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CHARTER

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[HISTORY: Adopted by the Mayor and Council of the Town of Manchester 11-12-57 by Res. No. 1, 1957; revised and renumbered 10-10-72 by Res. No. 1-72. Sections C3-1, C3-4, C3-8, C3-11, C4-1, C4-4D, C5-1B(25), C5-1B(27), C5-3, C6-8, C6-9A, C7-15, C7-16, C7-18, § C8-6B, C10-3, C10-5, C10-8, C13-3 and C13-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. III. Other amendments noted where applicable.]

**ARTICLE I
Corporate Name; Terms; Privileges**

§ C1-1. Corporate name. [Amended 4-28-76 by Res. Nos. 1-76, 2-76 and 3-76]

This Charter is the municipal corporation charter of the Town of Manchester, the corporate name of which is the "Town of Manchester."

§ C1-2. Construal of terms. [Amended 4-28-76 by Res. Nos. 1-76, 2-76 and 3-76]

The terms "town," "city," "municipality" and "municipal corporation" in this Charter shall be construed as synonymous.

§ C1-3. General powers. [Amended 4-28-76 by Res. Nos. 1-76, 2-76 and 3-76]

The municipal corporation here continued under its 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.

**ARTICLE II
Corporate Limits**

§ C2-1. Corporate limits and annexations. [Amended 5-9-95 by Res. No. 1-95]

A copy or copies of the courses and distances describing the corporate boundaries of the Town of Manchester shall be maintained on file in the Town Hall and available for public inspection during normal business hours. A map or maps

showing the current corporate boundaries shall likewise be maintained in the Town Hall and similarly available for public inspection.

**ARTICLE III
The Council**

§ C3-1. Number; selection; terms of office. [Amended 5-9-95 by Res. No. 3-95]

The Council shall consist of five (5) Council members who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors take office. The regular term of Council members shall expire on the second Wednesday following the election of their successors. The newly elected Council shall take office on the second Wednesday following their election. Council Members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected so that two (2) Council members shall be elected with the Mayor in alternating odd numbered years and three (3) Council members shall be elected in the other odd numbered years.

§ C3-2. Qualification of Council Members.

Council members shall have resided in the town for at least one (1) year immediately preceding their election and shall be qualified voters of the Town of Manchester. They shall maintain a permanent residence in the Town during their term of office.

§ C3-3. Powers of Council.

- A. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted to the Mayor and Council by law.
- B. Specific powers. The Council shall have, in addition, and not by way of limitation all express ordinance making powers set forth in Article 23A Section 2 of the Annotated Code of Maryland as it may be amended from time to time.
- C. Exercise of powers. For the purpose of carrying out the powers granted in this Article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter.

§ C3-4. Salary.

Each Council member shall receive an annual salary which shall be equal for all Council members 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 Council members, either by way of increase or decrease, shall be finally ordained prior to the municipal election for members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

§ C3-5. Meetings.

The newly elected Council shall meet at 7:30 p.m. on the second Wednesday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Director of Finance 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. Nothing contained herein shall be construed to prevent the Mayor and Town Council from holding closed sessions from which the public is excluded, in accordance with the safeguards provided by state law, but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive meeting. The rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

§ C3-6. Judge of election and qualification of its members.

The Council shall be the judge of the election and qualification of its members.

§ C3-7. President and Vice President.

The Mayor shall serve as President of the Council. The Mayor may take part in all discussions but shall have no vote. The Council shall elect a Vice President of the Council from among its members, who shall act as President of the Council in the absence of the Mayor.

§ C3-8. Quorum.

A majority of the members of the Council (three-fifths) 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.

§ C3-9. Vacancies.

Vacancies in the Council shall be filled as provided in Section C5-13 of this Charter. A vacancy shall exist upon the death, resignation, disqualification or removal of a Council member.

§ C3-10. Ordinances; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) 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 above requirement may be suspended by the affirmative vote of four (4) members of the Council. Every ordinance, unless passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over veto. Upon approval by the Mayor or upon passage by the Council over any veto, the ordinance shall be posted at the Town Office for review by the general public, and notice of the passing of said ordinance and its availability for review shall be published at least twice in a newspaper or newspapers having general circulation in the Town of Manchester. 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 any veto by the Council.

