

CHARTER

OF THE

**Town of East New Market**

DORCHESTER COUNTY, MARYLAND

*1974 Edition, Revised through Resolution 113-2026*

*(Effective as of March 5, 2026)*

# CONTENTS

## Corporate Name and Definitions

### Section

- 8-1. Corporate name.
- 8-2. Definitions.

## General Corporate Powers

- 8-3. General powers.
- 8-4. Description of corporate boundaries.

## The Council

- 8-5. Number of councilmembers; selection; term.
- 8-6. Qualifications of councilmembers.
- 8-7. Salary of councilmembers.
- 8-8. Meetings of council.
- 8-9. Council to be judge of qualifications of its members.
- 8-10. President and vice—president of council.
- 8-11. Quorum.
- 8-12. Rules and order of business; journal.
- 8-13. Vacancies in council.
- 8-14. Passage of ordinances; publication; effective date.
- 8-15. Veto.
- 8-16. Referendum.
- 8-17. File of ordinances.

## The Mayor

- 8-18. Selection and term.
- 8-19. Qualifications.
- 8-20. Salary.
- 8-21. Powers and duties.

## General Powers

- 8-22. Powers of council enumerated.
- 8-23. Exercise of powers.
- 8-24. Enforcement of ordinances.

## **Registration, Nominations and Elections**

- 8-25. **Qualifications of voters.**
- 8-26. **Board of Supervisors of Elections.**
- 8-27. **Same; removal of members.**
- 8-28. **Same; duties.**
- 8-29. **Notice of registration days and elections.**
- 8-30. **Registration.**
- 8-31. **Appeal from action of board.**
- 8-32. **Filing certificate of nomination.**
- 8-33. **Primary election; municipal meeting or convention.**
- 8-34. **Election of mayor and councilpersons.**
- 8-35. **Conduct of elections generally.**
- 8-36. **Special elections.**
- 8-37. **Vote count.**
- 8-38. **Preservation of ballots.**
- 8-39. **Vacancies.**
- 8-40. **Women.**
- 8-41. **Regulation and control by council.**
- 8-42. **Penalties.**

## **Finance**

- 8-43. **Clerk—treasurer.**
- 8-44. **Same; powers and duties.**
- 8-45. **Same; bond.**
- 8-46. **Fiscal year.**
- 8-47. **Budget.**
- 8-48. **Same; adoption.**
- 8-49. **Appropriations.**
- 8-50. **Transfer of funds.**
- 8-51. **Over—expenditures forbidden.**
- 8-52. **Appropriations lapse.**
- 8-53. **Checks.**
- 8-54. **Taxable property.**
- 8-55. **Budget authorizes levy.**
- 8-56. **Notice of tax levy.**
- 8-57. **When taxes are overdue.**
- 8-58. **Sale of tax—delinquent property.**
- 8-59. **Fees.**
- 8-60. **Audits.**
- 8-61. **Tax anticipation borrowing.**
- 8-62. **General obligation borrowing.**
- 8-63. **Previous bond issues.**
- 8-64. **Purchases and contracts.**

## Personnel

- 8-65. Clerk to council.
- 8-66. Town attorney.
- 8-67. Authority to employ personnel.
- 8-68. Merit system authorized.
- 8-69. Unclassified and classified service.
- 8-70. Prohibitions and penalties.
- 8-71. Retirement system.
- 8-72. Compensation of employees.
- 8-73. Employee benefit programs.

## Public Ways and Sidewalks

- 8-74. Definition of public ways.
- 8-75. Control of public ways.
- 8-76. Powers of town as to public ways.
- 8-77. Powers of town as to sidewalks.

## Water and Sewers

- 8-78. Powers of town.
- 8-79. Placing structures in public ways.
- 8-80. Obstructions.
- 8-81. Entering on county public ways.
- 8-82. Connections.
- 8-83. Same; charge.
- 8-84. Changes in plumbing, etc., to prevent waste or improper use.
- 8-85. Private systems.
- 8-86. Extensions beyond boundaries.
- 8-87. Right of entry.
- 8-88. Pollution of water supply.
- 8-89. Contracts for service.
- 8-90. Charges.
- 8-91. Exception.

## Special Assessments

- 8-92. Power of town to levy.
- 8-93. Procedure.

## Town Property

- 8-94. Acquisition, possession, and disposal.
- 8-95. Condemnation.

- 8-96. Town buildings.
- 8-97. Protection of town property.

