

CHARTER

OF THE

# **Town of Glen Echo**

MONTGOMERY COUNTY, MARYLAND

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# **GLEN ECHO**

## **ARTICLE I General Corporate Powers**

### Section 101. Incorporation; powers generally.

The citizens within the corporate limits heretofore legally established as and for the Mayor and Council of Glen Echo are hereby constituted and/or continued as a body corporate by the name of “The Town of Glen Echo” with all of the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

## **ARTICLE II Corporate Limits**

### Section 201. Boundaries enumerated.

The boundaries of the Town of Glen Echo shall embrace the National Chautauqua of Glen Echo – recorded in Liber, J. A. 25, Folio 253, by the Clerk of the Circuit Court for Montgomery County and shall be on file in the Town offices.

## **ARTICLE III The Mayor**

### Section 301. Election; term of office.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until a successor is appointed and qualified. The newly elected Mayor shall be sworn in by the Clerk of the Circuit Court of Montgomery County, and shall take office on the first Tuesday following the Mayor’s election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which the Mayor was elected and until the Mayor’s successor takes office under the provisions of this Charter.

### Section 302. Qualifications.

To be eligible for election to the office of Mayor, a person must be not less than thirty years of age. The Mayor must have resided in the Town for at least one year immediately preceding the Mayor’s election and must be a qualified voter of the Town, in accordance with Section 501 of this charter. If, at any time the Mayor shall cease to reside in the Town, the office shall automatically become vacant.

Section 303. Salary.

The Mayor shall serve without compensation.

Section 304. Vacancies in the office.

Vacancies in the office of Mayor shall be filled as provided in Section 515 of this Charter.

Section 305. Powers and duties.

(a) The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.

(b) The Mayor, with the approval of the council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance. All office, department, and agency heads may be removed by the Mayor after consultation with the Council and may be removed for cause by the Council. Before removal for cause by the Council, the office, department, or agency head to be removed shall be given a written copy of the specific charges and shall have a hearing on them before the Council if he or she so request [requests] within ten days after receiving the written copy of the charges. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor after consultation with the Council.

(c) The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as the Mayor deems proper for the public good and the welfare of the Town.

(d) The Mayor shall have the power to veto ordinances passed by the Council as provided in Section 411 of this Charter.

(e) The Mayor shall have complete supervision over the financial administration of the Town government. The Mayor shall prepare or have prepared annually a budget and submit it to the Council. The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures approved by the Council 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 the Mayor by the Council, not inconsistent with this Charter.

## **ARTICLE IV The Council**

### Section 401. Number; election; term of office.

All legislative powers of the Town shall be vested in a Council, consisting of four Councilmembers, who shall be elected as hereinafter provided and who shall hold office for a term of four years. The regular term of Councilmembers shall expire no later than the next regularly scheduled Council meeting following the election of their successors. Councilmembers holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected.

### Section 402. Qualifications.

To be eligible for election as Councilmember, a person must be at least twenty-five years of age. Such person must have resided in the Town for at least one year immediately preceding election and shall be a qualified voter of the Town, pursuant to Section 501 of this charter. If, at any time a Councilmember shall cease to reside in the Town, the office shall automatically become vacant.

### Section 403. Salary.

All Councilmembers shall serve without compensation.

### Section 404. Meetings.

The newly constituted Council shall meet at its next regularly scheduled meeting following the election for the purpose of organization after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk-Treasurer upon the request of the Mayor or a majority of the members of the Council. Except as provided by state [State] law, all meetings of the Council shall be open to the public, and residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

### Section 405. Council judge of qualifications of members.

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

### Section 406. President of Council.

The Mayor shall serve as president of the Council. The Mayor may take part in all discussions but shall have no vote except in case of a tie. The Mayor shall designate a vice-president of the Council from among its members who shall act as president of the Council in the absence of the president. The acting president shall retain all voting privileges.

Section 407. Quorum.

