CHARTER

OF THE TOWN

OF

CHESAPEAKE CITY

CECIL COUNTY

MARYLAND

As found in the Public Local
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CHESAPEAKE CITY

In General

Section 26–1. Designated body corporate.

The inhabitants of Chesapeake City, Cecil County, Maryland, within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "The Town of Chesapeake City" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. (Reso. No. 1, 3–9–64.)

Corporate Limits

Section 26–2. Generally.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of the Circuit Court of Cecil County, the commissioner of the land office, the director of the department of legislative reference and in the town office building. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (Reso. No. 1, 3–9–64.)

Council

Section 26–3. Number of councilpersons; selection; term.

All legislative powers of the town are vested in a council of five councilpersons who shall be elected as hereinafter provided, to serve two year terms. The regular term of councilpersons shall expire on the second Monday of July following the election of their successors. Two council seats are elected in even numbered years, three council seats are elected in odd numbered years. (Reso. No. 1, 3–9–64; Reso. No., 1–24–83; Reso. No. 2–94, 3–21–94; Reso. No. 10-1-05; Reso. No. 9-1-06.)

Section 26–4. Qualifications of councilpersons.

Councilpersons shall have resided in the town for at least one year immediately preceding their election and shall be a qualified registered voter of the town. Councilpersons shall be required to take an oath of office in accordance with section 26–91 and shall maintain a permanent residence in the town during their term of office. (Reso. No. 1, 3–9–64, Reso. No. 9–1–2003, 10–28–03.)

Section 26–5. Salary of councilpersons.

The monthly salary for councilpersons shall be established by resolution however no change shall be made to the salary for councilpersons during the term for which he/she was elected. (Reso. No. 1, 3–9–64; Res. No. 3–94, 3–21–94;Res. No. 99-5-1; Res. No. 10-1-05)

Section 26–6. Meetings.

The council shall meet at 6:30 P.M. on the second Monday in July of each year or at such other date and time as may be designated by the council for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Town Administrator and/or Clerk-Treasurer upon the request of the mayor or at least three members of the council. All regular and special meetings of the council shall be held in accordance with the State Open Meetings Law as provided in Subtitle 5, Meetings, of Title 10, Governmental Procedures, of the State Government Article of the Annotated Code of Maryland, as may be amended from time to time. (Reso. No. 1, 3–9–64; Reso. No. 97–3–2, 4–1–97: Reso No. 10-2-05; Reso. No. 9-26-2011B)

Section 26–7. Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualification, within the scope of section 26–4, of its members. (Reso. No. 1, 3–9–64.)

Section 26–8. President and vice–president of the council.

The mayor shall serve as president of the council. The mayor may take part in all discussions, but he shall have no vote except in the case of a tie. The council, at its organizational meeting, shall elect a vice–president of the council from among its members who shall act as president of the council in the absence of the president of the council. The vice–president of the council, acting as the president of the council in the absence of the mayor, shall have no vote except in the case of a tie. (Reso. No. 1, 3–9–64.)

Section 26–9. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved if taken without the favorable votes of at least three members of the council. (Reso. No. 1, 33–9–64.)

Section 26–10. Rules and order of business; minutes.

The mayor, with council approval, shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to public inspection. (Reso. No. 1, 3–9–64, Reso. No. 9-1-06)

Section 26–11. Vacancies on council.

The Mayor and/or any Council Person may be removed from office or a vacancy shall occur upon the following events:

1) Resignation;
2) Ceasing to reside within the boundaries of the Town of Chesapeake City;
3) Death;
4) Criminal conviction;
5) Unexcused absences for four (4) consecutive Town meetings (meetings include both Town monthly meeting and Town workshop) or unexcused absences for more than half of the scheduled Town meetings during a six (6) month period; or,
6) Violation of the Town Charter and/or Ethics Ordinance.

A motion for the removal of the Mayor and/or any Council Person for either a criminal conviction or violation of the Town Charter and/or Ethics Ordinance shall be made at any regular or special meeting of the Mayor and Commissioners however no vote on such motion shall occur during the meeting it is made. The voting procedures for such motion shall be the same as any other motion before the Mayor and Commissioners and shall be in accordance with the Charter.

All vacancies of a Council Person, however created, shall be filled as provided in Section 26-36. In the case of a vacancy in the office of the mayor a special election shall be held. In no case shall the seat remain vacant for more than sixty (60) days. Until the election of a new mayor the vice-mayor shall be responsible to fulfill the duties of the office of mayor.

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INTRODUCED before the Mayor and Council of The Town of Chesapeake City at a regular public meeting held on the 10th day of May, 2010.(Reso. No. 1, 3–9–64; Reso. No 3, 4-12-2010.)

Section 26–12. Ordinances—Passage; publication; effective date.

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than 14 nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. The above requirement may be suspended by the affirmative votes of four members of the council. (b) Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council. (c) A summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the municipality. (Reso. No. 1, 3–9–64.)

Section 26–13. Same—Veto.

All ordinances passed by the council shall be promptly delivered to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances within six days after delivery to him (including the days of delivery and return and excluding Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be law within the provisions of section 26–12. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of at least four of the councilmen [councilpersons] within thirty–five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within six days of its delivery as aforesaid, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him. (Reso. No. 1, 3–9–64.)

