

CH2

CHARTER
OF THE
TOWN OF BURKITTSVILLE
FREDERICK COUNTY, MARYLAND

Project M-5

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ARTICLE I

GENERAL CORPORATE POWERS

Section 101. Corporate Name

The inhabitants of Burkittsville within the corporate limits legally established from time to time are hereby constituted and continued a body corporate, by the name of "The Town of Burkittsville" 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.

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ARTICLE II

CORPORATE LIMITS

Section 201. Records of Corporate Boundaries

The corporate limits or boundaries of the Town of Burkittsville shall be filed at all times with the clerk of the Circuit Court for Frederick County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference and in the office of the Town Clerk.

Section 202. Description of Corporate Boundaries

The corporate limits of the Town of Burkittsville may include all the territory within the following boundaries: Beginning at the fork of the Burkittsville-Gapland-Locust Valley Road, which lies four-tenths of a mile northwest of the square in Burkittsville; thence northeast to crest of Red Hill, where the dividing line separates the properties of John S. Zecker and Edgar Y. Shafer and which point lies fifty-five hundredths of a mile from the square of Burkittsville; thence southeast to the point where the Old Mill Lane joins the Burkittsville-Jefferson Road, which point is eight-tenths of a mile from the square in Burkittsville; thence southwest to the point where the Samuel Ausherman Farm Lane meets the Burkittsville-Brunswick Pike which point lies four-tenths of a mile from the square of Burkittsville; then northward to the point of beginning, which is the fork of the Gapland-Locust Valley-Burkittsville Road.

1 ARTICLE III

2
3 THE COUNCIL

4
5
6 Section 301. Number, Selection, Term

7
8 All legislative powers of the Town are vested in a body
9 designated as "The Council of Burkittsville," consisting of three
10 (3) Councilmembers who are elected as hereinafter provided. The
11 regular term of the Councilmembers is three (3) years or until
12 their successors have been elected and qualified. Newly elected
13 Councilmembers take office on the first meeting in July following
14 their election. Each Councilmember holding office at the time this
15 Charter becomes effective will continue to hold office for the term
16 for which the councilmember was elected and until a successor takes
17 office under the provisions of this Charter.

18
19 Section 302. Qualification of Councilmembers

20
21 Councilmembers shall have resided in the Town for at least six
22 (6) months immediately preceding their election and shall be
23 qualified voters of the Town. Councilmembers shall maintain a
24 permanent residence in the Town during their term of office.

25
26 Section 303. Salary of Councilmembers

27
28 Each Councilmember may receive an annual salary which shall be
29 equal for all Councilmembers and may be as specified by a majority
30 of the registered voters of the town present and voting at the Town
31 Convention; provided, however, that the salary specified at the
32 time any Council takes office may not be changed during the period
33 for which that Council was elected. The Town Convention vote
34 making any change in the salary paid to Councilmembers, either by
35 way of increase or decrease, shall take effect only as to the
36 members of the next succeeding Council.

37
38 Section 304. Meetings of the Council

39
40 The newly elected Council shall take office on the first
41 meeting in July, after which the Council shall meet regularly at
42 such time as may be prescribed by its rules, but not less than six
43 (6) times a year. Special meetings may be called by the Clerk-
44 Treasurer upon written request of the Mayor, or a majority of the
45 members of the Council. All meetings of the Council shall be open
46 to the public, and the rules of the Council shall provide that the
47 residents and/or property owners of the Town will have a reasonable
48 opportunity to be heard at any meeting in regard to any municipal
49 question.
50

1 Section 305. Council to Judge Qualifications of its Members

2
3 The Council shall be the judge of the election and
4 qualification of its members.
5

6 Section 306. Quorum

7
8 A majority of the Councilmembers shall constitute a quorum for
9 the transaction of business, but no ordinance may be approved nor
10 any other action taken without the favorable votes of a majority of
11 the Councilmembers.
12

13 Section 307. Procedures of Council

14
15 The Council shall determine its own rules and order of
16 business. It shall keep minutes of its proceedings and enter
17 therein the yeas, nays, or abstentions upon final action of any
18 question, resolution, or ordinance, or at any other time if
19 required by any one member. The minutes shall be open to public
20 inspection.
21

22 Section 308. Vacancies on the Council

23
24 In the event of a vacancy on the Council for any reason, the
25 Councilmembers by a majority vote shall appoint some person
26 qualified in accordance with Section 302, to fill such vacancy for
27 the remainder of the unexpired term.
28

29 Section 309. Ordinances

30
31 (a) In order to enable the Council of Burkittsville to fully
32 exercise the power conferred upon them by this Charter and to
33 enable them to better promote and preserve the public health,
34 safety and welfare, the Councilmembers of Burkittsville may pass
35 all ordinances or by-laws that are from time to time necessary.
36

37 (b) An ordinance may be passed at the meeting at which it is
38 introduced. Each ordinance shall become effective on the date
39 specified in the ordinance, but no ordinance shall become effective
40 until approved by the Mayor, or passed over his/her veto by the
41 Council as provided in this Charter.
42

43 (c) Any emergency ordinance shall become effective on the
44 date specified in the ordinance, but never until it has been
45 approved by the Mayor and the Council.
46

47 (d) All ordinances passed by the Council shall be promptly
48 delivered by the Clerk-Treasurer to the Mayor for his/her approval.
49 If the Mayor approves any ordinance, he/she shall sign it. If the
50 Mayor disapproves any ordinance, he/she shall not sign it. The
51 Mayor shall return all ordinances to the Clerk-Treasurer within
52 twenty (20) days after delivery to him/her (including the days of

1 delivery and return and excluding Sunday) with his/her approval or
2 disapproval. Any ordinance approved by the Mayor shall be law.
3 Any ordinance disapproved by the Mayor shall be returned with a
4 message stating the reasons for his/her disapproval. Any
5 disapproved ordinance shall not become a law unless subsequently
6 passed by a unanimous vote of the elected members of the Council at
7 the next Council meeting. If the Mayor fails to return any
8 ordinance within twenty (20) days of its delivery as aforesaid, it
9 shall be deemed to be approved by the Mayor and shall become law in
10 the same manner as an ordinance signed by him/her.
11

12 (e) Each ordinance may be posted on a public bulletin board
13 in the Town of Burkittsville for one (1) week after it becomes
14 effective.
15

16 Section 310. Files of Ordinances
17

18 Ordinances shall be permanently filed by the Clerk-Treasurer
19 and shall be kept available for public inspection.
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ARTICLE IV

THE MAYOR

Section 401. Selection and Term

The Mayor shall be elected as hereinafter provided and shall hold office for a term of three (3) years or until his/her successor is elected and qualified. The newly elected Mayor shall take office on the first meeting in July following his/her election. The Mayor holding office at the time this charter becomes effective will continue to hold office for the term for which he/she was elected and until his/her successor takes office under the provisions of this charter.

