

TOWN OF NEW WINDSOR

CHARTER AMENDMENT RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE CHARTER OF
THE TOWN OF NEW WINDSOR FOR THE PURPOSE OF UPDATING
AND CLARIFYING THE PROVISIONS THEREOF**

WHEREAS, the Charter of the Town of New Windsor has not been comprehensively reviewed and revised in several years; and

WHEREAS, during this time there have been many changes in Town practice in State legislation, in generally accepted terminology and other matters; and

WHEREAS, a number of modifications and updates to the existing Charter have been suggested by Town staff and agreed upon by the Town Council; and

WHEREAS, the Mayor and Council held a public hearing on these amendments on the _____ day of _____, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Town of New Windsor as follows:

ARTICLE 1. The Charter of the Town as published by General Code Publisher as adopted on September 6, 2006, and certified by the Town Clerk on January 29, 2007, is hereby repealed and a new Charter adopted as follows:

CHARTER

ARTICLE I

General Corporate Powers

§ C1-1. Incorporation; general powers.

The [inhabitants] residents of the Town of New Windsor within the corporate limits, legally established from time to time, are hereby constituted and/or continued a body corporate by the name of the "Town of New Windsor" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE II
Corporate Limits

§ C2-1. Boundaries and annexations; filing. [[Amended by Res. No. 1997-2R]]

A copy or copies of the courses and distances describing the corporate boundaries of the Town of New Windsor 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. Composition; selection terms. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

All legislative powers of the Town shall be vested in a Council consisting of five Councilmembers[,]. [who] Councilmembers shall be elected as hereinafter provided with elections scheduled so that approximately [1/2] one-half of the Council is elected every two years. [and who] Councilmembers shall hold office for a term of four years or until the succeeding Council takes office.

§ C3-2. Qualifications. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

Councilmembers shall have resided in the Town for at least two years immediately preceding their election and shall be qualified voters of the Town. They shall maintain a permanent residence in the Town during their term of office.

§ C3-3. Salary. [[Amended 5-19-2014 by Res. No. 05-19-14]]

Each Councilmember shall receive an annual salary, the rate for which shall be equal for all Councilmembers and shall be as specified 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 obtained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to members of the next succeeding Council.

§ C3-4. Meetings. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

The newly elected Council shall meet at the next regularly scheduled session following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the [Clerk-Treasurer] Town Manager 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 executive and/or closed sessions from which the public is excluded, in accordance with the safeguards provided by state law, but no ordinance, resolution, rule or regulations shall be finally adopted at such a closed meeting. The rules of the Council shall provide that any residents of the Town shall have reasonable opportunity to be heard at any meeting in regard to any municipal question.

§ C3-5. [Judge of election and qualification of members.] Removal of Councilmembers [[Amended 5-19-2014 by Res. No. 05-19-2014]]

[The Council shall be the Judge of the election and qualification of its members.] A member of the Council may be removed from office and the seat declared vacant under the following conditions: (1) the member ceases to be qualified as required by the Charter; (2) the member is convicted of a crime [involving moral turpitude] during the term of his or her office; (3) the member is convicted of any violation of local or state law where such penalties include forfeiture of office; or (4) the member is absent to the extent that his or her performance is affected, and the other Councilmembers vote unanimously to remove the member. If one or more of the aforementioned conditions are met, Council may remove a member by adoption of a resolution. Before consideration and passage of any such resolution, the member shall be provided written notice and an opportunity to be heard at a public meeting.

§ C3-6. President. [[Amended 5-19-2014 by Res. No. 05-19-14]]

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 President of the Council.

§ C3-7. 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.

§ C3-8. Procedure.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one member. The journal shall be open to public inspection.

§ C3-9. Vacancies.

Vacancies in the Council shall be filled as provided in § C6-15 of this Chapter.