Section 26–14. Same—Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance by the mayor or passage of any ordinance over the mayor's veto, a petition is filed with the clerk–treasurer containing the signatures of not less than twenty per centum (20%) of the registered voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the registered voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the registered voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the registered voters within sixty days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum shall be suspended until approved by a majority of the registered voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of section 26–59, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of sections 26–85 and 26–86. The provisions of this section shall be self–executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Reso. No. 1, 3–9–64.)

Section 26–15. Same—Filing.

Ordinances shall be permanently filed by the clerk–treasurer and shall be kept available for public inspection. (Reso. No. 1, 3–9–64.)

Section 26-15A. Heads of offices, departments and agencies

Council by resolution shall appoint the heads of all offices, departments and agencies of the town government as established by this Charter or by ordinance. Only Councilpersons may serve as heads of offices, departments and agencies. All office, department and agency heads shall serve at the pleasure of Council. Each Councilperson shall be the head of at least one office, department or agency. This shall supersede neither Section 26-39 (Clerk-Treasurer) nor Section 26-63 (Town Attorney) which remain in full force and effect. (Reso. No. 5.6-13-94.)

Mayor

Section 26–16. Term of office.

The mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until his successor is elected and qualified. The regular term of mayor shall expire on the first Monday of July following the election of their successor. (Reso. No. 1, 3–9–64; Res. No, 1–24–83;Res. No. 1, 4–2–96.)

Section 26–17. Qualifications.

The mayor shall have resided in the town for at least one year immediately preceding his election and shall be a qualified registered voter of the town. The Mayor shall be required to take an oath of office in accordance with section 26–91 and shall maintain a permanent residence in the town during his/her term of office. (Reso. No. 1, 3–9–64, Reso. No. 9–1–2003, 10–28–03.)

Section 26–18. Salary.

The monthly salary for mayor shall be established by resolution however no change shall be made to the salary for the mayor during the term for which he/she was elected. (Reso. No. 1, 3–9–64; Res. No. 4–94, 3–21–94; Reso. No. 99-5-1; Reso. No. 10-1-05)

Section 26–19. Powers and duties.

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

(b) All officers and employees of the offices, departments of the town government, other than heads of offices and departments of the town government, shall be appointed and removed by the mayor, in accordance with rules and regulations in any merit system which may be adopted by the council.

(c) The mayor not less than once each year shall report to the council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) The mayor has the power to veto ordinances passed by the council as provided in section 26–13.

(e) The mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the council. He shall supervise the administration of the budget as adopted by the council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) The mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the council, not inconsistent with this Charter. (Reso. No. 1, 3–9–64; Res. No., 1–24–83; Reso. No.;6,6-13-94)

General Powers

Section 26–20. Specified.

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

(b) *Specific powers.* The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state, for the following specific purposes:

(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.* 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 amusements.

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

(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 musical organization, and to regulate by ordinance the conduct and policies thereof.

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

(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 the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(10) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(11) *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

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

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

(17) *Disorderly Houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(18) *Dogs.* To regulate the keeping of dogs in the town and to provide, wherever Cecil County does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

(20) *Explosives.* 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.

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

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

(23) *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 plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

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

(26) *Gambling.* To restrain and prohibit gambling.

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

(28) *Grants–in–aid.* To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for

any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(29) *Hawkers.* To license, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the town, and to revoke such licenses for cause.

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

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

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

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

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

(35) *Lights.* To provide for the lighting of the town.

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

(37) *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.

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

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

(40) *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.

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

(42) *Parking Meters.* To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the commission.

(43) *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.

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

(45) *Police Powers.* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, distrubances [disturbances], annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(46) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of

the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

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

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

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

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

(51) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

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

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

(c) *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. (Reso. No. 1, 3–9–64.)

Section 26–21. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (Reso. No. 1, 3–9–64.)

Section 26–22. Enforcement.

To ensure the observance of the ordinances of the town, the council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for not exceeding thirty (30) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within thirty (30) days to the Circuit Court for Cecil County. The council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Reso. No. 1, 3–9–64; Reso. No. 9-2-06)

Registration, Nominations and Elections

Section 26–23. Qualifications of Voters.

Every person who (a) is a citizen of the United States, (b) is eighteen years of age or older, (c) is a resident of the State of Maryland for thirty days preceding any Town election, (d) has resided within the corporate limits of the Town for thirty days preceding any Town election, and (e) is registered to vote in accordance with the provisions of this Charter or Maryland law, and (f) is not prohibited by law or constitution, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections. (Reso. No. 1, 3–9–64; Amended by Charter Amendment No. 2, Charter Amendment Resolution No. 1–76, adopted March 8, 1976, effective April 27, 1976; Res. No. 7–01–01, 10–2–01.)

Section 26–24. Board of supervisors of elections—Created; composition; appointment, qualifications, compensation and term of office of members; filling vacancies in office.

There shall be a board of supervisors of elections, consisting of five members who shall be appointed by the mayor with the approval of the council on or before the first Monday in April of 1964 and every two years thereafter. The terms of the appointed members of the board of supervisors of elections shall begin on the first Monday in April in the year in which they are appointed and shall run for two years. At least two of the appointive members of the board of supervisors of elections shall reside in that part of the town which lies north of the Chesapeake and Delaware Canal and at least two appointive members shall reside in that part of the town which lies south of the Chesapeake and Delaware Canal. Appointive members of the board of supervisors of elections shall be registered voters of the town and shall not hold or be candidates for any elective office during their terms of office. One member of the board of elections shall serve as chairman of the board, but shall vote only in the event of a tie. Vacancies on the board shall be filled for the remainder of the unexpired term. The compensation of the appointive members of the board shall be determined by council. (Reso. No. 1, 3–9–64; Reso. No. 9-3-06)

Section 26–25. Same—Removal of member.