Three members of the Council shall constitute a quorum for the transaction of business. No ordinance, motion, or resolution shall be approved without the favorable votes of a majority of those Councilmembers present and voting, or, in the case of a tie, the vote of two Councilmembers and the Mayor.

Section 408. Procedures.

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

Section 409. Vacancies.

Vacancies in the Council shall be filled as provided in Section 515 of this Charter.

Section 410. Ordinances – Procedure for adoption.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six nor more than 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. In cases of emergency, the above requirement may be suspended by the affirmative votes of three members of the Council. 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 the Mayor's veto. A fair summary of each proposed ordinance shall be published within thirty days of introduction at least once in an official notice produced by the Town or twice in a newspaper or newspapers having general circulation in the municipality, or publicized by written distribution to each household in the Town. An emergency ordinance, the enactment of which is necessary for the immediate preservation of the public peace, health, safety, or welfare, shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approval by the Mayor or passed over the Mayor's veto by the Council. An emergency ordinance may not create or abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; or create any vested right or interest.

Section 411. Ordinances – Veto.

All ordinances passed by the Council shall be promptly delivered by the Clerk–Treasurer to the Mayor for the Mayor's approval or disapproval. If the Mayor approves any ordinance, the Mayor shall sign it. If the Mayor disapproves any ordinance, the Mayor shall not sign it. The Mayor shall return all ordinances to the Clerk–Treasurer within six days after delivery to the Mayor, including the days of delivery and return and excluding Sunday, with the Mayor's approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a written message stating the reasons for the

Mayor's disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of a majority of the total membership of the Council 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 the Mayor.

Section 412. Ordinances – File.

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

The Mayor and Council may provide for the codification and printing of the ordinances that the Council has enacted or may enact in the future. The printed copy of the codified ordinances, issued by the authority and under the sanction of the Council, shall be legal evidence of the passage of the ordinances in any court of law or equity in this state [State].

Section 413. General powers.

In addition to all powers granted to the Mayor and Council by this charter or any other provision of law, the Mayor and Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.

Section 414. Specific powers.

The Council shall have the power to pass ordinances, resolutions, regulations, and/or rules not contrary to the laws and Constitution of this state [State] for the following specific purposes:

- (1) *Advertising.* To provide for advertising for the purposes of the Town and 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) *Animals.* To regulate the keeping of animals in the Town and to provide for the licensing of them; to provide for the disposition of homeless animals on which no license fee is paid.

(5) *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the Council.

(6) *Auctioneers.* To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

(7) *Billboards and signs.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards and signs within the Town, and 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 to be erected, constructed, reconstructed or razed in the Town and to grant building or demolition 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 whether dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

(11) *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.

(12) *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.

(13) *Curfew.* To prohibit youth from being in the streets, lanes, alleys, or public places at certain hours in accordance with state [State] and federal law.

(14) *Dangerous conditions.* To compel persons about to undertake dangerous improvement 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 person or property.

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

(16) *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.

(17) *Filth.* To compel the occupant of any premise or building 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 or their representatives and to assess the expense thereof against such property, making it collectible by taxes, or against the occupant or occupants.

(18) *Finances.* To levy 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.

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

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

(21) *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 garbage, ashes and other waste or unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(22) *Grants-in-aid.* To apply for and accept gifts, grants, and loans of funds from the federal, state [State], or county governments or any agency thereof, and to expend the same for any lawful public purpose, agreeable to the conditions under which the gifts, grants, or loans were made.

(23) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate the health officer's 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 [State] board of health, the county board of health, or any public general or local law relating to the subject of health.

(24) *House numbering.* 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 expenses to constitute a lien upon the property collectible as tax moneys.

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

(26) *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.

(27) *Lights.* To provide for the lighting of the Town.

(28) *Noise.* To regulate or prohibit unreasonable noises in accordance with federal, state, and county law.

(29) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town, which are so defined by 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.

(30) *Obstructions.* To remove all nuisances and obstructions from the streets, sidewalks, lanes[,] and alleys[,] and from any lots adjoining thereto, or any other places within the limits of the Town.

(31) *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.