§ C3-11. Approval or disapproval of ordinances by Mayor.

All ordinances passed by the Council shall be promptly delivered by the Director of Finance to the Mayor for approval or disapproval. If the Mayor approves any ordinance, the Mayor shall sign it. If the Mayor disapproves any ordinance, the Mayor shall not sign it. The Mayor shall return all ordinances to the Director of Finance within six (6) days after said delivery (including the days of delivery and return and excluding Sunday) with the said approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a message stating the reasons for disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four-fifths (4/5) of the whole Council within thirty-five (35) calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within six (6) days of its delivery as aforesaid, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by the Mayor.

§ C3-12. Request for Referendum on Ordinances.

If, before the expiration of twenty (20) 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 Director of Finance containing the signatures of not less than twenty per centum (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 (60) 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 (60) days following receipt of the petition, then 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 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 §§ C10-1 and C10-2. 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.

§ C3-13. Filing of ordinances; availability for inspections.

Ordinances shall be permanently filed by the Director of Finance and shall be kept available for public inspection during business hours.

**ARTICLE IV
The Mayor**

§ C4-1. Selection; term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until a successor is elected and qualified. The newly elected Mayor shall take office on the first Monday following election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the elected term and until a successor takes office under the provisions of this Charter.

§ C4-2. Qualifications.

The Mayor must have resided in the town for at least one (1) year immediately preceding the election and must be a qualified voter of the town. The Mayor shall maintain a permanent residence in the town throughout the term of office.

§ C4-3. 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; provided, however, that no change shall be made in the salary for any Mayor during the current elected term. 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.

§ C4-4. Powers and duties.

- A. Mayor to be chief executive officer. The Mayor shall see that the ordinances, resolutions, rules and regulations 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. Appointment and removal of officers and employees. The Mayor, with the affirmative vote of three-fifths (3/5) of the Council shall appoint the Chief of Police who shall serve at the pleasure of the Mayor. On or before July 1, 1992, and at the same date in every even-numbered year, or as soon thereafter as is practicable, the Mayor shall appoint the Town Manager with the affirmative vote of three-fifths (3/5) of the Council and who shall hold office until June 30th of the next even numbered year or until a successor has been appointed. The Town Manager shall be subject to removal during a term by a three-fifths (3/5) vote of the Council.
- C. Reports and recommendations to Council. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendation as the Mayor 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 § C3-10 and § C3-11.
- E. Financial Administration. The Mayor shall be the chief financial officer of the Town government. The Mayor shall prepare or have prepared annually a budget and submit it to the Council pursuant to § C6-5 of this Charter and shall administer the budget as approved.

- F. Other powers and duties. The Mayor shall have other such powers and duties as may be prescribed by this Charter or as may be required by the Council, not inconsistent with this Charter.

§ C4-5. Town Manager; Office of, generally.

- A. Office of Town Manager created. The office of Town Manager is hereby created. The Town Manager shall be appointed and be subject to removal as provided in § C4-4B.
- B. Town Manager salary. The Town Manager shall be paid an annual salary as set by action of the Town Council. The Council may increase said salary in the annual budget, but during a fiscal year may not decrease the salary.

§ C4-6. Powers and duties of Town Manager.

The Town Manager shall have the following powers and duties, subject to the supervision of the Mayor:

- A. To organize, direct and supervise the administration and daily operation of all departments and offices and agencies of the town, except the police department.
- B. To appoint and to remove all Town employees with the approval of the Mayor and Council except for the Director of Finance, the Director of Public Works and Parks, the Police Chief and members of the police department. The Town Manager may suspend any Town employee, excepting those named herein, pursuant to the processes established in the Manchester Personnel Policy.
- C. To prepare and maintain detailed personnel records and evaluations.
- D. To prepare the annual budget with the assistance of the Director of Finance under the supervision of the Mayor at the time and in the form provided by § C6-5 of this Charter.
- E. To attend all public meetings of the Council and to participate in discussion, but not to vote, at such meetings.
- F. To function as the Town Zoning Administrator, signing necessary legal documents on behalf of the Mayor and Council, except as otherwise may be delegated, and overseeing the operation of the Zoning Office, the Planning and Zoning Commission and the Board of Zoning Appeals.

