

CHARTER

OF THE

# **Town of La Plata**

CHARLES COUNTY, MARYLAND

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## **CONTENTS**

### **ARTICLE I General Corporate Powers**

Section

C1-1. General provisions.

### **ARTICLE II Corporate Limits**

C2-1. Town boundaries.  
C2-2. (Reserved)

### **ARTICLE III Council**

C3-1. Number; selection; term.  
C3-2. Qualifications of Councilmen.  
C3-3. Salary of Councilmen.  
C3-4. Meeting of Council.  
C3-5. Council to be judge of qualifications of its members.  
C3-6. Quorum.  
C3-7. Procedure of Council.

### **ARTICLE IV Mayor**

C4-1. Qualifications of Mayor.  
C4-2. Salary of the Mayor.  
C4-3. Powers and duties.

### **ARTICLE V Town Manager**

C5-1. Appointment of Town Manager.  
C5-2. Qualifications of Manager.  
C5-3. Salary of Manager.  
C5-4. Removal of Manager.  
C5-5. Powers and duties of Manager.  
C5-6. Interference in administration.

## **ARTICLE VI General Powers**

- C6-1. Enumeration of powers.
- C6-2. Exercise of powers.
- C6-3. Enforcement.
- C6-4. Ordinances.
- C6-5. Exemption from county laws.

## **ARTICLE VII Registration, Nominations and Elections**

- C7-1. Eligibility to vote.
- C7-2. Board of Supervisors of Elections.
- C7-3. Removal of Board members.
- C7-4. Duties of Board.
- C7-5. Supplemental system of registration.
- C7-6. Registration records; challenges of voters and correction of lists.
- C7-7. Appeal from action of Board of Supervisors of Elections.
- C7-8. Nominations.
- C7-9. Primary election; time of holding; conduct.
- C7-10. Conduct of elections.
- C7-11. Councilmanic wards.
- C7-12. Election of Mayor.
- C7-13. Election of Councilmen.
- C7-13.1. Recall of elected officials.
- C7-14. Special elections.
- C7-15. Vote count.
- C7-16. Preservation of ballots.
- C7-17. Vacancies.
- C7-18. Women.
- C7-19. Regulation and control.
- C7-20. Violations and penalties.

## **ARTICLE VIII Finance**

- C8-1. Town Treasurer.
- C8-2. Powers and duties of Town Treasurer.
- C8-3. Bond of Town Treasurer or Town Manager.
- C8-4. Fiscal year.
- C8-5. Budget.
- C8-6. Budget adoption.
- C8-7. Appropriations.
- C8-8. Transfer of funds.

- C8-9. Overexpenditure forbidden.
- C8-10. Appropriations lapse after one year.
- C8-11. Checks.
- C8-12. Taxable property.
- C8-13. Budget authorizes levy.
- C8-14. Notice of tax levy.
- C8-15. When taxes are overdue.
- C8-16. Sale of tax-delinquent property.
- C8-17. Fees.
- C8-18. Audit.
- C8-19. Tax anticipation borrowing.
- C8-20. Payment of indebtedness.
- C8-21. Private sale of bonds.
- C8-22. Previous issues.
- C8-23. Purchasing and contracts.
- C8-24. Borrowing.

**ARTICLE IX  
Personnel**

- C9-1. Clerk to the Council.
- C9-2. Town Attorney.
- C9-3. Authority to employ personnel.
- C9-4. Retirement system.
- C9-5. Compensation of employees.
- C9-6. Employee benefit program.
- C9-7. Merit system.
- C9-8. Unclassified and classified service.
- C9-9. Prohibitions.

**ARTICLE X  
Public Ways and Sidewalks**

- C10-1. Definitions.
- C10-2. Control of public ways.
- C10-3. Power of town with regard to public ways.
- C10-4. Power of town with regard to sidewalks.

**ARTICLE XI  
Water and Sewers**

- C11-1. Powers of town.
- C11-2. Placing structures in public ways.
- C11-3. Obstructions.
- C11-4. Entering on county public ways.

- C11-5. Connections.
- C11-6. Charge for connections.
- C11-7. Improper uses.
- C11-8. Private systems.
- C11-9. Extensions beyond boundaries.
- C11-10. Right of entry.
- C11-11. Pollution of water supply.
- C11-12. Contracts for water.
- C11-13. Charges.

## **ARTICLE XII Special Assessments**

- C12-1. Power of town with regard to special assessments.
- C12-2. Procedure.