Section 402. Qualifications of the Mayor

The Mayor must have resided in the Town for at least six (6) months immediately preceding his/her election, be at least twenty-one (21) years of age, and must be a qualified voter of the Town. The Mayor must maintain permanent residence in the Town during his/her term of office.

Section 403. Salary of the Mayor

The Mayor may receive an annual salary as specified by a majority of the registered voters of the town present and voting at the Town Convention; provided, however that the salary specified at the time any Mayor takes office may not be changed during the period for which that Mayor was elected. The Town Convention vote making any change in the salary paid to the Mayor, either by way of increase or decrease, shall take effect only as to the next succeeding Mayor. The Mayor may not hold a dual salary, that is he/she may not be paid by the town in any capacity other than that of Mayor.

Section 404. Powers and Duties

(a) General. The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and head of the administrative branch of the town. As chief elected official of the Town, the Mayor shall be recognized as head of the Town government for intergovernmental affairs and ceremonial purposes, by the Courts for service and receipt of civil process, and by the governor for purpose of military law.

(b) Appointments. 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 shall serve

1 at the pleasure of the Mayor. All subordinate officers and
2 employees of the offices, departments and agencies of the town
3 government shall be appointed and removed by the Mayor, in
4 accordance with rules and regulations which may be adopted by the
5 Council.

6
7 (c) Reports. The Mayor each year shall report to the Council
8 the condition of municipal affairs and make such recommendations as
9 are proper for the public good and the welfare of the Town.

10
11 (d) Finances. The Mayor shall have complete supervision over
12 the financial administration of the town government. The Mayor
13 shall prepare, or have prepared, an annual budget and submit such
14 to the Council. The Mayor shall supervise the disbursement of all
15 monies and have control over all expenditures to assure that the
16 budget appropriations are not exceeded.

17
18 (e) Veto. The Mayor shall have the power to veto ordinances
19 passed by the Council, as provided in this charter.

20
21 (f) Council meetings. The Mayor shall serve as President of
22 the Council. The Mayor may take part in all discussions and shall
23 have a vote only to break a tie on all issues before the Council.

24
25 (g) Other. The Mayor shall have such other powers and
26 perform such other duties as may be prescribed by this Charter or
27 as may be required of him/her by the Council, but not inconsistent
28 with this Charter.

29
30 Section 405. Vacancy in Office of the Mayor

31
32 In the event of a vacancy in the Office of Mayor for any
33 reason, the Council shall elect some person who possesses the
34 qualifications contained in section 402 of this Charter, to fill
35 the vacancy for the remainder of the unexpired term. Any such
36 vacancy shall be filled by the favorable votes of a majority of the
37 members of the Council.

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ARTICLE V

GENERAL POWERS

Section 501. General Powers

The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Town.

Section 502. Specific Powers

The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of this State, for the specific purposes provided in, but not limited to, the remaining subsections of this section.

(1) Administrative. To create, change, or abolish offices and departments and to assign additional functions to offices and departments but not including the power to change, abolish or discontinue any office or department or to transfer any function of an office or department established by this Charter.

(2) Advertising. To provide for advertising for the purposes of the Town, for printing, and publishing statements as to the business of the Town.

(3) 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.

(4) Amusements. To provide in the interest of public welfare for licensing, regulating, or restraining public amusements.

(5) Appropriations. To appropriate municipal monies for any purpose within the powers of the Council.

(6) Billboards and Signs. To regulate, restrain, or prohibit the erection or maintenance of billboards, 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.

1 (7) Bridges and Streets. To erect and maintain bridges, and to
2 construct, maintain and improve the streets and to control the
3 public ways of the Town.
4

5 (8) Buildings. To make reasonable regulations in regard to
6 buildings and signs to be erected, constructed, or reconstructed in
7 the Town, and to grant building permits for them; to formulate a
8 building code and a plumbing code and to appoint a building
9 inspector and a plumbing inspector, and to require the inspection
10 of all buildings and structures and to authorize the condemnation
11 thereof in whole or in part when dangerous or insecure, and to
12 require that such buildings and structures be made safe or be taken
13 down.

14 (9) Cemeteries. To regulate or prohibit the interment of
15 bodies within the municipality and to regulate cemeteries.
16

17 (10) Codification. To provide for the codification of all
18 ordinances which have been or may hereafter be passed.
19

20 (11) Community Services. To provide, maintain, and operate
21 community and social services for the preservation and promotion of
22 the health, recreation, welfare and enlightenment of the
23 inhabitants of the town.
24

25 (12) Cooperative Activities. To make agreements with other
26 municipalities, counties, districts, bureaus, commissions, and
27 governmental authorities for the joint performance of or for
28 cooperation in the performance of any governmental functions.
29

30 (13) Curfew. To prohibit the youth of the town from being in
31 the streets, lanes, alleys or public places at unreasonable hours
32 of the night.
33

34 (14) Dangerous Conditions. To compel persons about to
35 undertake improvements which may create a dangerous condition, to
36 execute bonds with sufficient sureties that the owner or contractor
37 will pay all damages resulting from such work which may be
38 sustained by any persons or property.
39

40 (15) Disorderly Houses. To suppress bawdy houses, disorderly
41 houses and houses of ill fame.
42

43 (16) Dogs. To regulate the keeping of dogs in the town and to
44 provide, wherever the county does not license or tax dogs, for the
45 licensing and taxing of the same; to provide for the disposition of
46 homeless dogs and dogs on which no license fee or taxes are paid.
47

48 (17) Explosives. To regulate or prevent the storage of
49 gunpowder, oil, or any other explosive or combustible matter; to
50 regulate or prevent the use of firearms, fireworks, bonfires,
51 explosives, or any other similar things which may endanger persons
52 or property.

