

**THE TOWN OF ELKTON  
CHARTER\***

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\*The provisions of this Charter were enacted by resolution of the Mayor and Commissioners 2/7/68 and took effect 3/29/68. A complete and exact copy of the resolution was posted in the Town Hall for a period of at least forty (40) days following adoption; a fair summary of the Charter was published in a newspaper of general circulation in the town not less than four times, at weekly intervals, within such forty (40) day period, and no petition for referendum was filed.

**Article I. Corporate Name**

**§ C1-1. Corporate name.**

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

**Article II. General Corporate Powers**

**§ C2-1. General powers.**

The Town of Elkton, 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, which may be altered at pleasure, and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. To have and to exercise all powers now or hereafter conferred by the laws of the State of Maryland upon municipal corporation organized pursuant to the laws under which the corporation is organized and any and all acts amendatory thereof and supplemental thereto. To do all and everything necessary, suitable, or proper for the accomplishment of any of the purposes, the attainment of any of the objects, or the exercise of any of the powers herein set forth, either alone or in conjunction with other corporations, firms, or individuals, and either as principals or agents, and to do every other act or acts, thing or things, incidental or appurtenant to or growing out of or connected with the above-mentioned objects, purposes or powers. The above enumerated powers shall not be construed as limiting or restricting in any manner the powers of this municipal corporation which shall have such incidental powers as may be connected with or related to any specific power herein enumerated. (Amended during 1996 codification)

**§ C2-2. Urban renewal powers.**

1. Definitions.

(a) The following terms wherever used or referred to in this subheading shall have the following meanings, unless a different meaning is clearly indicated by the context:

(b) "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(c) "Slum Area" shall mean any area where dwellings predominate which by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.

(d) "Blighted Area" shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

(e) "Urban Renewal Project" shall mean under-takings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any urban renewal plan. Such undertakings and activities may include

(1) Acquisition of a slum area or a blighted area or portion thereof;

(2) Demolition and renewal of buildings and improvements;

(3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this subheading in accordance with the urban renewal plan:

(4) Disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;

(5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan:

(6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) The preservation, improvement or embellishment of historic structures or monuments.

(f) "Urban Renewal Area" shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) "Urban Renewal Plan" shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) "Bonds" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(i) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) "Municipality" shall mean the President and Commissioners of the Town of Elkton, a municipal corporation of this State.

2. Powers. The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property and any right or interest therein already devoted to public use by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired to

any private, public or quasi-public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any other powers which by this subheading are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this subheading is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and affect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

- (1) To make or have made all surveys and plans necessary to the carrying out of the purposes of this subheading and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements; (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;
- (2) To prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;
- (3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this subheading, including but not limited to, the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, as aforesaid, and for the demolition, removal, relocation, renovation or alteration of land, building, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities or services, in connection with urban renewal projects, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this subheading, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;
- (4) To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards including the power to pay premiums on any such insurance;
- (5) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this subheading, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and

related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) To plan, replant, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project: and to make exceptions from building regulations;

(8) To generally organize, coordinate and direct the administration of the provision of this subheading as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) To exercise all or any part or combination of powers herein granted.

### 3. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this subheading or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this subheading. Such ordinance shall include provisions, establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this subheading granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section 4 of this subheading.

(2) The power to issue general obligation bonds pursuant to Section 9 of this subheading.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section (3) of this subheading.

### 4. Initiation of Project. In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

(1) Finds that one or more slum or blighted areas exist in such municipality;

(2) Locates and defines the said slum or blighted areas;

(3) Finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

### 5. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this subheading, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the redevelopment of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty (60) days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall

generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

#### 6. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this subheading. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part of parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such a manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty (60) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with

respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specific period of not less than sixty (60) days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this subheading, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this subheading shall be conclusively presumed to have been executed in compliance with the provisions of this subheading insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

7. Eminent Domain. Condemnation of land or property under the provisions of this subheading shall be in accordance with the procedure provided in Article 33A of the Annotated Code of Maryland (1957 Edition, as amended) and acts amendatory thereof or supplementary thereto.

8. Encouragement of Private Enterprise. The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this subheading shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole to the rehabilitation or redevelopment any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this subheading.

9. General Obligation Bonds. For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

#### 10. Revenue Bonds

(a) In addition to the authority conferred by Section 9 of this subheading the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this subheading; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this subheading, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such Indenture of Trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be

issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such for with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or Trust of Indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of that portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this subheading shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, and bonus issues pursuant to this subheading shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or security therefor, any such bond reciting in substance that it has enforceability of any bond issued under this subheading or has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provision of this subheading.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other trust funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this subheading providing that such bonds and other obligation shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

11. Separability. If any provision of this subheading, or the application thereof to any person or circumstance is held invalid the remainder of the subheading and the application of such provision to the persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The

powers conferred by this subheading shall be in addition and supplemental to the powers conferred by any other law. (Added during 1996 codification)

### **Article III. Corporate Limits**

#### **§ C3-1. Corporate limits; annexations.**

The corporate boundaries of the Town of Elkton shall be those in effect on the date this Charter becomes effective and any subsequent annexation thereto. A description of the corporate boundaries of the town at all times shall be on file with the Town of Elkton and with the Clerk of Cecil County. A brief description of subsequent annexations to the town is included in the Charter Appendix which appears at the end of this Charter. Complete description of said annexations are on file in the Administration Office of the Town of Elkton. (Amended during 1996 codification)

### **Article IV. Board of Commissioners**

#### **§ C4-1 Number of members; selection; terms.**

All legislative powers of the Town are vested in a Board of Commissioners consisting of the Mayor and four (4) Commissioners 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 members shall expire on the first regular Board meeting in June following the election of their successors. The Mayor of Elkton and the Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the terms for which they were respectively elected and until their successors take office under the provisions of this Charter.

#### **§ C4-2. Qualifications of members.**

Members of the Board of Commissioners shall have resided in the town for at least one (1) year immediately preceding their election and shall be qualified voters of the town. A person who has been convicted of a felony or has received a dishonorable discharge from the military service of the United States shall not be eligible to become a candidate for an elected office (Amended during 1996 codification; Ord. 2-81 (part))

#### **§ C4-3. Salaries of members.**

The Mayor and Commissioners shall receive annual salaries and shall be as specified from time to time by a resolution passed by the Board of Commissioners in its regular course of its business. An adjustment to the salary of the Mayor and/or any member of the Board of Commissioners shall not apply during their respective term of office. The Board of Commissioners may be paid such necessary bona fide expenses incurred in service on behalf of the Town as authorized by the Board of Commissioners.

#### **§ C4-4. Meetings.**

The Board of Commissioners shall meet on the first Wednesday of the month and 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 Board. Rules of the Board shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The Mayor shall preside at each meeting of the Board, but in his absence or in case of a temporary vacancy in the office of the Mayor, the Board shall name another one of its members to preside. (Amended during 1996 codification; Ord 2-81 (part))

#### **§ C4-5 Judge of qualification of members.**

The Board of Commissioners shall be the judge of the election and qualifications of its members.

#### **§ C4-6 Quorum.**

A majority of the members of the Board of Commissioners 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 Board.

#### **§ C4-7. Rules and order of business; journal.**

The Board of Commissioners 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 (1) member. The journal shall be open to public inspection.

**§ C4-8. Passage of 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 Board of Commissioners held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, such ordinance shall be passed or passed as amended, or rejected or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four (4) members of the Board. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following its adoption. Each ordinance shall be published by title, in full or as a fair summary at least twice in a newspaper having general circulation in the town, within twenty (20) days after its adoption. An emergency ordinance shall become effective on the date specified in the ordinance. (Amended during 1996 codification)

**§ C4-9. Referendum.**

If, before the expiration of twenty (20) calendar days following adoption of any ordinance, a petition is filed with the Board of Commissioners 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 Board of Commissioners 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 Board's discretion, at a special election occurring before the next regular election. Nor 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. Nevertheless, 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 the adoption 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 provision of this section shall not apply to any ordinance or part thereof passed under the authority of § C8-4 of this Charter, 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 §C12-1 of this Charter. The provision of this section shall be self-executing, but the Board of Commissioners may adopt ordinances in furtherance of these provisions and not in conflict with them. (Amended during 1996 codification)

**§ C4-10. Filing of ordinances.**

Ordinances shall be permanently filed by the Town and shall be kept available for public inspection. (Amended during 1996 codification; Ord. 2-81 (part))

**Article V. The Mayor**

**§ C5-1. Powers and duties.**

A. Generally. The Mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.

B. Appointments and removal of employees and heads of offices, departments, Boards and Commissions. Unless otherwise provided herein, the Mayor shall appoint, subject to the confirmation of the Board, the Town Administrator, and the membership of all boards and commissions of the Town. All employees subordinate to the Town Administrator shall be employed and removed from employment consistent with

law and in accordance with the rules and regulations of any personnel management system which may be adopted by the Board of Commissioners.

C. Reports and recommendations to the Board. The Mayor each year shall report to the Board of Commissioners the condition of Town affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

D. Supervision of financial administration of government. The Mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Board of Commissioners. He shall supervise the administration of the budget as adopted by the Board of Commissioners. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

E. Authority to require accountings. The Mayor may call on any officer of the Town who is entrusted with the receipt or expenditure of public money for a statement of such officer's accounts as often as he shall consider it proper to do so.