## **ARTICLE XIII Town Property**

- C13-1. Acquisition, possession and disposal.
- C13-2. Condemnation.
- C13-3. Town buildings.
- C13-4. Protection of town property.

## **ARTICLE XIV General Provisions**

- C14-1. Oath of office.
- C14-2. Official bonds.
- C14-3. Prior rights and obligations.
- C14-4. Effect of Charter on existing ordinances.
- C14-5. Severability.

# LA PLATA

## ARTICLE I General Corporate Powers

### Section C1-1. General provisions.

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

## ARTICLE II Corporate Limits

### Section C2-1. Town boundaries.

The corporate limits or boundaries of the Town of La Plata, until changed by the Town Council in accordance with law, are the same as prior to the adoption of this Charter, as currently registered with the Town Clerk of the Town of La Plata, with the Clerk of the Circuit Court for Charles County and with the State Department of Legislative Reference [Services]. (Res. No. 07-3, 5-16-07.)

### Section C2-2. (Reserved)

## ARTICLE III Council

### Section C3-1. Number; selection; term.

All legislative powers of the town shall be vested in a Council consisting of a Mayor and four (4) Councilmen, who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until the succeeding Council takes office. The regular term of the Mayor and the Councilmen shall expire on the second Monday in May following the election of their successors. (Res. No. 06-2, 11-29-06.)

### Section C3-2. Qualifications of Councilmen.

Councilmen shall have resided in the town for at least one (1) year immediately preceding their election and shall be qualified voters of the town. A candidate for Councilman shall reside in the ward from which he seeks to be elected at the times of nomination and election. A Councilman shall reside in the ward from which he is elected continuously during his

term of office. Removal of residency from a ward disqualifies a person from seeking or holding the office of Councilman from that ward. A person appointed to fill a vacancy in the office of Councilman shall fulfill the same qualifications as a person elected to that position. (Res. No. 90-2, 1-2-91.)

Section C3-3. Salary of Councilmen.

Each Councilman shall receive an annual salary, which shall be equal for all Councilmen and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected. The ordinance making any change in the salary paid to the several Councilmen, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

Section C3-4. Meeting of Council.

The newly elected Council shall meet on the second Monday in May in each election year for the purposes 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 Clerk upon the written request of the Mayor, the Town Manager or a majority of the members of the Council. All meetings of the Council shall be open to the public, except such meetings as may be closed in accordance with the laws of the State of Maryland. Meetings of the Council to which the Maryland Open Meetings Law does not apply may be closed for the same reasons and under the same procedures as apply to meetings covered by that law. The rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any open matters. (Res. No. 07-3, 5-16-07.)

Section C3-5. Council to be judge of qualifications of its members.

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

Section C3-6. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business, and no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the members of the Council.

Section C3-7. Procedure of Council.

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

**ARTICLE IV**  
**Mayor**

Section C4-1. Qualifications of Mayor.

The Mayor must have resided in the town for at least one (1) year immediately preceding his election and must be a qualified voter of the town.

Section C4-2. Salary of the Mayor.

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which he was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor.

Section C4-3. 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 shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments and agencies of the town government shall be appointed and removed by the Mayor in accordance with rules and regulations in any merit system which may be adopted by the Council.

C. The Mayor 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 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 moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

E. All powers and duties listed in Subsections A, B, C and D above shall revert to the Town Manager should such an officer be appointed as provided for in § C5-1.

F. The Mayor shall serve as President of the Council. The Mayor may take part in all discussion and may vote on all issues coming before the Council. In the absence of the Mayor, the Council shall appoint one (1) of its members to serve as Acting President of the Council.

G. The Mayor shall be recognized as the head of the town government for all ceremonial purposes.

H. 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.

## **ARTICLE V**

### **Town Manager**

#### Section C5-1. Appointment of Town Manager.

The Council may appoint an officer of the town who shall have the title of “Town Manager” and shall have the powers and perform the duties provided in this Charter. The Council may appoint a Town Manager to serve at the pleasure of the Council or for a fixed term of employment not to exceed five (5) years. The Council may extend a Town Manager’s fixed term of employment for additional terms not to exceed five (5) years each. The Council may enter into a written agreement with the Town Manager regarding compensation and other terms and conditions of the Town Manager’s employment not inconsistent with law. Neither the Mayor nor any member of the Council shall receive such appointment during the term for which he shall have been elected nor within one (1) year after the expiration of his term. (Res. No. 09-5, 10-14-09.)