1 (18) Filth. To compel the owner or occupant of any premises,
2 building or outhouse situated in the town, when the same has become
3 filthy or unwholesome, to abate or cleanse the conditions and after
4 reasonable notice to the owner or occupant to authorize such work
5 to be done by the proper officers and to assess the expense thereof
6 against such property, making it collectible by taxes or against
7 the owner or occupant.
8

9 (19) Finances. To levy, assess, and collect ad valorem
10 property taxes, to expend municipal funds for any public purpose;
11 to have general management and control of the finances of the Town;
12 to appropriate municipal monies for any purpose within the powers
13 of the Mayor and Council; to borrow money in accordance with the
14 provisions of this Charter.
15

16 (20) Fire. To suppress fires and prevent the dangers thereof
17 and to establish and maintain a fire department; to contribute
18 funds to volunteer fire companies serving the Town; to inspect
19 buildings for the purpose of reducing fire hazards, and to forbid
20 and prohibit the use of fire-hazardous buildings and structures
21 permanently or until the conditions of town fire-hazard regulations
22 are met; to install and maintain fire plugs where and as necessary,
23 and to regulate their use; and to take all other measures necessary
24 to control and prevent fires in the Town.
25

26 (21) Franchises. To grant and regulate franchises to water
27 companies, electric light companies, gas companies, telegraph and
28 telephone companies, transit companies, taxicab companies, cable
29 television systems, (following current FCC regulations) and any
30 others which may be deemed advantageous and beneficial to the Town,
31 subject, however, to the laws of the State of Maryland. No
32 franchise may be granted for a period longer than fifty (50) years.
33

34 (22) Grants-in-Aid. To accept gifts and grants of federal or
35 state funds from the Federal or State governments or any agency
36 thereof or any person or organization and to expend the funds for
37 any lawful purpose in accordance with the conditions under which
38 the gifts or grants were made.
39

40 (23) Hawkers. To license, tax, regulate, suppress and prohibit
41 hawkers and itinerant dealers, peddlers, pawnbrokers, and other
42 persons selling any articles on the streets of the town, and to
43 revoke such licenses for cause.
44

45 (24) Health. To protect and preserve the health of the Town
46 and its inhabitants; to appoint a public health officer, and to
47 define and regulate his/her powers and duties; to prevent the
48 introduction of contagious diseases into the Town; to establish
49 quarantine regulations, and to authorize the removal and
50 confinement of persons having contagious or infectious diseases; to
51 prevent and remove all nuisances, to inspect, regulate, and abate
52 any buildings, structures, or places which causes or may cause

1 unsanitary conditions or conditions detrimental to health; that
2 nothing herein may be construed to affect in any manner any of the
3 powers and duties of the State Department of Health and Mental
4 Hygiene and the Board of Health and the Health Department of
5 Frederick County, or any public, general or local law relating to
6 the subject of health.
7

8 (25) House numbers. To regulate the numbering of houses and
9 lots and to compel owners to renumber them, or in default thereof
10 to authorize and require the work to be done by the town at the
11 owner's expense, such expense to constitute a lien upon the
12 property collectible as tax moneys.
13

14 (26) Jail. To establish and regulate a station house or lock-
15 up for temporary confinement of violators of the laws and
16 ordinances of the Town or to use the county jail for such purpose.
17

18 (27) Licenses. Subject to any restrictions imposed by the
19 public general laws of the State, to license and regulate all
20 persons beginning or conducting transient or permanent business in
21 the Town for the sale of any goods, wares, merchandise, or
22 services; to license and regulate any business, occupation, trade,
23 calling or place of amusement or business; to establish and collect
24 fees and charges for all licenses and permits issued under the
25 authority of this Charter.
26

27 (28) Liens. To provide that any valid charges, taxes or
28 assessments made against any real property inside or outside of the
29 town's boundaries, may be liens upon such property, to be collected
30 as property taxes are collected.
31

32 (29) Lights. To provide for the lighting of the Town.
33

34 (30) Livestock. To regulate and prohibit the running at large
35 of cattle, horses, swine, fowls, sheep, goats, dogs, or other
36 animals; to authorize the impounding, keeping, sale and redemption
37 of such animals if found in violation of the ordinance in such
38 cases provided.
39

40 (31) Nuisances. To prevent or abate by appropriate ordinance
41 all nuisances in the Town which are so defined by common law, by
42 this Charter, or by the laws of the State of Maryland, whether the
43 same be herein specifically named or not; to regulate, to prohibit,
44 to control the location of, or to require the removal from the Town
45 of all trading in, handling of, or manufacture of any commodity
46 which is or may become offensive, obnoxious, or injurious to the
47 public comfort or health. In this connection, the Town may
48 regulate, prohibit, and control the location of, or require the
49 removal from the Town of such things as stockyards,
50 slaughterhouses, cattle or hog pens, tanneries, and rendaries.
51 This listing is by way of enumeration, not limitation.
52

1 (32) Obstructions. To remove all nuisances and obstructions
2 from the streets, lanes and alleys and from any lots adjoining
3 thereto, or any other places within the limits of the Town.
4

5 (33) Parking Facilities. To license and regulate and to
6 establish, obtain by purchase, by lease or by rent, own, construct,
7 operate, and maintain parking lots and other facilities for off-
8 street parking.
9

10 (34) Parking Meters. To install parking meters on streets and
11 public places of the Town in such places as they may be ordinance
12 determine, and by ordinance to prescribe rates and provisions for
13 the use thereof, except that the installation of parking meters on
14 any street or road maintained by the State Highway Administration
15 of Maryland must first be approved by the State Highway
16 Administration.
17

18 (35) Parks and Recreation. To establish and maintain public
19 parks, gardens, playgrounds, and other recreational facilities and
20 programs to promote the health, welfare, and enjoyment of the
21 inhabitants of the Town.
22

23 (36) Planning and Zoning. To exercise the power as to planning
24 and zoning, conferred upon municipal corporations generally by the
25 laws of the State of Maryland.
26

27 (37) Police Force. To establish, operate, and maintain a
28 police force. All town policemen, within the municipality shall
29 have the powers and authority of constables in this State.
30

31 (38) Police Powers. To prohibit, suppress, and punish within
32 the Town all vice, gambling, games of chance; prostitution and
33 solicitation therefore, and the keeping of bawdy houses and houses
34 of ill fame; all tramps and vagrants; all disorder, disturbances,
35 annoyances, disorderly conduct, obscenity, public profanity, and
36 drunkenness. To enforce all ordinances relating to disorderly
37 conduct and the suppression of nuisances equally within the limits
38 of the municipality and beyond those limits for one-half mile, or
39 for so much of this distance as does not conflict with the powers
40 of another municipal corporation.
41

42 (39) Property. To acquire by conveyance, purchase or gift,
43 real or leasehold property for any public purposes; to erect
44 buildings and structures thereon for the benefit of the town and
45 its inhabitants; and to convey any real or leasehold property when
46 no longer needed for the public use, after having given at least
47 twenty (20) days public notice of the proposed conveyance; to
48 control, protect, and maintain public buildings, grounds and
49 property of the town.
50

51 (40) Quarantine. To establish quarantine regulations in the
52 interests of the public health.