(32) *Police force.* To establish, operate, and maintain a police force. All Town police shall, within the municipality, have the powers and authority of constables in this state [State].

(33) *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, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness. To establish penalties for violation of any Town ordinance.

(34) *Property.* To acquire by conveyance, purchase, condemnation, gift, or bequest, real, personal, 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.

(35) *Public ways.* To construct, maintain, improve, and control the public ways of the Town.

(36) *Quarantine.* To establish quarantine regulations in the interest of the public health.

(37) *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.

(38) *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 obstruction.

(39) *Taxicabs.* To license, tax and regulate public taxicab drivers, porters, couriers[,] and all other persons pursuing like occupations.

(40) *Vehicles.* To regulate vehicles, including motor vehicles, and license bicycles and other vehicles not licensed by the State of Maryland.

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

(42) *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.

Section 415. Exercise of powers.

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

Section 416. Enforcement of ordinances.

(a) *Misdemeanor.* To assure the observance of the ordinances or [of] the Town and any resolutions, regulations, and rules promulgated thereunder, The [the] Mayor and Council may declare that violations thereof shall be a misdemeanor and punishable by a fine, imprisonment, or both in accordance with state [State] law. The Mayor and Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction of one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) *Municipal Infraction.* Unless the violation is declared to be a felony or a misdemeanor by state [State] law or by ordinance, the Mayor and Council may provide that violations of a municipal ordinance shall be a municipal infraction and punishable by a fine in accordance with state [State] law.

(c) *Other Action.* In addition to such remedies, the Town of Glen Echo may institute injunction, mandamus, or other appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct[,] or abate violation of any of the ordinances of the Town. The Town may order the owner of any property abutting any public way to perform any act authorized by this charter or the Town's code of ordinances at the owner's expense according to reasonable plans and specifications. If after due notice the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

## **ARTICLE V**

### **Registration, Nominations and Elections**

#### Section 501. Voter Qualifications.

(a) Every United States citizen who (1) is a resident of the Town of Glen Echo, (2) is at least eighteen (18) years of age or will be eighteen years of age on or before the date of the next Town election, (3) has resided within the corporate limits of the Town for thirty (30) days next preceding any Town election, (4) is registered in accordance with the provisions of this Charter, and (5) is qualified to vote in Maryland under Section 3–102 of the Election Law Article or any equivalent provision(s) of the Annotated Code of Maryland 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.

(b) Any person who is not a United States citizen, and (1) is a resident of the Town of Glen Echo, (2) is a lawful resident of the United States, and (3) except for the United States citizenship requirement, meets the voter qualifications provided in Section 501(a) may register to vote in Town elections, as set forth in Charter Section 506. The Clerk–Treasurer, on behalf of the board of supervisors of elections, shall maintain a separate voter roll from the existing voter rolls generated by the Montgomery County Board of Elections, to include the names of those non United States citizens. (Res. No. 01–08, 6–3–08.)

#### Section 502. Board of supervisors of elections – Composition; appointment, term of office, qualifications and compensation of members; chair, vacancies; election Clerks.

There shall be a board of supervisors of elections, consisting of four members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in March, 1995, and every fourth year thereafter. The terms of members of the board of supervisors of elections shall begin on the first Monday in March in the year in which they are appointed and shall run for four years or until their successors have been appointed and qualified. Members of the board of supervisors of elections shall be qualified voters of the Town and shall not hold or

be candidates for any elective office during their term of office. The board shall appoint one of its members as chair. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The Mayor, with the approval of the Council may appoint election clerks to assist the board. The compensation of board members and clerk shall be determined by the Council.

Section 503. Board of supervisors of elections – Removal.

Any 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 specific charges against the member and shall have a hearing on them before the Council if he or she so requests within ten days after receiving the written copy of the charges.

Section 504. Board of supervisors of elections – Duties.

The board of supervisors of elections shall be in charge of the registration of voters, nominations, and all Town elections. At the direction of the board of supervisors of elections, the Clerk–Treasurer may assist in the registration of voters and perform other election duties. (Res. No. 01–08, 6–3–08.)