#### Section C5-2. Qualifications of Manager.

The Town Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office, as hereinafter set forth. At the time of his appointment, he need not be a resident of the town or the State of Maryland, but during his tenure of office he shall reside within the town.

#### Section C5-3. Salary of Manager.

The Town Manager shall receive such compensation as the Council shall fix from time to time.

#### Section C5-4. Removal of Manager.

The Council may remove the Town Manager by a majority vote of its members, subject to any severance or other benefits to which the Town Manager may be entitled under the provisions of a written agreement between the Town Manager and the town pursuant to Section C5-1. At least thirty (30) days before such removal shall become effective, the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for his removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such

request. After such public hearing, if one is requested, and after full consideration, the Council, by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution, the Council may suspend the Manager from duty but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months following adoption of the preliminary resolution. (Res. No. 09-5, 10-14-09.)



Section C5–5. Powers and duties of Manager.

A. The Town Manager, should such an officer be appointed, shall assume such powers and duties of the Mayor as are enumerated in § C4–3A, B, C and D above.

B. The Town Manager shall attend all Council meetings and may take part in the discussion, but he shall not have a vote.

C. The Town Manager shall perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

Section C5–6. Interference in administration.

Neither the Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the Town Manager or by any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.

**ARTICLE VI**  
**General Powers**

Section C6–1. Enumeration of powers.

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 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 the licensing, regulating or restraining of theatrical or other public amusements.

(4) *Appropriations*: to appropriate municipal moneys 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, tax and regulate, restrain or prohibit the erection or maintenance of billboards 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 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; and 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 town 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, departments or

agencies, other than the offices, departments and agencies established by this Charter, and to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(17) *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 the county does not license or tax dogs, for the licensing and taxing of the same and 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 and 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 and 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 the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fireplugs 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 of time than fifty (50) 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 and to require slops, 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.

(28) *Grants-in-aid*: to accept gifts and grants of federal or state funds from the federal or state governments or any agency thereof and to expend the same for any lawful public purpose agreeable to the conditions under which the gifts or grants were made.

(29) *Hawkers*: to license, tax, 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 [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; and 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 moneys.

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

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

(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 and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(38) *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.

(39) *Noise*: to regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(40) *Nuisances*: to prevent or abate by appropriate ordinances 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 are herein specifically named or not, and to regulate, prohibit, control the location of or 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.

(41) *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.

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

(43) *Parking meters*: to install parking meters on the streets and public places of the town in such places as it shall, by ordinance, determine and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the Maryland State Highway Administration must first be approved by the Administration.

(44) *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.

(45) *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.

(46) *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; and all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

(47) *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; to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the town.

(48) *Quarantine:* to establish quarantine regulations in the interests of the public health.

(49) *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.

(50) *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 and to prescribe hours for cleaning sidewalks.

(51) *Sweeping:* 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.

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

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

(54) *Voting machines:* to purchase, lease, borrow, install and maintain voting machines for use in town elections.

(55) *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.

Section C6-2. Exercise of powers.

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

Section C6-3. Enforcement.

A. To ensure the observance of the ordinances of the town, the Council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for not exceeding six (6) months, or both such fine and imprisonment. Any person subject to any fine, forfeiture or penalty has the right of appeal within ten (10) days to the Circuit Court of the county in which the fine, forfeiture or penalty was imposed. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

*B. Municipal infractions.*

(1) The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this Article, a municipal infraction is a civil offense.

(2) A fine not to exceed one hundred dollars (\$100.) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed two hundred dollars (\$200.) for each repeat offense, and each day a violation continues shall constitute a separate offense.

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

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

Section C6-4. Ordinances.

No ordinance shall be passed at the meeting at which said ordinance is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, said ordinance shall be passed, 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 the majority of the members of the Council. Every ordinance passed shall become effective on the date specified in the ordinance. Every ordinance shall be posted in some public place for at least thirty (30) days after passage. Ordinances shall be permanently filed by the Town Clerk and shall be kept available for public inspection. (Res. No. 07-3, 5-16-07.)

Section C6-5. Exemption from county laws.

