilmembers.
- 404. Salary of Councilmembers.
- 405. Meetings of the Council.
- 406. Forfeiture of Office.
- 407. Vacancies on the Council.
- 408. Mayor to Preside and Vote in Council.
- 409. Quorum.
- 410. Procedure of Council.
- 411. Procedure for Enactment of Resolutions and Ordinances.
- 412. File of Ordinances.

ARTICLE V The Mayor

- 501. Selection and Term.
- 502. Qualifications of the Mayor.
- 503. Compensation of the Mayor.
- 504. Powers and Duties.

- 505. Forfeiture of Office.
- 506. Vacancy in the Office of Mayor.
- 507. Vice–Mayor.

ARTICLE VI

Powers of Council

- 601. General Powers.
- 602. Enumeration of Specific Powers.
- 603. Exercise of Powers.
- 604. Enforcement.

ARTICLE VII

Registration, Nomination, and Elections

- 701. Qualifications of Voters.
- 702. Board of Supervisors of Elections.
- 703. Same – Removal of Members.
- 704. Same – Duties.
- 705. Notice of Elections.
- 706. Registration.
- 707. Appeal from Action of Board of Supervisors of Elections.
- 708. Nominations.
- 709. Election of Mayor and Councilmembers.
- 710. Conduct of Elections.
- 711. Absentee Voting.
- 712. Special Elections.
- 713. Vote Count.
- 714. Preservation of Ballots.
- 715. Regulation and Control by Council.
- 716. Vacancies in Elective Office.

ARTICLE VIII

Finance

- 801. Treasurer.
- 802. Powers and Duties of Treasurer.
- 803. Bond of Treasurer.
- 804. Fiscal Year.
- 805. Proposed Budget.
- 806. Budget Adoption.
- 807. Appropriations.
- 808. Amendments After Adoption of Budget.
- 809. Over–expenditure Forbidden.
- 810. Lapse of Appropriations.

- 811. Checks.
- 812. Taxable Property.
- 813. Tax Levy.
- 814. When Taxes are Overdue.
- 815. Fees.
- 816. Audit.
- 817. Tax Anticipation Borrowing.
- 818. Authority to Borrow Money.
- 819. Previous Issues.
- 820. Purchasing and Contracts.

**ARTICLE IX
Personnel**

- 901. Town Manager.
- 902. Town Clerk.
- 903. Town Attorney.
- 904. Authority to Employ Personnel.
- 905. Merit System Authorized.
- 906. Retirement System.
- 907. Compensation of Employees.
- 908. Employee Benefit Programs.

**ARTICLE X
Public Ways and Sidewalks**

- 1001. Definition of Public Ways.
- 1002. Control of Public Ways.
- 1003. Public Ways; Powers.
- 1004. Sidewalks; Powers.

**ARTICLE XI
Special Assessments**

- 1101. Power.
- 1102. Procedure.

**ARTICLE XII
Town Property**

- 1201. Acquisition, Possession and Disposal.
- 1202. Condemnation.
- 1203. Town Buildings.
- 1204. Protection of Town Property.

ARTICLE XIII
General Provisions

- 1301. Oath of Office.
- 1302. Official [Surety] Bonds.
- 1303. Prior Rights and Obligations.
- 1304. Enforcement and Penalties.
- 1305. Effect of Charter on Existing Ordinances.
- 1306. Separability.

NORTH BRENTWOOD

ARTICLE I Corporate Name

Section 101. Corporate Name.

This is the Charter of the Town of North Brentwood, the corporate name of which is “Town of North Brentwood.”

Section 102. Definitions.

In this Charter, the terms “town,” “city,” “municipality,” or “municipal corporation” shall each mean the Town of North Brentwood.

ARTICLE II General Corporate Powers

Section 201. Enumeration.

The inhabitants of the Town of North Brentwood, 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 of North Brentwood” with all the privileges of a body corporate by that name to sue and be sued, to have and use a common seal, and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE III Corporate Boundaries

Section 301. Description of Corporate Boundaries.

The limits of the Town of North Brentwood shall be as they existed immediately prior to the date of this Charter, subject to all rights, reservations, limitations and conditions as may be set forth in all prior resolutions of annexation and in the Charter of the Town in effect immediately prior to this Charter, and as may be hereafter amended as provided by law.

Section 302. Corporate Boundaries.