Section 505. Notice of elections.

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 or publicized by written notice distributed to each household in the Town, and by posting a notice thereof in some public place or places in the Town.

Section 506. Registrations of voters.

Any person who meets the qualifications to vote as set forth in Charter Section 501 may register as follows:

(a) Registration by a resident of the Town of Glen Echo with the Montgomery County Board of Elections shall be deemed registration for Town elections, provided that the application for such registration is received by the Montgomery County Board of Elections no later than the close of business on the fifth Monday prior to an election. On the second Monday prior to a Town election, the Clerk–Treasurer, on behalf of the board of supervisors of elections, shall request from the Montgomery County Board of Elections a certified, alphabetical list of the names and addresses of those people residing in the Town and registered to vote. Registration of voters shall be permitted in the Town offices up to and including the close of business on the second Monday prior to a Town election during regular office hours every day such offices are open, to develop a supplemental listing of registered voters. Registration shall be permanent, and no person shall be entitled to vote in Town elections unless registered.

(b) A Town of Glen Echo voter registration application shall require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter. The applicant may be required to provide identifying information.

(c) It shall be the duty of the 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 to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a registration when necessary. Expenses connected with the conduct of registration shall be defrayed by the Town. (Res. No. 01-08, 6-3-08.)

Section 507. Appeal from action of board of supervisors of elections.

If any persons shall feel aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for the county within thirty days of the decision or action of the Council.

Section 508. Nominations; limitations on filing.

No person shall file for nomination to more than one elective Town public office or hold more than one elective Town public office at any one time.

Any person desiring to become a candidate for Mayor or Council shall at least twenty days before election, file or cause to be filed with the chair of the board of supervisors of elections a declaration of candidacy for office stating that he or she is a candidate for the office, and fulfills the requirements of office. The chair of the board of supervisors of elections shall print such persons' names upon the ballot with a square opposite each, the names of the candidates for Mayor to be in one group and appearing in alphabetical order, and with the instruction to the voters to "vote for one"; and the candidates for councilmembers to be in another group with names appearing in alphabetical order and with the instruction to the voters to "vote for no more than two."

Section 509. Election of Mayor and Councilmembers.

The qualified voters of the Town shall elect persons to serve as Mayor and Councilmembers as follows:

(a) on the first Monday in May, 1993, and every fourth year thereafter, one person as Mayor and two persons as Councilmembers to serve for terms of four years;

(b) on the first Monday in May, 1995, and every fourth year thereafter, two persons to serve as Councilmembers for terms of four years.

Section 510. Conduct of elections.

It shall be the duty of the board of supervisors of elections to provide for each special and general election at 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 5:00 P.M. to 9:00 P.M. on election days or for longer hours if the Council requires it. The board of supervisors of elections shall provide for absentee ballots.

Section 511. 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.



Section 512. Vote count.

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. The candidate for Mayor with the highest number of votes in the general election shall be declared elected Mayor. The two candidates with the highest number of votes in the general election shall be declared elected Councilmembers.

Section 513. Tie vote.

In the event of a tie vote for candidates for Mayor or Councilmembers, except for the two Councilmember candidates with the highest number of votes, a run-off election shall be held on the fourth Monday in May. Only the names of the candidates involved in the tie vote for office they were seeking in the regular election will appear on the ballot prepared and used in the run-off election. The Mayor or Councilmembers whose term (or terms) would have expired with the general election shall continue to serve until a successor (or successors) will have been elected.

Section 514. Preservation of ballots.

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

Section 515. Vacancies.

Vacancies on the Council and in the office of the Mayor shall be filled in the following manner.

(a) *Council.*

(1) Where the unexpired term of the Councilmember, vacated for any reason, is less than two years, the Mayor, with approval of a majority of the remaining members of the Council, shall appoint a qualified person to fill the vacancy for the unexpired term. In the event all Council positions become vacant simultaneously for a period of less than two years the Mayor shall appoint qualified persons, without consent of the Council, to fill the unexpired terms.