**General Provisions**

- 8-98. Oath of office.
- 8-99. Official bonds.
- 8-100. Prior rights and obligations.
- 8-101. Misdemeanors.
- 8-102. Effect of charter on existing ordinances.
- 8-103. Separability.

# **EAST NEW MARKET**

## **Corporate Name and Definitions**

### **Section 8-1. Corporate name.**

This charter is the municipal corporation charter of the town of East New Market, the corporate name of which is Commissioners of East New Market. (Res., April 1, 1974, sec. 1.)

### **Section 8-2. Definitions.**

The terms "town," "city," "municipality," or "municipal corporation" in this charter shall be construed as synonymous. (Res., April 1, 1974, sec. 2.)

## **General Corporate Powers**

### **Section 8-3. General powers.**

The municipal corporation here established (or continued), under the corporate name, has 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, and to enact and adopt ordinances, resolutions, or bylaws necessary to exercise the authority of the municipality. (Res., April 1, 1974, sec. 3; Res. 113-2026, sec. 1.)

### **Section 8-4. Description of corporate boundaries.**

A description of the corporate boundaries of the town at all times shall be on file with the town clerk-treasurer or other comparable official and with the clerk of the court of the county. The officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (Res. 113-2026, sec.1.)

## **The Council**

### **Section 8-5. Number of councilmembers; selection; term.**

All legislative powers of the town are vested in the mayor, and the council consisting of four councilmembers who shall be elected as hereinafter provided and who shall hold office for a term of four years or until the succeeding councilmember takes office. The regular term of councilmembers shall expire on the second Monday following the election of their successors. Councilmembers holding office at the time this Ordinance becomes effective shall continue to hold office until the succeeding council takes office under the provisions of this Charter. (Res., April 1,1974, sec. 5; Res., 1-24—83; Res., 2006-01, 1-3-07; Res. 113-2026, sec. 2.)

### **Section 8-6. Qualifications of councilmembers.**

Councilmembers shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town. (Res., April 1,1974, sec. 6; Res. 113-2026, sec. 2.)

### **Section 8-7. Salary of councilmembers.**

Each councilmember shall receive an annual salary which shall be equal for all councilmembers and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected. The ordinance making any change in the salary paid to the several councilmembers, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding council and shall take effect only as to the members of the next succeeding council. (Res., April 1,1974, sec. 7; Res. 113-2026, sec. 2.)

### **Section 8-8. Meetings of council.**

The members of the council shall meet in regular session at 6:00 p.m. on the second Tuesday of each month, except that when the second Tuesday is a holiday, such meeting shall be rescheduled to another day that month and at other such times as may be determined by the council, but not less frequently than once each month. Special meetings shall be called by the clerk—treasurer upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, except in special and appropriate circumstances when meetings may be closed in accordance with subtitle 5 of Title 10 of the State Government Article of the Annotated Code of Maryland, as amended, to wit: The Maryland Open Meetings Act Law; and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any public meeting in regard to any municipal question. (Res., April 1,1974, sec. 8; Res. No. 2002-2, 9-11-02; Res. 113-2026, sec. 2.)

**Section 8-9. Council to be judge of qualifications of its members.**

The council shall be the judge of the election and qualification of its members. (Res., April 1, 1974, sec. 9.)

**Section 8-10. President and vice—mayor of council.**

The mayor shall serve as president of the council. The mayor may take part in all discussions, and he shall have a vote. Each year the council shall elect a vice—mayor from among its members, who shall act as president of the council in the absence of the mayor. (Res., April 1, 1974, sec. 10; Res. 113-2026, sec. 2.)

**Section 8-11. Quorum.**

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the council. (Res., April 1, 1974, sec. 11.)

**Section 8-12. Rules and order of business; minutes.**

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas and nays recorded by a roll call of each council member present upon final action of any question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to public inspection. (Res., April 1, 1974, sec. 12; Res. 113-2026, sec. 2.)

**Section 8-13. Vacancies in council.**

Vacancies in the council shall be filled as provided in Section 8-39 of this charter. (Res., April 1, 1974, sec. 13.)

**Section 8-14. Passage of ordinances; publication; effective date.**

No ordinance shall be passed at the meeting at which it is introduced. Any [any] regular or special meeting of the council held not less than six or more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provisions that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of three members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto. Except as otherwise provided by law, notice of each ordinance shall be given by posting at town hall, and by any additional method reasonably calculated to provide such notice, as determined by the council. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council. (Res., April 1, 1974, sec. 14; Res. 113-2026, sec. 2.)