§ C3-10. Ordinances. [[Amended 5-19-2014 by Res. No. 05-19-14; 4-6-2016 by Res. No. 04-06-16]]

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, nor more than 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 votes of four members of the Council. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of 20 calendar days following approval by the Mayor or passage by the Council over a veto. A fair summary of each ordinance shall be published at least twice in [a newspaper or newspapers having general circulation in the municipality,] one or more of the following: (1) a newspaper of general circulation in the Town; (2) a social media platform maintained by the Town; (3) any other means generally used by the Town to disseminate information, and complete and exact copies of the ordinance shall be posted in the Town office for not less than 20 days after its enactment. 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 a veto by the Council.

§ C3-11. Vetoes. [[Amended by 5-19-2014 by Res. No. 05-19-14]]

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 or she shall sign it. If the Mayor disapproves any ordinance, he or she shall not sign it. The Mayor shall return all ordinances to the Clerk-Treasurer within six days after delivery [to him] (including the days of delivery and return and excluding Sunday) with 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 [his] such disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of 4/5 of the whole Council within 35 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 as aforesaid, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance which has been signed.

§ C3-12. Referendum[s].

[All ordinances passed by the Council shall be promptly delivered by the Clerk-Treasurer to the Mayor for approval or disapproval. If the Mayor approves any ordinance, he or she shall return all ordinances to the Clerk-Treasurer within six days after delivery (including the days of delivery and return and excluding Sunday) with an approval or disapproval. 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 4/5 of the whole Council within 35 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 as aforesaid, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance which has been signed.] 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 Clerk-Treasurer 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 passed under the authority of § C7-21 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 §§ C11-1 and C11-2. 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.

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

ARTICLE IV
The Mayor

§ C4-1. Selection, term. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

The Mayor shall be elected as hereunder provided and shall hold office for a term of four years or until a successor is elected and qualified. The newly elected Mayor shall take office upon being sworn in, by the Clerk of the Circuit Court, prior to the next regularly scheduled session following election.

§ C4-2. Qualifications. [[Amended 7-5-2006 by Res. No. 06-14-06B; 5-19-2014 by Res. No. 05-19-14]]

The Mayor must have resided in the Town for at least two years immediately preceding his or her election, must be a qualified voter of the Town, and must maintain a permanent residence in the Town during his or her term.

§ C4-3. Salary. [[Amended 5-19-2014 by Res. No. 05-19-14]]

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 term for which he or she 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.

§ C4-4. Powers and duties.

- A. Executive. 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. The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the Town government as established by this Charter or by ordinance. All office, department and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments and agencies of the Town government shall be appointed and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.
- C. Report. The Mayor shall regularly report to the Council the condition of municipal affairs and make such recommendations as he or she deems proper for the public good and the welfare of the Town. **[[Amended 5-19-2014 by Res. No. 05-19-14]]**
- D. Vetoes. The Mayor shall have the power to veto ordinances passed by the Council as provided in § C3-11.
- E. Finances. The Mayor shall have complete supervision over the financial administration of the Town government. The Mayor shall prepare or have prepared, annually, a budget and submit it to the Council, and shall supervise the

administration of the budget as adopted by the Council. He or she shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded. **[[Amended 5-19-2014 by Res. No. 05-19-14]]**

F. Other. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required by the Council, consistent with this Charter. **[[Amended 5-19-2014 by Res. No. 05-19-14]]**

§ C4-5. Removal.

The Mayor may be removed from office and the position declared vacant under the following conditions: (1) the Mayor ceases to be qualified as required by the Charter; (2) the Mayor is convicted of a crime during the term of his or her office; (3) the Mayor is convicted of any violation of local or state law where such penalties include forfeiture of office; or (4) the Mayor is absent to the extent that his or her performance is affected, and the Council votes unanimously to remove the Mayor. If one or more of the aforementioned conditions are met, the Council may remove the Mayor by adoption of a resolution. Before consideration and passage of any such resolution, the Mayor shall be provided written notice and an opportunity to be heard at a public meeting.

§ C4-6. Vacancy.

A vacancy in the Office of Mayor shall be filled as provided in § C6-15.