(2) Where the unexpired term is for a period of two years or more, the vacancy shall be filled through a special election conducted by the board of supervisors of elections. The Mayor shall notify the board of supervisors of elections when vacancies to be filled through election occur. The election shall be held within a period not to exceed two months of the date on which the vacancy occurred.

(b) *Mayor.*

(1) Where the unexpired term in the office of the Mayor, vacated for any reasons, is less than two years the Council shall elect a qualified person to fill the vacancy for the unexpired term.

(2) Where the unexpired term is for a period of two years or more the vacancy shall be filled by a special election conducted by the board of supervisors of elections. The Vice President of the Council (or where none has been designated, the Council) shall notify the board of supervisors of elections to conduct the election within a period not to exceed two months from the date upon which the vacancy occurred.

(3) Where vacancies occur simultaneously in all positions of Council and Mayor, the board of supervisors of elections shall conduct an election as soon as possible thereafter to fill all the vacancies.

#### Section 516. Recall of elected officials.

(a) The Mayor of [or] any Councilmember may be recalled and removed from office for failure to uphold the oath of office, or for malfeasance, misfeasance or nonfeasance in office.

(b) A petition signed by at least twenty five percent (25%) of the persons qualified to vote pursuant to Section 501 of this charter may initiate a proposal to recall and remove the Mayor or any Councilmember from office. Each person signing the petition shall sign his or her name and the date of signing. Under each signature shall be typed or printed the person's name and address. At the bottom of each page of the petition, the individual circulating the petition shall sign the page and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose name appears thereon sign the same in his or her presence. Each petition shall propose only one elected official for recall and removal and shall specify and justify the reasons for the proposed recall and removal.

(c) The petition shall be presented to the Council at a regular public meeting. The Council shall promptly refer the petition to the board of supervisors of elections for verification of the requirements provided in subsection (b) of this section. The board of supervisors of elections shall return said petition to the Council at its next regular public meeting with written findings as to whether the petition satisfies the requirements provided in subsection (b) of this section, including the certification of qualified voters. If the petition is pronounced to be satisfactory, the Council, at the same meeting at which the petition is pronounced to be satisfactory, shall announce a date within forty-five (45) days at which a special election will be held to vote on the proposal.

(d) The voting ballot will contain the official's name and the choice of "reaffirm" or "remove." In order for the official to be removed, two-thirds of those voting must vote "remove." The voting shall be conducted in the same manner as regular Town elections.

(e) If two-thirds of the voters favor removing the Mayor or Councilmember from office, the Mayor or Councilmember shall be declared removed from office on the date at which

the election results are proclaimed. The vacancy in office shall be filled in the manner prescribed by this charter.

Section 517. Additional regulation and control.

The Council, in accordance with state law, shall have the power to provide by ordinance, resolution, regulation, and/or rule 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.

Section 518. Expense of elections.

All expenses of general and special elections shall be paid by the Town.

Section 519. Penalties for violation of article, etc.

Any person who (a) fails to perform any duty required under the provisions of this article or any ordinance passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this article or any ordinance passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or Town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of [a] misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

**ARTICLE VI**  
**Finance**

Section 601. Clerk–Treasurer – Appointment; term of office; compensation; removal.

There shall be a Clerk–Treasurer appointed by the Mayor with the approval of the Council. The Clerk–Treasurer shall serve at the pleasure of the mayor. the [The] Clerk–Treasurer’s compensation shall be determined by the Council. The Clerk–Treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Clerk–Treasurer under the direct supervision of the Mayor.

The Clerk–Treasurer also may be removed for cause by a majority of the Council. Before removal, the Clerk–Treasurer shall be given a written copy of the specific charges and shall have a hearing on them before the Council if he or she so requests within ten days after receiving the written copy of the charges.

Section 602. Clerk–Treasurer – Powers and duties.