### **Section 8-15. Veto.**

All ordinances passed by the council shall be promptly delivered by the clerk—treasurer to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The Mayor shall return all ordinances to the clerk—treasurer within six days after delivery to him (excluding the first day, including the last day, and excluding any Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be effective in accordance with Section 8-14 above. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four-fifths of the whole council within thirty—five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within six days of its delivery, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him. (Res., April 1, 1974, sec. 15; Res. 113-2026, sec. 2.)

### **Section 8-16. Referendum.**

If, before the expiration of twenty calendar days following approval of any ordinance by the mayor or passage of any ordinance over the mayor's veto, a petition is filed with the clerk—treasurer containing the signature of not less than twenty percent (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 8-62, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Sections 8-92 and 8-93. The provisions of this section shall be self—executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res., April 1, 1974, sec. 16.)

### **Section 8-17. File of ordinances.**

Ordinances shall be permanently filed by the clerk—treasurer and shall be kept available for public inspection. (Res., April 1, 1974, sec. 17.)

## The Mayor

### **Section 8-18. Selection and term.**

The mayor shall be elected as hereinafter provided and shall serve for a term of four (4) years or until his/her successor is elected and qualified. The newly elected mayor shall take office on the July 1<sup>st</sup> immediately following his/her election. The mayor holding office at the time this Section becomes effective, shall 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. During a temporary absence or disability of the mayor, the vice-mayor shall act as mayor pro term, who during such absence or disability, shall possess the powers of mayor. In the event of a vacancy in the office of mayor, the vice-mayor shall serve as acting mayor, possessing such mayoral powers as stated herein, until the vacancy is filled at a regular or special election as provided herein. (Res., April 1, 1974, sec. 18; Res., 2006-01, 1-3-07; Res. 113-2026, sec. 3.)

### **Section 8-19. Qualifications.**

The mayor must have resided in the town for at least one year immediately preceding his election, must have served on the council for at least one (1) term prior to his election, and must be a qualified voter of the town. (Res., April 1, 1974, sec. 19; Res. 113-2026, sec. 3.)

### **Section 8-20. Salary.**

The mayor shall receive an annual salary as set from time to time by an ordinance passed by the council in the regular course of business. No change shall be made in the salary for any mayor during the term for which he was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor and shall take effect only as to the next succeeding mayor. (Res., April 1, 1974, sec. 20.)

### **Section 8-21. Powers and duties.**

(a) *Generally.* The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

(b) *Appointments and removal of employees and heads of offices, departments and agencies.* The mayor, by and with the advice and consent 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 at the pleasure of the mayor and council. All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the mayor, by and with the advice and consent of the council, in accordance with rules and regulations in any merit system which may be adopted by the council. (Res. 113-2026, sec. 3.)

(c) *Reports and recommendations to council.* The mayor each year shall report to the council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) *Veto.* The mayor shall have the power to veto ordinances passed by the council as provided in Section 8-15.

(e) *Supervision of financial administration of government.* The mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the council for review and approval. He shall supervise the administration of the budget as adopted by the council. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded. (Res. 113-2026, sec. 3.)

(f) *Other powers and duties.* The mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the council, not inconsistent with this charter. (Res., April 1, 1974, sec. 21.)

## General Powers

### **Section 8-22. Powers of council enumerated.**

(1) *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 health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

(2) *Specific powers.* In addition to the general powers referred to above, the council shall expressly have the power to pass ordinances for the specific purposes enumerated in Title 5 of Division II of the Local Government Article of the Annotated Code of Maryland, or corresponding future provision thereof and enumerated in any other State law pertaining to the town or to municipal corporations generally, and , for the specific purposes provided in the remaining subsections of this section. (Res. 113-2026, sec. 4.)

(3) *Advertising.* To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(4) *Aisles and doors.* 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.

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

- (6) *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the council.
- (7) *Auctioneers.* To regulate the sale of all kinds of property at auction within the town and to license auctioneers.
- (8) *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.
- (9) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, 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.
- (10) *Bridges.* To erect and maintain bridges.
- (11) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.
- (12) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- (13) *Codification of ordinances.* To provide for the codification of all ordinances.
- (14) *Community services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.
- (15) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for co—operation in the performance of any governmental functions.
- (16) *Curfew.* To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
- (17) *Dangerous improvements.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- (18) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional

functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

(19) *Dogs and cats.* To regulate the keeping of dogs and cats in the town and to provide, wherever the county does not license or tax dogs and cats, for the licensing and taxing of them; to provide for the disposition of homeless dogs and cats and of dogs and cats on which no license fee or taxes are paid. (Res. 113-2026, sec. 4.)