The boundaries of the said Town shall be as follows: beginning at the most northerly corner of lot no. 9 of block 1 of Holladay Company’s addition to Brentwood, as shown on the plat of same recorded among the land records of Prince George’s County, Maryland in liber J.W.B. 5 at folio 646, said point being also on the southwest side of Allison Street at a distance of 200 feet northwest from the northwest side of 39th Place, and running thence in a

southwesterly direction parallel to and 200 feet distant from the northwest side of 39th Place, a distance of 600 feet more or less to a point on the prolongation of the back or east side of the lots numbered 2, 3, 4 and 5, fronting on 39th Street of the aforementioned subdivision, and running thence in a southerly direction along said line to the center of Moyer's Mill Race, which is also one of the boundaries of the Town of Brentwood, Maryland, as set forth in Chapter 153 of the Acts of the General Assembly of Maryland, session of 1922, (see note (2)), and continuing thence with the boundary of said Town of Brentwood along the Mill Race in a southeasterly direction to the center line of Wallace Road; thence in a southerly direction along the center line of Wallace Road to the center line of an alley, which is parallel to and 130 feet southwest from the southwest side of Webster Street; and running thence with the center line of said alley southeasterly 440 feet to the southeast side of 40th Street; thence with the southeast side of 40th Street southwesterly 60 feet to the center line of a second alley parallel to and 190 feet southwest from the southwest side of Webster Street; thence with the center line of said alley southeasterly 991 feet more or less to the center line of Rhode Island Avenue; thence in a northeasterly direction along the center line of Rhode Island Avenue approximately 214 feet to the center line of Webster Street; thence along the center line of Webster Street in a southeasterly direction approximately 250 feet; thence running to include lots 11 and 12 of block 12 of aforementioned Holladay Company's addition to Brentwood in a southwesterly direction 100 feet; thence in a southeasterly direction to the westerly edge of the right of way of the Baltimore and Ohio Railroad Company's tracks; thence leaving the boundary of the said Town of Brentwood and following along the said edge of the right of way in a northeasterly direction 1400 feet more or less to the center line of northwest branch of the Anacostia River, and then up said branch to a point where the northwest line of lot 22, block h, of aforementioned subdivision produced would intersect the center line of the said branch, and running thence along the said northwest line of lot 22 produced to the point of beginning. (P.L.L., 1930, Art. 17, Sec. 806; 1943 Code, Sec. 1085; 1953 Code, Sec. 1206; 1924, Ch. 508, Sec. 2; Res. 1983-1, 8-24-83.)

ARTICLE IV

The Council

Section 401. Number, Selection, Term.

(a) All legislative powers of the Town are vested in a Council consisting of three Councilmembers who shall be elected as hereinafter provided and who shall hold office for a term of two years, or until their successors take office. As provided in Section 709 of this Charter, two Councilmembers (Council seats 2 and 3) shall be elected during every even numbered year and one Councilmember (Council seat 1) shall be elected during every odd numbered year. The regular term of the Councilmembers shall expire on the 3rd Monday following the election of their successors.

(b) Councilmembers holding office at the time Charter Amendment Resolution 2008-1 (eliminating Council wards) becomes effective shall continue to hold office for the term for which they were elected or until their successors take office under the provisions of this Charter. (Res. No. 2008-1, 3-25-08.)

Section 402. Repealed.

(Res. No. 2008-1, 3-25-08.)

Section 403. Qualifications of Councilmembers.

Councilmembers shall be at least 25 years of age, shall have resided in the Town for at least one year immediately preceding their election and shall be qualified voters of the Town.

Section 404. Salary of Councilmembers.

Each Councilmember may receive an annual salary which shall be equal for all Councilmembers. Salaries of Councilmembers shall be adopted by ordinance in a public meeting. No change shall be made in the salary paid to Councilmembers during the term for which he/she was elected.

Section 405. Meetings of the Council.

(a) The newly elected Council shall meet at 7:30 p.m. on the 3rd Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk upon the request of the Mayor or a majority of the members of the Council.

(b) All meetings of the Council shall be open to the public unless closed by the Council in accordance with State law. The rules of the Council shall provide that residents shall have a reasonable opportunity to be heard at any public meeting in regard to any municipal question.

Section 406. Forfeiture of Office.

Any Councilmember who, during his/her term of office, ceases to be a legal resident of the Town shall immediately forfeit the office.

Section 407. Vacancies on the Council.

A vacancy occurs when a Councilmember, prior to the expiration of the term for which elected, shall die, resign from office, forfeit office, or be removed from office. Vacancies on the Council shall be filled as provided in Section 716 of this Charter.

Section 408. Mayor to Preside and Vote in Council.

The Mayor shall preside over the meetings of the Council, shall set an agenda, and, except as otherwise provided by this Charter, may vote on all questions before the Council only in the event of a tie vote. If the Mayor is absent from a meeting of the Council, the Vice Mayor

shall preside over the meeting. If both the Mayor and the Vice Mayor are absent from a meeting, the Councilmember with greatest seniority shall preside.

Section 409. Quorum.

A majority of the Council shall constitute a quorum for the transaction of business.

Section 410. Procedure of Council.

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein yeas, nays, absences, and abstentions upon final action on any question, resolution or ordinance, or at any other time if required by any one member. The minutes shall be open to public inspection. No action requiring a vote of the Council shall be taken except in a public meeting.

Section 411. Procedure for Enactment of Resolutions and Ordinances.