Under the authority conferred by Article 23A, § 2B(a)(3), of the Annotated Code of Maryland, the Town of La Plata, effective March 30, 1984, exempts itself from the provisions of all laws of Charles County enacted before or after that date and dealing with matters in which the town is lawfully empowered by state law or its own Charter to act. The only laws of Charles County which will henceforth apply within the Town of La Plata are those defined by Maryland law to apply and those which have been expressly adopted by reference by the town. This exemption shall not prevent the Town of La Plata from reaching mutual agreement with Charles County for the enforcement of specific laws of the county or town by county officials or their agents.

## **ARTICLE VII**

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

Section C7-1. Eligibility to vote.

A. Registration with the Board of Supervisors of Elections of Charles County, in accordance with the provisions and requirements of state law, constitutes registration for the purposes of voting in a town election if the registrant was a resident of the town at the time for closing of registration next preceding the election as set forth in Subsection B.

B. In lieu of registration with the Board of Supervisors of Elections of Charles County, a person may register to vote only in town elections with the Board of Supervisors of Elections of the town, provided that the person satisfies the same qualifications as required for registration with the Board of Supervisors of Elections of Charles County.

C. A person may not vote in a town election if the person is not registered with the Board of Supervisors of Elections of Charles County or the Town of La Plata on or before the fifth Monday preceding any town election.

D. A notification of change of address or name received by the Board of Supervisors of Elections of Charles County or the Town of La Plata with respect to those voters registered with the town, after the fifth Monday preceding any town election is not effective for that election. (Res. No. 06-2, 11-29-06.)

Section C7-2. Board of Supervisors of Elections.

A. There is hereby created a Board to be known as the “Board of Supervisors of Elections.”

B. Except for the Town Clerk, members of the Board of Supervisors of Elections shall be qualified voters of the town. A member of the Board shall not hold or be candidate for any elective office during the member’s term of office.

C. The Board shall appoint one (1) of its members, other than the Town Clerk, as Chairman. The Town Clerk, or any acting Town Clerk, shall serve as secretary to the Board.

D. A vacancy on the Board, other than the Town Clerk, shall be filled by the Mayor, with the approval of the Council, for the remainder of the unexpired term. A vacancy on the Board resulting from a vacancy in the position of Town Clerk shall be filled by the appointment of a new or acting Town Clerk.

E. The compensation of the members of the Board shall be determined by the Council, except that the Town Clerk shall serve without additional compensation.

F. The Board shall consist of three (3) members, two of whom shall be residents of the town and one of whom shall be the Town Clerk. The two (2) resident members shall be appointed by the Mayor, with the approval of the Town Council, on or before October 1 of each year in which the town holds a general election for the election of Mayor.

G. The term of each resident member so appointed shall be for four (4) years or until his or her successor qualifies and takes office; except, however, that the terms of all resident members holding office on January 1, 2007 shall expire on October 1, 2009 or when his or her successor qualifies and takes office, regardless of the length of the term to which each member was appointed. The term of office of the Town Clerk shall correspond to the official term as Town Clerk. (Res. No. 06-2, 11-29-06.)

Section C7-3. Removal of Board members.

Any member of the Board of Supervisors of Elections, except for the Town Clerk, may be removed for good cause by the Council if, in the judgment of the Council, the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him or her and shall be given a public hearing on them before the Council if he or she so requests within ten (10) days after receiving the written copy of the charges. The Town Clerk may not be removed from the Board, but shall vacate the Board upon termination of the Town Clerk’s employment with the town. (Res. No. 06-2, 11-29-06.)

Section C7-4. Duties of Board.

Except as otherwise provided, the Board of Supervisors of Elections of the town shall be

in charge of the registration of voters, nominations and all town elections. The chief executive officer may appoint or designate other employees to assist the Town Clerk in the Clerk's duties. (Res. No. 06-2, 11-29-06.)

Section C7-5. Supplemental system of registration.

A. Persons registered to vote with the Board of Supervisors of Elections of the town shall remain on the registration records of the town until the person is no longer qualified to vote in town elections or until the person registers to vote with the Board of Supervisors of Elections of Charles County.

B. The Board of Supervisors of Elections of the town shall provide for continuous registration during normal Town Hall business hours of all persons who desire to vote only in town elections. This registration shall be suspended for the period beginning thirty (30) days prior to any town election and ending ten (10) days after that election.

C. The Town Council may adopt and enforce ordinances to implement and administer the supplemental system of voter registration for persons desiring to vote in town elections.

Section C7-6. Registration records; challenges of voters and correction of lists.