- G. To assign duties to appropriate personnel, or to engage necessary personnel to the extent authorized by the budget, to assist in necessary administrative responsibilities or operational functions.
- H. To supervise the disbursement of all moneys and control expenditures, as necessary, to assure that budget appropriations are not exceeded.
- I. To oversee the maintenance of a general accounting system in such a form as may be required by the Council, not contrary to state law.
- J. To submit reports, through the Mayor, on the financial status of the Town at the end of each month and fiscal year and at such other times and in such forms as the Council may require.
- K. To ascertain that all taxable property within the town is assessed for taxation.
- L. To supervise the collection and receipt of all taxes, special assessments, license fees, liens, utility revenues, and all other revenues and funds receivable by the town.
- M. To ensure the proper custody of all public moneys, books, notes and other evidence of indebtedness belonging to or under the control of the Town.
- N. To do all other such things in relation to the administrative, fiscal or financial affairs of the town as the Mayor or the Council may require or as may be required elsewhere in this Charter.
- O. To undertake such research and make reports and recommendations as the Mayor or Council may request or as the Town Manager may deem desirable.

§ C4-7. Bond of Town Manager. [Added 4-22-1992 by Res. No. 1-92]

The Town Manager shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require, the cost thereof to be an expense of the town.

ARTICLE V
Registration, Nominations and Elections

§ C5-1. Qualification of Voters.

Every person who is a citizen of the United States, is at least 18 years of age, has resided within the corporate limits of the Town for 30 days next preceding any Town election and is registered in accordance with the provisions of this Charter shall be a qualified voter of the Town. Every qualified voter shall be entitled to vote at any or all Town elections.

§ C5-2. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members who shall be appointed by the Mayor with the approval of the majority of the Council on or before the first Monday in March in every second odd-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in March in the year in which they are appointed and shall run for four (4) years. 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 Board shall appoint one (1) of its members as Chairperson. Vacancies on the Board shall be filled by the Mayor with the approval of the majority of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

§ C5-3. Removal of members of Board.

Any member of the Board of Supervisors of Elections may be removed for good cause by a majority vote of the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges and shall have a public hearing on them before the Council within ten (10) days after receiving the written copy of the charges if requested.

§ C5-4. Duties of Board of Supervisors.

The Board of Supervisors of Elections shall be in charge of maintaining a list of qualified voters, nominations and shall supervise all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

§ C5-5. Notice of registration days and elections.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posing a notice thereof in some public place or places in the town.

§ C5-6. Registration.

- A. Registration by a Manchester resident with the Carroll County Board of Supervisors of Elections shall be deemed registration for Manchester Town elections, provided that the application for such registration is received by said board no later than 9:00 p.m. on the fifth Monday prior to an election.
- B. Open registration. Qualified voters may register to vote in municipal elections up to ten (10) working days prior to the election, at the Manchester town hall during business hours throughout the year.
- C. The Manchester Council, by ordinance, shall adopt and enforce provisions necessary to establish and maintain a system of permanent registration and provide for re-registration when necessary.

§ C5-7. Appeal from action of Board.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for Carroll County within thirty (30) days of the decision or action of the Council.

§ C5-8. Certificate of nomination, municipal meeting, certification of candidates. [Amended 12-10-02 by Res. No. 01-2002]

- A. Persons may be nominated for elective office in the town by filing a certificate of nomination with said Board or its designee in a form approved by the Board containing the candidate's correct legal name on or before the first Monday in April or at a municipal meeting that will be held by said Board on the first Monday in April at 7:30 p.m. next preceding the Town election. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elective town public office at any one time.
- B. Within seven (7) days after the filing deadline for any election, the Board shall certify that all applicants filing a certification of nomination meet the age, residency and any other requirements of the Charter and Town Code with respect to election to Town office. In the event the Board determines an applicant does not meet the aforesaid requirements, the Board shall notify the applicant in writing that the certification of nomination has been denied. If an applicant is aggrieved by the Board's denial of a certification of nomination, the applicant may appeal the decision to the Board. Such hearing will be held within seven (7) days of the written petition to the Board.