(a) *Definitions.*

(1) “Resolution” shall mean a formal expression of opinion, will or intent adopted by a vote of the Council and, unless otherwise required by law, shall not have the force of an ordinance.

(2) “Ordinance” shall mean a legislative enactment adopted in a manner prescribed by this section that shall have the full force of law.

(b) An ordinance or resolution may be introduced by any Councilmember at any public meeting of the Council.

(c) The Council may pass, amend and pass, reject, or defer consideration of an ordinance at any meeting of the Council held not less than six (6) days nor more than sixty (60) days after the meeting at which the ordinance was introduced.

(d) All ordinances passed by the Council shall be promptly delivered by the Clerk to the Mayor for the Mayor’s approval or disapproval. If the Mayor approves any ordinance, the Mayor shall sign it. If the Mayor disapproves any ordinance, the Mayor shall not sign it. The Mayor shall return all ordinances to the Clerk within six (6) days after delivery from the Council (excluding the first day, including the last day, and excluding any Sunday) with his or her approval or disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of the whole Council within thirty (30) calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within six (6) days of its delivery, it shall be deemed approved by the Mayor and shall become law in the same manner as an ordinance signed by the Mayor.

(e) Except as otherwise provided in ordinance or in this Charter, ordinances shall become effective at the expiration of eleven (11) calendar days following adoption by the

Council and approval by the Mayor or passage by the Council over the Mayor's veto unless a different effective date has been specified therein.

(f) In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all the Councilmembers present. An emergency ordinance may be enacted when it is necessary for the immediate preservation of the public peace, health, safety, or welfare. No action shall be taken unless at least two Councilmembers are present. An emergency ordinance may become effective immediately or on a later date as specified therein upon adoption and approval by the Mayor or passage by the Council over the Mayor's veto. No emergency ordinance shall levy any tax or authorize borrowing except as provided in Section 808 of this Charter; abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; sell any public property or land; or create any vested right or interest. Every emergency ordinance shall be plainly designated as such and shall describe the emergency in clear and specific terms. Upon adoption, a fair summary of the emergency ordinance shall be immediately published in the Town newsletter or other newspaper of general circulation in the Town and posted on an official bulletin board to be maintained by the Council in a public place. All emergency ordinances shall have a date of termination not to exceed one (1) year after enactment.

Section 412. File of Ordinances.

(a) Each proposed ordinance shall be posted on an official bulletin board to be maintained by the Council in a public place until it is approved or disapproved pursuant to this Article.

(b) Ordinances in effect shall be permanently filed by the clerk and kept available for public inspection.

ARTICLE V
The Mayor

Section 501. Selection and Term.

The Mayor shall be selected as hereinafter provided and shall hold office for a term of two years or until a successor is elected and qualified. The Mayor shall be elected during every odd numbered year. The newly elected mayor shall take office on the third Monday of May following the election.

Section 502. Qualifications of the Mayor.

The Mayor shall be at least 25 years of age, shall have resided in the Town at least two years immediately preceding election, and shall be a qualified voter of the Town.

Section 503. Compensation of the Mayor.

The Mayor may receive annual compensation as specified by an ordinance passed by the Council in a public meeting. No change shall be made in the salary for any Mayor during the term for which he/she was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finalized prior to the election of the next succeeding Mayor and shall take effect only as to the next succeeding Mayor.

Section 504. Powers and Duties.

(a) *Generally.* The Mayor shall be the chief executive and administrative officer of the Town government who shall enforce the laws of the Town of North Brentwood and generally administer the day to day affairs of the Town.

(b) *Appointments and Removal of Employees and Heads of Offices, Departments and Agencies.* The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the Town government as established by this Charter or by ordinance. All office, department, and agency heads and all subordinate officers and employees of the offices, departments and agencies of the Town government shall be appointed and removed by the Mayor with approval of the Council in accordance with any rules and regulations in any merit system which may be adopted by the Council.

(c) *Reports and Recommendations to Council.* The Mayor shall report annually to the Council the condition of municipal affairs and make such recommendations as the Mayor deems proper for the public good and welfare of the Town.

(d) *Council Meetings.* The Mayor shall serve as presiding officer at all Council meetings. The Mayor may participate in all discussions. The Mayor may vote in the event of a tie vote on any ordinance or other matter before the Council. The Mayor also may vote for declaring an emergency ordinance, or for filling a vacancy on the Council.

(e) *Supervision of Financial Administration of Government.* The Mayor shall have complete supervision over the financial administration of the Town government. The Mayor shall prepare or have prepared annually a budget and submit it to the Council. The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *Veto.* The Mayor shall have the power to veto ordinances passed by the Council as provided in Section 411 (d) of this Charter.

(g) *Other Powers and Duties.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required by the Council, not inconsistent with this Charter.

Section 505. Forfeiture of Office.

The Mayor shall immediately forfeit his/her office if he/she ceases to maintain his or her principal residence in the Town.