A. Voter registration records of the Board of Supervisors of Elections of Charles County constitute the official registration records for town elections, except as otherwise provided in this section. The town shall main [maintain] a supplemental system of voter registration records for residents of the town who desire to vote only in town elections, which also shall constitute official registration records for town elections.

B. Any registered voter may file with the Town Board of Supervisors of Elections objections to the registration of any person who the voter believes is not eligible to vote or a request for the addition of any person whose name has been erroneously omitted or dropped from the registration list for the town. Application for the correction of the registration list or a challenge of the right to vote of a person named on that list may be made by any registered voter at the office of the Board on or before the Tuesday eight (8) weeks preceding any primary election.

C. Applications or challenges shall be made on the form provided by the Board for that purpose. The voter shall state on the form, under oath and of the voter's own personal knowledge, the reason for the application or challenge. The voter applying or challenging then shall be required to appear in person at the time of the hearing on the application or challenge as provided for in Subsection E of this section, or the challenge or application shall be disallowed.

D. Persons whose right to register has been challenged and persons whose names are alleged to have been erroneously omitted or dropped from the registration lists shall be given written notice sent by mail, addressed to the voter at the last address given on the voter's registration form. Any voter so notified may appear in person or by counsel.

E. The Board shall sit for the purpose of hearing applications for changes in the registration lists or challenges of the right to vote on those lists. They shall meet no later than the Tuesday six (6) weeks before an election at hours as the Board may designate. All cases shall be decided immediately after hearing. No voter as to whom an application or a challenge has been made shall be removed from or added to the registration lists unless the application or challenge is substantiated by affirmative proof. In the absence of this proof, the presumption shall be that the registration status of the voter as to whom the application or challenge was made is proper.

Section C7-7. Appeal from action 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 within five (5) days after the action of the Board from which the appeal is taken. The Council shall hear and decide any such appeal within fourteen (14) days after the filing of the notice of appeal. Any person aggrieved by the decision or action of the Council upon such appeals may seek judicial review of such decision by the Circuit Court for Charles County by filing a petition for judicial review with the court in the manner provided by the Maryland Rules of Procedure within thirty (30) days of the decision or action of the Council. (Res. No. 06-2, 11-29-06.)

Section C7-8. Nominations.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the first Monday in March next preceding a town election. No person shall file for nomination to more than one (1) elective town office or hold more than one (1) elective town office at any one (1) time. (Res. No. 90-2, 1-2-91; Res. No. 06-2, 11-29-06.)

Section C7-9. Primary election; time of holding; conduct.

Primary elections shall be held in the town on the third Monday in March in every other odd-numbered year in order to select candidates for the general election on the first Tuesday in May. Commencing on the third Monday in March in 2009, and in every other odd-numbered year thereafter, nominees for election to the positions of Councilman shall be elected by the qualified voters of the entire town. The primary election shall be conducted generally as specified in this Charter for the conduct of special and general elections. Candidates' names shall appear in alphabetical order for the office sought on the ballots or voting machine labels, with no party designation of any kind. If not more than two (2) persons from each councilmanic ward have filed as candidates for the office of Councilman or if not more than two (2) persons have filed for the office of Mayor, no primary election shall be held as to that office or those offices. In such instances, those nominated for Mayor or the nominees for Councilmen shall be considered as nominees, and their names shall be placed on the ballot or voting machines at the general election on the first Tuesday in May. Of the candidates participating in the primary election, the two (2) persons receiving the highest number of votes cast for the office of Mayor shall be named and considered as nominees at the general municipal election following and the two (2) persons from each ward receiving the highest number of votes cast for the office of

Councilman shall be named and considered as nominees at the general municipal election following. (Res. No. 89-8, 11-1-89; Res. No. 90-2, 1-2-91; Res. No. 06-2, 11-29-06; Res. No. 08-15, 01-14-09.)

Section C7-10. Conduct of elections.

It shall be the duty of the Board of Supervisors of Elections to provide for each special, primary 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 Supevisors [Supervisors] of Elections shall keep the polls open from 12:00 noon until 8:00 p.m. on election days or for longer hours if the Council requires it.

Section C7-11. Councilmanic wards.

The town shall be divided into four (4) councilmanic wards. The Council shall, by ordinance, designate the boundaries of the wards, each of which shall be compact, contiguous and of substantially equal population.

Section C7-12. Election of Mayor.