- C. Upon receipt of a written petition for appeal, the Board shall fix a time and date for a hearing and provide public notice. At the hearing, any party may appear and be heard in person or by agent or attorney. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings and shall keep records of all its official actions, all of which shall be filed in the office of the Board and shall be a public record. Upon hearing of testimony, the Board shall render its decision in writing to the appellant. The decision of the Board may be appealed to the Circuit Court of Carroll County, however, any such appeal shall not delay any scheduled election unless injunctive relief is granted by the Court.

§ C5-9. Conduct of elections. [Amended 12-10-02 by Res. No. 01-2002]

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots. The ballots shall show the legal 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. Each ballot shall contain a number of blank lines equal to the number of open seats to provide for write-in candidates. To be counted, a vote for a write-in candidate must be legible, contain the first and last name of the candidate and be written upon a ballot judged to be valid by the Board of Supervisors of Elections. The general election shall be held on the third Tuesday in May. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. on election days or for longer hours if the Council requires it.

§ C5-10. 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.

§ C5-11. Vote count.

Within forty-eight (48) 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 Director of Finance of the town, who shall record the results in the minutes of the Council. In the odd-number years when only Council members are to be elected, the three (3) candidates with the highest number of votes shall be declared elected as Council members, and in odd-number years where the Mayor and two (2) Council members shall be elected, the candidate for Mayor with the highest number of votes shall be declared elected as

Mayor and the two (2) candidates for Council with the highest number of votes shall be declared elected as Council members.

§ C5-12. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six (6) months from the date of the election.

§ C5-13. Vacancies.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such 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.

§ C5-14. Regulation and control by Council.

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

§ C5-15. Penalties.

Any person who fails to perform any duty required under the provisions of this Article or any ordinances passed thereunder or in any manner willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder, or willfully or corruptly does anything which will tend to affect fraudulently any registration, nomination or town election, shall be deemed guilty of a misdemeanor and upon conviction be fined not more than \$1,000.00. 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.

§ C5-16. Tie Votes.

In the event that two or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election held within two

weeks of the original election. The Council may choose to hold the runoff election by mail ballot.

ARTICLE VI Finance

§ C6-1. Director of Finance.

There shall be a Director of Finance appointed by the Mayor with the three-fifths (3/5) approval of the Council. The Director of Finance may be suspended or removed by the Mayor with the affirmative vote of three-fifths (3/5) of the Council.

§ C6-2. Powers and duties of Director of Finance.

The Director of Finance shall have authority and shall be required to:

- A. Be responsible for the daily recording of the financial operation of the Town, including accounting, payroll and revenue collection. The Director of Finance may issue checks in payment of salaries or other municipal obligations as may have been counter-signed by the Mayor, and under the supervision of the Town Manager.
- B. Assist the Town Manager in the preparation of the annual budget for submission by the Mayor to the Council.
- C. Disburse all moneys and maintain records of expenditures versus budget appropriations.
- D. Maintain a general accounting system for the town in such a form as the Council may approve, not contrary to state law.
- E. Assist the Town Manager in the preparation of reports on the financial status of the town.
- F. Assist the Town Manager in ascertaining that all taxable property within the town is assessed for taxation.
- G. Collect all taxes, special assessments, license fees, liens and all other revenues and funds receivable by the town.
- H. Act as custodian of all public moneys, bonds, notes, and other evidence of indebtedness belonging to or under the control of the town.

- I. Do other such things in relation to the fiscal or financial affairs of the town as the Town Manager, the Mayor or the Council may require or as may be required elsewhere in this Charter.

§ C6-3. Bond of Director of Finance.

The Director of Finance shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require, the cost thereof to be an expense of the town.

§ C6-4. Fiscal year.

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

§ C6-5. Budget.

The Mayor, on such date as the Council by ordinance shall determine but at least thirty-two (32) 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. Each proposed budget shall be classified as and in the form and with the detail that the Mayor requires unless otherwise required by ordinance. The total of the anticipated revenues shall equal or exceed the total of proposed expenditures. The budget shall be a public record in the office of the Director of Finance, open to public inspection by anyone during normal business hours.

§ C6-6. Adoption of budget.

Before adopting the budget the Council shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. A favorable vote of at least a majority of the total membership of the Council shall be necessary for adoption. The budget shall be prepared and adopted in the form of an ordinance which shall be submitted to the Mayor for approval or disapproval, after the approval of the Council, as provided in § 3-11.

§ C6-7. Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the objects and purposes named therein.