F. Other powers and duties. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Board of Commissioners not inconsistent with this Charter.

G. The Mayor shall have the same voting powers as all Board members to vote on any resolution or ordinance that is presented and to introduce motions. (Amended during 1996 codification; Ord. 2-81 (part))

## **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 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 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) Amusements. 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) Auctioneers. 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 cemeteries.

(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 joint performance of or for cooperation in 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, department 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) 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.

(19) 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 expenses thereof against the property, making it collectible by taxes or against the occupant or occupants.

(20) 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.

(21) Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire hazard regulations are met, to install and maintain 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.

(22) Franchises. 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.

(23) 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.

- (24) Grants-in-aid. To accept grants from individuals, business entities, and/or government agencies for the purposes intended and in compliance with all requisites thereto.
- (25) Peddlers and Transient Vendors. 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.
- (26) House numbers. To regulate the numbering of houses and lots and to compel owners to number or renumber them in accordance with town regulations.
- (27) Jail. 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.
- (28) Licenses. Subject to any restrictions imposed by the 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.
- (29) 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.
- (30) Lights. To provide for the lighting of the town.
- (31) 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.
- (32) Markets. To obtain by lease or rent, and to own, construct, purchase, operate and maintain, public markets within the town.
- (33) 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.
- (34) Noise. To regulate and/or prohibit by ordinance unreasonable noise within the town.
- (35) Nuisances. 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.
- (36) 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.
- (37) 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.
- (38) 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.
- (39) 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.
- (40) Police force. To establish, operate and maintain a police force. 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.
- (41) Police powers. To enforce all town ordinances and laws of the State of Maryland.
- (42) 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.
- (43) Quarantine. To establish quarantine regulations in the interest of the public health.

(44) Regulations. 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.

(45) Sidewalks. To regulate the use of sidewalks and all structures on, 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.

(46) 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 town.

(47) Taxicabs. 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.

(48) Vehicles. To regulate vehicles with respect to parking within the town.

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

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

(51) 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 Resolution R7-2008)

**§ C6-2. Codification of ordinances.**

A. The Board of Commissioners may codify or recodify any or all of the ordinances of the town, in permanently bound or loose-leaf form. Such ordinances may be changed, altered or amended in such manner as the Board may direct, and ordinances or portions thereof may be deleted and new material may be added as directed by the Board. Such changes, alterations, amendments or deletions and such new material shall become effective on the effective date of the codification or recodification.

B. Ordinances relating to zoning may be included in such codification or recodification or ordinances; provided that no charge, alteration, amendment, deletion or addition of a substantive nature shall be made and no new material of a substantive nature shall be added to such ordinances except in conformance with the Zoning Ordinance of the Town regarding adoption and amendment. Renumbering or rearranging of sections, Articles or other divisions of a Zoning Ordinance shall not be deemed to be a change, alteration, amendment, of a substantive nature.

C. Any such codification or recodification may be adopted by reference by a single ordinance without further publication of such codification or recodification and shall comply with all laws of the state and any provision of this Charter governing adoption of ordinances.

D. Supplements for any such codification or recodification may be prepared from time to time at the direction of the Board of Commissioners, either as a unit or on a replacement page basis; provided that where replacement pages are prepared, a distinguishing mark or notation shall be placed on each replacement page to distinguish it from the original page and pages of other supplements. No further adoption procedures shall be required for a supplement in which no substantive change is made in ordinances validly adopted by the Board. If changes, alterations, amendments, deletions or additions of a substantive nature are made in any such supplement, then such supplements shall be adopted by the Board of Commissioners in the same manner provided in this section for the adoption of codifications and recodifications.

E. At least one (1) copy of codification or recodification adopted hereunder and at least one (1) copy of every supplement thereto shall be kept by the Town and shall be available for public inspection during normal business hours. (Amended during 1996 codification)

**§ C6-3. Exercise of power.**

For the purpose of carrying out the powers granted in this Charter, the Board of Commissioners 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.

**§ C6-4. Enforcement of ordinances.**

A. To ensure the observance of the ordinances of the Town, the Mayor and Commissioners have the power to provide that violation thereof shall be a misdemeanor, unless specified as a municipal infraction, and shall have the power to affix thereto penalties of a fine, and/or imprisonment, for any amount and/or any time up to the maximum authorized by the State of Maryland of municipalities to impose for the violation of its laws. Any person subject to any fine, forfeiture or penalty has the right to appeal to the Circuit Court of Cecil County in accordance with the provisions of law. The Mayor and Commissioners may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to conviction for a continuation of the offense subsequent to the first of any succeeding conviction.

B. The Mayor and Commissioners may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purpose of this section a municipal infraction is a civil offense.

C. A fine for any amount up to the maximum authorized by the State of Maryland for municipalities to impose for the violation of its laws may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation, unless otherwise provided by law. Each day a violation continues shall constitute a separate offense.

D. Any person receiving a citation or an infraction may elect to stand trial for the offense by notifying the Town in writing of this intention at least five (5) day prior to the date set for payment of the fine. Failure to pay the fine or to file notice of intent to stand trial may result in an additional fine or adjudication by the Court.

E. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Amended during 1996 codification)

**Article VII. Registration, Nomination and Elections\***

**\*Editor's Note:** former charter Sections C7-2 through C7-10 were deleted and subsequent section in Article 7 were renumbered during 1996 codification.

**§ C7-1. Board of Supervisors of Elections.**

A. Board of Supervisors of Elections – in general

1. There shall be a Board of Supervisors of Elections consisting of not less than six (6), but may be more than six (6) members who shall be appointed by the Board of Commissioners on or before the first Monday in March in 2018 and in every even-numbered year thereafter and the Board of Supervisors of Elections holding office at the time this Charter becomes effective shall continue in office and shall perform their duties until the next Board of Supervisors of Elections is appointed and qualifies under this section. The terms of members of the Board of Supervisors of Elections begin on the first Monday in March in the year in which they are appointed and run for two (2) 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 of Supervisors of Elections shall recommend one of its members as Chairman to the Board of Commissioners. Vacancies on such Board shall be filled by the Board of Commissioners for the remainder of the unexpired term. The compensation of the members of the Board of Supervisors of Elections shall be determined by the Board of Commissioners.

2. Any member of the Board of Supervisors of Elections may be removed for good cause by the Board of Commissioners if in the judgement of the Board of Commissioners the member is not

properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him/her and shall have a public hearing on them before the Board of Commissioners if he/she so requests within ten (10) days after receiving the written copy of the charges.

3. The Board of Supervisors of Elections shall be in charge of the record of registration of voters, nominations and all Town elections, including the making of the count and official canvass of the votes. The Board may appoint election clerks or other Town employees to assist it in any of its duties.

4. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m.

**B. Board of Supervisors of Elections – General Powers.**

The Board of Supervisors of Elections is hereby authorized and empowered to do any and all acts, the carrying out of which is committed to said Board by the Town Charter for voting by persons who are absentee voters, and to accept and expend any funds made available to it by the Town for the purpose of defraying the costs and expenses incurred in connection therewith, including its services. The Board of Supervisors of Elections is hereby authorized and empowered to use any and all facilities that may be furnished by the Town for the purpose of transmitting to and from absentee voter applications for absentee ballots, envelopes, instructions and all other printed matter that may be permitted to be transmitted by the Town Charter and generally to cooperate in every way with military and civil officers of the United States and with all such departments, commissions and agencies thereof in order to enable such persons to vote.

**C. Additional Powers of the Board; Regulations.**

The Board may:

1. Take any additional measures it deems necessary to ensure the integrity and accuracy of voter registration applications; and
2. Adopt any regulations necessary to administer the voter registration.

**§ C7-2. Contest and Appeals.**

Contests concerning registration, voting or the validity of any ballot shall be decided by the Board having jurisdiction in the matter. No registration shall be denied and no ballot rejected unless by the unanimous vote of the entire Board. Any candidate or absentee voter aggrieved by any decision or action of such Board shall have the right to appeal to the Circuit Court for Cecil County to review such decisions or action, and jurisdiction to hear and determine such appeals is hereby conferred upon said Court. Such appeals shall be taken by way of petition filed with the appropriate Court within five (5) days from the date of the completion of the official canvasses by any Board of all the votes cast at any election and shall be heard de novo and without a jury by said Court as soon as possible. There shall be further right of appeal to the Court of Appeals provided such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said Court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal.

**§ C7-3. Election Dates; Filing as Candidates; Terms of Office.**

A. On the second Tuesday in May, every four (4) years, the duly registered voters shall elect by ballot a Mayor, who shall serve for a term of four (4) years and until his/her successor is duly elected and qualified.

B. On the second Tuesday in May, each and every two (2) years, the duly registered voters shall elect by ballot two (2) Commissioners, who shall serve for a term of four (4) years and until their successors are duly elected and qualified.

C. No person shall be entitled to have his or her name placed on the ballot or be voted for as a candidate for Mayor or Commissioner who shall not have filed with the Board of Supervisors of Elections sixty (60)

days prior to the first Tuesday in May on which is to be held the election at which he or she is a candidate, a certificate under oath, setting forth for which office he or she is a candidate and his or her qualifications therefore under the provisions of this Charter; and the Board of Commissioners shall give ample public notice of any such election at least ten (10) days before the date thereof.