ARTICLE V
General Powers of Council

§ C5-1. Powers enumerated. [[Amended by Res. No. 1997-3R]]

- A. General powers. The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town, for the protection and preservation of the Town's property, rights and privileges, for the preservation of peace and good order, for securing persons and property from violence, danger or destruction and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town and visitors thereto and sojourners therein.
- B. The Council shall have, in addition and not by way of limitation, all express ordinance-making powers set forth in the Local Government and the Land Use Articles of the Annotated Code of Maryland as it may be amended from time to time. **[[Amended 5-19-2014 by Res. No. 05-19-14]]**
- C. The enumeration of powers and functions in this Chapter or elsewhere shall not be deemed to limit the power and authority granted to the Mayor and Council by law.

§ C5-2. Exercise of powers.

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

§ C5-3. Enforcement. [[Amended by Res. No. 1997-3R]]

To ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof shall be a misdemeanor or municipal infraction and shall have the power to affix thereto penalties as provided in and pursuant to § C13-4. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance or resolution passed under the authority of this Charter shall have the right of appeal within 10 days to the Circuit Court of the county in which the fine, forfeiture or penalty was imposed. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

**ARTICLE VI
Registration, Nominations and Elections**

§ C6-1. Voters.

Every person who is a citizen of the United States, is at least 18 years of age, has resided in the State of Maryland for at least one year next preceding any Town election, has resided within the corporate limits of the Town for six months 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 of the Town shall be entitled to vote at any or all Town elections.

§ C6-2. 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 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 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 of its 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.

§ C6-3. Supervisors of Elections; removal. [[Amended 7-5-2006 by Res. No. 06-14-06B]]

Any member of the Board of Supervisors of Elections may be removed for inefficiency, malfeasance, misfeasance, nonfeasance or misconduct in office by 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 against him or her and shall have a public hearing on them before the Council if [he] so [requests] requested within 10 days after receiving the written copy of the charges. [against him.]

§ C6-4. Supervisors of Elections; duties.

The Board of Supervisors of Elections shall [be in charge of] oversee 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.

§ C6-5. Notices advertised.

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 and by posting a notice thereof in some public places or places in the Town.

§ C6-6. Registration. [[Amended 7-5-2006 by Res. No. 06-14-06B]]

Registration by a Town resident with the Carroll County Board of Supervisors of Elections shall be deemed registration for New Windsor Town elections. The Town Board of Supervisors of Elections shall accept the list of registered voters provided by the County as valid registration for the Town. Registration shall be permanent, and no person shall be entitled to vote in Town elections unless he is registered. It shall be the duty of the Board of Supervisors of Elections to 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.

§ C6-7. Appeals.

If any person shall feel 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, 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 the county within 30 days of the decision or action of the Council.

§ C6-8. Nominations. [[Amended 7-5-2006 by Res. No. 06-14-06B]]

- A. Persons may be nominated 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.
- B. It shall be the responsibility of the Board of Supervisors of Elections to review all certifications of nomination and certify that the applicant is properly eligible for election to municipal office, pursuant to the requirements of this Charter and the

Town Code. The Board of Supervisors of Elections shall have the power to request such information as is necessary to make this determination.

§ C6-9. (Reserved)

§ C6-10. Election of Mayor and Council. [[Amended by Res. No. 1997-3R]]

- A. Date. On the second Tuesday in May in every odd-numbered year, the qualified voters of the Town shall elect Town officials as herein provided.
- B. 1979 election. Beginning with the election of 1979 and every four years hence, three [Councilmen] Councilmembers shall be elected to serve for terms of four years.
- C. 1981 election. Beginning with the election of 1981 and every four years hence, the Mayor and two [Councilmen] Councilmembers shall be elected to serve for terms of four years.

§ C6-11. Conduct of elections. [[Amended by Res. No. 1997-3R; 7-5-2006 by Res. No. 06-14-06B]]

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. 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 7:00 a.m. to 8:00 p.m. on election days or for [longer] different hours if the Council requires it.

§ C6-12. 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.

