

such other records and perform such other duties as may be required by this charter or the council. (Res., April 1, 1974, sec. 65; Res. 113-2026, sec. .)

**Section 8-66. Town attorney.**

The mayor with the advice and consent of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Supreme Court of Maryland. The town attorney is the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. The town attorney's compensation shall be determined by the council. The town has the power to employ such legal consultants as it deems necessary from time to time. (Res., April 1, 1974, sec. 66; Res. 113-2026, sec. 6.)

**Section 8-67. Authority to employ personnel.**

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government. (Res., April 1, 1974, sec. 67.)

**Section 8-68. Merit system authorized.**

The town may provide by ordinance for appointments and promotions in the 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. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law. (Res., April 1, 1974, sec. 68.)

**Section 8-69. Unclassified and classified service.**

(a) *Division.* The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service.* The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The mayor, the councilmembers, and persons appointed to fill vacancies in these positions. (Res. 113-2026, sec. 6.)

(2) The clerk—treasurer and the town attorney.

(3) The heads of all offices, departments, and agencies and members of town boards and commissions.

(4) Part—time, temporary, and unpaid offices and positions.

(c) *Classified service.* The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted. (Res., April 1, 1974, sec. 69.)

**Section 8-70. Prohibitions and penalties.**

(a) *Prohibitions.* If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work, or in violation of the law; no person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political party or candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote. (Res. 113-2026, sec. 6)

(b) *Penalties.* Any person who by himself or with others wilfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. Any person who is convicted under this section shall be ineligible for a period of five years thereafter for appointment to or employment in a position in the town service, and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds. (Res., April 1, 1974, sec. 70; Res. 113-2026, sec. 6.)

**Section 8-71. Retirement system.**

The town may do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town. (Res., April 1, 1974, sec. 71.)

**Section 8-72. Compensation of employees.**

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the council, subject to the restrictions imposed upon establishing the salaries of the councilmembers and mayor. (Res., April 1, 1974, sec. 72; Res. 113-2026, sec. 6.)

**Section 8-73. Employee benefit programs.**

The town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare program for its officers and employees, and may expend public moneys of the town for such programs. (Res., April 1, 1974, sec. 73.)

**Public Ways and Sidewalks**

**Section 8-74. Definition of public ways.**

The term "public ways" as used in this charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res., April 1, 1974, sec. 74.)

**Section 8-75. Control of public ways.**

The town has control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Highway Administration and/or Dorchester County, Maryland. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town. (Res., April 1, 1974, sec. 75; Res. 113-2026, sec. 7.)

**Section 8-76. Powers of town as to public ways.**

The town may:

- (1) 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.
- (2) Grade, lay out, construct, open, extend, and make new town public ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (4) Pave, surface, repave, or resurface any town public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.

(7) Name town public ways.

(8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res., April 1, 1974, sec. 76.)

**Section 8-77. Powers of town as to sidewalks.**

The town may:

(1) 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.

(2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.

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

(4) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law. (Res., April 1, 1974, sec. 77.)

(5) Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of weeds. (Res. 113-2026, sec. 7.)

## Water and Sewers

**Section 8-78. Powers of town.**

The town may:

(1) Construct, operate and maintain a water system and water plant.

(2) Construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.

(3) Construct, operate, and maintain a storm water drainage system and storm water sewers.

(4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

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

(6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Res., April 1, 1974, sec. 78.)

**Section 8-79. Placing structures in public ways.**

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed. (Res., April 1, 1974, sec. 79.)

**Section 8-80. 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, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 8-95. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., April 1, 1974, sec. 80.)

**Section 8-81. Entering on county public ways.**

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. (Res., April 1, 1974, sec. 81.)

**Section 8-82. Connections.**

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be

ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., April 1, 1974, sec. 82.)

**Section 8-83. Same; charge.**

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res., April 1, 1974, sec. 83.)

**Section 8-84. Changes in plumbing, etc., to prevent waste or improper use.**

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use. (Res., April 1, 1974, sec. 84.)

**Section 8-85. Private systems.**

The town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., April 1, 1974, sec. 85.)

**Section 8-86. Extensions beyond boundaries.**

The town may extend its water or sewerage systems beyond the town limits. (Res., April 1, 1974, sec. 86.)

**Section 8-87. Right of entry.**

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor. (Res., April 1, 1974, sec. 87.)

**Section 8-88. Pollution of water supply.**

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section is a misdemeanor. (Res., April 1, 1974, sec. 88.)

**Section 8-89. Contracts for service.**

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal or [of] sewage. (Res., April 1, 1974, sec. 89.)

**Section 8-90. Charges.**

The town may charge and collect such service rates, water rents, ready—to—serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the clerk—treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by a suit at law. (Res., April 1, 1974, sec. 90.)