D. Any Commissioner who shall file for election to the office of Mayor shall first resign his or her seat on the Board of Commissioners.

**§ C7-4. 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.

**§ C7-5. Filling Vacancies.**

In the case of a vacancy on the Board of Commissioners for any reason, that Board shall elect some qualified person to fill the vacancy for the unexpired term. In case of a vacancy in the office of Mayor for any reason, the vacancy shall be filled by a member of the Board of Commissioners, for the remainder of the unexpired term. Any vacancies on the Board of Commissioners or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Board of Commissioners. The results of any such vote shall be recorded in the minutes of the Board of Commissioners.

**§ C7-6. Regulation and Control by Board of Commissioners.**

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

**§ C7-7. Failure to Hold Election; Effect.**

If the inhabitants of the Town shall at any time neglect to hold an election as directed in this Charter, the power of electing the Mayor and other members of the Board of Commissioners shall not thereupon cease, but shall continue as though such election has been held; and the Mayor and Commissioners for the time being shall remain in office until such bi-annual election shall be held.

**§ C7-8. Penalties.**

A. Any person who fails to perform any duty required of him/her 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 or will tend to affect fraudulently any registration, nomination or Town election, is guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this election shall immediately upon conviction thereof cease to hold such office or employment, and forfeiture of office or employment shall not be construed as a bar to the imposition of a fine or imprisonment, or both for the commission of the misdemeanor.

B. Any person who shall violate any of the provisions herein shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) or be sentenced to imprisonment for not more than ninety (90) days, or both, in the discretion of the Court. These penalties shall be in addition to the penalties as provided in the Charter of said Town.

**§ C7-9. Corrupt Practices.**

The provisions, prohibitions and penalties prescribed in Sections 24-1 to 24-31, Article 33, Annotated Code of Maryland (1993 edition) relating to corrupt practices at general and primary elections are hereby declared to be applicable to all elections held by virtue of the authority given in this Article, and to be applicable to the acts of all persons in connection with or relating to such elections or any of them, so far as they may or can be applicable.

**§ C7-10. Areas Not Covered in Town Charter**

In the case of any areas not covered in the election laws of the Town Charter, the Election Laws of the State of Maryland shall apply.

**§ C7-11. Voters – Qualifications of Voters**

A. Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided in the Town for sixty (60) days preceding any Town election and is registered in accordance with the provisions of this Article is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all Town elections.

B. Exceptions – an individual is not qualified to be a registered voter if the individual:

1. Has been convicted of a felony and is actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction;
2. Is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
3. Has been convicted of buying or selling votes.

**§ C7-12. Voter Registration.**

A. Registration shall be permanent and no person is entitled to vote in the Town elections unless he/she is registered with the Cecil County Board of Elections.

B. The Board of Commissioners by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for the registration when necessary.

C. Registration with the Cecil County Board of Elections by a voter who resides in the Town shall be deemed registered for elections in the Town.

D. Registration Procedure

1. To apply to register to vote, an individual shall:

- a. Complete the voter registration application with the Cecil County Board of Elections; and
- b. Affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter; and
- c. Provide one of the following:
  - i. A Maryland Driver's License number or Maryland identification card number, the last four digits of the individual's Social Security number, and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual; or
  - ii. If the individual is an absent uniformed services voter or overseas voter as defined in the Federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland Driver's License or Maryland identification card, the individual shall provide the last four digits of the individual's Social Security number, a military identification card of identification as an Overseas Citizen, proof of residency in the Town and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual.

2. To change an individual's name, address or party affiliation in the individual's existing voter registration record, an individual shall:

- a. Complete the voter registration application with the Cecil County Board of Elections;
- b. Affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all the qualifications to be a registered voter.
- c. Provide one of the following:
  - i. A Maryland Driver's License number or Maryland identification card number, the last four digits of the individual's Social Security number, and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual; or

ii. If the individual is an absent uniformed services voter or overseas voter as defined in the Federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland Driver's License or Maryland identification card, the individual shall provide the last four digits of the individual's Social Security number, a military identification card of identification as an Overseas Citizen, proof of residency in the Town and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual.

**§ C7-13. Candidates, Qualification of Mayor and Board of Commissioners**

The Mayor and members of the Board of Commissioners shall have resided in the Town for at least one (1) year preceding the election and shall be qualified voters of the Town. A person who has been convicted of a felony or has received a dishonorable discharge from the military service of the United States shall not be eligible for an elected office.

**A. Application**

1. An individual may become a candidate for public office only if:
  - a. The individual files a Certificate of Candidacy in accordance with this section; and
  - b. The individual does not file a Certificate of Withdrawal.
2. Determination by the Board of Supervisors of Elections – the Board shall determine whether an individual filing a Certificate of Candidacy meets the requirements of this section, including:
  - a. The voter registration requirements under this section; and
  - b. Completion of Financial Disclosure form.
3. Listing of name on the ballot
  - a. On the Certificate of Candidacy, a candidate shall designate how the candidate's name is to appear on the ballot.
  - b. Except as provided in the following paragraph, a candidate shall file a Certificate of Candidacy in which the candidate lists their given name, an initial letter of any other of their given names, and surname.
  - c. A candidate may file a Certificate of Candidacy in a name different than that specified under the above paragraph if the candidate files an affidavit, under penalty of perjury, attesting that the candidate is generally known by that other name in:
    - i. Press accounts concerning the candidate if any; or
    - ii. If press accounts do not exist, the candidate's everyday encounters with members of the community.
  - d. Except for the use of quotation marks to enclose a portion of the name, the use of symbols, titles, degrees, or other professional designations on a Certificate of Candidacy is prohibited.
4. On form – A Certificate of Candidacy shall be filed under oath on the prescribed form.
5. Filing with the Board – The Certificate of Candidacy shall be filed with the Board if the candidacy is for:
  - a. The office Mayor of the Town of Elkton.
  - b. The office of the Board of Commissioners of the Town of Elkton.
6. When Filed.
  - a. Except as provided for in special elections, in the year in which the Mayor and/or Commissioners are elected a Certificate of Candidacy shall be filed not later than sixty (60) days prior to the first Tuesday in May.
  - b. Special Elections – A Certificate of Candidacy for an office to be filled by a special election under this section shall be received and filed in the office of the appropriate board not later than 5:00 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the special election.
7. Manner of Filing.

- a. A Certificate of Candidacy may be filed in person or if authorized in the section below, by Certified Mail, personal messenger, or other delivery service designated by the filer.
- b. A Certificate of Candidacy may not be filed by facsimile service or other electronic transmission.
- c. Filing other than in person – A Certificate of Candidacy may be filed as permitted by Certified Mail, personal messenger or other delivery service as designated by the filer if:
  - i. The individual filing the Certificate is unable to do so in person because of illness, military service or temporary absence from the State of Maryland; and
  - ii. The Certificate is accompanied by an affidavit signed by the individual filing the Certificate setting forth fully the facts that prevent that individual from filing the Certificate in person.
- d. Content – On the Certificate of Candidacy form prescribed by the Board of Supervisors of Elections, the candidate shall specify:
  - i. The office, including, if applicable, the party to which the candidacy relates;
  - ii. The year of the election;
  - iii. The name of the individual filing the Certificate of Candidacy;
  - iv. The address on the statewide voter registration list or the current address of the individual;
  - v. A statement that the individual satisfies the requirements of law for candidacy for the office for which the Certificate of Candidacy is being filed; and
  - vi. Any information requested by the Board to verify the accuracy of the information provided by the individual under this subsection.
- e. Additional requirements – the Certificate of Candidacy shall be accompanied by evidence that the individual has filed;
  - i. a Financial Disclosure Statement with the Town of Elkton Ethics Commission in accordance with the requirements of Section C7-13 2(b) of this Article; or
  - ii. Any other financial disclosure report required by law; and
  - iii. Any additional information required by the Board.
- f. Acceptance by appropriate Board – the appropriate Board shall accept the Certificate of Candidacy if it determines that all requirements are satisfied.

**§ C7-14. Ballots in General – Requirements of Ballots in Voting.**

A. In any election conducted under this Article:

- 1. All voting shall be by ballot;
- 2. Only votes cast on a ballot may be counted.
- 3. All ballots shall comply with the provisions of this Article;
- 4. Other users prohibited – A ballot may not be used for any purpose not authorized by this Article.

B. Responsibilities for preparation – the Board of Supervisors of Elections shall place referendum, names of candidates, and other material on the ballot in accordance with the content and arrangement prescribed by this Article.

C. Standards.

Each ballot shall:

- 1. Be easily understood by voters;
- 2. Present all candidates and questions in a fair and nondiscriminatory manner;
- 3. Permit the voter to easily record a vote on referendum and on the voter’s choices among candidates;
- 4. Protect the secrecy of each voter’s choice; and
- 5. Facilitate the accurate tabulation of the choices of the voters.

D. Contents.

Each ballot shall contain:

1. A heading;
2. A statement of each question that has met all the qualifications to appear on the ballot;
3. The title of each office to be voted on.
4. The name, as specified in the Certificate of Candidacy, or as otherwise provided in this Article, of each candidate who has been certified by the Board of Supervisors of Elections;
5. A means by which a voter may cast write-in votes, as provided in this Subtitle, and
6. Instruction to voters as provided in this Subtitle.