1 (41) Regulations. To adopt by ordinance and enforce within the
2 corporate limits policy, health, sanitary, fire, building,
3 plumbing, traffic, speed, parking, and other similar regulations
4 not in conflict with the laws of the State of Maryland or with this
5 Charter.
6

7 (42) Sidewalks. To regulate the use of sidewalks and all
8 structures in, under or above the same; to require the owner or
9 occupant of premises to keep the sidewalks in front thereof free
10 from snow or other obstructions; to prescribe hours for clearing
11 and cleaning sidewalks.
12

13 (43) Sweepings. To regulate or prevent the throwing or
14 depositing of sweepings, dust, ashes, offal, garbage, paper,
15 handbills, dirty liquids or other unwholesome materials into any
16 public way or onto any public or private property in the town.
17

18 (44) Taxicabs. To license, tax, and regulate all operators of
19 taxicabs, cabs and hacks; all drivers whether they be called
20 draymen or cabmen, all porters and expressmen, and all other
21 persons pursuing like occupations.
22

23 (45) Vehicles. To regulate and license any vehicles not
24 subject to the licensing powers of the State of Maryland.
25

26 (46) Voting Machines. To purchase, lease, borrow, install and
27 maintain voting machines for use in town elections.
28

29 (47) Environment Protection. To provide for the protection,
30 promotions and preservation of the natural environment, including,
31 but not limited to, trees, plants, animals, rivers and streams,
32 watersheds and air.
33

34 (48) Historic Preservation. To provide for the preservation,
35 maintenance, restoration, rehabilitation, and promotion of historic
36 sites and structures.
37

38 (49) Seal. To make, have, and use, and from time to time,
39 alter, a common seal.
40

41 (50) Saving Clause. The enumeration of powers in this section
42 is not to be construed as limiting the powers of the Town to the
43 several subjects mentioned.

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ARTICLE VI

NOMINATIONS AND ELECTIONS

Section 601. Qualifications of Voters.

Every person who is registered in accordance with the provisions of the State of Maryland through the Frederick County Board of Supervisors of Election and has been a resident of the Town of Burkittsville for at least thirty (30) days prior to the election, shall be a registered voter of the Town of Burkittsville.

Section 602. Clerk-Treasurer Duties as Supervisor of Elections

The Clerk-Treasurer shall verify the registration of voters, nominations and all town elections. The Mayor and Council may appoint election clerks or others to assist the Clerk-Treasurer in any of his/her duties, but no salary, expense or other compensation shall be paid to such appointees except as provided by the Council.

Section 603. Notice

The Clerk-Treasurer, acting as Supervisor of Elections, shall give at least thirty (30) days notice prior to the nomination convention and election day by an advertisement published in at least one newspaper of general circulation in the Town and may post a notice thereof on a public bulletin board.

Section 604. Registration

Registration shall be through the Frederick County Board of Supervisors of Elections. The Clerk-Treasurer, acting as Supervisor of Elections, shall review the voter list as sent by the Board of Supervisors of Elections, striking from the list persons known to have died or moved out of town.

Section 605. Appeals

If any person is aggrieved by the action of the Clerk-Treasurer, acting as Supervisor of Elections, that person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court of Frederick County within thirty (30) days of the decision or action of the court.

Section 606. Nominations

Candidates for town elections shall be chosen at a Town Convention held on the first Monday in May of every election year. Only registered voters of the town may participate in the Town Convention. The procedure of the Town Convention shall be as follows:

1 (1) The Mayor shall act as temporary chairperson of the Town
2 Convention and shall call the Convention to order. The first order
3 of business of the Convention shall be the election of a Convention
4 Chairperson who shall be a registered voter of the town, and who
5 shall be elected by a majority of the registered voters present and
6 voting on the question.
7

8 (2) The Convention Chairperson shall then receive nominations
9 from the Convention assembled, for the Office of the Mayor.
10

11 a. If not more than two names have been placed in
12 nomination, there shall be no balloting of the Convention for
13 candidates for Mayor. In such instances, those nominated for Mayor
14 shall be considered as nominees and their names shall be placed on
15 the ballots or voting machines at the general election.
16

17 b. If more than two persons have been nominated by the
18 Convention assembled, for the Office of Mayor, the Convention shall
19 ballot, either by a show of hands or by paper ballot, for no more
20 than two (2) people and the two nominees receiving the highest
21 number of votes cast shall be named and considered as nominees and
22 their names shall be placed on the ballot or voting machines at the
23 general election.
24

25 c. In the event only one person is nominated for the
26 Office of Mayor by the Convention assembled, the chairperson shall
27 declared the nominee nominated and elected, and shall so certify
28 the nomination and election of the Mayor to the Mayor and Council,
29 and at the general election, no name shall appear on the ballot to
30 be voted on for Mayor.
31

32 (3) The Convention Chairperson shall then receive nominations
33 from the Convention assembled, for the office of Councilmembers.
34

35 a. If not more than six (6) names have been placed in
36 nomination, there shall be no balloting at the Town Convention for
37 candidates for Councilmember. In such instances, those nominated
38 for Councilmember shall be considered as nominees, and their names
39 shall be placed on the ballots or voting machines at the general
40 election.
41

42 b. If more than six (6) persons have been nominated by
43 the Town Convention assembled, for the office of Councilmember, the
44 Convention shall ballot, either by a show of hands or by paper
45 ballot, for no more than six (6) people. Those receiving the
46 highest number of votes cast shall be named and considered as
47 nominees and their names shall be placed on the ballots or voting
48 machines at the general election.
49

50 c. In the event only three (3) persons are nominated for
51 the office of Councilmember by the Convention assembled, the
52 chairperson shall declare the three (3) nominees nominated and