§ C6-13. Vote count. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

- A. Within 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 Clerk-Treasurer of the Town, who shall record the results in the minutes of the Council. Write-in votes shall not be counted. In the odd-numbered years where only Councilmembers are to be elected, the three candidates for Councilmember with the highest number of votes shall be declared as Councilmembers for terms of four years, and in odd-numbered years where the Mayor and two Councilmembers shall be elected, the candidate for Mayor with the highest number of votes shall be declared as Mayor for a term of four years, and the two candidates for Councilmember with the highest number of votes shall be declared elected as Councilmembers for terms of four years.
- B. If one or more Council seats or the position of Mayor remains unfilled after the election because of an equal number of votes being received by two or more candidates, a runoff election shall be held among those candidates for the Council seat or seats or position of Mayor remaining unfilled. Such election shall be held no later than the second Tuesday of June, shall be open only to the qualified voters of the general election and shall in all other respects be in accordance with the

election provisions of this Charter. In the event that a runoff election results in a tie vote, the tie vote shall be broken or resolved by lot. After the lot has been cast, the Board of Supervisors of Elections shall certify the candidate who has prevailed to the Clerk-Treasurer of the Town who shall record that candidate as the person elected to a Council seat or to the position of Mayor, and that candidate shall be declared as Councilmember or Mayor.

§ C6-14. Preservation of ballots.

All ballots used in any Town election shall be preserved for at least six months from the date of the election.

§ C6-15. 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.

§ C6-16. Regulation and control. [[Amended by Res. No. 1997-3R]]

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.

§ C6-17. Penalties. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

Any person who fails to perform any duty required under the provisions of this Article or any ordinances passed thereunder, 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 or will tend to fraudulently affect any registration, nomination or Town election shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this section shall immediately, upon conviction thereof, cease to hold such office or employment.

**ARTICLE VII
Finance**

§ C7-1. Clerk-Treasurer.

There shall be a Clerk-Treasurer appointed by the Mayor with the approval of the Council. He or she shall serve at the pleasure of the Mayor. Compensation shall be determined by the Council. The Clerk-Treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the Mayor.

§ C7-2. Clerk-Treasurer: powers and duties.

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

- A. Prepare, at the request of the Mayor, an annual budget to be submitted by the Mayor to the Council.

- B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- C. Maintain a general accounting system for the Town in such form as the Council may require, not contrary to state law.
- D. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the Mayor.
- E. Ascertain that all taxable property within the Town is assessed for taxation.
- F. Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues of the Town and all other revenues for whose collection the Town is responsible and receive any funds receivable by the Town.
- G. Have custody of all public moneys belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- H. Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in this Charter.
- I. Maintain all records and documents related to personnel matters.

§ C7-3. Clerk-Treasurer: bond.

The Clerk-Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require.

§ C7-4. 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 accounting year.

§ C7-5. Budget.

The Mayor on such date as the Council by ordinance shall determine, but at least 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. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, open to public inspection by anyone during normal business hours.

§ C7-6. Adoption of budget.

Before adopting the budget, the Council shall hold a public hearing thereon after two 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. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

§ C7-7. Appropriations.

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

§ C7-8. Transfer of funds.

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

§ C7-9. Overexpenditures.

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.

§ C7-10. 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.

§ C7-11. Checks. [[Amended 11-3-2010 by Re. No. 11-03-10]]

All checks issued in payment of [salaries] Town obligations shall be issued and signed by the Clerk-Treasurer and shall be counter-signed by the Mayor or his or her designee.

§ C7-12. Property taxable.

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.

§ C7-13. Levy authorized by budget.

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.

§ C7-14. Notice of tax levy. [[Amended 11-3-2010 by Res. No. 11-03-10]]

Immediately after the levy is made by the Council in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town[. He or she shall cause to be made out and delivered in person to each taxpayer or his agent at his last known address] , and shall notify all appropriate taxing authorities of said levy. Carroll County shall cause to be made out and sent a bill or account of the taxes due [from him] for each property. 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. The Clerk-Treasurer shall invoice the owner of any personal property to be taxed, using information provided to the Town by the State of Maryland or Carroll County. Failure to give or receive any notice required by this section shall not relieve any

taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on [its] the property.

§ C7-15. Taxes overdue. [[Amended by Res. No. 1997-3R]]

The taxes provided for in [§ C7-13 of] this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following November. They shall bear interest while in arrears at the statutory rate [of 2/3 of 1% for each month or fraction of a month] until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § C7-16.

§ C7-16. Tax sales.