Any appointed member of the board of supervisors of elections may be removed for good cause by the council. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the council if he so requests within ten days after receiving the written copy of the charges against him. (Reso. No. 1, 3–9–64.)

Section 26–26. Same—Duties.

The board of supervisors of elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees to assist it in any of its duties. (Reso. No. 1, 3–9–64.)

Section 26–27. Notice of registration day and election.

The board of supervisors of elections shall give at least two weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in both the northern and southern portion of the town. (Reso. No. 1, 3–9–64.)

Section 26–28. Registration of voters.

There shall be registration of voters on such days and during such hours that the business office of the Town is normally open. Any qualified person may register to vote in the Town Office, provided, however, that a voter must be registered not later than thirty (30) days before the day on which Town election is to be held. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the board of supervisors of elections to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a re–registration when necessary. (Reso. No. 1, 3–9–64; Reso. No.11–23–81.)

Section 26–29. Appeals from decisions of board of supervisors of elections.

If any person shall feel aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the Circuit Court for Cecil County within thirty days of the decision or action of the council. (Reso. No. 1, 3–9–64.)

Section 26–30. Filing of candidates.

Each qualified person seeking to be a candidate for a town office which is filled by election must file a Certificate of Candidacy at the Town Office. Certificates of Candidacy shall be received and filed at the Town Office during normal business hours but not later than thirty (30) days before the day on which the Town election is to be held.

Within two business days of the deadline for the filing of Certificates of Candidacy, the Board of Supervisors of Elections shall review all Certificates of Candidacy for accuracy and shall post the names of all qualified candidates on the front and rear doors of Town Hall. The names of all qualified persons who have properly filed a certificate of candidacy shall appear on the ballot as candidates for election to Town office.

Any candidate wishing to withdraw their candidacy must do so in person and in writing with the Board of Supervisors of Elections. Thereafter the certificate of candidacy filed for such candidate shall be void and the name of the candidate may not be submitted to the voters for election to the office to which the certificate relates unless the individual files a new certificate of candidacy within the time limit prescribed above.

All certificates of candidacy and all withdrawals of candidacy shall be a matter of public record and information at the time of filing. (Reso. No. 1, 3–9–64; Reso. No. 4–14–80; Reso. No. 11–23–81; Reso. No.3-9-09.2)

Section 26–31. Schedule of elections.

(a) On the first Monday in June of each even numbered year the registered voters of the town shall elect one person as mayor to serve for a term of two years.

(b) On the first Monday in June of each even number year the registered voters of the town shall elect two persons as councilpersons to serve for a term of two years.

(c) On the first Monday in June of each odd numbered year the registered voters of the town shall elect three persons as councilpersons to serve for a term of two years. (Reso. No. 1, 3-9-64; Reso.No. 10-2-05; Reso. No. 9-4-06)

Section 26-31.1 Absentee Ballots

(a) Any qualified voter registered to vote in the Town of Chesapeake City is entitled to vote in any municipal election by absentee ballot.

(b) The Board of Supervisors of Elections shall mail or deliver absentee ballots to qualified voters, at the written request of those voters, not less than fifteen (15) prior to the election. Qualified voters, or an authorized agent, may apply in person to the Board of Supervisors of Elections for an absentee ballot up to and including the day before the election in cases where the voter finds that they will

be unable to attend the polling location on election day. Absentee ballots must be received by the Supervisors of Elections by 7:00 p.m. on election day.

(c) Absentee ballots will be date stamped on the envelope as they are received and the ballots and envelopes will be retained for a period of six (6) months after the election. (Reso. No. 3-9-09.1)

Section 26–32. Conduct of elections.

It shall be the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 1:00 P.M. to 7:30 P.M. on election days or for longer hours if the council requires it. Write–in votes shall be permitted.

A person may not:

(1) Place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) Misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) Interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) Induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) Except for servicing by an authorized person, unlock any locked or closed compartment of a voting devise **[**device**]** unless instructed to do so by the election director;

(6) Destroy or deface any ballot;

(7) Remove a ballot from a building in which voting occurs, except as otherwise allowed by law or this Charter;

(8) Delay the delivery of a ballot;

(9) Possess or retain 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;

(10) Canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted by the election board. The line shall be located as near as practicable to 100 feet from the entrance and exit of the building in which voting occurs 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 following or comparable language: "No Electioneering Beyond this Point";

(11) A person may not bring, send, or attempt to bring or send any alcoholic beverages (as defined in Article 2B of the Annotated Code of Maryland) into a polling place during the hours that the polling place is open. (Reso. No. 1, 3–9–64; Reso. No. 7–01–01, 10–2–01.)

Section 26–33. 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. (Reso. No. 1, 3–9–64.)

Section 26–34. Vote count.

(a) Immediately after the closing of the polls, the board of supervisors of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the clerk–treasurer of the town who shall record the results in the minutes of the council.

(b) The candidate for mayor with the highest number of votes in the election shall be declared elected as mayor. In every even numbered year (except 1964) the two candidates with the highest number of votes shall be declared elected as councilmen. In every odd numbered year the three candidates with the highest number of votes shall be declared elected as councilmen.

(c) Any candidate shall have the right to demand a recount and shall make such demand to the board of supervisors of elections. (Reso. No. 1, 3–9–64.)