§ C6-8. Transfer of funds.

Any transfer of funds between major appropriations for different purposes must be approved by the Council by a three-fifths (3/5) vote before becoming effective.

§ C6-9. Overexpenditures forbidden.

No officer or employee shall, during any budget year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

§ C6-10. Appropriations lapse.

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

§ C6-11. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Town Manager or the Director of Finance and shall be countersigned by the Mayor.

§ C6-12. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be 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.

§ C6-13. Budget authorizes levy.

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

§ C6-14. Notice of tax levy.

Immediately after the levy is made by the Council in each year, the town shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. The town shall cause to be made out, mailed or delivered in person to each taxpayer or his or her agent at their last known address a bill or account of the taxes due. 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 the Carroll County Commissioners all taxes levied on the taxpayer's property.

§ C6-15. When taxes are overdue.

The taxes provided for in § C6-14 of this Charter shall be collected by Carroll County. These collected taxes shall be remitted to the Town by the 10th day of the following month. Taxes shall be overdue on the dates established by the Carroll County Commissioners. They shall bear interest and be subject to a penalty in the amounts specified from time to time for taxes due to Carroll County, Maryland. All taxes not paid and in arrears shall be collected as provided in § C6-16.

§ C6-16. Tax sales.

A list of all property on which the town taxes have not been paid and are in arrears as provided by § C6-15 of this Charter shall be turned over by the Director of Finance to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law.

§ C6-17. 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.

§ C6-18. Audits.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland (1957 Edition) as amended from time to time.

§ C6-19. Tax anticipation borrowing.

During the first six (6) months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for the fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) 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 such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance of sale of tax anticipation notes.

§ C6-20. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

§ C6-21. Prior 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.

§ C6-22. Purchases and contracts.

All purchases and contracts for the town government shall be made by the Town Manager. The Council may provide by ordinance for rules and regulations regarding 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 Town Manager shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or 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 a majority of the Council before becoming effective. The Town Manager shall have the right to reject all bids and re-advertise. 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 re-advertising for) or receiving bids. All written contracts may be protected with bonds, penalties and conditions as the town may require.

Negotiated Contracts: All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning and surveying shall not be on a bid basis, but shall be negotiated by the Town Manager with approval of the Mayor and Council.

ARTICLE VII **Personnel**

§ C7-1. Clerk to Council.

The Director of Finance shall serve as Clerk to the Council and shall attend every meeting of the Council, may participate in discussions at the meeting, and shall keep a full and accurate account of the proceedings of the Council. The Director of Finance shall keep such other records and perform such other duties as may be required by this Charter or the Council.

§ C7-2. Town Attorney.

The Mayor with approval of the Council may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the Council or the Mayor. Compensation for the Town Attorney shall be determined by the Council. The Mayor and Council shall have the power to employ such additional legal consultants as it deems necessary from time to time.

§ C7-3. Authority to employ personnel.

The town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the town government.

§ C7-4. 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 shall have the power to 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 Secretary of State Personnel for the administration of its merit system, as provided in state law.

§ C7-5. Unclassified and classified service.

- A. Civil service divided into classified and unclassified service. The civil service of the town shall be divided into unclassified and classified service.
- B. Unclassified service. The unclassified service shall comprise the following offices and positions, which shall not be included in the merit system:
 - (1) The Mayor, Council members and persons appointed to fill vacancies in these positions.
 - (2) The Town Manager, Director of Finance and the Town Attorney.
 - (3) The heads of all offices, departments and agencies, and the 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.

§ C7-6. 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 political or religious opinions or affiliations or any other factors not related to ability to perform work; no person shall willfully 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 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 the employee's appointment, proposed appointment, promotion or proposed promotion.

- B. Penalties. Any person who, by acting alone or with others, willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.) or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the town service, and, if being an officer or employee of the town, shall immediately forfeit the office or position held.

§ C7-7. Retirement system.

The town shall have the power to 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 costs of any such retirement or pension system out of the proper operating funds of the town.

§ C7-8. Employee benefit programs.

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

ARTICLE VIII
Public Ways and Sidewalks

§ C8-1. Term defined.

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

§ C8-2. Control of public ways.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town.

§ C8-3. Powers of town as to public ways.