Section 506. Vacancy in the Office of Mayor.

A vacancy occurs when the Mayor, prior to the expiration of the term for which he or she is elected, shall die, resign from office, forfeit office, or be removed from office. Vacancies in the office of Mayor shall be filled as provided in Section 716 of this Charter.

Section 507. Vice-Mayor.

The Mayor shall, at the first regular meeting to be held after any Town election, appoint the senior member of the Council to serve as Vice-Mayor. In the absence of the Mayor, the Vice-Mayor shall preside, as set forth in Section 408.

**ARTICLE VI
Powers of Council**

Section 601. General Powers.

In addition to all the powers granted to the Council by this Charter or any other provision of law, the Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.

Section 602. Enumeration of Specific Powers.

The powers of the Council to pass ordinances shall include, but are not limited to the following purposes:

(1) *Advertising.* To provide for advertising, printing and publication of materials relating to the business of the Town, including financial and legal notices required by law or this Charter.

(2) *Amusements.* To provide, in the interest of the public welfare, for the licensing or regulating of theatrical or other public amusements.

(3) *Appropriations.* To appropriate municipal funds for any purpose within the powers of the Council.

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

(5) *Boards, Commissions and Committees.* To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the ordinance which creates it.

(6) *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 in addition to the permits required by the County or other government entity having jurisdiction for the same; 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.

(7) *Codification of Ordinances.* To provide for the codification of all ordinances.

(8) *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.

(9) *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.

(10) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places of the Town at unreasonable hours of the night and at unreasonable hours of the day on school days.

(11) *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.

(12) *Departments.* To create, change, and abolish Town offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(13) *Fees and Charges.* To establish and collect fees and charges for all franchises, licenses, and permits issued by the Town and for all governmental or proprietary functions of the Town.

(14) *Filth.* To compel the occupant of any premises or building in the Town, when it has become filthy or unwholesome, to abate or cleanse the condition; and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(15) *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.

(16) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, telecommunications companies, and any others which may be deemed advantageous and beneficial to the Town, subject to Maryland law.

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

(18) *Grants-in-Aid.* To accept gifts and grants of Federal or State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose.

(19) *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.

(20) *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 or her powers or duties; to inspect, regulate, and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the County Board of Health, or any public, general or local law relating to the subject of health.

(21) *Licenses.* Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting business in the Town for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

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

(23) *Lights.* To provide for the lighting of the Town.

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

(25) *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 displays of goods, wares, and merchandise.

(26) *Noise.* To regulate or prohibit unreasonable noise.

(27) *Nuisances.* To prevent, prohibit or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland or the Town.

(28) *Parades.* To regulate the holding of meetings, processions and parades in Town streets, parks, or other public places.

(29) *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.

(30) *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 to prescribe by ordinance rates and provisions for the use thereof.

(31) *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.

(32) *Police Force.* To establish, operate, and maintain a police force in order to maintain peace and order within the Town, including the power to make arrests and restrain and detain persons who are in violation of the ordinances of the Town or the laws of the State of Maryland.

(33) *Property.* To acquire by conveyance, purchase, eminent domain, or gift, real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; and to control, maintain and protect public buildings, grounds and property of the Town.

(34) *Public Ways and Sidewalks.* To regulate the use of Town streets, roads, alleys, and sidewalks, and all other structures in, under or above the same and to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow, ice, debris and other obstructions.

(35) *Regulations.* To adopt and enforce within the corporate limits of the Town police, health, sanitary, building, traffic, parking, and other similar regulations not in conflict with the laws of the State of Maryland or this Charter.

(36) *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 onto any public or private property in the Town.

(37) *Voting Systems.* To purchase, lease, borrow, install and maintain voting systems for use in Town elections.

Section 603. Exercise of Powers.

For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or, if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Section 604. Enforcement.

To ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof shall be a misdemeanor or a municipal infraction and to affix thereto penalties that do not exceed the maximum penalties prescribed by law.

**ARTICLE VII
Registration, Nomination, and Elections**

Section 701. Qualifications of Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty (30) days immediately preceding the Town election, and (d) is registered to vote in the Town in accordance with provisions of this Charter, is a qualified voter of the Town.

Section 702. Board of Supervisors of Elections.

(a) There shall be a Board of Supervisors of Elections consisting of three members, each representing one of the three Wards, who shall be recommended by the Councilmember of each respective ward and appointed by the Mayor on or before the first Monday of February of each year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for two (2) years. The Board shall appoint one of its members as Chairperson. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. Members of the Board of Elections may be reappointed by the Mayor.

(b) Members of the Board of Supervisors of Elections shall be at least 25 years of age, shall have resided in the Town for at least two years, and shall be qualified voters of the Town pursuant to Section 701 of this Charter. No member of the Board shall hold or be a candidate for any elective office during his or her term of office. Compensation of the members of the Board, if any, shall be determined by the Council.

Section 703. Same – Removal of Members.