[A list of] All properties on which the Town taxes have not been paid and which are in arrears [as provided by § C7-15 of this Charter shall be turned over by the Clerk-Treasurer to the official of the county responsible for the sale of tax delinquent property as provided in state law. All property listed thereon] shall, if necessary, be sold for taxes by [this] the county official responsible for the sale of tax delinquent property in the manner prescribed by state law.

§ C7-17. 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.

§ C7-18. Audits.

The financial books and accounts of the Town shall be audited annually as required by [§ 40 of Article 19 of] the Annotated Code of Maryland [1951 Edition, as amended] Local Government Article 16-305, as may be amended.

§ C7-19. Tax anticipation borrowing.

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

§ C7-20. Borrowing power; public works. [[Amended by Res. No. 1997-3R]]

A. General borrowing power. The Town may borrow money for any public purpose, including refinancing of any indebtedness of the Town outstanding from time to time, and may evidence such borrowing by the issue and sale of its general obligation bonds or bond anticipation notes. Such bonds or notes may be issued and sold in the manner prescribed in [§§ 31 to 39 inclusive, of Article 23A of] the Annotated Code of Maryland [1996 Edition, as amended and replaced), entitled "Corporation-Municipal," subtitled "Creation of Municipal Public Debt,"] Local Government Articles 19-301 to 19-309, inclusive, and as may be amended.

- B. Public works. In order to carry out the meaning and intent of this section, the Mayor and Council are empowered to do all things and to take any action, by ordinance or otherwise, deemed necessary for the regulation, efficient operation and maintenance of any work, plant or system or any part thereof, any portion of the cost of which may be financed pursuant to the authority of this section.
- C. Powers supplementary. The authority and powers contained in this section shall be supplementary to existing law and may be exercised in whole or in part by the Town notwithstanding any other provision or limitation of law.

§ C7-21. 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 is stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

§ C7-22. Previous bond issues applicable.

All bonds, notes or other evidences of indebtedness validly issued by the Town previous to December 13, 1960, 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.

§ C7-23. Purchases and contracts. [[Amended by Res. No. 1997-3R; 5-19-2014 by Res. No. 05-19-14]]

All purchases and contracts for the Town government shall be made by the Clerk-Treasurer. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service [involving more than \$10,000] shall be made [on written contract. The Clerk-Treasurer 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 and time of delivery or completion, the responsibility of bidders being considered. All such written contracts shall be approved by a majority of the Council before becoming effective. The Mayor or the Clerk-Treasurer shall have the right to reject all bids and readvertise.] in accordance with said ordinance. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for or readvertising for or receiving bids. [All written contracts may be protected by such bonds, penalties and conditions as the Town may require. All contracts involving professional services such as accounting, architecture, auditing, computer system services, engineering, law, planning and surveying shall not be on a bid basis, but shall be negotiated by the Clerk-Treasurer and/or the Mayor with the approval of a majority of the Council.]

ARTICLE VIII
Personnel

§ C8-1. Clerk to Council. [[Amended 5-19-2104 by Res. No. 05-19-14]]

The Clerk-Treasurer shall serve as Clerk to the Council. He or she shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council and shall keep such other records and perform such other duties as may be required by this Charter or the Council.

§ C8-2. Attorney. [[Amended 5-19-2014 by Res. No. 05-19-14]]

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

§ C8-3. Authority to employ.

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.

§ C8-4. Merit System. [[Amended by Res. No. 1997-3R]]

A. Adoption of rules and regulations. 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 Commissioner of State Personnel for the administration of its merit system, as provided in state law.

- B. Prohibited acts. If a merit system is adopted, the following acts are prohibited:
- (1) No person in the classified service of the Town or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of [his] political or religious opinions or affiliations or any other factors not related to the ability to perform the work.
 - (2) 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.
 - (3) No person seeking appointment to or promotion in the classified service of the Town shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with [his] an appointment, proposed appointment, promotion or proposed promotion.
- C. Penalties. Any person who, alone or with others, willfully or corruptly violates any of the provisions of Subsection B shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a penalty as provided in § C13-4. Any person who is convicted under this section shall, for a period of five years, be ineligible for

appointment to or employment in a position in the Town service and shall, if an officer or employee of the Town, immediately forfeit the office or position he or she holds. **[[Amended 5-19-2014 by Res. No. 05-19-14]]**

§ C8-5. Classified and unclassified service.