Section 26–35. Preservation of ballots.

All ballots and records used in any town election shall be preserved for at least six months from the date of the election. (Reso. No. 1, 3–9–64.)

Section 26-36. Removal and Vacancies on council.

The Mayor and/or any Council Person may be removed from office or a vacancy shall occur upon the following events:

7) Resignation;

8) Ceasing to reside within the boundaries of the Town of Chesapeake City;

9) Death;

4) Criminal conviction;

5) Unexcused absences for four (4) consecutive Town meetings (meetings include both Town monthly meeting and Town workshop) or unexcused absences for more than half of the scheduled Town meetings during a six (6) month period; or,

6) Violation of the Town Charter and/or Ethics Ordinance.

A motion for the removal of the Mayor and/or any Council Person for either a criminal conviction or violation of the Town Charter and/or Ethics Ordinance shall be made at any regular or special meeting of the Mayor and Commissioners however no vote on such motion shall occur during the meeting it is made. The voting procedures for such motion shall be the same as any other motion before the Mayor and Commissioners and shall be in accordance with the Charter.

In case of a council vacancy for any reason, the seat shall be filled by the candidate with the next highest vote from the most recent election, if declined, then the next highest, and so on. If all decline the seat shall remain vacant until such time as the Council shall nominate and select someone by majority vote. In no case shall the seat remain vacant for more than sixty (60) days.(Reso. No. 9-5-06; Reso. No. 4-13-09.1)

In the case of a vacancy in the office of mayor, a special election will be held. In no case shall the seat remain vacant for more than sixty (60) days. Until the election the vice-mayor shall be responsible to fulfill the duties of the office of mayor. (Reso No.1, 3–9–64; Reso. No. 4–14–80; Reso. No. 9-5-06 Reso. No. 4-13-09.1 Reso. No. 4-12-10.3)

Section 26–37. Authority of council generally.

The council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Reso. No. 1, 3–9–64.)

Section 26–38. Penalties.

Any person who

(a) fails to perform any duty required of him/her under the provisions of this subtitle or any ordinances passed thereunder;

(b) violates any of the provisions of this subtitle or any ordinances passed thereunder, or ;

(c) does anything which will or will tend to affect fraudulently any registration, nomination, or town election, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than $500 or more than $1,500, or imprisonment for not more than 60 days, or both. Any officer or employee of the town government who is convicted of a misdemeanor under any provisions of this subtitle or any ordinances passed thereunder shall immediately upon conviction cease to hold such office or employment. (Reso. No. 1, 3–9–64; Res. No. 7–01–01; Reso. No. 9-6-06)

Finance

Section 26–39. Treasurer—Appointment; Term of Office; Compensation; Authority Generally.

There shall be a Treasurer appointed by the Mayor with the approval of Town Council. The Treasurer shall serve at the pleasure of the Mayor. The Treasurer's compensation shall be determined by the Town Council. The Treasurer shall be the financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Mayor. (Reso. No. 1, 3–9–64; Reso. No. 9-7-06; Reso. No. 02-25-2008.1)

Section 26–40. Same—Powers and duties.

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

(a) Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Town Council;

(b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded;

(c) Maintain a general accounting system for the Town in such form as the Town council may require, not contrary to the laws of the State of Maryland.

(d) Submit at the end of each fiscal year, and at such other times as the Town Council may require, a complete financial report to the Town Council through the Mayor.

;

(e) Ascertain that all taxable property within the Town is assessed for taxation;

(f) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town;

(g) Have custody of all public moneys, belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town;

(h) Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Town Council may require or as may be required elsewhere in this Charter. (Reso. No. 1, 3–9–64; Reso. No. 02-25-2008.2)

Section 26–41. Same—Bond.

The Treasurer shall provide a bond with such corporate surety and in such amount as the Town Council may require. (Reso. No. 1, 3–9–64; Reso. No. 02-28-2008.3)

Section 26–42. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Reso. No. 1, 3–9–64; Reso. No. 9-8-06)

Section 26–43. Budget—Preparation; contents.

The mayor, on such date as the council shall determine, but at least thirty–two days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk–treasurer, open to public inspection by anyone during normal business hours. (Reso. No. 1, 3–9–64.)

Section 26–44. Same—Adoption.

Before adopting the budget the council shall hold a public hearing thereon after two weeks notice thereof in some newspaper or newspapers having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. Where the council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the council shall be necessary for adoption. (Reso. No. 1, 3–9–64.)

Section 26–45. Appropriations generally.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Reso. No. 1, 3–9–64.)

Section 26–46. Transfer of funds.

Any transfer of funds between appropriations for different purposes by the mayor must be approved by the council before becoming effective. (Reso. No. 1, 3–9–64.)

Section 26–47. Over–expenditure forbidden.

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

(b) Prohibited Acts; Penalties;

(1) The Town may not reimburse any expenditure to the extent that the expenditure violates subsection (a) of this section.

(2) The Town is not obligated to appropriate money to pay an expenditure that violates subsection (a) of this section.

(3) Each officer or employee who makes an expenditure that violates subsection (a) of this section is guilty of neglect of official duty and is subject to removal.

(4) An officer or employee who willfully or knowingly violates subsection (a) of this section is personally liable on the contract.

(5) An officer or employee who is found guilty of willfully or knowingly violating any provision of subsection (a) of this section is personally liable to the Town for the amount of the deficiency or excess.