**Section 8-91. Exception.**

The provisions of this subheading shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subheading, as to the particular powers included in the authorization. (Res., April 1, 1974, sec. 91.)

## Special Assessments

**Section 8-92. Power of town to levy.**

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of 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. (Res., April 1, 1974, sec. 92.)

### **Section 8-93. Procedure.**

(a) *Provided.* The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

(b) *Assessment of cost.* The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the council.

(c) *Amount.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes 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 percentum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Uniformity of rates.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) *Levy of charges; public hearing; notice.* 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 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 and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk—treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk—treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to appeal.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

(g) *Payments; interest.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten 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 the rate to be determined by the council.

(h) *When due; lien on property; collection.* All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(i) *Clerk—treasurer.* All special assessments shall be billed and collected by the clerk—treasurer. (Res., April 1, 1974, sec. 93.)

## **Town Property**

### **Section 8-94. Acquisition, possession, and disposal.**

The town may acquire real, personal, or mixed property within the corporate limits of the town 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 to (See note (3)) 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., April 1, 1974, sec. 94.)

### **Section 8-95. Condemnation.**

The town may 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 is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established under Maryland law for "Eminent Domain". (Res., April 1, 1974, sec. 95; Res. 113-2026, sec. 8.)

### **Section 8-96. Town buildings.**

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government. (Res., April 1, 1974, sec. 96.)

### **Section 8-97. Protection of town property.**

The town may do whatever may be necessary to protect town property and to keep all town property in good condition. (Res., April 1, 1974, sec. 97.)

## General Provisions

### Section 8-98. Oath of office.

(a) *Oath required.* Before entering upon the duties of their offices, the mayor, the councilmembers, the 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 to the following oath or affirmation: "I, ..... do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and laws of this State." (Res. 113-2026, sec. 9.)

(b) *Before whom taken and subscribed.* The mayor shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the mayor. (Res., April 1, 1974, sec. 98.)

### Section 8-99. Official 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. (Res., April 1, 1974, sec. 99.)

### Section 8-100. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective. (Res., April 1, 1974, sec. 100.)

### Section 8-101. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this charter, unless otherwise provided, shall be punishable upon conviction by the District Court sitting in the county within which the offense is committed by a fine of \$1,000 and/or imprisonment not to exceed six months to the maximum extent allowed by state law., in the discretion of the court. Where the act or

omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res., April 1, 1974, sec. 101; Res. 113-2026, sec. 9.)

**Section 8-102. Effect of charter on existing ordinances.**

(a) *Ordinances, etc., not in conflict with charter remain in effect.* All ordinances, resolutions, rules, and regulations in effect in the town at the time of (See note (3)) 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) *Ordinances, etc., in conflict with charter repealed.* 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. (Res., April 1, 1974, sec. 102.)

**Section 8-103. Separability.**

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res., April 1, 1974, sec. 103.)

on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Town Council of The Town of East New Market, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

**SECTION 12. BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk-Treasurer, or in the absence of a Town Clerk-Treasurer, the Mayor, shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Town Council of The Town of East New Market, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

**SECTION 13. BE IT FURTHER RESOLVED** that the Town Clerk-Treasurer of the Town of East New Market, Maryland, or in the absence of a Town Clerk-Treasurer, the Mayor, is specifically instructed to carry out the provisions hereof, as evidence of compliance herewith, the Town Clerk-Treasurer, or in the absence of a Town Clerk-Treasurer, the Mayor, shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Town Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 12, and shall further complete and execute the Certificate of Effect attached hereto.

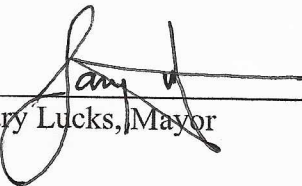
**INTRODUCED** by the Town Council of the Town of East New Market, Maryland at a regular meeting on the 9<sup>th</sup> day of December 2025.

**PASSED** by the Town Council of the Town of East New Market, Maryland at a regular meeting on the 13<sup>th</sup> day of January 2026.

CHARTER RESOLUTION CERTIFICATE

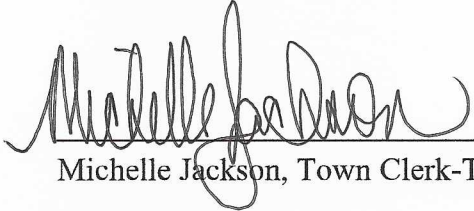
I, Gary Lucks, the duly elected, and qualified Mayor of the Town of East New Market, a municipal corporation of the State of Maryland do hereby certify that (i) the attached copy of the Charter Amendment Resolution \_\_-2025 is true, correct and complete; (ii) Charter Amendment Resolution \_\_-2025 was duly adopted by the Town Council of the Town of East New Market at a regular meeting held on the \_\_\_\_ day of , 2025; (iii) said meeting was duly convened and a quorum was present and acting throughout; (iv) Charter Amendment Resolution \_\_-2025, after having been introduced and fully discussed, was duly adopted, by a majority of Councilmembers elected to the body and voting in the affirmative; and (v) Charter Amendment Resolution \_\_-2025 has not been subsequently amended, modified or repealed and remains in full force and effect as of the date hereof.


IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Town of East New Market, Maryland, this 14<sup>th</sup> day of January 2026

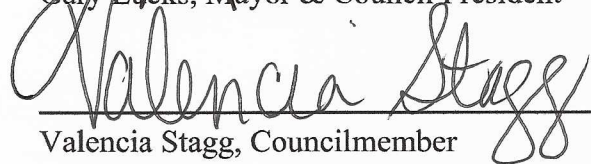
  
\_\_\_\_\_  
Gary Lucks, Mayor

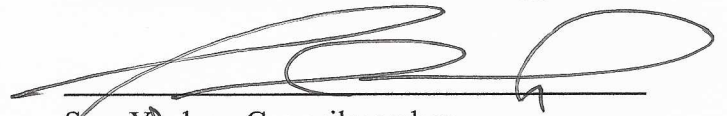
ATTEST:


THE TOWN OF EAST NEW MARKET  
TOWN COUNCIL (a/k/a THE  
COMMISSIONERS OF EAST NEW  
MARKET)

  
Michelle Jackson, Town Clerk-Treasurer

  
Gary Lucks, Mayor & Council President

  
Valencia Stagg, Councilmember

  
Sam Yockey, Councilmember

  
Blake Holliday, Councilmember

  
Mike Sisson, Councilmember

### **Section 8-42. Penalties.**

Any person who (1) fails to perform any duty required of him under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment. (Res., April 1, 1974, sec. 42.)

## **Finance**

### **Section 8-43. Clerk—treasurer.**

There shall be a clerk—treasurer appointed by the mayor with the advice and consent of the council. The clerk-treasurer shall serve at the pleasure of the mayor and council. The clerk-treasurer's compensation shall be determined by the council. The clerk—treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the clerk—treasurer under the direct supervision of the mayor. The mayor shall have the authority to appoint, with the advice and consent of the council, an assistant clerk-treasurer to assist the clerk-treasurer. The assistant clerk-treasurer, if appointed, shall serve at the pleasure of the mayor and council. The clerk-treasurer's compensation, if appointed, shall be determined by the council. (Res., April 1, 1974, sec. 43; Res. 113-2026, sec. 6.)

### **Section 8-44. Same; powers and duties.**

Under the supervision of the mayor, the clerk—treasurer shall have authority and shall be required to:

- (1) Prepare at the request of the mayor an annual budget to be submitted by the mayor to the council.
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.
- (4) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.
- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
- (7) Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this charter. (Res., April 1, 1974, sec. 44.)

**Section 8-45. Same; bond.**

The clerk—treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance may require. (Res., April 1, 1974, sec. 45.)

**Section 8-46. Fiscal year.**

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year. (Res., April 1, 1974, sec. 46.)

**Section 8-47. Budget.**

The mayor, on such date as the council by ordinance determines, but at least sixty—four days before the beginning of any fiscal year, shall submit a 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 budget shall be a public record in the office of the clerk—treasurer, open to public inspection by anyone during normal business hours. (Res., April 1, 1974, sec. 47; Res. 113-2026, sec. 6.)

**Section 8-48. Same; adoption.**

Before adopting the budget the council shall hold a public hearing. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the 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. (Res., April 1, 1974, sec. 48; Res. 113-2026, sec. 6.)

**Section 8-49. Appropriations.**

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Res., April 1, 1974, sec. 49.)

**Section 8-50. Transfer of funds.**

Any transfer of funds between major appropriations for different purposes by the mayor must be approved by the council before becoming effective. (Res., April 1, 1974, sec. 50.)

**Section 8-51. Over—expenditures forbidden.**

No officer or employee during any budget year may 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 is null and void. Nothing in this section contained, however, prevents 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 the contract is made, when the contract is permitted by law. (Res., April 1, 1974, sec. 51.)

**Section 8-52. Appropriations lapse.**

All appropriations lapse at the end of the budget year to the extent that they are not 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. (Res., April 1, 1974, sec. 52.)

**Section 8-53. Checks.**

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the clerk—treasurer and shall be countersigned by the mayor. (Res., April 1, 1974, sec. 53.)

**Section 8-54. Taxable property.**

All real property and all tangible 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, and 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 any act of the General Assembly. (Res., April 1, 1974, sec. 54.)

**Section 8-55. Budget authorizes levy.**

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year. (Res., April 1, 1974, sec. 55.)