1 elected, and shall so certify the nomination and election of the
2 Councilmembers to the Mayor and Council, and at the general
3 election, no names shall appear on the ballot to be voted on for
4 Councilmember.
5

6 4. Only those persons who meet the qualifications for Mayor
7 and for Councilmember as provided for by this Charter, may be
8 placed in nomination by the Town Convention assembled. A qualified
9 person's name may be placed in nomination by a motion from the
10 floor of the Town Convention assembled, and properly seconded from
11 the floor of the Town Convention.
12

13 Section 607. Election of the Mayor and Council
14

15 (a) On the first Monday in June 1965, and every three years
16 thereafter, the registered voters of the town shall elect one
17 person as Mayor and three persons as Councilmembers to serve for
18 terms of three years.
19

20 Section 608. Conduct of Elections
21

22 (a) Elections shall be on a non-partisan basis. The ballots
23 and/or voting machines shall show the name of each candidate
24 nominated for elective office in accordance with the provisions of
25 this Charter, arranged in alphabetical order by office with no party
26 designation of any kind.
27

28 (b) It shall be the duty of the Clerk-Treasurer, acting as
29 Supervisor of Elections, to provide a suitable place or places for
30 voting and suitable ballots boxes and/or voting machines for each
31 general and special election.
32

33 (c) The Clerk- Treasurer, acting as Supervisor of Elections,
34 shall keep the polls open from 2:00 P.M. to 7:00 P.M. on election
35 days, or such other hours as may be designated by the Council
36

1 Section 609. Special Elections

2
3 All special elections shall be conducted by the Clerk-
4 Treasurer, acting as Supervisor of Elections, in the same manner
5 and with the same personnel, as far as practicable, as regular Town
6 elections.
7

8 Section 610. Vote Count

9
10 (a) Within forty-eight (48) hours after the closing of the
11 polls, the Clerk-Treasurer, acting as Supervisor of Elections,
12 shall determine the number of votes cast for each candidate or
13 question and shall certify the results of the election to the Mayor
14 who shall record the results in the minutes of the Council.
15

16 (b) The candidate for the office of Mayor with the highest
17 number of votes in the general election shall be declared elected
18 as Mayor.
19

20 (c) The three (3) candidates for Councilmember with the
21 highest number of votes in the general election shall be declared
22 elected as Councilmembers.
23

24 (d) In the case of any precise tie between two candidates for
25 elected office, which would prevent one of them holding office, a
26 run-off election may be held within the next thirty (30) days.
27

28 Section 611. Preservation of Ballots

29
30 All ballots and records used in any Town election shall be
31 preserved for at least six (6) months from the date of election.
32

33 Section 612. Regulation and Control

34
35 The Council shall have the power to provide by ordinance in
36 every respect not covered by the provisions of this Charter for the
37 conduct of nomination and town elections and for the prevention of
38 fraud in connection therewith, and for a recount of ballots in case
39 of doubt or fraud.
40

41 Section 613. Violations and Penalties

42
43 Any person who (a) fails to perform any duty required under
44 the provisions of this article or any ordinances passed thereunder,
45 (b) in any manner willfully or corruptly violates any of the
46 provisions of this subtitle or any ordinances passed thereunder, or
47 (c) willfully or corruptly does anything which will, or will tend
48 to affect fraudulently any nomination or elections, shall be deemed
49 guilty of a misdemeanor. Any officer or employee of the Town
50 government who is convicted of a misdemeanor under the provisions
51 of this section shall immediately upon conviction thereof cease to
52 hold such office or employment.

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ARTICLE VII

FINANCE

Section 701. 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 each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 702. Budget

The Mayor shall prepare and submit a budget to the Council not less than thirty-two (32) days before the beginning of any fiscal year. 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 Town Clerk-Treasurer open to public inspection by anyone during normal business hours.

Section 703. Budget Adoption

Before adopting the budget the Council shall hold a public hearing thereon after due notice has been given on a public bulletin board in the Town of Burkittsville. The Council may insert new items or shall increase or decrease the total proposed expenditures. For any increases, 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 total elected membership of the Council is necessary for adoption.

Section 704. Appropriations - Approval

No public money may be expended without having been approved and appropriated by the Council.

Section 705. Transfer of Funds

Any transfer of funds between appropriations for different purposes must be approved by the Council before becoming effective.

Section 706. 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

1 for any purpose, in excess of the amount appropriated for or
2 transferred to that general classification of expenditure pursuant
3 to this Charter. Any contract, verbal or written, made in
4 violation of this section shall be null and void. Nothing in this
5 section contained, however, may prevent the making of contracts for
6 the spending of money for capital improvements to be financed in
7 whole or in part by the issuance of bonds, nor the making of
8 contracts of lease or for services for a period exceeding the
9 budget year in which such contract is made, when such contract is
10 permitted by law.

11
12 Section 707. Appropriations Lapse After One Year

13
14 All appropriations shall lapse at the end of the budget year
15 to the extent that they shall not have been expended or lawfully
16 encumbered. Any unexpended and unencumbered funds shall be
17 considered a surplus at the end of the budget year and shall be
18 included among the anticipated revenues for the next succeeding
19 budget year.

20
21 Section 708. Checks

22
23 All checks issued in payment of salaries or other municipal
24 obligations shall be signed by the Town Clerk-Treasurer and shall
25 be countersigned by the Mayor.

26
27 Section 709. Taxable Property

28
29 All real property within the corporate limits of the Town
30 shall be subject to taxation for municipal purposes. The
31 assessment used for municipal taxation shall be the same as that
32 for state and county taxes. No authority is given by this section
33 to impose taxes on property which is exempt from taxation by any
34 Act of the General Assembly.

35
36 Section 710. Budget Authorized Levy

37
38 From the effective date of the budget, the amount stated
39 therein as the amount to be raised by the property tax shall
40 constitute a determination of the amount of the tax levy in the
41 corresponding tax year.

42
43 Section 711. Notice of Tax Levy

44
45 Each year after the tax levy is made, the Town Clerk-Treasurer
46 shall mail or have delivered in person to each tax payer or his/her
47 agent at his/her last known address or to such address as provided
48 by the property owner to the Town Clerk-Treasurer, a bill or
49 account of the taxes due from him/her. This bill or account shall
50 contain a statement of the amount of real estate property with
51 which the taxpayer is assessed, the rate of taxation, the amount of
52 taxes due, and the date on which the taxes will bear interest.