On the first Tuesday in May in every other odd-numbered year, the qualified voters of the entire town shall elect one (1) person as Mayor to serve for a term of four (4) years. (Res. No. 89-8, 11-1-89; Res. No. 90-2, 1-2-91.)

Section C7-13. Election of Councilmen.

A. Commencing on the first Tuesday in May in 2009, and in every other odd-numbered year thereafter, the qualified voters of the town shall elect one (1) Councilman from each of the town's four councilmanic wards to hold office for a four year term or, if the councilman's successor does not take office, until the vacancy is filled in the manner provided in Section C-7-17.

B. At the general election to be held in 2007 Councilmen from Wards 1 and 2 shall be elected for a two-year term.

C. Councilmen elected from Wards 3 and 4 at the election held in 2005 shall continue to hold office until their successors are elected at the election in May, 2009 and take office. (Res. No. 89-8, 11-1-89; Res. No. 90-2, 1-2-91; Res. No. 06-2, 11-29-06.)

Section C7-13.1. Recall of elected officials.

Any elected official of the Town of La Plata may be recalled from the office upon petition by the voters, followed by a successful referendum on the matter. The petition must be signed by twenty percent (20%) or more citizens qualified to vote in the town elections. The

petition shall satisfy all the requirements of Maryland law prescribed for petitions to Charter amendments. Upon receipt of a petition for recall, the Board of Supervisors of Elections shall verify that the signers are valid as to voter registration and the required twenty percent (20%).



The Board of Supervisors of Elections shall notify the Town Council of the receipt of a valid petition within ten (10) days and shall schedule a referendum on the matter not less than forty-five nor more than sixty (60) days following receipt of the petition. If a majority of the persons voting on the matter shall be in favor of the recall, the recalled official shall immediately forfeit his office. The vacancy caused by the recall shall be filled as any other vacated elective office. (Res. No. 06-2, 11-29-06.)

Section C7-14. 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 C7-15. Vote count.

Within forty-eight (48) hours after 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 Council of the town. The Town Clerk 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 as Mayor. The candidate from each councilmanic ward with the highest number of votes in the general election shall be declared elected Councilman. (Res. No. 06-2, 11-29-06.)

Section C7-16. Preservation of ballots.

All ballots used in any town election shall be preserved for at least [six] (6) months from the date of the election.

Section C7-17. Vacancies.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy. In case of a vacancy in the office of Mayor for any reason, the Council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Council or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members or member of the Council. The results of any such vote shall be recorded in the minutes of the Council. When a vacancy is filled in the manner set forth herein, the person elected shall serve the unexpired term and until his or her successor is elected and takes office. (Res. No. 06-2, 11-29-06.)

Section C7-18. Women.

Women shall have equal privileges with men in registering, voting and holding town offices. Whenever the masculine gender has been used [used] as to any registering, voting or holding town office, it shall be construed to include the feminine gender.

Section C7-19. Regulation and control.

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, including campaign finance and reporting, and for a recount of ballots in case of doubt or fraud and for absentee registration and balloting. (Res. No. 06-2, 11-29-06.)

Section C7-20. Violations and penalties.

Any person who fails to perform any duty required of him under the provisions of this Article or any ordinances passed thereunder, in any manner willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election shall be deemed guilty of 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 VIII

### Finance

Section C8-1. Town Treasurer.

There may be a Town Treasurer appointed by the Council who shall serve at the pleasure of the Council and whose compensation shall be determined by the Council. The Town Treasurer may 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 Town Treasurer under the direct supervision of the Mayor or, if a Town Manager is appointed, by the Town Manager. (Res. No. 07-3, 5-16-07.)

Section C8-2. Powers and duties of Town Treasurer.

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

- A. Prepare, at the request of the Mayor or Town Manager, an annual budget to be submitted to the Council.
- B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- C. Maintain a general accounting system for the town in such form as the Council may require, not contrary to state law.
- D. Submit, at the end of each fiscal year and at such other times as the Council may

require, a complete financial report to the Council.

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, Town Manager or Council require or as may be required elsewhere in this Charter. (Res. No. 07-3, 5-16-07.)

Section C8-3. Bond of Town Treasurer or Town Manager.

The Town Treasurer and Town Manager shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require. (Res. No. 07-3, 5-16-07.)

Section C8-4. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June. such [Such] fiscal year shall constitute the tax year, the budget year and the accounting year.

Section C8-5. Budget.