(20) *Elevators.* To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(21) *Explosives and combustibles.* To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

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

(23) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(24) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire—hazardous buildings and structures permanently or until the conditions of town fire—hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(25) *Food.* To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(26) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(27) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage,

ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(28) *Grants—in—aid.* To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(29) *Hawkers.* To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(30) *Health.* To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the county board of health, or any public general or local law relating to the subject of health.

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

(32) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

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

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

(35) *Lights.* To make reasonable regulations to provide for the lighting of the town.

(36) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(38) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(39) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

(40) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(41) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(42) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off—street parking.

(43) *Parking meters.* To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Roads Commission (See note (2)) of Maryland must first be approved by the Commission.

(44) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(45) *Police force.* To establish, operate, and maintain a police force. All town policemen, within the municipality shall have the powers and authority of constables in this State.

(46) *Police powers.* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy

houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

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

(48) *Quarantine*. To establish quarantine regulations in the interest of the public health.

(49) *Regulations*. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(50) *Sidewalks*. To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(51) *Sweepings*. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or on any public or private property in the town.

(52) *Taxicabs*. To license, tax, and regulate public badmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

(53) *Vehicles*. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland, and/or such vehicles that are not currently registered by the State of Maryland. (Res. 113-2026, sec. 4.)

(54) *Voting machines*. To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

(55) *Zoning*. To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

(56) *Saving clause*. The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Res., April 1, 1974, sec. 22.)

(57) *Property Maintenance Code*. To enact a property maintenance code to be applicable to all real property and improvements or structures erected within the Town. The International Property Maintenance Code, as published by the International Code Council, is hereby adopted as the minimum standard for property maintenance in the Town of East New Market, Maryland. (Res. 113-2026, sec. 4.)

**Section 8-23. Exercise of powers; Charter powers not exclusive.**

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and the town shall have such other powers as are incident to those specifically mentioned or as are a necessary consequence of the powers herein conferred. In addition to the powers enumerated in this Charter, the town shall have all powers, rights, and privileges now or hereafter granted or made available to a municipal corporation by the Constitution and laws of the State of Maryland. (Res., April 1, 1974, sec. 23; Res. 113-2026, sec. 4.)

**Section 8-24. Enforcement of ordinances.**

Violation(s) of any municipal ordinance shall be a municipal infraction unless the violation is declared to be a misdemeanor by law or ordinance. The provisions of § 6-102 et seq., of the Local Government Article of the Annotated Code of Maryland, as amended, are incorporated herein and made applicable to such municipal infractions. Violation(s) of any municipal ordinance declared to be a misdemeanor shall be punishable by a fine of up to \$1,000 and/or imprisonment not to exceed six months to the maximum extent allowed by state law. Imprisonment in default of fines and costs shall be regulated by the provisions of §§ 7-504 and 7-505 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, as amended. (Res. 113-2026, sec. 4.)

Registration, Nominations and Elections

**Section 8-25. Qualifications of voters.**

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the State of Maryland for at least one year next preceding any town election, (4) has resided within the corporate limits of the town for six months next preceding any town election, (5) is registered with the Dorchester County Board of Elections, and (6) is registered in accordance with the provisions of this charter, is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections. (Res., April 1, 1974, sec. 25; Res. 113-2026, sec. 5.)

**Section 8-26. Board of Supervisors of Elections.**

There shall be a board of supervisors of elections, consisting of three members who shall be appointed by the mayor with the approval of the council on or before the first Monday in March in every other odd—numbered year. The terms of members of the board of supervisors of elections begin on the first Monday in March in the year in which they are appointed and run for four years. Members of the board of supervisors shall generally not serve more than one consecutive full four (4) year term, provided, however, a member serving the remainder of an unexpired term of a vacating member may also then serve a successive full four (4) year term following the completion of the unexpired term. Members of the board of supervisors of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The mayor shall appoint one of the members as chairman.

Vacancies on the board shall be filled by the mayor with the approval of the council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the council. (Res., April 1, 1974, sec. 26; Res. 113-2026, sec. 5.)