1 Failure to give or receive notice required by this section shall
2 not relieve any taxpayer of the responsibility to pay on the dates
3 established by this Charter all taxes levied on his/her property.
4

5 Section 712. When Taxes are Overdue
6

7 The taxes provided for in Section 709 of this Charter shall be
8 due and payable on the first day of July in the year for which they
9 are levied and shall be overdue and in arrears on the date
10 specified by Frederick County for Frederick County taxes. They
11 shall bear interest which in arrears at a rate not in excess of
12 two-thirds of one per centum (2/3%) for each month or fraction of
13 a month until paid. All taxes not paid and in arrears after such
14 day as specified by Frederick County for Frederick County taxes
15 shall be collected as provided in Section 713.
16

17 Section 713. Sale of Tax Delinquent Property
18

19 A list of all property on which Town taxes have not been paid
20 and which are in arrears as provided by Section 712 of this Charter
21 shall be turned over by the Clerk-Treasurer to the official of the
22 county responsible for the sale of tax delinquent property as
23 provided by State law. All property listed thereon shall, if
24 necessary, be sold for taxes by this county official, in the manner
25 prescribed by State law.
26

27 Section 714. Fees
28

29 All fees received by an officer or employee of the Town in
30 his/her official capacity shall belong to the town government and
31 shall be accounted for by the officer or employee.
32

33 Section 715. Audit
34

35 The financial books and accounts of the Town shall be audited
36 annually in a manner determined by the Council but not contrary to
37 applicable State law.
38

39 Section 716. Tax Anticipation Borrowing
40

41 During the first six (6) months of any fiscal year, the Town
42 shall have the power to borrow in anticipation of the collection of
43 the property tax levied for that fiscal year, and to issue tax
44 anticipation notes or other evidences of indebtedness as evidence
45 of such borrowing. Such tax anticipation notes or other evidences
46 of indebtedness shall be a first lien upon the proceeds of such tax
47 and shall mature and be paid not later than the end of the fiscal
48 year in which they are issued. No tax anticipation notes or other
49 evidences of indebtedness shall be issued which will cause the
50 total tax anticipation indebtedness of the Town to exceed fifty
51 (50%) of the property tax levy for the fiscal year in which such
52 notes or other evidence of indebtedness are issued. All tax

1 anticipation notes of other evidences of indebtedness shall be
2 authorized by ordinance before being issued. The Council shall
3 have the power to regulate all matters concerning the issuance and
4 sale of tax anticipation notes.
5

6 Section 717. Authorization to Borrow Money
7

8 The Town shall have the power to borrow money for any proper
9 public purpose and to evidence such borrowing by the issue and sale
10 of its general obligation bonds, notes or other certificates of
11 indebtedness in the manner prescribed by the laws of the State of
12 Maryland.
13

14 Section 718. Limit of Indebtedness
15

16 The total amount of any bonds, notes or other evidences of
17 indebtedness outstanding at any time shall not exceed ten (10) per
18 centum of the assessed valuation or all real and personal property
19 in the town as appears on the assessed records of Frederick County,
20 provided, however, the Town of Burkittsville may issue bonds, notes
21 or other evidences of indebtedness in excess of the ten (10) per
22 centum limitation upon approval of a majority of the registered
23 voters of the town voting at a referendum to which the issue has
24 been submitted.
25

26 Section 719. Payment of Indebtedness
27

28 The power and obligation of the Town to pay any and all bonds,
29 notes, or other evidences of indebtedness issued by it may be
30 unlimited and the Town shall levy ad valorem taxes upon all the
31 taxable property of the Town for the payment of such bonds, notes,
32 or other evidences of indebtedness and interest thereon. The faith
33 and credit of the Town is hereby pledged for the payment of the
34 principal of and the interest on all bonds, notes, or other
35 evidences of indebtedness, hereafter issued under the authority of
36 this Charter, whether or not such pledge be stated in the bonds,
37 notes or other evidences of indebtedness, or in the ordinance
38 authorizing their issuance.
39

40 Section 720. Previous Issues
41

42 All bonds, notes or other evidences of indebtedness validly
43 issued by the Town previous to the effective date of this Charter
44 and all ordinances passed concerning them are hereby declared to be
45 valid, legal, and binding and of full force and effect as if herein
46 fully set forth.
47

48 Section 721. Purchasing and Contracts
49

50 (a) Purchases for the Town government shall be made by the
51 Town Clerk-Treasurer under the direction of the Council. The
52 Council shall have the power to provide by ordinance for rules and

1 regulations regarding purchasing procedures such as the use of
2 competitive bids.
3

4 (b) All expenditures for supplies, materials, equipment,
5 construction of public improvements, or contractual services
6 involving more than one-thousand (\$1000.00) dollars shall be made
7 utilizing competitive bids and written contracts. The Town Clerk-
8 Treasurer shall be required to advertise for sealed bids in such a
9 manner as shall be prescribed by ordinance. The contract, in
10 writing, shall be awarded to the bidder who offers the lowest or
11 best bid, with quality of goods and work, time of delivery or
12 completion, and responsibility of bidders being considered. All
13 such written contracts shall be approved by the Council before
14 becoming effective. The Council shall have the right to reject all
15 bids and readvertise. The Town at any time in its discretion may
16 employ its own forces for the construction or reconstruction of
17 public improvements without advertising for (or readvertising for)
18 or receiving bids. All written contracts may be protected by such
19 bonds, penalties, and conditions as the Town may require.
20

21 (c) All contracts involving professional services such as
22 accounting, architecture, auditing, engineering, law, planning and
23 surveying shall be negotiated by the Council.
24
25

1 ARTICLE VIII

2
3 ADMINISTRATION

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5
6 Section 801. Town Clerk-Treasurer

7
8 (a) There shall be a Town Clerk-Treasurer appointed by the
9 Mayor with the approval of the Council. The Clerk-Treasurer shall
10 serve at the pleasure of the Mayor and shall receive such
11 compensation as shall be determined by the Council.
12

13 (b) The Clerk-Treasurer shall be the financial officer of the
14 Town. The financial powers of the Town, except as otherwise
15 provided by this Charter, shall be exercised by the Clerk-Treasurer
16 under the direct supervision of the Mayor.
17

18 (c) Under the supervision of the Mayor, the Clerk-Treasurer
19 shall be required to do the following:
20