The Mayor or Town Manager, on such date as the Council, by ordinance, shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Town Treasurer, open to public inspection by anyone during normal business hours. (Res. No. 07-3, 5-16-07.)

Section C8-6. Budget adoption.

Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the town. 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.

Section C8-7. Appropriations.

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

Section C8-8. Transfer of funds.

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

Section C8-9. Overexpenditure forbidden.

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 that purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is permitted by law.

Section C8-10. 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. 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 C8-11. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Town Treasurer or Town Manager. (Res. No. 07-3, 5-16-07.)

Section C8-12. 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.

**Section C8-13. 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.

**Section C8-14. Notice of tax levy.**

Immediately after the levy is made by the Council in each year, the Town Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He 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. (Res. No. 07-3, 5-16-07.)

**Section C8-15. When taxes are overdue.**

The taxes provided for in § C8-13 of this Charter shall be due and payable on the first day in July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of two-thirds of one per centum ( $\frac{2}{3}$  of 1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § C8-16.

**Section C8-16. Sale of tax-delinquent property.**

A list of all property on which the town taxes have not been paid and which is in arrears as provided by § C8-15 of this Charter shall be turned over by the Town Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law. (Res. No. 07-3, 5-16-07.)

**Section C8-17. Fees.**

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

**Section C8-18. Audit.**

The financial books and accounts of the town shall be audited annually by a certified public accountant.

Section C8-19. Tax anticipation borrowing.

During the first six (6) 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 (6) 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.

Section C8-20. Payment of indebtedness.

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

Section C8-21. Private sale of bonds.

Any bonds issued under the authority of Article 23A of the Annotated Code of Maryland (1957 Edition and 1964 Supplement), as amended from time to time, or under any other authority heretofore or hereafter enacted, may be sold by the Town of La Plata at private sale without advertising or publication of notice of sale or solicitation [solicitation] of competitive bids if the ordinance or ordinances authorizing the issuance of such bonds shall so specify.

Section C8-22. Previous issues.

All bonds, notes or other evidences of indebtedness validly issued by the town previous to the effective date of this Charter and all ordinances 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 C8-23. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the Town Treasurer. The Council may provide, by ordinance, for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts, including the sealed bid requirements of this section. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than twenty thousand dollars

(\$20,000.) shall be made on written contracts. Except as otherwise provided by the Town Council by ordinance, the Town Treasurer shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Except for expenditures which the Town Council, by ordinance, has determined are not subject to the sealed bid requirements, such written 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 written contracts obtained through sealed bids shall be approved by the Council before becoming effective. The Town Treasurer shall have the right to reject all bids and readvertise. The town, at any time, in its discretion, may employ its own forces for the construction or reconstruction of public improvements without advertising for or readvertising for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the town may require. (Res. No. 07-2, 5-16-07.)

Section C8-24. Borrowing.

A. The Town of La Plata may borrow upon its faith and credit for a period not to exceed five (5) years such sum or sums from time to time as may be deemed necessary to provide for the payment of any obligations of the town. The aggregate principal amount of the sums borrowed outstanding and unpaid at any one time shall not exceed three million dollars (\$3,000,000.).

B. The town may issue notes to secure repayment of the sums borrowed. The notes shall be signed by the Mayor and duly attested. The Seal of the town shall be affixed to each note. The attached interest coupons, if any, shall be authenticated by the facsimile signature of the mayor, printed, engraved or lithographed on each coupon. Each note shall be dated and shall mature and be payable not later than sixty (60) months from the date of the note.

C. Each note shall be and remain an obligation of the Town of La Plata issued upon the full faith and credit of the town. The note shall be issued and sold in such manner and upon such terms and conditions and shall bear such rate of interest as the Town Council may determine, but the aggregate principal amount of the notes at any time outstanding and unpaid shall not exceed three million dollars (\$3,000,000.).

D. For the purpose of repaying the sums borrowed, the notes issued in evidence thereof and the interest on the notes, the Town Council shall levy a tax upon all the assessable property in the town in an amount sufficient to provide funds for the payment of all the sums when due and payable.

**ARTICLE IX**  
**Personnel**

Section C9-1. Clerk to the Council.

The Town Clerk shall serve as Clerk to the Council. He shall attend every meeting of the Council and keep full and accurate account of the proceedings of the Council. He shall keep such other records, and shall be responsible for maintenance of all town records, and perform such

other duties as may be required by this Charter or the Council. (Res. No. 07-3, 5-16-07.)