Any member of the Board of Supervisors of Elections may be removed by the Mayor, with the approval of the Council, for inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office, or insubordination. Before removal, the member of the Board to be removed shall be given a written copy of the charges and shall have a public hearing before the Council, if a hearing is requested by the member of the Board to be removed, within ten days after receiving the written copy of the charges.

Section 704. Same – Duties.

The Board of Supervisors of Elections shall be in charge of receiving nominations, certifying candidates, conducting all Town elections, and certifying election results. The Board may appoint election clerks or other agents, volunteers or employees to assist in its duties.

Section 705. Notice of Elections.

At least thirty (30) days prior to each Town election, the Board of Supervisors of Elections shall provide notice of the upcoming election in the Town newsletter and by posting a notice thereof in some public place or places in the Town.

Section 706. Registration.

(a) Registration by the Prince George's County Board of Elections shall be deemed registration for Town elections, provided that the person so registered meets the voter qualifications enumerated in this Charter. The Town Board of Supervisors of Elections shall accept the list of registered voters provided by the Prince George's County Board of Elections as a valid registration list for the Town.

(b) No person shall be entitled to vote in a Town election unless he/she is duly registered to vote at least thirty (30) days prior to that election.

Section 707. Appeal from Action of Board of Supervisors of Elections.

If any person is aggrieved by any election result or other action of the Board of Supervisors of Elections, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for Prince George's County within thirty (30) days after the date of the Council action.

Section 708. Nominations.

Persons shall be nominated for elective office in the Town by filing a nominating petition with the Town Clerk at least thirty (30) calendar days prior to the election. A nominating petition for Mayor shall be signed by at least twenty (20) qualified voters in the Town and a nominating petition for Councilmember shall be signed by at least ten (10) qualified voters in the Town. The Town Clerk shall validate all nominating petitions and then shall refer the validated petitions to the Board of Supervisors of Elections. The Board of Supervisors of Elections shall certify all qualified nominees as candidates for the Town general election at least twenty (20) calendar days prior to the election. No person shall file for nomination for more than one elective Town public office at any one time.

Section 709. Election of Mayor and Councilmembers.

(a) On the first Monday of May in odd-numbered years, the qualified voters of the Town shall elect a Mayor and one person to serve as Councilmember (Council seat 1). On the first Monday of May in even-numbered years, the qualified voters of the Town shall elect two persons to serve as Councilmembers (Council seats 1 and 2). (Res. No. 2008-1, 3-25-08.) (See Note (1))

Section 710. Conduct of Elections.

It shall be the duty of the Board of Supervisors of Elections 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 or other voting system. The ballots and/or voting machines or system 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 Board of Supervisors of Elections shall keep the polls open from 1:00 p.m. to 7:00 p.m. on election days, or for longer hours if deemed necessary.

Section 711. Absentee Voting.

(a) Any qualified voter registered to vote in any election of the Town may vote by absentee ballot if the voter is unable to cast a ballot during regularly scheduled polling hours on election day by reason of physical condition or necessary absence. It shall be the duty of the Board of Supervisors of Elections to transmit and receive applications for absentee ballots and to provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote in a manner prescribed by law.

(b) A qualified voter desiring to vote at a Town election as an absentee voter shall make application to the Board of Supervisors of Elections in writing, which application must be received no later than the Monday preceding the election. The application must be signed by the applicant or, if he or she is unable to sign, must bear the mark of the applicant and the signatures of two witnesses.

(c) To be counted, the absentee ballot must be (1) returned to the Town Board of Supervisors of Elections, appropriately signed and sealed, by the close of the polls on election day, or (2) if mailed, postmarked on or before the election day and received by the Board of Supervisors of Elections no later than 5:00 p.m. on the next business day following election day.

Section 712. Special Elections.

(a) All Special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections.

(b) Whenever required by this Charter, it shall be the duty of the Board of Supervisors of Elections to order a special election at a date not less than thirty (30) days nor more than sixty (60) days from the date an office is declared vacant or the date an election results in a tie vote.

(c) Following the special election, any Mayor or Councilmember elected pursuant to this section shall take office at the next meeting of the Council.

Section 713. Vote Count.

(a) Within twenty-four (24) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the election shall be declared elected as Mayor. The candidates for Councilmembers with the highest number of votes in the election shall be declared elected as Councilmembers.

(b) In the event of a tie between any candidates for Mayor or Council in which the tie has a bearing on who shall be declared elected, those candidates shall participate in a special election pursuant to Section 712 of this Charter.

Section 714. Preservation of Ballots.

The Board of Supervisors of Elections shall be responsible for preserving all ballots used in any Town election for at least six months from the date of the election.

Section 715. Regulation and Control by Council.

The Council 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.

Section 716. Vacancies in Elective Office.