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

- (a) Prepare, at the request of the Mayor, an annual budget to be submitting [submitted] by the Mayor to the Council.
- (b) Disburse all money and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the Council may require, not contrary to state law.
- (d) Submit at the end of each fiscal year and at such other times as the Council may require, a complete financial report to the Council through the Mayor.
- (e) Ascertain that all taxable property within the Town is assessed for taxation.
- (f) Collect or provide for the collection of all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
- (g) Have custody of all public moneys belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- (h) Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in this Charter.

Section 603. Clerk–Treasurer – Bond.

The Clerk–Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require. The premium on such bond shall be paid by the Town.

Section 604. Fiscal year.

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

Section 605. Budget – Preparation.

The Mayor, on such date as the Council by ordinance 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 Treasurer, open to public inspection.

**Section 606. Budget – Adoption.**

Before adopting the budget, the Council shall hold a public hearing thereon after public notice of at least two weeks. As a result of the hearing, the Council may insert new items or may increase or decrease the items of the budget. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. A favorable vote of a majority of the total membership of the Council shall be necessary for adoption.

**Section 607. Appropriations.**

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

**Section 608. Transfer of funds.**

Pursuant to State Law, any transfer of funds between major appropriations for different purposes by the Mayor must be approved by the Council before becoming effective.

**Section 609. Over–expenditure prohibited.**

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditures pursuant to this Charter. 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 permitted by law.

**Section 610. Appropriations 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.

**Section 611. Checks.**

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk–Treasurer and shall be countersigned by the Mayor.

Section 612. Taxable property.

All real property and tangible personal property within the corporate limits of the Town, 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 an act of the General Assembly.

Section 613. Tax levy.

The Council may annually levy such taxes upon assessable real and personal property within the corporate limits as it deems necessary and shall set the tax rates by resolution prior to adoption of the annual budget.

Section 614. Notice of tax levy.

Immediately after the levy is made by the Council in each year, the Clerk–Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town or by publishing a notice at least once in an official newsletter produced by the Town or at least twice in a newspaper or newspapers having general circulation in the municipality.

Section 615. When taxes overdue.

The taxes provided for in Section 613 of this Charter shall be due and payable as provided in the tax–property article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears at the rate set by state law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 616 of this Charter.

Section 616. 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 615 of this Charter shall be turned over by the Clerk–Treasurer to Montgomery County as provided in state law. All property listed thereon shall if necessary be sold for taxes in the manner prescribed by state law.

Section 617. Fees of officers and employees.

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

Section 618. Audit of books and accounts.

The financial books and accounts of the Town shall be audited annually as required by the Annotated Code of Maryland.

Section 619. 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 evidence 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. Tax anticipation notes or other evidences of indebtedness of the Town shall not exceed fifty per centum of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 620. Authority to borrow money; Payment of indebtedness.

(a) *General obligation bonds.* The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance of its notes and/or sale of its general obligation bonds. 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 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. Except as otherwise provided, 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.

(b) *Revenue bonds.* The Town shall have the power to issue revenue bonds for one or more revenue-producing projects that serve a proper public purpose. Prior to issuance of revenue bonds, the Council shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the Town shall not be pledged for the payment of revenue bonds.

(c) *Loans.* The Town may at any time pursuant to ordinance borrow funds on terms and in such amounts determined by the Town Council to be advantageous or desirable to the Town and to evidence such borrowing by executing a loan promissory note containing such terms and amounts; provided, however, that any such funds so borrowed may be used only for a public purpose; and further provided that, if the ordinance or ordinances authorizing such loan shall so specify, said loan may be consummated without advertisement or publication of notice of such loan or solicitation of competitive bids.

Section 621. Previous issues of bonds, etc.

All bonds, notes, or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter and all ordinances, resolutions, regulations, and/or rules

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 622. Purchasing and contracts.

The Town Council shall prescribe by ordinance a system of purchasing and contracting for all goods and services used by the Town. The purchasing system shall be administered by the Mayor subject to direction by the Town Council.

The Town Council shall prescribe by ordinance for competitive bidding for purchases or contracts with the Town in excess of an amount to be established by ordinance, except contracts for professional services customarily negotiated. (Res. No. 06-01, 04-09-06.)