**Section 8-56. Notice of tax levy.**

Immediately after the levy is made by the council in each year, the clerk—treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain

a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property. (Res., April 1, 1974, sec. 56.)

**Section 8-57. When taxes are overdue.**

The taxes provided for in Section 8-55 of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of one—half of one per centum (0.5%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 8-58. (Res., April 1, 1974, sec. 57.)

**Section 8-58. Sale of tax—delinquent property.**

A list of all property on which the town taxes have not been paid and which are in arrears as provided by Section 8-57 of this charter shall be turned over by the clerk—treasurer to the official of the county responsible for the sale of tax—delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by State law. (Res., April 1, 1974, sec. 58.)

**Section 8-59. Fees.**

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Res., April 1, 1974, sec. 59.)

**Section 8-60. Audits.**

The financial books and accounts of the town shall be audited annually as required by §16-305 of the Local Government Article of the Annotated Code of Maryland, as may be amended. (Res., April 1, 1974, sec. 60; Res. 113-2026, sec. 6.)

**Section 8-61. Tax anticipation borrowing.**

During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may 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 six months after the beginning 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 per centum (50%) of the property tax levy for the fiscal year in which the 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. (Res., April 1, 1974, sec. 61.)

**Section 8-62. General obligation borrowing.**

(a) 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, notes or other evidences of indebtedness in the manner prescribed in this section.

(b) All general obligation bonds, notes or other evidences of indebtedness issued under the provisions of this section shall be authorized by an ordinance that shall contain: (1) a statement of the maximum aggregate principal amount of such obligations to be issued; (2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (3) a pledge of the security for such obligations and, if applicable, a statement that such obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and (4) a requirement that, subject to the provisions of subsection (d) below, prior to the issuance of any such obligations, the council shall adopt a resolution in accordance with the provisions of subsection (c) below.

(c) Prior to issuing any such obligations identified in subsection (b) above, the council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for); (3) the date or dates and amount or amounts of maturity, which may be in any denomination and which may be in serial and/or term maturities; (4) the manner of selling such obligations, which may be either by solicitation of competitive bids at public sale after publication or dissemination of the notice of sale or a summary thereof or by private (negotiated) sale without advertisement or solicitation of competitive bids; (5) the price or prices of such obligations, which may be at, above or below par value; (6) any desired provisions relating to the redemption or put of such obligations prior to maturity (which may be at, above or below par value), and the manner of publishing or otherwise giving notice of such redemption or put; (7) the manner of executing and sealing such obligations, which may be by facsimile; (8) any documents pursuant to which such obligations are to be issued or secured, including, without limitation, agreements with banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for such obligations and for securing any tender option granted to the holders thereof; and (9) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the council may determine necessary or desirable, including, without limitation, whether such obligations shall be sold for cash or other valuable consideration or further specifying the purposes for which such obligations are to be expended (within the limitations set forth in the applicable ordinance). By resolution the council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (c). A resolution adopted pursuant to this subsection (c) may be introduced and adopted at a single session of the council and shall become effective immediately upon adoption or upon the date specified in such resolution.

(d) The council may, at its option, determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (c) above by ordinance instead of by resolution.

(e) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then—commercially reasonable manner for the sale of municipal obligations at competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the town and/or in a generally recognized financial journal such as *The Bond Buyer*, or any notice of sale may be disseminated solely in electronic form and/or by any other then—commercially reasonable manner for the sale of municipal obligations, as determined by the council in accordance with the provisions of subsection (c) or subsection (d) above, as applicable.

(f) 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 the authority of this section shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property in the town to the extent necessary to provide for the payment of such indebtedness and interest thereon, without limitation as to rate or amount. The full faith and credit and unlimited taxing power of the town is hereby pledged for the payment of the principal of and interest on all general obligation bonds, notes or other evidences of indebtedness issued under the authority of this section, whether or not such pledge be stated in such bonds, notes or other evidences of indebtedness or in any ordinance of the council authorizing their issuance.

(g) The power conferred on the town under this section shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the town by Maryland public general or public local law, and the town may authorize, issue and secure any such general obligation debt in conformity with this Charter and/or any other applicable law. (Res. No., 2010-04, 2-10-11.)

#### **Section 8-63. Previous bond issues.**

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Res., April 1, 1974, sec. 63.)

#### **Section 8-64. Purchases and contracts.**

All purchases and contracts for the town government shall be made by the clerk—treasurer. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000) shall be made on written contract. The clerk—treasurer shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder

who offers the lowest and best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The clerk—treasurer may reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Res., April 1, 1974, sec. 64; Res. No. 2002-1, 9-11—02.)

## Personnel

### **Section 8-65. Clerk to council.**

The clerk—treasurer shall serve as clerk to the council. The clerk—treasurer shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. The clerk—treasurer shall keep