(6) An officer or employee who is found guilty of willfully or knowingly violating any provision of subsection (a) of this section is subject to a fine not exceeding $1,000.00 or imprisonment in the State Penitentiary not exceeding 2 years or both for a first offense, and for a subsequent offense, to a fine not exceeding $2,000.00 or imprisonment in the State Penitentiary not exceeding 2 years or both.

AND BE IT FURTHER RESOLVED that to the extent that any Section of the Charter of the Town is in conflict with the provisions of this Resolution such Section or Sections be and hereby are repealed to the extent of such conflict; and,

AND BE IT FURTHER RESOLVED that the amendments to the Charter of the Town adopted by this Resolution shall become effective upon the fiftieth (50th) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of Section 13 of Article 23A of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such Section 13 of Article 23A of the Annotated Code of Maryland on or before the fortieth (40th) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the town hall or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals, within a period of forty (40) days after adoption of this Resolution; and,

AND BE IT FURTHER RESOLVED that the Mayor shall send or cause to be sent in accordance with the provisions of Sections 9 and 13 of Article 23A of the Annotated Code of Maryland, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and, (4) the effective date of the Charter amendments; and,

AND BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to carry out or cause to be carried out notice of the adoption of this Resolution as outlined above; and as evidence of compliance herewith, the Mayor shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendment shall have been published; and, (3) the return receipt of the mailing referred to above. (Reso. No. 1, 3-9-64; Reso. No. 4.12.10.2)

Section 26–48. Appropriations to lapse after one year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Reso. No. 1, 3–9–64.)

Section 26–49. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer and shall be countersigned by the Mayor. (Reso. No. 1, 3–9–64.; Reso. No. 02-25-2008.4)

Section 26–50. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the general assembly. (Reso. No. 1, 3–9–64.)

Section 26–51. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Reso. No. 1, 3–9–64.)

Section 26–52. Notice of tax levy.

Immediately after the levy is made by the Town Council in each year, the Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. The Treasurer shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Reso. No. 1, 3–9–64; Reso. No. 02-25-2008.5)

Section 26–53. When taxes are overdue; Interest; Discounts.

The taxes provided for in Section 51 of this Charter shall be due and payable on the first day of July in the year for which they are levied, and are overdue and in arrears on the first day of the succeeding October. From and after that first day of October, unpaid taxes shall bear interest at a rate not to exceed one per cent (1%) for each month or fraction of a month until paid. The Council shall have the power to provide by ordinance penalties to be added to taxes which are overdue and in arrears. All taxes not paid and in arrears after the first day of the succeeding January shall be collected as provided in Section 54 of this Charter. (Reso. No. 1, 3–9–64; Amended by Charter Amendment No. 3, Charter Amendment Resolution No. 1–76, adopted March 8, 1976, effective April 27, 1976; Reso. No. 5–1–2000; Reso.10-3-05.)

Section 26–54. Sale of tax delinquent property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by section 26–53 of this Charter shall be turned over by the Treasurer to the official of the County responsible for the sale of tax delinquent property as provided by the law of the State of Maryland. All property listed thereon shall if necessary be sold for taxes by this County official, in the manner prescribed by the law of the State of Maryland (Reso. No. 1, 3–9–64; Reso. No. 02-25-2008.6)

Section 26–55. Fees received by officers and employees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town. (Reso. No. 1, 3–9–64.)

Section 26–56. Audit.

The financial books and accounts of the town shall be audited annually in a manner determined by the mayor and council. (Reso. No. 1, 3–9–64.)

Section 26–57. Tax anticipation borrowing.

During the first six months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Reso. No. 1, 3–9–64.)

Charter Section 26-58 pertaining to general obligation borrowings

A Resolution of the Council of The Town of Chesapeake City passed pursuant to the authority of Article XI-E of the Constitution of Maryland, as published in the Constitution of Maryland Article of the Annotated Code of Maryland (West 2002 and 2009 Cumulative Supplement), and Section 13 of Article 23A of the Annotated Code of Maryland (West 2002 and 2009 Cumulative Supplement), to amend the Charter of the Town of Chesapeake City (as published in Municipal Charters of Maryland, Volume 2, 2008 Replacement Edition, as amended to date), by repealing and re-enacting, with amendments, Section 26-58 of the Charter, for the purpose of authorizing The Town of Chesapeake City (the "Town") to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or

other evidences of indebtedness (the "Obligations"); specifying that the Council shall authorize by ordinance;

(1) the maximum aggregate principal amount of any such Obligations to be issued;

(2) the purpose(s) for which such Obligations shall be expended;

(3) a pledge of the security for such Obligations and, if applicable, a statement that such Obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and

(4) a requirement that prior to issuing any such Obligations the Council shall adopt a resolution regarding certain matters; providing that any such resolution shall contain, determine, approve or provide for various details regarding such Obligations, including;

(a) their designation, issue date, denomination(s), form(s) and tenor;

(b) their rate(s) of interest (which may be fixed or variable or may be determined by a method approved or provided for);

(c) their date(s) and amount(s) of maturity, denomination(s) and serial and/or term maturities;

(d) whether they will be sold at public sale or by private (negotiated) sale;

(e) their price(s), which may be at, above or below par value;

(f) any desired redemption provisions, including how notice of redemption shall be given;

(g) the manner of executing and sealing such Obligations;

(h) any documents pursuant to which such Obligations are to be issued, offered or secured, including for the purpose of enhancing the marketability of or as security for such Obligations and for securing any tender option; and