E. Arrangement of Ballots – Questions

1. Order of questions – questions to be voted upon shall be placed on the ballot in the following order;
  - a. Those relating to the creation or adoption of a new Town of Elkton Charter or Code;
  - b. Those proposing amendments to the Town of Elkton Charter or Code;
  - c. Other questions.

F. Absentee and Provisional ballots – Content.

The content of both an Absentee and Provisional ballot issued to a voter shall be identical to the ballot used in the polling place.

G. Requirements for Casting Provisional Ballots.

In general. If an individual is eligible under the following paragraph, the individual shall be issued and may cast a Provisional Ballot at the polling place on Election day.

Eligibility. An individual is eligible to cast a Provisional Ballot if:

1. The individual declares in a written affirmation submitted with the Provisional Ballot that the individual is a registered voter in the State of Maryland and is eligible to vote in that election; and
2. The individual's name does not appear on the Election Register;
3. An election official asserts that the individual is not eligible to vote; or
4. The individual does not have the necessary identification.

H. Completion of a Provisional Ballot. Before an individual casts a Provisional Ballot;

1. The individual shall complete and sign the Provisional Ballot application prescribed by the Board; and
2. The Election Official issuing the ballot shall advise the individual that the individual will be able to ascertain whether the vote was counted, and if it was not counted, the reason it was not.

**§ C7-15. Authority to Change Ballots and Material to Conform to Congressional Acts.**

If any act or acts of Congress now or hereafter in effect providing for voting by mail of all or any of the persons who are absentee residents or voters as defined in Sections C7-11 and C7-12 of this Article requires the execution of an oath on the ballot envelope, or otherwise, or requires other printing on any of said ballot material, which is different from that required on the ballot envelope or other ballot material as provided in said Sections C7-11 and C7-12, such ballot, if completed in accordance with such act of Congress, whether or not completed in accordance with said Sections, shall be accepted as having complied with the requirements of said Sections C7-11 and C7-12, provided any such change does not conflict with any provision of the Charter of the Town of Elkton and shall not provide or prescribe any oath which would not furnish the information needed to enable any Board to register the affiant as a qualified voter under the Charter of the Town of Elkton.

**§ C7-16. 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.

**§ C7-17. Polling Places and Procedures.**

A. Authority and duties of the Board of Supervisors of Elections

In general – Under the supervision of the Chief Judge, a supervisor shall;

1. Carry out the tasks assigned by the Board of Supervisors of Elections during the period of time that begins before the election through the close of the polls and the return of materials to the Board and

2. Take measures throughout election day to assure that;
  - a. Each voter's right to cast a ballot in privacy is maintained; and
  - b. The integrity of the voting process is preserved; and
  - c. The accuracy of the counting process is protected; and
  - d. Order in the polling place is maintained; and
  - e. All election laws are observed.

B. Wearing badge on Election Day – While serving as a Supervisor of Elections on election day, a Supervisor shall wear an identification that:

1. Is in plain view
2. Identifies the person as a Supervisor of Elections
3. Identifies the person by name

C. Authority to keep order in the polling place – A supervisor of Elections shall:

1. Keep the peace and order the arrest of any person who:
2. Breaches the peace;
3. Breaches any provision of this Charter; or
4. Interferes with the work of the Supervisors of Elections in conducting the election and carrying out their assigned tasks.

D. Protection of Challengers and Watchers

1. Supervisor of Elections shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher as provided in this Charter.
2. Supervisor of Elections is not required to admit a challenger or watcher to a polling place before the polls open if the challenger or watcher was not present at the polling place at least one-half hour before the polling place opens.
3. Supervisor of Elections may require challengers and watchers to leave the polling place before it opens if a majority of the Supervisors present agree that the presence of the challengers and watchers will prevent the timely opening of the polling place.
4. Supervisor shall designate reasonable times for challengers and watchers to examine polling lists.

**§ C7-18. Access to Polling Place.**

A. Individuals allowed to have access to the polling place – a Supervisor of Elections shall allow the following individuals to have access to the polling place;

1. Voter;
2. An individual who accompanies a voter in need of assistance in accordance with this Article;
3. Polling place staff;
4. A member or other representative of the Board of Supervisors of Elections;
5. An accredited watcher or challenger under this Article;
6. An individual under the age of 18 who accompanies a voter provided that:
  - a. The individual is in the care of the voter and does not disrupt or interfere with normal voting procedures; and
  - b. The individual is not eligible to vote in that election; and
  - c. Any other individual authorized by the Board of Supervisors of Elections.

**§ C7-19. Responsibilities of Supervisors of Elections on Election Day.**

A. Prior to Opening of the Polls

1. In general – In accordance with instructions provided by the Chairperson, the Supervisors of Elections shall arrive at the polling place and, under the direction of the Chairperson, shall set up the polling place to assure that the polls will be open and operational at 7:00 a.m.
2. Admission of challengers and watchers – Except as provided elsewhere in this Article, a Supervisor shall admit an accredited challenger or watcher one-half hour before the polling place is open.

B. Responsibilities of Supervisors of Elections on Election Day

1. Qualifications of Voters – For each individual who seeks to vote, a Supervisor, in accordance with instructions provided by the Board of Supervisors of Elections, shall:
  - a. Locate the individual’s name in the Election Register and provide appropriate documentation (voter authority card) authorizing the individual to vote a regular ballot; or
  - b. If the individual’s name is not found in the Election Register, search the Inactive Voter list and if the name is found, authorize the individual to vote a regular ballot; or
  - c. If the individual’s name is not on the Inactive list, refer the individual for Provisional Ballot voting.
  - d. Establish the identity of the voter by requesting the voter to state the month and day of the voter’s birth and comparing the response to the information listed in the Election Register;
  - e. Except if a voter’s personal information has been deemed confidential by the Board of Supervisors of Elections, verify the address of the voter’s residence or conduct an alternative verification as established by the Board of Supervisors of Elections.
  - f. If any changes to the voter authority card are indicated by a voter, make the appropriate changes in information on the voter authority card or other appropriate form; and
  - g. Have the voter sign the voter authority card and either issue the voter a ballot or send the voter to a machine to vote.
2. Right to Vote – Upon completion of the procedures set forth in this section, a voter may vote in accordance with the procedures appropriate to the voting system used in the polling place.

C. Instruction of and Assistance to Voters

1. Before a voter enters a voting booth, at the request of the voter, a Supervisor of Elections shall instruct the voter about the operation of the voting system.
2. After a voter enters the voting booth, at the request of the voter, a neutral third party voting assistant designated by the Town of Elkton shall instruct the voter on the operation of the voting device.
3. A Supervisor of Elections or voter assistant designee may not suggest in any way how the voter should vote for a particular ticket, candidate or position on a question.
4. After instructing the voter, the voter assistant designee shall exit the voting booth and allow the voter to vote privately.
5. A voter may take into the polling place any written or printed material to assist the voter in marking or preparing the ballot.
6. A voter who requires assistance in marking or preparing the ballot because of a physical disability or an inability to read the English language may choose an individual to assist the voter.
7. A voter may not choose the voter’s employer or agent of that employer or an officer or agent of the voter’s union to assist the voter in marking the ballot.
8. If the voter requires assistance in voting but declines to select an individual to assist, a Supervisor of Elections, in the presence of a neutral third party voter assistant designated by the Town of Elkton shall assist the voter in the manner prescribed by the voter.
9. An individual assisting a voter may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.
10. If a voter requires assistance under this subsection, the Chairperson shall record, on a form prescribed by the Board of Supervisors of Elections, the name of the voter who required assistance and the name of the individual providing assistance to the voter.
11. Except as in paragraphs 4 or 6 of this subsection, an individual over the age of 17 years may not accompany a voter into a voting booth.

**§ C7-20. Challengers and Watchers**

- A. Designation and removal of Challengers and Watchers – the following persons or entities have the right to designate a registered voter as a Challenger or a Watcher at each place of registration and election:

1. The Board of Supervisors of Elections
2. A candidate
3. A political party
4. Any other group of voters supporting or opposing a candidate, principle or proposition on the ballot.

A person who appoints a Challenger or Watcher may remove the Challenger or Watcher at any time.

B. Right of Challengers and Watchers – Except as provided for otherwise in this subtitle, a challenger or Watcher has the right to:

1. Enter the polling place one-half hour before the polls open;
2. Enter or be present at the polling place when the polls are open;
3. Remain in the polling place until the close of the polls;
4. Maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and
5. Enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

C. Certificate

1. A certificate signed by any party or candidate shall be sufficient evidence of the right of a Challenger or Watcher to be present in the polling place.
2. A Challenger or Watcher shall be positioned near the Supervisors of Elections and inside the polling place so that the Challenger or Watcher may see and hear each person as the person offers to vote.

D. Prohibited Activities

1. A Challenger or Watcher may not attempt to:
  - a. ascertain how a voter voted or intends to vote;
  - b. converse in the polling place with any voter;
  - c. assist any voter in voting;
  - d. physically handle an original election document;
  - e. interfere or attempt to interfere with the work of the Supervisors of Elections in conducting the election or carrying out their assigned tasks.
2. A Supervisors of Elections may eject a Challenger or Watcher who violates the prohibitions of this subsection.