The civil service of the Town shall be divided into the unclassified and classified services.

A. Unclassified service. The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system;

- (1) The Mayor, the [Councilmen] Councilmembers and persons appointed to fill the vacancies in these positions.
- (2) The Clerk-Treasurer, Town Manager, and the Town Attorney.
- (3) The heads of all offices, departments and agencies and members of Town boards and commissions.
- (4) Part-time, temporary and unpaid offices and positions.

B. 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.

§ C8-6. 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 cost of any such retirement or pension system out of the [general] operating funds of the Town.

§ C8-7. Compensation of employees.

The compensation of all officers and employees of the Town shall be set from time to time [by an] and provided for in the budget ordinance passed annually by the Council, subject to the restrictions imposed upon establishing the salaries of the [Councilmen] Councilmembers and Mayor.

§ C8-8. Employee benefit programs. [[Amended 5-19-2014 by Res. No. 05-19-14]]

The Town is authorized and empowered 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 VIIIA

Town Manager
[Added 7-5-2006 by Res. No. 06-14-06A²]

§ C8A-1. Creation of office; salary.

The Town Manager shall be appointed by the Mayor with the approval of the Council and subject to removal by a 4/5 vote of the Council. The Town Manager shall be paid an annual salary as set by the approved budget. The Council may increase said salary in the annual budget but may not decrease the Town Manager's salary as established upon the Town Manager's appointment.

§ C8A-2. Powers and duties.

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

- A. Organize, direct and supervise the administration of all departments, offices and agencies of the Town;

- B. Appoint, suspend and remove all Town employees, with the approval of the Mayor;
- C. Prepare and maintain [detailed personnel records and] annual staff evaluations;
- D. See that all ordinances, resolutions, rules and regulations adopted by the Town are faithfully executed;
- E. Attend all public meetings of the Council and participate in discussion, but not vote at such meetings;
- F. Engage assistants to the extent authorized by the budget;
- G. Do such other 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;
- H. Undertake such research and make reports and recommendations as the Mayor and Council may request or as he or she may deem desirable.

§ C8A-3. Surety bond.

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 IX
Public Ways and Sidewalks**

§ C9-1. Definitions.

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

§ C9-2. Control.

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.

§ C9-3. Powers of Town regarding 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, specification and estimates made for any of the above activities or projects or parts thereof.

§ C9-4. Powers of Town regarding sidewalks.

The Town have the power:

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

- B. To grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on Town property along any public way or part thereof.
- C. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.
- D. To require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If after due notice the owner fails to comply with the order within a reasonable time, the Town may do the work and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

ARTICLE X
Water and Sewers

§ C10-1. 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.

§ C10-2. Submission of plans; written approval.

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.

§ C10-3. 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 § C12-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

§ C10-4. Right of entry 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.

§ C10-5. Connections to water and sanitary sewer mains. [[Amended by Res No. 1997-3R]]

The Town shall [provide] make available a water 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, if it considers existing fixtures unsatisfactory, that satisfactory ones be installed and may 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, in accordance with county regulations. Any violation of an ordinance passed under the provisions of this section shall be [made] a misdemeanor.

§ C10-6. 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.

§ C10-7. Improper uses of system.

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.

§ C10-8. Private system: operation and maintenance.

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 an person or persons, firm, corporation, institution or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town. Any violation of an ordinance passed under the provisions of this section [may] shall be [made] a misdemeanor.

§ C10-9. Extension beyond boundary.

The Town shall have the power to extend its water or sewerage systems beyond the Town limits.

§ C10-10. Right of entry for access to installations. [[Amended 5-19-2014 by Res. No. 05-19-14]]

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 restraint or hindrance offered to such entry by any owner, tenant or person in possession, or the agent of any of them, [may by ordinance] shall be [made] a misdemeanor.

§ C10-11. 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. Any violation of the provisions of this section shall be a misdemeanor.