(a) In the case of a vacancy on the Council for any reason, the Council shall appoint some qualified person to fill such vacancy for the remainder of the unexpired term provided the vacancy is for less than one hundred eighty (180) days. If the unexpired term is equal to or more than one hundred eighty (180) days, a special election shall be held as prescribed in Section 712 of this Charter.

(b) In the case of a vacancy in the office of Mayor for any reason, a special election shall be called to fill the vacancy as prescribed in Section 712 of this Charter. In the case of any such vacancy which occurs less than ninety (90) days prior to the expiration of the term, the vacancy for the unexpired term shall be filled at the next general election.

ARTICLE VIII
Finance

Section 801. Treasurer.

There shall be a Treasurer appointed by the Mayor with the approval of the Council. The Treasurer shall serve at the pleasure of the Mayor. The Treasurer shall be the chief financial officer of the Town and shall serve under the supervision of the Town Manager or, if there is no Town Manager, under the supervision of the Mayor. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer.

Section 802. Powers and Duties of Treasurer.

Under the supervision of the Mayor, the Treasurer shall have the authority, and shall be required, to:

- (a) Prepare, at the request of the Mayor, an annual budget.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the Mayor and Council may approve, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the Mayor and Council may require, a complete financial report to the Mayor and Council.
- (e) Have custody of all public monies belonging to or under the control of the Town, except funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.

(f) Perform any other duties in relation to the fiscal or financial affairs of the Town as the Mayor and Council may require, or as may be required elsewhere in this Charter.

Section 803. Bond of Treasurer.

The Treasurer shall be bonded with a corporate surety in such amount as the Mayor and Council may require.

Section 804. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June of the following year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 805. Proposed Budget.

The Mayor, on such date as the Council shall determine but at least thirty (30) days before the beginning of any fiscal year, shall submit a proposed budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The proposed budget is a public record and is open to public inspection during normal business hours of the Town Office.

Section 806. Budget Adoption.

The Council shall hold a public hearing on the proposed budget after giving at least two (2) weeks notice of such hearing in the Town newsletter or other newspaper of general circulation within the Town. At any time after the public hearing, the Council may adopt the budget with or without amendment. The Council is not required to provide public notice or conduct additional public hearings in the event that the proposed budget is amended after the public hearing. In amending the budget, the Council may insert new items, or increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the entire Council shall be necessary for adoption.

Section 807. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the amounts stated therein as proposed expenditures shall be and become appropriated to the purposes named therein.

Section 808. Amendments After Adoption of Budget.

(a) *Supplemental Appropriations.* If during the fiscal year there are available for appropriation revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

(b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the Council may make emergency appropriations by emergency ordinance in accordance with the provisions of Section 411(f) of this Charter.

(c) *Transfer of Funds.* Any transfer of funds between major appropriations for different purposes must be approved by the Mayor and Council before becoming effective.

(d) *Procedure.* The authorization of supplemental and emergency appropriations or transfer of funds shall require a two-thirds vote of the entire Council.

Section 809. Over-expenditure Forbidden.

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 of 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, 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.

Section 810. Lapse of Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered. 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.

Section 811. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer and shall be countersigned by the Mayor. In either person's absence or incapacity, the Vice Mayor may sign or countersign a check.

Section 812. Taxable Property.

All real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes. The assessment used shall be the same as

that for State and County taxes. No authority is given by this Section to impose taxes on any property which is exempt from taxation by State law.

Section 813. Tax Levy.

(a) *Rate.* The Council may annually levy such taxes upon taxable real and business personal property within the corporate limits as it deems necessary and shall set the tax rates by resolution prior to adoption of the annual budget.

(b) *Notice of Tax Levy.* Each year after the tax levy is made, the Treasurer or other agent for the Town shall mail or cause to be delivered to each taxpayer or his/her agent or escrow account servicer, at the last known address, a bill of taxes due. The Town may cause Town taxes to be billed with County taxes using Prince George's County as an agent for the Town. Failure to give or receive this tax bill shall not relieve any taxpayer of the responsibility to pay all taxes levied on the taxpayer's property by the dates established in this Charter or by state law.

(c) The Council hereby imposes partial year Town tax on all real property completed or otherwise initially added to the tax roll after the beginning of the tax year. Provisions for the payment of such partial year property tax shall be as set forth in Title 10 of the Tax – Property Article of the Annotated Code of Maryland, as amended from time to time.

(d) *Taxes Constitute Lien.* All taxes levied under this Section shall be a lien on any and all property of the person, corporation, or entity against whom they are levied.

Section 814. When Taxes are Overdue.

(a) Except as otherwise provided in this Charter or applicable state law, real property taxes shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. For owner-occupied residential property on a semi-annual payment schedule, the first installment of property tax shall be due on July 1 of the tax year and shall be overdue and in arrears on October 1 of the tax year. The second installment of property tax shall be due on December 1 of the tax year and shall be overdue and in arrears on January 1 of the tax year. Overdue real property taxes shall incur interest at the rate of two-thirds ($2/3$) of one (1) percent (or the maximum interest rate on overdue taxes allowed by state law) for each month or fraction thereof until paid. In addition to the said interest on overdue taxes, a penalty rate of one (1) percent (or the maximum tax penalty rate allowed by state law) for each month or fraction thereof shall be imposed on all taxes which are overdue and in arrears.