**Section 8-27. Same: removal of members.**

Any member of the board of supervisors of elections may be removed for good cause by the council, if in the judgment of the council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the council if he so requests within ten days after receiving the written copy of the charges. (Res., April 1, 1974, sec. 27.)

**Section 8-28. Same; duties.**

The board of supervisors of elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees to assist it in any of its duties. (Res., April 1, 1974, Sec. 28.)

**Section 8-29. Notice of registration days and elections.**

The board of supervisors of elections shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town or by posting a notice thereof in some public place or places in the town. (Res., April 1, 1974, sec. 29.)

**Section 8-30. Registration.**

There shall be a registration on the first Monday in April in every odd—numbered year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the mayor may designate additional days as registration days. Registration shall be permanent, and no person is entitled to vote in town elections unless he is registered. The board of supervisors of elections shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a reregistration when necessary. (Res., April 1, 1974, sec. 30.)

**Section 8-31. Appeal from action of board.**

If any person is aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action he may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the circuit court for the county within the time allowed for such appeals. (Res., April 1, 1974, sec. 31.)

**Section 8-32. Filing certificate of nomination.**

Qualified persons may nominate themselves for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before the second Monday in April next preceding the town election. No person shall file for nomination to

more than one elective town public office or hold more than one elective town public office at any one time. (Res., April 1,1974, sec. 32; Res. 113-2026, sec. 5.)

**Section 8-33. Intentionally Omitted.** (Res. 113-2026, sec. 5.)

**Section 8-34. Election of mayor and councilmembers.**

(a) *Date.* On the second Tuesday in May in every odd—numbered year, the qualified voters of the town shall elect two councilmembers to serve in place of those whose terms are expiring, who shall serve for terms of four years.

(b) *Election of Mayor.* The mayor shall be elected to a four year term on the second Tuesday in May in every other odd-number year following the effective date of this amendment. (Res. 113-2026, sec. 5).

(c) *1975 election, 1983 election and after.* In the 1975 election, there shall be four councilmen elected and the two with the greatest number of votes shall be elected for a term of four years and the two with the next greatest number of votes shall be elected for a term of two years. In the 1983 election there shall be three councilmen elected who shall be the three with the greatest number of votes. All future elections shall result in the election of two councilmembers, each for the seat of a councilmember whose four year terms is expiring, and those so elected shall serve for a term of four years each. (Res., April 1,1974, sec. 34; Res., 1-24—83; Res., 2006-01, 1-3-07; Res. 113-2026, sec. 5.)

**Section 8-35. Conduct of elections generally.**

It is the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 8:00 a.m. to 7:00 p.m. on election days or for longer hours if the council requires it. (Res., April 1,1974, sec. 35.)

**Section 8-36. Special elections.**

All special town elections shall be conducted by the board of supervisors of elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Res., April 1, 1974, sec. 36.)

**Section 8-37. Vote count.**

Within forty—eight hours after the closing of the polls, the board of supervisors of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the clerk—treasurer of the town, who shall record the results in the minutes of the council. The two candidates for councilmember with the highest number of votes in the general election shall be declared elected as councilmember. In the case of a tie between candidates receiving the highest number of votes in an election for a particular seat, a special election between the persons receiving the tie vote shall be held within 45 days after the date of the election. The special election shall be conducted in accordance with Section 8-36 of this Charter. In the event of a tie in the special election, the winner shall be chosen by a coin flip. All incumbent councilmembers or the incumbent mayor shall continue in office until the special election results are certified. (Res., April 1, 1974, sec. 37; Res. 113-2026, sec. 5.)

**Section 8-38. Preservation of ballots.**

All ballots used in any town election shall be preserved for at least six months from the date of the election. (Res., April 1, 1974, sec. 38.)

**Section 8-39. Vacancies.**

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. In case of a vacancy in the office of mayor for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the council or in the office of mayor shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council. (Res., April 1, 1974, sec. 39.)

**Section 8-40. Equal Privileges.**

All persons shall have equal privileges in registering, voting, and holding town offices. Whenever the masculine gender has been used herein as to any registering, voting, or holding town office, it shall be construed to include all persons. (Res., April 1, 1974, sec. 40; Res. 113-2026, sec. 5.)

**Section 8-41. Regulation and control by council.**

The council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Res., April 1, 1974, sec. 41.)