E. Individuals Other Than Accredited Challengers or Watchers

1. Except as provided for otherwise in this subsection, a Supervisor of Elections shall permit an individual other than an accredited Challenger or Watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.
2. A majority of the Board of Supervisors of Elections may limit the number of non-accredited Challengers and Watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.
3. A non-accredited Challenger or Watcher shall leave the polling place as soon as a majority of the Board of Supervisors of Elections decides the right to vote of the individual challenged by the Challenger or Watcher.
4. In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited Challenger or Watcher provided under this Article apply to a non-accredited Challenger or Watcher.

F. Challenge of an Individual's Right to Vote

1. Grounds for challenge proof of identity – The right of an individual to vote may be challenged at the polls only on the grounds of identity. An individual whose right to vote is challenged at the

polls may establish the individual's identity by presenting any of the following forms of identification:

- a. the individual's voter registration card;
- b. the individual's Social Security card;
- c. the individual's valid Maryland Driver's License;
- d. any identification card issued to the individual by a political subdivision of the state or federal government;
- e. any employee identification card of the individual that contains a photograph of the individual and is issued by the employer of the individual in the ordinary course of the employer's business;
- f. a copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual.
- g. If an individual establishes the individual's identity under paragraph (b) of this subsection, a Supervisor of Elections shall authorize the individual to vote a regular ballot.

2. In general – A challenge to an individual's right to vote shall be made before the individual is issued a ballot or a voter authority card.

3. Procedure at time of challenge – If a challenge is made, and the challenged individual does not present any of the forms of identification specified in paragraph F (1) of this subsection, a Supervisor of Elections receiving the challenge shall:

- a. Require the Challenger to provide in writing, under penalty of perjury, the reasons for the challenge;
- b. Offer the challenged individual the opportunity to cast a provisional ballot;
- c. Submit an attestation, witnessed by the Supervisor, of the individual's identity; and
- d. Submit the provisional ballot and other materials related to the challenge to the Board of Supervisors of Elections.

4. Board determination – During the canvass of provisional ballots, the Board of Supervisors of Elections shall determine, based on the information submitted by the Challenger and the challenged individual, whether the challenged individual is the registered voter he or she claim to be and otherwise qualified to vote.

#### G. Write-In Voting

1. Write-in voting permitted in certain elections – In any general election or special general election, a voter may write in a name for any office.

2. Responsibility of Supervisors of Elections – When requested by a voter, a Supervisor of Elections shall provide information on write-in voting. If a voter requests information on write-in voting, a Supervisor of Elections shall assure that the voter is fully informed of the procedure before voting. If a voter is unable to write, the voter may have assistance as provided in § C7-19 (C).

#### H. Closing of the Polls

1. Procedures – the Board of Supervisors of Elections shall provide Supervisors with detailed procedures for the closing of the polls, specific to the voting system used. The procedures should include directions on:

- a. the tabulation recording and reporting of votes if these activities are undertaken in the polling place;
- b. the preparation, signing and sealing of documents and other election materials;
- c. the security of all equipment and materials in the polling place; and
- d. the return of equipment and materials to the Board of Supervisors of Elections.

2. Admission of Candidates to hear election results – If election results are produced in the polling place, the Supervisors of Elections shall admit Candidates to hear the announced results.

3. Release of Supervisors of Elections from duty – A Supervisor of Elections shall be released after the completion of the Supervisor’s assigned tasks.

I. Offenses as to Ballots and Balloting in General

1. In general – a person may not:

- a. place any distinguishing mark on the person’s own or another person’s ballot for the purpose of identifying the ballot;
- b. misrepresent the person’s ability to mark a ballot or operate voting equipment;
- c. interfere or attempt to interfere with a voter while the voter is inside the polling place, marking a ballot or operating voting equipment;
- d. induce or attempt to induce a voter to mark the voter’s ballot in a certain way;
- e. except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the Board of Supervisors of Elections Chairperson;
- f. destroy or deface a ballot.
- g. remove a ballot from a building in which voting occurs, except as otherwise provided in this Article;
- h. delay the delivery of a ballot;
- i. possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; or
- j. canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted.

2. Electioneering boundary – At each polling place, the Board of Supervisors of Elections shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs. Except as provided in this section, the line shall be located as near as practicable to one hundred (100) feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic. The signs shall contain the words “No Electioneering Beyond This Point”.

3. Penalties – A person who violates this section is guilty of a misdemeanor and is subject to a fine not to exceed \$1,000 or imprisonment for not to exceed ninety (90) days or both.

J. Canvassing and Vote Counting Definitions

1. In general – In this section, the following words have the meaning indicated.

a. Canvass

“Canvass” means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results. For absentee ballots, the canvass includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying. For provisional ballots, the canvass includes the review of the provisional ballot applications described in this Article and the assembly and review of provisional ballots in preparation for vote tallying.

b. Unofficial returns

“Unofficial returns” means a vote tabulation reported on election night after the polls close.

c. Vote Tabulation or Vote Counting

“Vote Tabulation” or “vote counting” means the aggregation of the votes cast by individual voters to produce vote totals at any level.

d. Vote Tallying

“Vote Tallying” means the recording of votes cast by individual voters on a certified voting system whether done by:

- i. A mechanical lever voting machine;
- ii. An electronic voting device; or
- iii. Making marks manually on a tally sheet.

K. Procedures for Vote Counting

1. In general

- a. Each qualified voter present at the polls at 8:00 p.m. on election day shall be allowed to vote before the Board of Supervisors of Elections commence canvassing under this section.
- b. In accordance with the provisions of this Charter and regulations adopted by the Board of Supervisors of Elections, after the last voter has voted in an election, the Supervisors shall follow the instruction issues by the Chairperson for closing the polls and for performing the tasks required in the post-closing period.

2. Specific Duties – In accordance with this Section, the Supervisors shall:

- a. Secure the voting system to prevent further voting;
- b. If appropriate to the voting system, record the vote, produce vote totals for the polling place, and announce results to those present;
- c. Complete all documents, records and reports required by law or regulation after the closing of the polls;
- d. Perform any other tasks assigned by the Chairperson;
- e. Assemble and account for materials to be returned to the Board of Supervisors of Elections, including, if applicable for the voting system used in that election:
  - i. Removable data storage devices from voting equipment, if applicable;
  - ii. Voted ballots;
  - iii. Voter authority cards;
  - iv. Signs and posters;
  - v. Records, reports, logs, affidavits, certificates and other documents;
  - vi. Keys to voting device, if applicable.

L. Canvassing of absentee ballots

1. In general – Following an election, the Board of Supervisors of Elections shall canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established in this Article and by the State Board of Elections.

2. Time for opening of absentee ballots.

- a. The Board of Supervisors of Elections may not open any envelope of an absentee ballot prior to the close of polls on Election Day.
- b. The Board of Supervisors of elections may not delay the commencement of the canvass to await the receipt of late-arriving absentee ballots.

3. Timely receipt required

- a. An absentee ballot shall be deemed timely received if it is received in accordance with the regulations and guidelines established by the Board of Supervisors of Elections.
- b. An absentee ballot that is received after the deadline specified by the regulations and guidelines may not be counted.

4. Rejection of absentee ballots

- a. The Board of Supervisors of Elections shall adopt regulations that reflect the policy that the clarity of the intent of the voter is overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.
- b. The Board of Supervisors of Elections may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board of Elections.
- c. The Board of Supervisors of Elections shall reject an absentee ballot if:
  - i. before the ballot was canvassed, the Board of Supervisors of Elections determines that the voter died before Election Day;

- ii. The voter failed to sign the oath on the ballot envelope;
  - iii. The Board of Supervisors of Elections received more than one ballot from the same individual for the same election in the same ballot envelope; or
  - iv. The Board of Supervisors of Elections determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.
- d. If the Board of Supervisors of Elections receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the Board shall;
- i. count only the ballot with the latest properly signed oath; and
  - ii. Reject any other ballot.
- e. If the intent of the voter is not clearly demonstrated the Board of Supervisors of Elections shall reject only the vote for that office or question.
- f. If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.

#### M. Canvassing of Provisional Ballots

1. In general – Following an election, the Board of Supervisors of elections shall canvass the provisional ballots cast in that election in accordance with the regulations and guidelines established by the State Board of Elections.
2. Time for opening provisional ballots – The Board of Supervisors of Elections may not open an envelope of a provisional ballot until the Board of Supervisors of Elections has approved the provisional ballot application.
3. Rejection of a provisional ballot – the Board of Supervisors of Elections may not reject a provisional ballot except by the unanimous vote and in accordance with regulations of the State Board of Elections.
  - a. The Board of Supervisors of Elections shall reject a provisional ballot if:
    - i. The Board of Supervisors of Elections determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot in accordance with this Article.
    - ii. The individual failed to sign the oath on the provisional ballot application;
    - iii. The individual cast more than one ballot for the same election; or
    - iv. The Board of Supervisors of Elections determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.
  - b. If the intent of the voter with respect to a particular contest is not clearly demonstrated, the Board of Supervisors of Elections shall reject only the vote for that contest.
  - c. For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the Board of Supervisors of Elections determines that:
    - i. the individual is registered with the State Board of Elections;
    - ii. if the provisional ballot was cast because the voter failed to provide the required identification, the individual who cast the provisional ballot has met the identification requirements established by the Board; and
    - iii. if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, and the order has not been invalidated by a subsequent court order.
4. Method of Counting – the Board of Supervisors of Elections shall count the entire provisional ballot if the address on the provisional ballot application is within the Town of Elkton limits.