(b) Business personal property taxes may be paid without interest or penalty: (a) on or before September 30, if the bill or account of taxes due is mailed or delivered to the taxpayer on or before August 31 of the taxable year; or (b) on or before thirty (30) days after the date of the tax bill or account is received or reasonably should have been received or is available, if the tax bill is mailed or delivered to the taxpayer after September 1 of the taxable year. Failure to give or receive the notice of taxes required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his/her personal

property. Personal property taxes that have not been paid by the due date shall bear interest at the rate of two-thirds (2/3) of one (1) percent (or the maximum interest rate on overdue taxes allowed by state law) for each month or fraction thereof until the personal property tax is paid. In addition to the said interest on overdue personal property taxes, a penalty rate of one (1) percent (or the maximum tax penalty allowed by state law) for each month or fraction thereof shall be imposed on all personal property taxes that are overdue and in arrears.

Section 815. Fees.

All fees received by an officer or employee of the Town government in his or her official capacity shall belong to the Town government and be accounted for to the Town.

Section 816. Audit.

The financial books and accounts of the Town shall be audited annually as required by State law.

Section 817. Tax Anticipation Borrowing.

During the first six months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property taxes levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than the end of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 818. Authority to Borrow Money.

(a) *General Obligation Bonds.* The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds. The power and obligation of the Town to pay any and all general obligation bonds, notes, or other evidences of indebtedness issued by it under this authority shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes or other evidences of indebtedness and interests thereon, without limitation of amount. Except as otherwise provided, the faith and credit of the Town is hereby pledged for the payment of the principal of [or] the interest on all general obligation bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the general obligation bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

(b) *Revenue Bonds.* The Town shall have the power to issue revenue bonds for one or more revenue-producing projects that serve a proper public purpose. Prior to issuance of revenue bonds, the Council shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the Town shall not be pledged for the payment of revenue bonds.

Section 819. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the Town prior to adoption 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.

Section 820. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Mayor, with the approval of the Council. Expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than five thousand dollars (\$5,000.00) shall be made by competitive bidding and written contracts. The contract shall be awarded to the bidder who offers the lowest responsible and responsive bid. In making the award, the Mayor may consider the quality of goods, time of delivery or completion, and responsibility and references of the bidders. The Mayor shall have the right to reject all bids and readvertise. Written contracts may be protected by such bonds, terms, penalties, and conditions as the Town may require. The Council may provide by ordinance for rules and regulations regarding purchasing and contracts for the Town.

ARTICLE IX Personnel

Section 901. Town Manager.

The Mayor may appoint, subject to the approval of the Council, a Town Manager to be the chief administrative officer of the Town. The compensation for the Town Manager shall be determined by the Council. The Town Manager shall be responsible for the proper administration of all affairs of the Town government and for carrying out the policies determined and approved by the Council. The Town Manager shall attend Council meetings (unless excused therefrom) and may take part in the discussion of all matters coming before the Council. The Town Manager shall perform such other duties as may be prescribed by this Charter or required by the Council not inconsistent with this Charter.

Section 902. Town Clerk.

The Mayor, with approval of the Council, shall appoint a Town Clerk who shall serve as Clerk to the Mayor and Council. The Clerk shall serve at the pleasure of the Council, and the

compensation of the Clerk shall be determined by the Council. The Clerk or designee shall attend meetings of the Council and keep a full and accurate account of the proceedings of the Council. The Clerk shall serve as custodian of all official Town records. The Clerk shall ascertain that all taxable property within the Town is assessed for taxation and arrange for collection of all taxes, special assessments, license fees, liens, and all other revenues of the Town and any other revenues for whose collection the Town is responsible. The Clerk shall perform such other duties as may be required by this Charter or the Council.

Section 903. Town Attorney.

The Mayor with the approval of the Council may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Mayor and Council. The Town Attorney's compensation shall be determined by the Council. The Town shall have the power to employ such other legal consultants as it deems necessary from time to time.

Section 904. Authority to Employ 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.

Section 905. Merit System Authorized.

The Town may provide by ordinance for appointments and promotions in administrative service on the basis of merit and fitness. To carry out this purpose the Council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations.

Section 906. Retirement System.

The Town shall have the power to include its officers and employees within any retirement system or pension system 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.

Section 907. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by a resolution passed by the Council.

Section 908. Employee Benefit Programs.

The Town is authorized and empowered to provide for or participate in, by ordinance, hospitalization or other forms of benefit or welfare programs for its employees, and to expend public monies of the Town for such programs.

