



The Mayor and Commissioners of the Town of Elkton

Resolution R 7 - 2008

A RESOLUTION of the Mayor and Commissioners of the Town of Elkton amending the Charter to delete certain powers under Article VI., General Powers of Commissioners, which the Board of Commissioners has determined are no longer applicable.

WHEREAS, the Mayor and Commissioners are empowered and authorized to amend the Charter of the Town of Elkton, as provided under Article XI-E., Constitution of the State of Maryland, and Article 23A, Section 11, et seq., Annotated Code of Maryland; and

WHEREAS, the Mayor and Commissioners have determined that certain powers, enumerated in the Charter, Article VI., General Powers of Commissioners, Section C6-1., Powers of Commissioners enumerated, are no longer applicable, consequently are hereby deleted.

NOW, THEREFORE, BE IT RESOLVED, that the following amendment to the Charter of the Town of Elkton, Article VI., General Powers of Commissioners, Section C6-1., shall be effective as hereinafter provided:

Charter of the Town of Elkton

Article VI. General Powers of Commissioners

§ C6-1. Powers of Commissioners enumerated.

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

B. Specific powers. The Board of Commissioners shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of the State of Maryland, for the specific purposes provided in the remaining subsections of this section:

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

(2) Aisles and doors. To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) Amusement. To provide in the interest of the public welfare for licensing, regulating or restraining theatrical or other public or private amusements, functions or assemblies.

(4) Appropriations. To appropriate municipal monies for any purpose within the powers of the Board of Commissioners.

(5) Auctioneer. To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(6) Band. To establish a municipal band, symphony orchestra or other municipal organization, and to regulate by ordinance the conduct and policies thereof.

(7) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the town.

(8) Bridges. To erect and maintain bridges.

(9) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the town, and to grant building permits for them; to adopt a building code, a plumbing code, an electrical code, and other codes of a similar nature, and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down, and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(10) Cemeteries. To regulate ~~or prohibit the interment of bodies within the municipality and to regulate~~ cemeteries. [**Note: Cemeteries are regulated by the Elkton Zoning Ordinance, Article X., Table of Permissible Uses., 20.200 R-2, R-3, R-O, C-1, C-2, by Special Exception**]

(11) Codification of ordinances. To provide for the codification of ordinances in accordance with § C6-2 of this Charter.

(12) Community Services. To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the town.

(13) Cooperative activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and government authorities for the performance of any governmental functions.

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

(15) Dangerous work. To compel persons about to undertake dangerous work to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from any such work which may be sustained by any person or property.

(16) Departments. To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(17) Dogs. To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fees or taxes are paid.

~~(18) Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or with a license.~~ [Maryland Department of Labor, Licensing, and Regulation]

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

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

(21) Finances. To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose not prohibited by this Charter or by law; and to have general management and control of the finances of the town.

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

~~(23) Food. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products; and to adopt codes which prescribe standards for the manufacture, processing, storage, or distribution of food products intended for sale or consumption in the town or which provide for the licensing of persons engaged~~

~~in any such activity. — [Maryland Department of Health and Mental Hygiene, Cecil County Health Department, Environmental Health Services]~~

~~(24) Franchises. To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any other which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland (1957 edition). No franchise shall be granted for a longer period than fifty (50) years.~~

To grant and/or regulate franchises for water, sewer, electric, gas, telephone, cable network, taxicab and other transportation, utilities and business organizations not prohibited by federal or state law, or otherwise regulated by the Maryland Public Service Commission, the Federal Communications Commission, or other federal or state agency.

~~(25) Garbage. To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.~~

Trash and Solid Waste Management. To regulate trash and waste products on private and public property; to provide for the collection and disposition of solid waste within the town.

~~(26) Grants-in-aid. To accept gifts and grants from any individual, corporation, or governmental body or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.~~

To accept grants from individuals, business entities, and/or government agencies for the purposes intended and in compliance with all requisites thereto.

~~(27) Hawkers. To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles or services on the streets or public places of the town, and to revoke such licenses for any action or threat of action by such a license in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.~~

To regulate peddlers and transient vendors within the town; to regulate the provision of services by individuals or businesses within the town that are not licensed and/or regulated by the State of Maryland.

~~(28) Health. To protect and preserve the health of the town and its inhabitants; to appoint a public health officer and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations and to authorize the removal and confinement of person having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and~~

~~abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health, or any public general or local law relating to the subject of health. [Maryland Department of Health and Mental Hygiene; Maryland Department of the Environment]~~

(29) House numbers. To regulate the numbering of houses and lots, and to compel owners to number or re-number them in accordance with town regulations. , or in default thereof, to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property, collectible as tax monies.