#### N. Rejected absentee ballot; appeal

1. Right of appeal – a candidate or absentee voter aggrieved by the decision of the Board of Supervisors of Elections to reject, or not to reject, an absentee ballot shall have the right of appeal to the Circuit Court for Cecil County.
2. Time of filing – The appeal must be filed within five (5) days from the date of the completion of the official canvass by the Board of Supervisors of Elections of all the votes cast at the election.
3. Procedures – the appeal shall be heard de novo, without a jury, as soon as possible.
4. Appeal to the Court of Special Appeals.
  - a. The decision of the Circuit Court may be appealed to the Court of Special Appeals, provided the appeal is taken within forty-eight (48) hours from the entry of the decision of the Circuit Court.
  - b. The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case. The original papers and the transcript shall be transmitted to the Court of Special Appeals within five (5) days from the taking of the appeal, and the appeal shall be heard as soon as possible.
5. Administrative Complaints – Any person who asserts that an election official has violated the provisions of this Article relating to provisional ballots may file an administrative complaint under procedures established by the State Board of Elections.

O. Custody and Security of Documents and Records Related to the Canvass.

The person designated to maintain custody of the documents and records required under this Article shall maintain and secure those items in accordance with the regulations adopted by the State Board of Elections.

P. Errors in Canvass Documents

1. In general – If the Board of Supervisors of Elections determines that there appears to be an error in the documents or records produced at the polling place following an election, then it immediately shall investigate the matter to ascertain whether the records or documents are correct.
2. Correction of errors – The Board of Supervisors of Elections may correct a document or record only in accordance with the regulations of the State Board of Elections.

Q. Verification of Vote Count; Tie Vote(s)

1. After the closing of the polls, the votes shall be tallied and recorded.
2. The number of votes received shall be verified against the number of voters in order to determine accuracy.
3. In the event that there is a tie vote for Mayor and/or Commissioner, the Board of Supervisors of Elections shall declare a tie vote for Mayor and/or Commissioner. The Board of Supervisors of Elections shall subsequently conduct a Special Election, as provided under Section C7-4 Special Elections of this Charter, for Mayor and/or Commissioner within ninety days (90) of the Election.
4. The Board of Supervisors of Elections shall sign off on the final results and a copy shall be secured at the Elkton Municipal Building.

R. Declaration of “Winners and Election Results

1. After the election votes are verified, the candidates shall be notified of the results.
2. After each election, the Board of Supervisors of Elections shall make the election results available to the public at the Elkton Municipal Building.
3. A copy of the election results shall include:
  - a. the name of the individual elected or nominated for office
  - b. whether or not a question is adopted or approved
4. A Copy of the election results shall be maintained by the Administration Office of the Town of Elkton.

S. Contested Elections and Recount

1. Petition for Recount

- a. In general – A candidate for public office who has been defeated on the certified results on any election conducted under this Article may petition for a recount of the votes cast for the office sought.
- b. Place of filing – The petition shall be filed with the Board of Supervisors of Elections or the State Board of Elections.
- c. Time of filing – the petition must be filed within three (3) days after the results of the election have been certified.
- d. Notice of Filing of Petition
  - i. The State Board of Elections shall promptly notify the Board of Supervisors of Elections of a petition that is filed with the State Board of Elections.
  - ii. The Board of Supervisors of Elections shall promptly notify the State Board of Elections of a petition that is filed with the Town of Elkton.

2. Recount on Question – Petition

- a. In general – A petition for a recount based on the certified results of a question on the ballot in an election conducted under this Article may be filed by a registered voter eligible to vote for that question.
- b. Time of filing – The petition must be filed within two (2) days after the results of the election are certified.
- c. Notice of filing petitions
  - i. The State Board of Elections shall promptly notify the Board of Supervisors of Elections of a petition that is filed with the State Board of Elections.
  - ii. The Board of Supervisors of Elections shall promptly notify the State Board of Elections of a petition that is filed with the Town of Elkton.

3. Bond

- a. In general – A petition filed under this section shall be filed with a bond.
- b. Determination and setting of bond – If a recount is being conducted, a judge of the Circuit Court of Cecil County shall determine and set the bond to be filed by the petitioner or counter-petitioner sufficient to pay the reasonable costs of the recount.

4. Duties of the Board of Supervisors of Elections

- a. Duties of the Board of Supervisors of Elections – in accordance with regulations adopted by the State Board of Elections, the Board of Supervisors of Elections shall:
  - i. conduct the recount and certify the official result of the election or question which is the subject of the recount; and
  - ii. ensure the public’s ability to be present while the recount is conducted.
- b. State Board of Elections to monitor conduct of recount – the State Board of Elections shall monitor and support the work of the Board of Supervisors of Elections conducting a recount to ensure compliance with this Section.
- c. Termination of a recount – the State Board of Elections shall establish a procedure that will allow petitioners and counter-petitioners to request that a recount be terminated prior to its completion.
- d. Correction of returns – when a recount is completed, the Board of Supervisors of Elections, and when appropriate, the State Board of Elections, shall correct the general or special election returns and certificates that were made by the Board of Supervisors of Elections.

5. Costs

- a. In general
  - i. Except as otherwise provided for in this Section, each petitioner shall pay the cost of a recount requested under this subsection and the petitioner’s bond is liable for the cost.

- ii. The petitioner is not liable for the cost of the recount if:
  - (a). the outcome of the election is changed;
  - (b). the petitioner has gained a number of votes for the petitioner's candidacy or for or against the question that is the subject of the petition equal to 2% or more of the total votes cast for the office or on the question; or
  - (c). the margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.1% or less of the total votes cast for those candidates; or
  - (d). in the case of a question, the margin of difference between the number of votes cast for and the number cast against the question is 0.1% or less.
- b. Payment – if the petitioner is not liable for the costs of the recount as provided in this subsection, the Town of Elkton shall pay the costs of the recount.

#### T. Judicial Challenges

- 1. In general – If no other timely and adequate remedy is provided by this Article, a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission:
  - a. is inconsistent with this Article or other law applicable to the elections process; and
  - b. may change or has changed the outcome of the election.
- 2. Place and time of filing – a registered voter may seek judicial relief under this Section in the Circuit Court for Cecil County within ten (10) days after the act or omission or the date the act or omission became known to the petitioner.

#### U. Procedure

- 1. In general – A proceeding under this Section shall be conducted in accordance with the Maryland Rules, except that:
  - a. the proceeding shall be heard and decided without a jury and as expeditiously as the circumstances require;
  - b. on the request of a party or sua sponte, the chief administrative judge of the Circuit Court of Cecil County may assign the case to a three-judge panel of Circuit Court judges; and
  - c. an appeal shall be taken directly to the Court of Appeals within five (5) days of the date of the decision of the Circuit Court.
- 2. Expedited appeal – The Court of Appeals shall give priority to hear and decide an appeal brought under subsection U(1)(c) of this Section as expeditiously as the circumstances require.

#### V. Judgement

- 1. In general – the Court may provide a remedy as provided in this subsection if the Court determines that the alleged act or omission materially affected the rights of interested parties or the purity of the election process, and:
  - a. may have changed the outcome of an election already held; or
  - b. may change the outcome of a pending election already held; or
- 2. Act or omission that changed election outcome – If the court makes an affirmative determination that an act or omission was committed that changed the outcome of an election already held, the court shall:
  - a. declare void the election for the office or question involved and order that the election be held again at a date set by the court; or
  - b. order any other relief that will provide an adequate remedy.

3. Act or omission that may change the outcome of a pending election – if the court makes an affirmative determination that an act or omission has been committed that may change the outcome of a pending election, the court may:
  - a. order any relief it considers appropriate under the circumstances; and
  - b. if the court determines that it is the only relief that will provide a remedy, direct that the election for the office or question involved be postponed and rescheduled on a date set by the court.
4. Clear and convincing evidence – A determination of the court shall be based on clear and convincing evidence.

#### **§ C7-21. Campaign Finance and Campaign Materials**

A. This section applies to each election conducted in accordance with this Article.

B. In general – Unless otherwise provided in this Article, the laws, rules, regulations and procedures governing campaign finance and campaign materials of the Town of Elkton shall be as provided in Title 13, Md. Election Law Code Annotated Section 13-101 through Section 13-605 and may be amended from time to time as needed.

#### **§ C7-22. Offenses and Penalties**

A. This section applies to each election conducted in accordance with this Article.

B. In general – Unless otherwise provided in this Charter, the election law offenses and penalties of the Town of Elkton shall be as provided in Title 16, Md. Election Law Code Annotated, Sections 16-101 through Section 16-1002, and may be amended from time to time as needed.

### **Article VIII. Finance Department**

#### **§ C8-1. Powers and duties of Finance Department**

A. The Finance Department is hereby charged to do the following:

- (1) Deposit funds of the Town in such banks or trust companies and savings and loans associations as the Board of Commissioners may designate, subject to such adequate requirement as to security and interest as may be provided by law; and invest funds of the Town as the Board of Commissioners may designate consistent with State law.
- (2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the Town in such form as the Board of Commissioners may require, not contrary to State law.
- (4) Submit to the Board of Commissioners at the end of each fiscal year, and at such other times as the Board of Commissioners may require, a complete financial statement showing the assets, liabilities and financial condition of the Town.
- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
- (7) Have custody of all public monies belonging to or under the control of the Town, except, as to funds in the control of any one (1) or more trustees, and have custody of all bonds and notes of the Town.
- (8) Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Board of Commissioners may require or as may be required elsewhere in this Charter.