(i) such other provisions as the Council may determine necessary or desirable, including whether such Obligations shall be sold for cash or other valuable consideration or further providing for application of their proceeds; providing that any such resolution may be introduced and adopted at a single session and shall become effective immediately upon adoption; providing that the Council may instead by ordinance determine, approve or provide for the approval of any of the matters specified as being determinable by resolution; providing for or authorizing the methods by which any such Obligations may be bid for in connection with the sale of the same by solicitation of competitive bids at public sale and the methods by which any notice of sale or summary thereof may be published or disseminated;

providing that the power set forth in Charter Section 26-58 is additional and supplemental to any other applicable general obligation borrowing authority; providing that all such Obligations issued by the Town previous to the effective date of these Charter amendments, and all ordinances and resolutions passed concerning them, are declared to be valid, legal and binding and of full force and effect; generally relating to the issuance and terms of such Obligations; and providing the procedures to be followed for the effectiveness of the Charter amendments adopted by this Resolution; by repealing and re-enacting, with amendments, existing Charter Section 26-58 the Council is repealing the debt limitation on general obligation borrowings for capital improvements permitted to be authorized by resolution that is currently provided for in existing Charter Section 26-58.

SECTION 1. Pursuant to the authority of Article XI-E of the Constitution of Maryland, as published in the Constitution of Maryland Article of the Annotated Code of Maryland (West 2002 and 2009 Cumulative Supplement), and Section 13 of Article 23A of the Annotated Code of Maryland (West 2002 and 2009 Cumulative Supplement), the Charter of the Town of Chesapeake City (as published in Municipal Charters of Maryland, Volume 2, 2008 Replacement Edition, as amended to date) be, and the same is hereby, amended by repealing Section 26-58 of the Charter in its entirety and by enacting a new Section 26-58 of the Charter to read as follows:

Section 26-58. General obligation borrowing.

(a) The town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this section.

(b) All general obligation bonds, notes or other evidences of indebtedness issued under the provisions of this section shall be authorized by an ordinance that shall contain:

(1) a statement of the maximum aggregate principal amount of such obligations to be issued;

(2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended;

(3) a pledge of the security for such obligations and, if applicable, a statement that such obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and

(4) a requirement that, subject to the provisions of subsection (d) below, prior to the issuance of any such obligations, the council shall adopt a resolution in accordance with the provisions of subsection (c) below.

(c) Prior to issuing any such obligations identified in subsection (b) above, the council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of:

(1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations;

(2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for);

(3) the date or dates and amount or amounts of maturity, which may be in any denomination and which may be in serial and/or term maturities;

(4) the manner of selling such obligations, which may be either at public sale after publication or dissemination of the notice of sale or by private (negotiated) sale without advertisement or solicitation of competitive bids;

(5) the price or prices of such obligations, which may be at, above or below par value;

(6) any desired provisions relating to the redemption of such obligations prior to maturity (which may be at, above or below par value), and the manner of publishing or otherwise giving notice of such redemption;

(7) the manner of executing and sealing such obligations, which may be by facsimile;

(8) any documents pursuant to which such obligations are to be issued or secured, including, without limitation, agreements with banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for such obligations and for securing any tender option granted to the holders thereof; and

(9) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the council may determine necessary or desirable, including, without limitation, whether such obligations shall be sold for cash or other valuable consideration or further specifying the purposes for which such obligations are to be expended (within the limitations set forth in the applicable ordinance). By resolution the council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (c). A resolution adopted pursuant to this subsection (c) may be introduced and adopted at a single session of the council and shall become effective immediately upon adoption or upon the date specified in such

resolution.

(d) The council may, at its option, determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (c) above by ordinance instead of by resolution.

(e) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the sale of municipal obligations at competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the town and/or in a generally recognized financial journal such as The Bond Buyer, or any notice of sale may be disseminated solely in electronic form and/or by any other then-commercially reasonable manner for the sale of municipal obligations, as determined by the council in accordance with the provisions of subsection (c) or subsection (d) above, as applicable.

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

(g) The power conferred on the town under this section shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the town by Maryland public general or public local law, and the town may authorize, issue and secure any such general obligation debt in conformity with this Charter and/or any other applicable law.

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

SECTION 2. The amendments to the Charter of the Town adopted by this Resolution shall become effective upon the fiftieth (50^{th}) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of Section 13 of Article 23A of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such Section 13 of Article 23A of the Annotated Code of Maryland on or before the fortieth (40^{th}) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the town hall or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the

title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals, within a period of forty (40) days after adoption of this Resolution.

SECTION 3. The Mayor shall send or cause to be sent to the Department of Legislative Services of the State of Maryland in accordance with the provisions of Sections 17(f) and 9A of Article 23A of the Annotated Code of Maryland, the following documents or information concerning the Charter amendment:

(1) the complete text of this Resolution;

(2) the date of the referendum election, if any, held with respect thereto;

(3) the number of votes cast for or against this Resolution by the Council or in a referendum; and

(4) the effective date of the Charter amendments.

SECTION 4. The Mayor is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof; and as evidence of compliance herewith, the Mayor shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted

(1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 3 hereof, and

(2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments shall have been published; provided that, the failure to so affix such items shall not invalidate the effectiveness of the Charter amendments provided for in this Resolution.