The town shall have the power:

- A. To establish, regulate and change from time to time the grade lines, width and construction materials of any town public way or part thereof, bridges, curbs and gutters.
- B. To grade, lay out, construct, open, extend and make new town public ways.
- C. To grade, straighten, widen, alter, improve or close up any existing town public way or part thereof.
- D. To pave, surface, repave or resurface any town public way or part thereof.
- E. To install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.
- F. To construct, reconstruct, maintain and repair bridges.
- G. To name town public ways.
- H. To have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.
- I. To establish, regulate and change from time to time the grade lines, width and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.
- J. To grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on Town property along any public way or part thereof.

- K. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.
- L. To 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 of law.

**ARTICLE IX
Water and Sewers**

§ C9-1. Powers of town.

The town shall have the power:

- A. To construct, operate and maintain a water system and water plant.
- B. To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. To construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- E. To have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

§ C9-2. 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 shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the town may order it removed.

§ C9-3. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the town or in the county which impede the establishment, construction or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in § C11-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

§ C9-4. 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 stormwater 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.

§ C9-5. 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 shall require that all cesspools, sink drains 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 shall be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

§ C9-6. Connection charges.

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.

§ C9-7. 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.

§ C9-8. Private systems.

The town may by ordinance provide that no water supply, sewerage or stormwater 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 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 abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

§ C9-9. Extension beyond boundaries.

The town shall have the power to extend its water or sewerage system beyond the town limits.

§ C9-10. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of official duties with regard to the water or sewage disposal systems operated by the town, shall have the 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 violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

§ C9-11. 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.

§ C9-12. Contracts for water or sewers.

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 of sewage.

§ C9-13. Charges.

The town shall have the power to charge and collect such service rates, water rents, ready-to-service 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 Director of Finance, and if bills are unpaid within thirty (30) 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 suit of law.

**ARTICLE X
Special Assessments**

§ C10-1. Power to levy.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer main, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such 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.

§ C10-2. Procedure.

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

- A. Cost. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.

- B. Assessments. 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 shall cause the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- C. Classes. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.
- D. Levy. 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 Director of Finance 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 used in apportioning the costs and the limits of the proposed area of assessment. The notice also shall 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 and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Director of Finance 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.
- E. Appeals. 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 (10) days after the levying of any assessment by the Council.
- F. Payment. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

- G. Overdue. All special assessment installments shall be overdue six (6) months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit of law.
- H. Collection. All special assessments shall be billed and collected by the Director of Finance.

**ARTICLE XI
Town Property**

§ C11-1. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property within or without 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 of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof.

§ C11-2. Condemnation.

The town shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Maryland Code as amended, titled "Eminent Domain".

§ C11-3. Town buildings.

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

§ C11-4. Protection of town property.

The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition.

ARTICLE XII
General Provisions

§ C12-1. Oath of office.

- A. Oath required. Before entering upon the duties of their offices, the Mayor, Council members, Town Manager, the Director of Finance, the members of the Board of Supervisors of Elections and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmation: "I _____ do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and will bear true allegiance to the State of Maryland, and will 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."
- B. Before whom taken and subscribed. The Mayor shall take and subscribe 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 the oath shall do so before the Mayor.

§ C12-2. 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.

§ C12-3. Misdemeanors.

- A. Misdemeanors. Every act or omission which by ordinance is made a misdemeanor under the authority of this Charter, unless otherwise provided, upon conviction before any judge of the District Court or Circuit Court of

Carroll County, shall be subject to a fine not to exceed one thousand dollars (\$1,000.) and imprisonment not to exceed six (6) months or both such fine and imprisonment. Each day such violation continues shall constitute a separate offense.

- B. Infractions. Every act or omission which by ordinance is made an infraction, shall be subject to a fine not to exceed one thousand dollars (\$1,000.). The fine shall be paid by the offender to the town within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed one thousand dollars (\$1,000.) for each repeated offense. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense.

§ C12-4. Effect of Charter on existing ordinances.

- A. Ordinances, resolutions, rules, and regulations not in conflict with Charter remain in effect. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective, which are not in conflict with the provisions of this Charter, shall remain in effect until changed or repealed according to the provisions of this Charter.
- B. 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 hereby repealed to the extent of such conflict.

§ C12-5. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, 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.