21 (1) Maintain a general accounting system for the town in
22 such form as the Council may require, not contrary to state law.
23

24 (2) Submit at the end of each fiscal year, and at such
25 other times as the Council may require, a complete financial report
26 to the Council through the Mayor.
27

28 (3) Ascertain that all taxable property within the town
29 is assessed for taxation purposes.
30

31 (4) Collect all taxes, special assessments, license fees,
32 liens and all other revenues (including utility revenues) of the
33 town, and all other revenues for whose collection the town is
34 responsible, and receive any funds receivable by the town.
35

36 (5) Have custody of all public moneys, belonging to or
37 under the control of the town, except as funds in the control of
38 any set of trustees, and have custody of all bonds and notes of the
39 town.
40

41 (6) Do such other things in relation to the fiscal or
42 financial affairs of the town as the Mayor or the Council may
43 require, or as may be required elsewhere in this Charter.
44

45 (d) The Clerk-Treasurer shall serve as Clerk to the Council
46 and shall attend every meeting of the Council and keep a full and
47 accurate account of the proceedings of the Council. The Clerk-
48 Treasurer shall keep such other records and perform such other
49 duties as may be required by this Charter or by the Council.
50
51
52

1 Section 802. Town Attorney
2

3 The Mayor with the approval of the Council may appoint a Town
4 Attorney and shall have the power to employ other legal consultants
5 as deemed necessary from time to time. The Attorney shall serve at
6 the pleasure of the Mayor and any compensation for this position
7 shall be determined by the Council. The Town Attorney shall be a
8 member of the bar of the Maryland Court of Appeals. The Town
9 Attorney shall be the legal advisor of the Town and shall perform
10 such duties in this connection as may be required by the Mayor
11 and/or the Council.
12

13 Section 803. Authority to Employ Personnel
14

15 The Mayor shall have the power to employ such officers and
16 employees as is deemed necessary to execute the powers and duties
17 provided by this Charter or other State law and to operate the town
18 government, except as otherwise provided in this Charter.
19

20 Section 804. Compensation of Employees
21

22 The compensation of all officers and employees of the Town
23 shall be set from time to time by the Council.
24

25 Section 805. Retirement and Benefit Programs for Employees
26

27 (a) The town may do all things necessary to includes its
28 officers and employees, or any of them, within any retirement
29 system or pension system under the terms of which they are
30 admissible, and to pay the employer's share of the cost of any such
31 retirement or pension system out of the general funds of the town.
32

33 (b) The town by ordinance may provide for or participate in
34 hospitalization or other forms of benefit or welfare programs for
35 its officers and employees and may expend public moneys of the town
36 for such programs.
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ARTICLE IX

PUBLIC WAYS AND SIDEWALKS

Section 901. Definition of Public Ways

The term "public ways" as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section 902. Control of Public Ways

The Town shall have control of all public ways in the Town except such as may be 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, and maintain in good conditions the public ways of the Town.

Section 903. 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 up 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 construct, reconstruct, maintain, and repair bridges.

(g) To name town public ways.

(h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 904. Sidewalks: Power

The Town shall have the power:

1 (a) To establish, regulate, and change from time to time the
2 grade lines, width, and construction materials of any sidewalk or
3 part thereof on town property along any public way or part thereof.
4

5 (b) To grade, lay out, construct, reconstruct, pave, repave,
6 repair, extend, or otherwise alter sidewalks on town property along
7 any public way or part thereof.
8

9 (c) To require that the owners of any property abutting a
10 sidewalk keep the sidewalk clear of all ice, snow, and other
11 obstructions.
12

13 (d) To require and order the owner of any property abutting
14 on any public way in the Town to perform any projects authorized by
15 this Section at the owner's expense according to reasonable plans
16 and specifications. If, after due notice, the owner fails to
17 comply with the order within a reasonable time, the town may do the
18 work, and the expense shall be a lien on the property and shall be
19 collectible in the same manner as are town taxes or by suit at law.
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ARTICLE X

PUBLIC WATER AND SEWER

Section 1001. Powers

The Town shall have the power:

(a) To construct, operate and maintain a water system and water plant.

(b) To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.

(c) To construct, operate, and maintain a storm water drainage system and storm water sewers.

(d) To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations, and structures of the above plant systems.

(e) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or for the extension thereof.

(f) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 1002. Placing Structures in Public Ways

Any public service corporation, company, or individual, before beginning any construction or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as shall 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.

Section 1003. 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 obstructions at their own expense to the satisfaction of the Town. If necessary to carry

1 out the provisions of this section, the Town may use its
2 condemnation powers provided in Section 1202.

3
4 Section 1004. Entering on County Public Ways
5

6 The Town may enter upon or do construction in, on, or over any
7 county public way for the purpose of installing or repairing any
8 equipment or doing any other things necessary to establish,
9 operate, and maintain the water system, water plant, sanitary
10 sewerage system, sewage treatment plant, or storm water sewers
11 provided for in this Charter. Unless required by the State or
12 County, the Town need not obtain any permit or pay any charge for
13 these operations, but it must notify the County of its intent to
14 enter on the public way and must leave the public way in a
15 condition not inferior to that existing before.
16

17 Section 1005. Connections
18

19 The Town shall provide a connection with water and sanitary
20 sewer mains for all property abutting on any public way in which a
21 sanitary sewer or water main is laid. When any water main or
22 sanitary sewer is declared ready for operation by the Town, all
23 abutting property owners after reasonable notice shall connect all
24 fixtures with the water or sewer main. The Town may require that,
25 if it considers existing fixtures unsatisfactory, satisfactory ones
26 be installed and may require that all cesspools, sink drains, and
27 privies be abandoned, filled, removed or left in such a way as not
28 to injure public health. All wells found to be polluted or a
29 menace to health may be order to be abandoned and closed.
30

31 Section 1006. Charge for Connections
32

33 The Town may make a charge, the amount to be determined by the
34 Council, for each connection made to the Town's water or sewer
35 mains. This charge shall be uniform throughout the Town, but may
36 be changed from time to time. Arrangements for the payment of this
37 charge shall be made before the connection is made.
38

39 Section 1007. Improper Uses
40

41 In order to prevent any leakage or waste of water or other
42 improper use of the Town's water system or sewage disposal system,
43 the Town may require such changes in plumbing, fixtures, or
44 connections as it deems necessary to prevent such waste or improper
45 use.
46

47 Section 1008. Private Systems
48

49 The Town may by ordinance provide that no water supply,
50 sewerage, or storm water drainage system, and no water mains,
51 sewers, drains, or connections therewith, shall be constructed or
52 operated by any persons or persons, firm, corporation, institution,

1 or community, whether upon private premises or otherwise, and may
2 provide that cesspools or other private methods of sewage disposal
3 shall be operated and maintained in such a manner that they do not
4 and will not be likely to affect adversely the public comfort and
5 health, and any cesspool or other private method of sewage
6 disposal.