(Reso. No. 1, 3–9–64; Charter Amendment No. 1 adopted April 10, 1972; Reso. No.9-9-06; Charter Amendment No.1 adopted April 12, 2010)

Section 26–59. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Reso. No. 1, 3–9–64.)

Section 26–60. Effect of Charter on prior indebtedness.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Reso. No. 1, 3–9–64.)

Section 26–61. Purchasing and contracts.

(a) All purchases and contracts for the town government shall be made by the mayor and council. Competitive bids, negotiated bids and/or other forms of bids, as appropriate, will be obtained in keeping with good procurement practices and fiscal responsibility.

(b)Procedures for the purchase and contract for supplies, construction, leas/rental, equipment and services costing one thousand dollars ($1,000) or more but not exceeding seven thousand five hundred dollars ($7,500) shall be established by the Mayor and Council by resolution. All purchases and contracts for supplies, construction, lease/rental, equipment and services costing more than seven thousand five hundred ($7,500) shall be in accordance with Section26-61 of the Town Charter.(Reso. No. 1-10-94; Reso. No. 10-4-05; Reso No. 12-1-08.)

(c) Supplies, construction, lease/rental, equipment and services costing more than $7,500.00 but not more than $25,000.00 may be purchased from the lowest responsible bidder after soliciting written quotations from two or more qualified suppliers. (Reso. No. 9-26-2011A.)

(d) Supplies, construction, lease/rental, equipment and services costing more than $25,000.00 may be purchased from the lowest responsible bidder after advertising for sealed bids. The clerk–treasurer shall be required to advertise for sealed bids in the customary manner or in such manner as may be prescribed by ordinance. (Reso. No. 9-26-2011A.)

(e) Expenditures for supplies, construction, lease/rental, equipment and services costing more than $7,500.00 shall be made on written contract. All written contracts may be protected by such bonds, penalties, and conditions as the town may require.

(f) For amounts involving $25,000.00 or less the council by resolution may require advertising for sealed bids. (Reso. No. 9-26-2011A.)

(g) For amounts involving $7,500.00 or less the council by resolution may require the soliciting of written quotations from two or more qualified suppliers.

(h) In all cases contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such contracts shall be approved by council before becoming effective.

(i) The council shall have the right to reject any or all bids, to recommunicate, resolicit or readvertise, and/or to select a single item or items from any bid. The council shall have the right to negotiate individually with the bidders beginning with the lowest responsible bidder before and after full or partial rejection of bids.

(j) The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising (or readvertising) or receiving bids.

(k) *Exceptions:* The following classes of purchasers or others as the council may from time to time adopt are exempt from the above bidding requirements:

(1) Lease/rental of real property.

(2) Purchase of patented or manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.

(3) Contracts involving policies of insurance or surety company bonds.

(4) Purchase made through the state or against federal purchase contracts.

(5) Contracts with public utility service companies under tariffs on file with the Public Utility Commission, contracts made with another political subdivision of the State of Maryland or of another state adjoining the State **[**of**]** Maryland, the Federal Government and any agency of the State of Maryland or of another state adjoining the State **[**of**]** Maryland or any municipality authority.

(6) Contracts involving the services of members of the medical or legal profession, architects, engineers, accountants or other personal services involving professional expert advice.

(7) Purchase of supplies and equipment required for parts or components being procured as replacement parts in support of equipment specially designed by manufacturer, where data available is not adequate to assure that the part or component is identical with the part it is to replace or where contemplated procurement is to match or complement equipment or components previously purchased.

(8) Purchase of technical, nonpersonal services in connection with the assembly, installation or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature.

(9) Purchase of items through the Maryland state contract.

(m) The Mayor is permitted to spend $1,000.00 per month without council approval.

(n) Any section of the existing charter which is inconsistent with the above section is repealed. (Reso. No. 1, 3–9–64; Reso.No, 3–10–80; Reso. No. 1, 12–3–91; Reso. No. 1, 1–10–94;Reso. No. 10-4-05; Reso. No. 12-1-08)

Personnel

Section 26–62. Council Clerk.

The Clerk shall serve as Clerk to the Town Council. The Clerk, or a duly qualified representative designee appointed and supervised by the Clerk, shall attend every meeting of the Town Council and keep a full and accurate account of the proceedings of the Town Council. The Clerk shall keep such other records and perform such other duties as may be required by this Charter or the Town Council. (Reso. No. 1, 3–9–64; Reso. No. 10-5-05; Reso. No. 02-25-2008.7)

Section 26–63. Town attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town shall have the power to employ such legal consultants as it deems necessary from time to time. (Reso. No. 1, 3–9–64.)

Section 26–64. Authority to employ personnel.

The town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the town government. (Reso. No. 1, 3–9–64.)

Section 26–65. Retirement system.

The town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town. (Reso. No. 1, 3–9–64.)

Section 26–66. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by a motion passed by the council, subject to the restrictions imposed upon establishing the salaries of the councilmen and mayor. (Reso. No. 1, 3–9–64.)

Section 26–67. Employee benefit programs.

The town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the town for such programs. (Reso. No. 1, 3–9–64.)

Public Ways and Sidewalks

Section 26–68. "Public way" defined.

The term "public ways" as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Reso. No. 1, 3–9–64.)

Section 26–69. Control of public ways.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Cecil County. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town. (Reso. No. 1, 3–9–64.)

Section 26–70. Powers relative to public ways.

The town shall have the power:

(a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.

(b) To grade, lay out, construct, open, extend, and make new town public ways.