## **ARTICLE VII**

### **Personnel**

Section 701. Clerk-Treasurer.

The Clerk-Treasurer shall be the Clerk to the Council. The Clerk-Treasurer shall regularly attend meetings of the Council and keep a full and accurate account of the proceeds of the Council. The Clerk-Treasurer shall keep such other records and perform such other duties as may be required by this charter, the Mayor, or the Council.

Section 702. Town attorney.

The Mayor, with the approval of the Council, may retain 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. The Town attorney's compensation shall be determined by the Council. The Town shall have the power to employ such legal consultants as it deems necessary or desirable from time to time.

Section 703. 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.

Section 704. Compensation of employees.

The compensation of all officers and employees of the Town shall be set from time to time by the Council, subject to the restrictions imposed upon establishing the salaries of the Councilmembers and Mayor.

Section 705. Employee benefit programs.

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

**ARTICLE VIII**  
**Public Ways and Sidewalks**

Section 801. Definition of “public ways.”

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

Section 802. Control of public ways.

The Town shall have control of all public ways within its jurisdiction. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, maintain, or close the public ways of the Town.

Section 803. Authority of Town generally.

The Town shall have the power to:

- (a) Establish[establish], regulate, and change from time to time the grade lines, width, and construction materials of Town public ways, bridges, curbs, and gutters;
- (b) grade, lay out, construct, open, extend, and make new streets and sidewalks;
- (c) grade, straighten, widen, alter, improve, close up, or abandon any existing Town street, sidewalk, or right of way;
- (d) pave, surface, repave, resurface, or repair any public way or part thereof;
- (e) install, construct, reconstruct, repair, and maintain curbs and gutters;
- (f) construct, reconstruct, maintain, and repair bridges;
- (g) name public ways;
- (h) have surveys, plans, specifications, and estimates made for any of the above activities, projects, or parts thereof;
- (i) require that the owners of property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstruction;

(j) require and order the owner of any property abutting on any public way to perform any project authorized by this section at the owner's expense according to reasonable plans and specifications. If after due notice the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

Section 804. Storm water management facilities powers.

The Town may exercise the power to:

(a) plan[Plan], design, construct, acquire[,] repair, reconstruct, operate, and maintain, within and without the Town, facilities for the handling of storm waters and other surface waters.

(b) Regulate the construction, repair, reconstruction, operation and maintenance by others of such facilities.

(c) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

(d) Do all things it deems necessary for the efficient operation and maintenance of the above systems.

(e) Require the owner of any property abutting on any public way in the Town which generates stormwater run-off to perform any act authorized by this charter or the Town's code of ordinances at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

## **ARTICLE IX**

### **Special Assessments**

Section 901. Authority of Town.

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 storm water sewers, curbs and gutters and by the construction, and paving the public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

Section 902. Procedure.

(a) The procedure for special assessments, wherever authorized in this charter, shall be as follows:

(b) 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.

(c) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment by [be] levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) 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.

(e) 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 kinds 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 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. The Clerk-Treasurer shall present at the hearing a certificate of 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 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.

(f) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this Charter 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.

(g) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten 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 a rate to be determined by the Council.

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

(i) All special assessments shall be billed and collected or caused to be collected by the Clerk–Treasurer.

## **ARTICLE X**

### **Town Property**

#### Section 1001. Acquisition, possession and disposal.

The Town may acquire real, personal, or mixed property within 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 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.

#### Section 1002. 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 by state law.

#### Section 1003. Town buildings.

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

#### Section 1004. Protection of Town property.

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

**ARTICLE XI**  
**General Provisions**

Section 1101. Oath of office.

(a) Before entering upon the duties of their offices, the Mayor, the Councilmembers, the Clerk–Treasurer, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation:

“I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_ according to the Constitution and laws of this State.”

(b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

Section 1102. 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.

Section 1103. 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.

Section 1104. 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 are repealed to the extent of such conflict.

Section 1105. Separability.

If any section or part of a 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.