B. Before any deed for conveyance of real estate or chattels within the limits of the town shall be received for record by the Clerk of the Circuit Court for Cecil County, the person offering such deed for record shall submit it to the Finance Department who shall thereupon make transfer of such property upon the town assessment books to the name of the new owner or owners thereof, and as evidence of such transfer shall stamp the deed showing transfer and the payment of all taxes, paving assessments, sewer and water

connection charges, water and sewer rents and any and all other liens against the property to be conveyed in such deed and due the Town; provided that no property shall be transferred on the town assessment books and no deed shall be stamped unless and until all taxes, paving assessments, sewer and water connection charges, water and sewer current billing and prepaid billing and any and all other liens against the property to be conveyed in the deed and due the Town have been paid to the Finance Department. (Amendment during 1996 codification)

**§ C8-2. Tax anticipation borrowing.**

During any fiscal year the Town may borrow in anticipation of the collection of the property taxes levied for that fiscal year and may issue tax anticipation notes or other evidence of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence of indebtedness shall be a first lien upon the proceeds of such taxes and shall mature during that current fiscal year in which they are due. No tax anticipation notes or other evidence of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidence of indebtedness may be authorized by resolution of the Town Board before being issued. The Board of Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

**§ C8-3. Borrowing powers; procedures; limitations**

A. The Board of Commissioners shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of bonds in the manner prescribed by and pursuant to law; provided that the Board of Commissioners shall issue no bonds if, by the issuance thereof, the total bonded indebtedness of the Town incurred, less the amount of sinking funds established for the retirement thereof, would then exceed 5.6% of the assessed value of all real and personal property taxable for municipal purposes by the Town.

B. In addition to the above powers the Board of Commissioners may, whenever it deems necessary, by resolution, borrow money on the faith and credit of said Town by note or otherwise, in any amount it deems necessary for capital improvements or for other purposes deemed appropriate by the Board, provided that said indebtedness thus created shall not exceed 1.8% of the assessed value of all real and personal property taxable for municipal purposes by the Town at the time of issuance, and provided further that said indebtedness shall mature no later than twenty (20) years from the date of its creation. (Amended by Res. R9-2003)

**§ C8-4. 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 unless stated to the contrary at the time the indebtedness is incurred, 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 interest on all bonds, notes or other evidences of indebtedness issued under the authority of this Charter unless stated to the contrary at the time indebtedness is incurred.

**§ C8-5. Previous bond issues.**

All bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter and all ordinances validly passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth.

**§ C8-6. Fiscal year.**

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year and the accounting year.

**§ C8-7. Budget generally.**

The Mayor, on such date as the Board of Commissioners by resolution determines, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Board. 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 budget shall be a public record in the Finance Department open to public inspection by anyone during normal business hours. (Amended during 1996 codification)

**§ C8-8. Adoption of budget.**

Before adopting a budget the Board of Commissioners shall hold a public hearing thereon after two (2) week's notice thereof in some newspaper or newspapers having general circulation within the town. The Board of Commissioners may insert new items or may increase or decrease the items of the budget. If the Board increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared in adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Board of Commissioners is necessary for adoption.

**§ C8-9. Appropriations.**

No public money may be expended without having been appropriated by the Board of Commissioners. 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.

**§ C8-10. Transfer of funds.**

Any transfer of funds between appropriations for different purposes must be approved by the Board of Commissioners before becoming effective.

**§ C8-11. Overexpenditures prohibited.**

No officer or employee during any budget year may expend or contract to expend any money or incur liability or enter into 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; provided that if a majority of the Board of Commissioners deem it necessary, monies in the contingency fund may be used to pay unforeseen expenses necessarily incurred by the Board of Commissioners and for which an appropriation was not made in the annual budget. Any contract, verbal or written, made in violation of this Charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

**§ C8-12. Appropriations lapse after one year.**

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and incorporated into the next fiscal year's budget for the Town of Elkton. (Ord. 2-81 (part))

**§ C8-13. Checks.**

All checks shall issue from the Finance Department in accordance with procedures established by the Board of Commissioners. (Amended during 1996 codification)

**§ C8-14. Taxable property.**

All real property and all tangible personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

**§ C8-15. Budget authorized levy.**

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

**§ C8-16. Notice of tax levy.**

Immediately after the levy is made by the Board of Commissioners in each year, the Finance Director shall give notice of the making of the levy by publishing it in a newspaper of general circulation in the town or by posting a notice thereof in some public place or places in the town. He shall make out and

mail or deliver in person to each taxpayer or his agent at his last known address a bill or account which shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Amended during 1996 codification; Ord. 29-84)

**§ C8-17. Discount for early payment.**

The Board of Commissioners has power to pass ordinances, not inconsistent with the provisions of this Charter, regulating the time and manner of payment of taxes and to provide for an early payment thereof by making provisions for the allowance of discounts therefor.

**§ C8-18. When taxes are overdue.**

The taxes provided for in §C8-15 of this Charter for real property are due and payable on the first day of July in the year for which they are levied and are overdue in accordance with the provisions of law. Personal property taxes shall be due and payable on the day the bill is issued and overdue and in arrears at the end of the third calendar month from the billing date. They shall bear interest while in arrears at a rate determined annually by the Board of Commissioners at the time of the adoption of the annual budget. If the Board of Commissioners fails to adopt the new rate, the rate in effect the previous year shall apply. Nothing in this section shall prevent the Town from implementing a semiannual property tax payment schedule in compliance with state law. (Amended during 1996 codification; (Amended during Res. dated 7/26/95: Res. 4-89)

**§ C8-19. Sale of tax-delinquent property.**

A list of all real property on which the Town taxes have not been paid and are in arrears as provided in §C8-18 of this Charter shall be turned over by the Finance Director to the official of Cecil County responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon, if necessary, shall be sold for taxes by such Cecil County official in the manner prescribed by state law. (Amended during 1996 codification)

**§ C8-20. Fees.**

All fees received by an officer or employee of the Town government in his official capacity shall belong to the Town.

**§ C8-21. Audit.**

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 (1990 Edition, as amended). (Amended during 1996 codification)

**§ C8-22. Purchasing and contracts.**

All purchases and contracts for the Town shall be made by the person designated by the Board of Commissioners for such purpose. The Board of Commissioners may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All written contracts may be protected by such bonds, penalties and conditions as the Town may require. (Ord. 2-81 (part))

**§ C8-23. Contributions to Singerly Fire Company**

The Town of Elkton, in making its tax levy, shall pay one and two tenths cents (\$0.012) on each one hundred dollars (\$100) of said real property levy for the maintenance and equipment of the Singerly Fire Company of Elkton, Maryland. (Amended 4/18/79; 5/16/79)

**Article IX. Town Officers and Personnel\***

\* **Editor's Note:** Former Charter Sections C9-8 through C9-12 were deleted during 1996 codification.

**§ C9-1. Town Administrator; functions, Powers and duties.**

The Town Administrator shall be responsible to the Board of Commissioners for the proper administration of all affairs of the Town placed in his charge and pursuant thereto he shall have the following functions, powers and duties:

- A. To be responsible for the efficient administration of all administrative departments of the Town government.
- B. To be responsible for the enforcement of the ordinances, official directives, other laws of the Town, and those general laws of the State applicable to Home Rule Cities.
- C. To hire, suspend, transfer and discharge Town employees except as otherwise provided by the Board of Commissioners.
- D. To hire and make appointments on the basis of administrative ability as well as training and experience in the work to be performed.
- E. To cause a proposed budget to be prepared annually and submitted to the Board of Commissioners and be responsible for the administration of the budget after its adoption, all in accordance with this Charter and under policies formulated by the Board of Commissioners.
- F. To prepare and submit to the Board of Commissioners as of the end of the fiscal year a complete report on finances and administrative activities of the Town for the preceding year and upon request of the Board of Commissioners, make written or verbal reports at any time concerning the affairs of the Town under his supervision.
- G. To keep the Board of Commissioners advised of the financial condition and future needs of the Town and make such recommendations to the Board of Commissioners for adoption as he may deem necessary or expedient.
- H. To exercise control over the various Town departments and recommend to the Board of Commissioners any proposal he thinks advisable to establish, consolidate or abolish departments.
- I. To be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or franchise, and upon knowledge of any violation thereof, report the same to the Board of Commissioners for such action and proceedings as may be necessary to enforce the same.
- J. To attend Board of Commissioners meetings and the privilege to participate in discussions with Board of Commissioners in an advisory capacity without the right to vote.
- K. To inform the public concerning plans and activities of the Board of Commissioners and of the Town administration.
- L. To be responsible for a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted municipal accounting principles, the financial condition and financial operation of the Town.
- M. To be responsible for engineering, architectural maintenance and construction services as may be required by the Town, within the limitations of the Town budget.
- N. To be responsible for contracting and purchasing within the limitations of the budget, all supplies, material, equipment, and services required by any department, office, or agency of the Town, and in such capacity shall serve as Purchasing Agent for the Town unless another person is designated by the Board of Commissioners upon recommendation of the Town Administrator, and shall submit to the Board of Commissioners for approval, appropriate rules and regulations governing purchases on behalf of the Town.
- O. To dispose of property of the Town in accordance with procedures by the Board of Commissioners and subject to the provisions of this Charter.
- P. To recommend for approval by the Board of Commissioners, appropriate personnel rules and regulations governing officers and employees of the Town, subject to the provisions of this Charter.
- Q. To carry out all policies, duties, orders and other directives of the Mayor and Commissioners. (Amended during 1996 codification)

**§ C9-2. Town Attorney and other professional services.**

The Mayor, with the approval of the Board of Commissioners, may appoint a Town Attorney annually. The Town Attorney shall be a member of the bar of the highest court of the state. The Town Attorney is the legal adviser of the Town and shall perform such duties in this connection as may be required by the

Board of Commissioners or the Mayor. The Town has the power to employ such professional consultants as it deems necessary from time to time. (Amended during 1996 codification)

**§ C9-3. Authority to employ personnel.**

The Town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or State law and to operate the Town government.