§ C10-12. Contracts for water or sewage removal.

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.

§ C10-13. Charges.

The Town shall have the power to charge and collect such water and sewer base and usage rates [water rents, ready-to-serve charges] or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the [Clerk-Treasurer] Town, and if bills are unpaid [within] more than 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 at law.

ARTICLE XI
Special Assessments

§ C11-1. Town powers. [[Amended by Res. No. 1997-3R]]

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 mains, stormwater sewers, curbs and gutters, other public improvements 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 assessment 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.

§ C11-2. 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. Assessment. 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 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 of property. 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; notice. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing as provided in the Local Government Article of the Annotated Code of Maryland. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested or their agents or attorneys, may appear before the Council and be heard concerning the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the

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

- 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 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 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. Due date. All special assessment installments shall be overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.
- H. Collection. All special assessments shall be billed and collected by the Clerk-Treasurer.

ARTICLE XII
Town Property

§ C12-1. Acquisition; possession, disposal. [[Amended by Res. No. 1997-3R]]

The Town may acquire real, personal or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) on December 13, 1960, are vested in the Town, subject to the terms and conditions thereof.

§ C12-2. Condemnation. [[Amended by Res. No. 1997-3R]]

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Real Property Article 12-101 et seq., of the Annotated Code of Maryland, entitled "Eminent Domain."

§ C12-3. Buildings.

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

§ C12-4. Protection.

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

ARTICLE XIII
General Provisions

§ C13-1. Oath of office.

- A. Text. Before entering upon the duties of their offices, the Mayor, the [Councilmen] Councilmembers, the Clerk-Treasurer, the members of the Board of Supervisors of Elections and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation. “I, _____, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution and laws of the state.”
- B. How sworn. 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.

§ C13-2. Surety bonds.

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

§ C13-4. General penalty. [[Amended by Res. No. 1997-3-R]]

- A. Misdemeanors. Every act or omission which, by ordinances, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall

be punishable, upon conviction thereof before any District Court of Carroll County sitting in the Circuit Court of Carroll County, by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment [for] not to exceed six months, or both.

The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

- B. Municipal infractions. The Town Council may provide that a violation[s] of any municipal ordinance shall be a municipal infraction within the terms of [Article 23A, § 3(b),] Local Government Article 6-102, of the Annotated Code of Maryland, as the same may be amended from time to time and is further empowered to provide for same by ordinance.

§ C13-5. Effect of Charter on existing ordinances. [[Amended by Res. No. 1997-3R]]

- A. Not in conflict. All ordinances, resolutions, rules and regulations in effect in the Town on December 16, 1960, 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. In conflict. All ordinances, resolutions, rules and regulations in effect in the Town on December 16, 1960, which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

§ C13-6. Severability. [[Amended by Res. No. 1997-3R]]

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 contents in which such section or part of section so held invalid shall appear, except to the extent that an entire section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall apply.

ARTICLE 2. This Resolution shall not discharge, impair or release any contract, obligation, duty, liability or penalty existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may be hereafter instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Resolution shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Resolution had not become effective.

ARTICLE 3. The date of adoption of this Resolution is the _____ day of _____, 2022, and the same shall become effective on the 50th day after the date of adoption unless a proper petition for referendum is presented to the Town on or before the 40th day after adoption as provided for by §4-304 of the Local Government Article of the Annotated Code of Maryland. The Mayor is hereby directed to cause posting and publication as required by said section of the Maryland Code. In the event this Resolution becomes effective as aforesaid or effective following any referendum, the Mayor is further directed to comply with §4-308 of the Local Government Article of the Annotated Code of Maryland.

WITNESS my signature and the Seal of the Town of New Windsor this ____ day of _____, 2022.

Introduced this _____ day of _____, 2022.

ATTEST:

**COUNCIL OF THE
TOWN OF NEW WINDSOR**

Donna Alban, Clerk/Treasurer

By: _____
Kimberly C. Schultz Vice President/
Interim Mayor

Effective _____, 2022

Approved as to form and
legal sufficiency:

Michelle M. Ostrander
Town Attorney