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

To establish and maintain, in conjunction with the operation and maintenance of law enforcement facilities, and in accordance with federal and state regulations, temporary confinement facilities for adult and juvenile offenders charged with criminal offenses.

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

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

(33) Lights. To provide for the lighting of the town.

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

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

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

(37) Noise. ~~To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, and the use of sound-amplifying devices.~~

To regulate and/or prohibit by ordinance unreasonable noise within the town.

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

To prevent or abate by appropriate ordinance(s) all nuisances in the town that are not otherwise prohibited by the Town's Charter, or by federal or state law or regulation.

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

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

To regulate parking, parking lots, and parking facilities on private property within the town; to establish and maintain public parking lots within the town. [Elkton Zoning Ordinance - parking is regulated incidental to residential and commercial development and land use within the town]

(41) Parking meters. To install parking meters on the streets and public places of the town in such places as by ordinance the Board of Commissioners may determine, and by ordinance to prescribe rates and provisions for the use thereof.

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

(43) Police force. To establish, operate, and maintain a police force. ~~All town policemen within the municipality shall have the powers and authority of constables of this state.~~

All police officers of the town shall be trained and certified in accordance with laws and regulations of the State of Maryland and shall exercise such powers as provided by law.

(44) Police powers. ~~To prohibit, suppress and punish with the town, all vice, gambling, and games of chance, prostitution and solicitation therefore, and the keeping of bawdy houses and house of ill fame, all tramps and vagrants, all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness; to enforce all laws and ordinances of the town, County of Cecil and the State of Maryland.~~

To enforce all town ordinances and laws of the State of Maryland.

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

(46) Quarantine. To establish quarantine regulations in the interests of the public health.

(47) Regulations. ~~To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic speed, parking and other similar regulations not in conflict with the laws of the state or with this Charter.~~

To adopt by ordinance or resolution and enforce regulations pertaining to development, subdivision of land, construction, land use, and such other regulations not inconsistent with State laws or regulations, or contrary to this Charter.

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

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

(50) Taxicabs. ~~To license, tax, and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters, and expressmen and all other persons pursuing like occupations.~~

To license, permit, and/or otherwise regulate taxicab businesses and their respective vehicles and operators within the town, not contrary to state laws or regulations.

(51) Vehicles. ~~To regulate and license wagons and other vehicles not subject to the licensing powers of the state.~~

To regulate vehicles with respect to parking within the town.

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

(53) Zoning. To exercise the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland ~~(1957 Edition)~~ subject to the limitations and provisions of that Article, but regardless of the population of the town.

(54) Saving clause. The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. ~~(Amended during the 1996 codification)~~

**** END OF SECTION ****

Note: ~~Language appearing in bold font and struck out has been deleted~~; language appearing in bold font and underlined has been added, amending the respective section.

DATE OF EFFECT

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THIS RESOLUTION shall be effective on the 26th day of FEBRUARY, 2009, which shall be the fiftieth (50th) day from the date of this resolution's passage, unless otherwise provided by law.

CERTIFICATION OF LEGAL REVIEW

THIS RESOLUTION was reviewed by the Town Attorney and found legally sufficient and in proper form.


Mr. H. Norman Wilson, Jr., Esq., P.A.

1/6/09
Date

EXECUTION BY THE MAYOR AND COMMISSIONERS

Attest:


Lewis George, Town Administrator

**Mayor and Commissioners
of the Town of Elkton**


Mayor Joseph L. Fisona


Commissioner Charles H. Givens, Sr.


Commissioner Mary Jo Jablonski


Commissioner Earl M. Piner, Sr.


Commissioner C. Gary Storke

CERTIFICATION OF PUBLICATION

THIS RESOLUTION was published in the Cecil Whig on _____, _____, _____, and _____, constituting four (4) consecutive weeks of publication in a newspaper of general circulation in the town of Elkton, Maryland, and within a period of forty (40) days from the date of adoption of this Resolution by the Mayor and Commissioners.

Lewis George, Town Administrator

Date

PUBLIC HEARING

A PUBLIC HEARING regarding this resolution was held on _____.

AMENDMENT TO BE POSTED FOR A PERIOD OF FORTY (40) DAYS

A copy of this resolution and the foregoing amendments to the Town of Elkton's Charter was posted at the Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland, on _____, until, and inclusive of the date of _____, a period of not less than forty (40) days.