ARTICLE X

Public Ways and Sidewalks

Section 1001. Definition of Public Ways.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 1002. Control of Public Ways.

The Town shall have control of all public ways in the Town except those under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, maintain, close, or otherwise regulate the use of public ways in the Town.

Section 1003. Public Ways; Powers.

The Town shall have the power:

- (a) To establish, regulate and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridges, curbs, and gutters.
- (b) To grade, lay out, construct, open, extend, and make new Town public ways.
- (c) To grade, straighten, widen, alter, improve, or close any existing Town public way or part thereof.
- (d) To pave, surface, repave, or resurface any Town public way or part thereof.
- (e) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.
- (f) To name Town public ways.
- (g) To have surveys, plans, specifications, and estimates made for any of the above activities, projects, or parts thereof.
- (h) To abandon public ways.

Section 1004. Sidewalks; Powers.

The Town shall have the power:

(a) To establish, regulate and change from time to time the grade lines, width, and construction materials [of] any sidewalk or part thereof on Town property along any public way or part thereof.

(b) To grade, layout, construct, reconstruct, pave, repave, repair, extend, or otherwise alter a sidewalk on Town property along any public way or part thereof.

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

(d) To require and order the owner of any property abutting on any public way in the Town to perform any project 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.

ARTICLE XI
Special Assessments

Section 1101. Power.

The Town may levy and collect taxes in the form of special assessments in a limited and determinable area for special benefits conferred upon such property by the installation or construction of municipal infrastructure improvements, such as water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction and paving of roads, public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

Section 1102. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

(a) The cost of the project being charged for shall be calculated, apportioned, and levied:

- (1) Equally per front foot, lot, parcel, dwelling unit, or square foot;
- (2) According to the value of the property as determined by the Council; or
- (3) In any other reasonable manner that results in fairly allocating the costs of the project.

(b) No special assessment shall be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five percent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement from which assessed.

(c) 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.

(d) All special assessment charges shall be levied by the Mayor and Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Mayor shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project or 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 Mayor shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificates shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10), and not more than thirty (30), days after the completion of publication and service of notice as provided in this Section. Following the hearing, the Council may vote to proceed with the project and may levy the special assessment.

(e) Any property owner aggrieved by the levying of any special assessment under the provisions of this Section shall have the right to appeal to the Circuit Court of the County within thirty (30) days after the levying of an assessment by the Council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at a rate to be determined by the Council.

(g) All special assessment installments shall be overdue thirty (30) days 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. Unless otherwise provided in the ordinance, special assessments shall bear the same interest and penalties as other Town taxes and shall be subject to the same lien priority and tax sale procedures in case of delinquency as is provided for general Town taxes.

(h) All special assessments shall be billed and collected by the Treasurer or other agent for the Town.

ARTICLE XII Town Property

Section 1201. Acquisition, Possession and Disposal.

The Town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, 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. No. 001-03, 10-22-03.)

Section 1202. Condemnation.

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 proceeding shall be that established by State law.

Section 1203. Town Buildings.

The Town shall have the power to acquire, to obtain by lease or rent, to purchase, to construct, to operate, and to maintain all buildings and structures it deems necessary for the operation of the Town government.

Section 1204. 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.

ARTICLE XIII General Provisions

Section 1301. Oath of Office.

(a) Before entering upon the duties of their offices, the Councilmembers, Clerk, Treasurer, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe 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 may [my] skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and Laws of this State.”

(b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George’s County or before one of the sworn deputies of the Clerk. All others [other] persons taking and subscribing the oath shall do so before the Mayor.

Section 1302. Official [Surety] Bonds.

The Clerk, Treasurer, and such other officers or employees of the Town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town.

Section 1303. Prior Rights and Obligations.

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

Section 1304. Enforcement and Penalties.

(a) The Council shall have the power to declare that a violation of a Town ordinance shall be a misdemeanor and to affix penalties thereof of a fine or imprisonment, or both, not exceeding the maximum allowed by state law.

A party found guilty of a misdemeanor shall have the right to appeal to the extent provided for by State law. 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. Unless otherwise explicitly provided, all violations of Town ordinances shall be municipal infractions.

(b) *Municipal Infractions.*

A violation of a Town ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by State law or other ordinance. Fines for municipal infractions shall not exceed the maximum prescribed by State law.

The fine is payable by the offender to the Town within twenty (20) days after service of the citation. Any person receiving a citation for a municipal infraction may choose to stand trial for the offense in a manner prescribed by State law by notifying the Town in writing within fifteen (15) days after service of the citation. A municipal infraction is a civil offense. Each day a violation continues shall constitute a separate offense for which a citation may be issued and a fine imposed.

Section 1305. Effect of Charter on Existing Ordinances.

(a) 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) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict.

Section 1306. Separability.

If any section or part of a 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 any part of the section so held invalid shall appear.

NOTES

- (1) Thus in Res. No. 2008-1, effective 3-25-08.