(c) To grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.

(d) To pave, surface, repave, or resurface any town public way or part thereof.

(e) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.

(f) To construct, reconstruct, maintain, and repair bridges.

(g) To name town public ways.

(h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Reso. No. 1, 3–9–64.)

Section 26–71. Powers relative to sidewalks.

The town shall have the power:

(a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.

(b) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.

(c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(d) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property collectible in the same manner as are town taxes or by suit at law. (Reso. No. 1, 3–9–64.)

Water and Sewers

Section 26–72. Powers of town generally.

The town shall have the power:

(a) To construct, operate and maintain a water system and water plant.

(b) To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.

(c) To construct, operate and maintain a storm water drainage system and storm water sewers.

(d) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

(e) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(f) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Reso. No. 1, 3–9–64.)

Section 26–73. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed. (Reso. No. 1, 3–9–64.)

Section 26–74. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in section 26–88. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Reso. No. 1, 3–9–64.)

Section 26–75. Entering on county public ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or storm water sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. (Reso. No. 1, 3–9–64.)

Section 26–76. Connections generally.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Reso. No. 1, 3–9–64.)

Section 26–77. Charge for connections.

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Reso. No. 1, 3–9–64.)

Section 26–78. Improper uses.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use. (Reso. No. 1, 3–9–64).

Section 26–79. Private systems.

The town may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 1, 3–9–64.)

Section 26–80. Extensions beyond boundaries.

The town shall have the power to extend its water or sewerage systems beyond the town limits. (Reso. No. 1, 3–9–64.)

Section 26–81. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may be a misdemeanor. (Reso. No. 1, 3–9–64.)

Section 26–82. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor. (Reso. No. 1, 3–9–64.)

Section 26–83. Contracts for water.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage. (Reso. No. 1, 3–9–64.)

Section 26–84. Charges.

The town shall have the power to charge and collect such service rates, water rents, ready–to–serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the clerk–treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law. (Reso. No. 1, 3–9–64.)

Special Assessments

Section 26–85. Authority of town generally.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the pavement of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project. (Reso. No. 1, 3–9–64.)

Section 26–86. Procedure.

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

(a) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the council.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom.

(c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(d) All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The clerk–treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk–treasurer shall present at the hearing a

certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk–treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

(g) All special assessment installments shall be overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(h) All special assessments shall be billed and collected by the clerk–treasurer. (Reso. No. 1, 3–9–64.)

Town Property

Section 26–87. Acquisition, possession and disposal generally.

The town may acquire real, personal, or mixed property within or outside the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof. (Reso. No. 1, 3–9–6; Reso. No. 9-26-2011C.)

Section 26–88. Condemnation.

The town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other state law applicable to the town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Annotated Code of Maryland and Title, 12, Chapter 200 of the Maryland Rules of Procedure.(Reso. No. 1, 3–9–64; Reso. No. 9-10-06; Reso. No. 9-26-2011C.)

Section 26–89. Town buildings.

The town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government. (Reso. No. 1, 3–9–64.)

Section 26–90. Protection of town property.

The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition. (Reso. No. 1, 3–9–64.)

General Provisions

Section 26–91. Oath of office.

(a) Before entering upon the duties of their offices, the mayor, the councilmen, the clerk–treasurer, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmation: "I, ..., do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ....., according to the Constitution and laws of this state."

(b) The mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Cecil County or before one of the sworn deputies of the clerk. All other persons taking and subscribing the oath shall do so before the mayor. (Reso. No. 1, 3–9–64.)

Section 26–92. Official bonds.

The clerk–treasurer and such other officers or employees of the town as the council or this Charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town. (Reso. No. 1, 3–9

Section 26–93. Liability of town for damages.

Before the mayor and council of the town of Chesapeake City shall be liable for damages of any kind the person injured or someone in his behalf shall give the mayor or the town clerk of Chesapeake City notice in writing of such injury within thirty days after the same has been received, stating specifically in said notice when, where and how the injury occurred and the extent thereof. The mayor and council of the Town of Chesapeake City shall never be liable on account of any damage or injury to person or property arising from or occasioned by any public street, highway or grounds, including accumulations of snow and ice on any public work of the city unless the specific defect or the accumulation of snow and ice causing the damage or injury shall have been actually known to the mayor or the superintendent of streets by personal inspection for a period of at least twenty–four hours prior to the occurrence of the injury or damage and proper diligence has not been used to rectify the defect or cause, such as accumulations of snow or ice, to be removed after actually known or called to the attention of the mayor or superintendent of streets as aforesaid. (Reso. No. 1, 3–9–64.)

Section 26–94. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective. (Reso. No. 1, 3–9–64.)

Section 26–95. Violations of ordinances and resolutions.

Every violation of an ordinance or resolution which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable as misdemeanors and be punishable by a fine not to exceed $1,000 or imprisonment for six (6) months or both.

The Council may also provide that violations of any ordinance or resolution shall be a "municipal infraction" unless the violation is declared to be a felony or a misdemeanor by State law. (Reso. No. 1, 3–9–64; Reso. No. 10-5-06)

Section 26–96. Effect of Charter on existing ordinances.

(a) All ordinances, resolutions, rules, and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

(b) All ordinances, resolutions, rules, and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict. (Reso. No. 1, 3–9–64.)

Section 26–97. Gender.

Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender. (Reso. No. 1, 3–9–64.)

Section 26–98. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Reso. No. 1, 3–9–64.)