Section C9-2. 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. 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.

Section C9-3. 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 C9-4. 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.

Section C9-5. Compensation of employees.

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

Section C9-6. Employee benefit program.

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 moneys of the town for such programs.

Section C9-7. Merit system.

The town may provide, by ordinance, for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the Council shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in state law.

Section C9-8. Unclassified and classified service.

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

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

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

B. The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted. (Res. No. 07-3, 5-16-07.)

Section C9-9. Prohibitions.

A. If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work. No person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder. No officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in the classified service of the town shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion. No person shall, orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town. No person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any any candidate for public office or take any part in the management, affairs or political campaign of any political party or candidate for public office further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

B. Any person who, by himself or with others, willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be

punished by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Any person who is convicted under this section shall, for a period of five (5) years, be ineligible for appointment to or employment in a position in the town service and shall, if he is an officer or employee of the town, immediately [immediately] forfeit the office or position he holds.

## ARTICLE X Public Ways and Sidewalks

### Section C10-1. Definitions.

As used in this Charter, the following terms shall have the meanings indicated:

*PUBLIC WAYS* – Includes all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

### Section C10-2. 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 Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town.

### Section C10-3. Power of town with regard 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 ways or parts 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.

Section C10-4. Power of town with regard 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 and shall be collectible in the same manner as are town taxes or by suit at law.

**ARTICLE XI**  
**Water and Sewers**

Section C11-1. Powers of town.

The town shall have the power:

A. To construct, operate and maintain a water system and water plant.

B. To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.

C. To construct, operate and maintain a stormwater drainage system and stormwater sewers.

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

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

F. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section C11-2. 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 stormwater systems, the town may order it removed.

Section C11-3. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the town or in the county which impede the establishment, construction or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions, at their own expense, to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in § C13-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C11-4. 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 established [establish], operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or stormwater sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section C11-5. Connections.

The town shall provide a connection with water and sanitary sewer mains for the property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The town may require, if it considers existing fixtures unsatisfactory, that satisfactory ones be installed and may require that all cesspools, 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.

**Section C11-6. 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.

**Section C11-7. 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.

**Section C11-8. Private systems.**

The town may, by ordinance, provide that no water supply, sewerage or stormwater drainage system and no water mains, sewers, drains or connections therewith shall be constructed or operated by 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. Any cesspool or 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.

**Section C11-9. Extensions beyond boundaries.**

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

**Section C11-10. 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, by ordinance, be made a misdemeanor.

**Section C11-11. Pollution of water supply.**

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in [the] town water supply system. Any violation of the provisions of this section shall be a misdemeanor.

Section C11–12. 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.

Section C11–13. 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 Town Treasurer, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law. (Res. No. 07–3, 5–16–07.)

## **ARTICLE XII**

### **Special Assessments**

Section C12–1. Power of town with regard to special assessments.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town and any other item of cost which may reasonably be attributed to the project.

Section C12–2. 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.
- 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 Town 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 Town 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 (10) and not more than thirty (30) days after the Town 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 of the county within ten (10) 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 (40) 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 charges on installments at the rate to be determined by the Council.

G. All special assessment installments shall be overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

H. All special assessments shall be billed and collected by the Town Treasurer. (Res. No. 07-3, 5-16-07.)

**ARTICLE XIII**  
**Town Property**

Section C13-1. 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 C13–2. 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 improvements 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 condemnation proceedings shall be that established in the Annotated Code of the Public General Laws of Maryland, title [titled], “Eminent Domain.”

Section C13–3. Town buildings.

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

Section C13–4. 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 XIV General Provisions**

Section C14–1. Oath of office.

A. Before entering upon the duties of their offices, the Councilmen, 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 Charles 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 C14–2. Official bonds.

The Town Treasurer and such other officers or employees of the town as the Council or this Charter may require shall give a 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. (Res. No. 07-3, 5-16-07.)

Section C14-3. 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 C14-4. 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.

Section C14-5. Severability.

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 a section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

## NOTES

(1) Resolution 90-2, effective January 2, 1991, attempted to make changes to Sections C7-9, C7-12 and C7-13. However, because existing law was incorrectly reflected in Resolution 90-2, no changes were made to these sections. Instead, the Town will reconsider amending Sections C7-9, C7-12 and C7-13 under another resolution to be introduced in late 1991 or early 1992.