**§ C9-4. Compensation of personnel.**

A. The compensation of all officers and employees of the Town shall be set by the budget or by other ordinance passed by the Mayor and Board of Commissioners.

B. Employees of the Town of Elkton Police Department may organize and bargain collectively.

In order that employees of the Town of Elkton Police Department may participate in the formulation and implementation of personnel policies effecting their employment, they shall have the right to organize and bargain collectively through a representative of their choosing, subject to procedural regulations that the Council shall provide by law. The Council shall provide by law a labor code for employees of the Town of Elkton Police Department which shall include the following: (1) The manner of establishing units appropriate for collective bargaining; (2) the manner of designating or selecting a bargaining representative; and (3) Definitions for remedies for unfair labor practices. The Council is authorized to negotiate through its designated representative with collective bargaining representatives of police employees. In the event the Council's designated representatives and the representatives of the police employees are unable to negotiate and agree upon a collective bargaining agreement by March 1 of the relevant year, the Council and the police employees are authorized to submit to binding arbitration any disputed issues arising out of the negotiation of the collective bargaining agreement. The disputed issues shall be submitted to an impasse panel consisting of three persons who shall be selected as follows: (1) The Council and the employee organization shall each select one member within three days after the request for the convening of the panel; (2) The two members so selected shall select a third member within three days of their selection; if the two members are unable to agree on the third member, they shall make their selection from a panel maintained by an independent third party agency agreeable to all parties; if the parties are unable to agree on the independent third party agency, the third member shall be selected from a panel maintained by the Federal Mediation and Conciliation Service of the United States Department of Labor. The third member of the panel so selected shall serve as its chairperson. The panel shall hold a hearing on all disputed issues within thirty (30) days of the selection of its chairperson and shall issue its final decision within thirty (30) days of the conclusion of the hearing. The decision of the panel shall be final and binding upon the Council and the employee organization. The cost of the impasse panel proceedings shall be divided equally between the parties. Nothing herein contained shall be construed as prohibiting the impasse panel from mediating the dispute at any time after it is referred to it prior to the issuance of its final and binding decision. In addition, the Council and police employees are authorized to submit to binding arbitration any disputes arising out of the interpretation of, or the application of, any collective bargaining agreement. Nothing herein shall be deemed to authorize a labor strike by any public employee.

**§ C9-5. Women officers and employees.**

The use of any masculine pronoun in this Charter with respect to any Town officer or employee shall not be construed to bar a woman from such office or employment.

**§ C9-6. Oath of office.**

A. Oath required. Before entering upon the duties of their offices, the Mayor and other members of the Board of Commissioners, and all other persons required to be sworn to office shall take and subscribe to the following oath or affirmation:

("I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution of the United States and laws thereof; and that I will, to the best of my skill and judgement, 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 to this oath or affirmation before one of the sworn deputies of Cecil County or before one of the sworn deputies of the Clerk of the Circuit Court of Cecil County. All other persons taking and subscribing to the oath shall do so before the Mayor. (Amended during 1996 codification)

**§ C9-7. Official bonds.**

All officers or employees of the Town as the Board of Commissioners or this Charter may require shall give bond in such amount and with such surety as may be required by the Board and with such conditions as the Board may prescribe. The premium on such bonds shall be paid by the Town. (Amended during 1996 codification)

**Article X. Public Ways and Sidewalks\***

**\*Editor's Note:** Former Charter Sections C10-3 through C10-5 were deleted during 1996 codification

**§ C10-1. Definitions.**

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

**§ C10-2. Control of public ways.**

The Town has control of all public ways in the town except such as may be under the jurisdiction of the State Highway Administration or other authority. Subject to the laws of the State 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. (Amended during 1996 codification)

**Article XI. Waters and Sewers\***

**\*Editor's Note:** Former Charter Sections C11-2 through C11-13 were deleted during 1996 codification.

**§ C11-1. Powers of Town.**

The Town may:

A. Own by purchase or otherwise, lease, rent, or in any other manner lawfully acquire, and to sell, rent, lease or assign to any other person, firm, corporation, county, or municipality, pipelines and mains for the transportation, delivery, and sale of water, to construct, build, maintain, and operate the same; to buy and sell water and water rights from and to individuals, firms, corporations, counties or municipalities; to own, operate, maintain and control such meters and other appliances as may be necessary in conducting its business; and to buy, own, sell, lease, or rent all such property, real, personal, or mixed, if any be necessary in the conduct of its business aforesaid, and not contrary to law.

B. Own, by purchase or otherwise, lease, rent, or in any other manner lawfully acquire, and to sell, rent, lease or assign to any other person, firm, corporation, county, or municipality, pipelines and sanitary sewerage systems and treatment plants within or outside the Town; to construct, build, maintain, and operate the same; to own, operate, maintain, and control such meters and other appliances that may be necessary to conduct its business; and to buy, own, sell, lease, or rent all such property, real, personal, or mixed, if any be necessary in the conduct of its business aforesaid, and not contrary to law. (Amended during 1996 codification)

**Article XII. Special Assessments**

**§ C12-1. Power to levy special assessment.**

A. The Town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of water mains, sanitary sewer, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special

assessment, a reasonable share for the services of the administrative staff of the Town and any other cost which may reasonably be attributed to the project.

B. The Board of Commissioners shall have the power to provide for the payment of the damage and expenses of any such project by levying and assessing the same generally upon the whole of the assessable property of the town or specifically (not beyond one-half [1/2] of such damage or expense) upon the assessable property of persons benefited thereby; and in the event that the same shall be so assessed upon the property of said person, the amount

so assessed shall be collected by the Finance Department, and the Board of Commissioners shall have power to pass all necessary ordinances to that end. The Board of Commissioners shall have the power to determine when pavements or sidewalks shall be relaid, rebuilt or reconstructed, and shall have the power to determine when it shall be necessary to relay, rebuild or reconstruct sidewalks or pavements in order that the pavements or sidewalks in the town shall be of a uniform construction; provided that one half (1/2) of the cost of relaying, rebuilding or reconstructing said pavements or sidewalks, or any other expense in connection therewith, shall be a lien upon the abutting land, as in the nature of a judgement at law, taking precedence over any other lien against the said land, whether the same be created by mortgage or otherwise, and shall be collectible either by execution or by a proceeding in equity as now provided at law or in equity for the collection of liens against real estate. Nothing herein contained shall operate to prevent the Board of Commissioners from recovering for payments or sidewalks hereto constructed under the authority of any prior Charter or law, and all rights to recover against landowners for pavements heretofore relaid, rebuilt or reconstructed are hereby saved. (Amended during 1996 codification)

### **Article XIII. Town Property**

#### **§ C13-1. Acquisition, possession and disposal.**

The Town may acquire real, personal or mixed property and easements, appurtenances, hereditaments and other interest in property within or without the limits of the town for any public purpose, by option, purchase, gift, bequest, devise, lease, condemnation or otherwise, and may sell, lease or otherwise dispose of any property or interest in property belonging to the town. All municipal property, funds, franchise and interests 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 hereof. The Mayor and Commissioners shall adopt a resolution authorizing the disposal of any Town property which has been declared surplus. (Amended during 1996 codification)

#### **§ C13-2. Town buildings.**

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

#### **§ C13-3. Condemnation.**

The Town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within or without the corporate limits of the town, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that as established by present or subsequently passed laws.

#### **§ C13-4. Protection of town property.**

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

### **Article XIV. Penal Provisions**

#### **§ C14-1. Offenses.**

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 shall be

subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed ninety (90) days, 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 (\$1,000.00). 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 (\$1,000.00) for each repeated offense. Each day a violation continues shall, unless otherwise provided, constitute a separate or repeat offense. (Amended during 1996 codification; Ord. 2-81 (part)) (Resolution R1-2016, Effective 3/10/16)

## **Article XV. Saving Provisions.**

### **§ C15-1. 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 judgement as if this Charter had not become effective.

### **§ C15-2. Effect of Charter on existing ordinances.**

A. Ordinances, etc., not in conflict with Charter remain in effect. All ordinances, resolutions, rules and regulations in effect in the town at the time 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 provision of this Charter.

### **§ C15-3. Separability.**

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

## **Charter Appendix Boundary and Annexation Descriptions**

### **§CA-1 General Annexation Descriptions**

A. This Charter Appendix contains general descriptions of various annexations which have been added from time to time by the Board of Commissioners.