7
8 Section 1009. Extensions Beyond Boundaries
9

10 The Town shall have the power to extend its water and/or
11 sewerage systems beyond the Town limits.
12

13 Section 1010. Right of Entry
14

15 Any employee or agent of the Town, while in the necessary
16 pursuit of his/her official duties with regard to the water or
17 sewage disposal systems operated by the Town, shall have the right
18 of entry for access to water or sewer installations, at all
19 reasonable hours, and after reasonable advance notice to the owner,
20 tenant, or person in possession, upon any premises and into any
21 building in the Town or in the County served by the Town's water or
22 sewage disposal system. Any restraint or hindrance offered to such
23 entry by any owner, tenant, or person in possession, or the agent
24 of any of them, may, by ordinance, be made a misdemeanor.
25

26 Section 1011. Pollution of Water Supply
27

28 No person shall do anything which will discolor, pollute, or
29 tend to pollute any water used or to be used in the Town water
30 supply system. Any violation of the provisions of this section
31 shall be a misdemeanor.
32

33 Section 1012. Contracts for Water
34

35 The Town, if it deems it advisable, shall contract with any
36 party or parties, inside or outside the Town, to obtain water or to
37 provide for the removal of sewage.
38

39 Section 1013. Charges
40

41 The Town shall have the power to charge and collect such
42 service rates, water rents, ready-to-serve charges, or other
43 charges as it deems necessary for water supplied and for the
44 removal of sewage. These charges are to be billed and collected by
45 the Clerk-Treasurer and if bills are unpaid within thirty (30)
46 days, the service may be discontinued. All charges shall be a lien
47 on the property, collectible in the same manner as town taxes or by
48 suit at law.
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ARTICLE XI

SPECIAL ASSESSMENTS

Section 1101. Power: Special Assessments

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 municipal improvements and to provide for the payment of all or any part of the above project out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment shall 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 assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property.

(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 Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by

1 publication of a copy of the notice at least once in a newspaper of
2 general circulation in the Town. The Clerk-Treasurer shall present
3 at the hearing a certificate of publication and mailing of copies
4 of the notice, which certificate shall be deemed proof of notice,
5 but failure of any owner to receive the mailed copy shall not
6 invalidate the proceedings. The date of hearing shall be set a
7 least ten (10) days and not more than thirty (30) days after the
8 Clerk-Treasurer shall have completed publication and service of
9 notice as provided in this section. Following the hearing the
10 Council in its discretion, may vote to proceed with the project and
11 may levy the special assessment.
12

13 (e) Any interested person feeling aggrieved by the levying of
14 any special assessment under the provisions of this section shall
15 have the right to appeal to the Circuit Court of the County within
16 twenty-one (21) days after the levying of any assessment of the
17 Council.
18

19 (f) Special assessments may be made payable in annual or more
20 frequent installments over such period of time, not to exceed forty
21 (40) years, and in such manner as the Council may determine. The
22 Council shall determine on what date installments shall be due and
23 payable. Interest may be charged on installments at the rate to be
24 determined by the Council.
25

26 (g) All special assessment installments shall be overdue six
27 (6) months after the date on which they became due and payable.
28 All special assessments shall be liens on the property and all
29 overdue special assessments shall be collected in the same manner
30 as town taxes or by suit at law.
31

32 (h) All special assessments shall be billed and collected by
33 the Clerk-Treasurer.

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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, 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.

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 in 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 public purpose. The manner of procedure in case of any condemnation proceedings shall be that established by the laws of the State of Maryland.

Section 1203. 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.

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.

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ARTICLE XIII

GENERAL PROVISIONS

Section 1301. Oath of Office

(a) Before entering upon the duties of their offices, the Mayor, the Councilmembers, the Town Clerk-Treasurer, 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 my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office ofaccording 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 of Frederick County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath or affirmation shall do so before the Mayor, or Clerk of the Circuit Court of Frederick County or before one of the sworn deputies of the clerk.

Section 1302. Official Surety Bonds

The Town Clerk-Treasurer, and other officers or employees of the Town as the Council 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 right, title, and interest held by the Town or any other person or corporation at the time this Charter is adopted, 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 offense 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 has not become effective.

1 Section 1304. Violations of Law

2
3 Every act or omission made a misdemeanor or municipal
4 infraction under the authority of this Charter, or by ordinance,
5 unless otherwise provided, shall be punishable upon conviction or
6 adjudication in the District Court of Maryland by a fine set by
7 ordinance consistent with provisions of Maryland law. The party
8 aggrieved shall have the right of appeal provided under the general
9 laws of Maryland. If the act or omission is of a continuing
10 nature, a conviction for one offense shall not bar prosecution for
11 subsequent offenses, nor prevent each day of such violation from
12 being considered as a separate offense.
13

14 Section 1305. Effect of Charter on Existing Ordinances

15
16 (a) All ordinances, resolutions, rules and regulations in
17 effect in the Town at the time this Charter becomes effective which
18 are not in conflict with the provisions of this Charter shall
19 remain in effect until changes are repealed in accordance with
20 provisions of authority granted in this Charter.
21

22 (b) All ordinances, resolutions, rules and regulations in
23 effect in the Town at the time this Charter becomes effective which
24 are in conflict with the provisions of this Charter are repealed to
25 the extent of such conflict.
26

27 Section 1306. Separability

28
29 If any section or part of a section of this Charter shall be
30 held invalid by a court of competent jurisdiction, such holding
31 shall not affect the remainder of this Charter or the context in
32 which such section or part of a section so held invalid may appear,
33 except to the extent that an entire section or part of a section
34 may be inseparably connected in meaning and effect with the section
35 or part of a section to which such holding may directly apply.
36

37 Section 1307. Nonforfeiture Provision

38
39 Neglect or nonuse shall not work a forfeiture on this Charter.
40
41

