

CHARTER

OF THE

Town of Church Hill

QUEEN ANNE'S COUNTY, MARYLAND

*As enacted by Charter Amendment No. 01-2007
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CHURCH HILL

ARTICLE I Incorporation

Section 101. Corporate Name.

The inhabitants of Church Hill within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate, by the name of “The Commissioners of the Town of Church Hill, Maryland” and may also be referred to in this charter and in the laws of the town as “the town” or “the commission.” (Res. No. 01–2007, 1–1–08.)

Section 102. Definitions.

The terms “town,” “municipality,” or “municipal corporation” in this charter shall be construed as synonymous. (Res. No. 01–2007, 1–1–08.)

Section 103. Municipal Status.

The Commissioners of the Town of Church Hill, Maryland constitutes a municipal body corporate and politic. The town has all the rights and powers of municipal self government and home rule as are now or hereafter may be provided or necessarily implied by the charter, the *Constitution*, and laws of the State of Maryland. Furthermore, the town here continued, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated. (Res. No. 01–2007, 1–1–08.)

Section 104. Records of Corporate Boundaries.

The corporate limits or boundaries of the Town of Church Hill shall be filed with the Clerk of the Circuit Court for Queen Anne’s County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference [Services]. A description of the corporate boundaries shall be maintained on file at all times in the office of the Town Clerk in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (Res. No. 01–2007, 1–1–08.)

Section 105. Description of Corporate Boundaries.

The corporate limits or boundaries of the Town of Church Hill shall be as they existed immediately prior to the effective date of this section, subject to the rights, reservations, limitations and conditions as may be set forth in all prior resolutions of annexation and in the charter of the town in effect immediately prior to the effective date of this section, and as may be hereafter amended as provided by law. (Resolution No. CH 7/89, 2–18–90; Res. No. 01–2007, 1–1–08.)

ARTICLE II The Commission

Section 201. Number, selection, term.

All legislative powers of the town are vested in a Commission (sometimes hereinafter referred to as the “Town”) consisting of three (3) Commissioners who are elected for staggered terms as hereinafter provided. The regular term of the Commissioners is three (3) years or until the succeeding Commissioners takes [take] office. The regular term of a Commissioner shall expire on the second Monday in June following the election and qualification of a successor. Each Commissioner holding office at the time this Charter becomes effective will continue to hold office for the term for which the Commissioner was elected and until a successor takes office under the provisions of this Charter. (Res. No. 01–2007, 1–1–08.)

Section 202. Qualifications of Commissioners.

Commissioners shall be at least 25 years of age and have resided in the Town of Church Hill for at least one year immediately preceding their election and shall be qualified voters of the town for at least six months preceding their election. Commissioners shall maintain a permanent primary residence in the Town during their term of office. Any Commissioner who ceases to maintain a permanent primary residence in the town during his/her term of office shall immediately resign, thereby terminating his/her membership on the Commission. The address where one receives mail shall not be a sufficient indication, standing alone, of permanent primary residence under this section. (Res. No. 01–2007, 1–1–08.)

Section 203. Salary of Commissioners.

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

Section 204. Meetings of the Commission; President.

The Commission shall have the power to meet and adjourn from time to time as they shall deem proper, except that they shall meet at least once in every month, and at their first meeting on or after the second Monday in June shall choose from their own body a President, who shall preside at all their meetings, vote on all questions before them, and remain in office until superseded by the appointment of a new President. In the absence of the President, the Commissioner who has served on the Commission for the greatest amount of time shall preside in the President’s place and shall have the authority to take all actions that would otherwise be taken by the President. Special meetings shall be called by the President or a majority of the members of the Commission. All meetings of the Commission shall be open to the public, except in circumstances when the

meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article, Open Meetings Act, of the Annotated Code of Maryland, as amended from time to time. The rules of the Commission shall provide that the public will have a reasonable opportunity to be heard at any open meeting in regard to any municipal question. (Res. No. 01–2007, 1–1–08.)

Section 205. Judge of Qualifications of its Members.

The Commission shall be the judge of the election and qualification of its members.

Section 206. Quorum.

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

Section 207. Procedure of Commission.

The Commission shall determine its own rules and order of business. It shall keep an official record of its proceedings and enter therein the yeas and nays upon final action of any question, resolution, or ordinance, or at any other time if required by any one member. The official record shall be open to public inspection. (Res. No. 01–2007, 1–1–08.)

Section 208. Vacancies on the Commission.

Vacancies on the Commission shall be filled in the following manner:

(1) Where the unexpired term in the Office of Commissioner, vacated for any reason, is less than six months, the Commission may appoint a qualified person to serve the remainder of the term. If the unexpired term in the Office of Commissioner exceeds six (6) months, the remaining members of the Commission may call a special election to be conducted within thirty (30) days to fill the vacancy for the remainder of the unexpired term or shall appoint a qualified person to fill the vacancy on a temporary basis until the next regular election of the town. At the next regular election of the town, a qualified person shall be elected to fill the unexpired remainder of the term by the qualified voters of the town, as prescribed in Section 410(b) of this charter.

(2) Where more than one vacancy on the Commission occurs, a special election to fill the vacancies for the remaining portion of the terms shall be held within forty–five (45) days. The number of candidates equal to the number of vacant seats to be filled on the Commission who receive the highest number of votes in the special election shall be declared elected. The candidate receiving the highest number of votes shall fill the seat having the longest unexpired portion of term remaining; and, the candidate receiving the second highest number of votes shall fill the seat having the second longest unexpired portion of term remaining. (Res. No. 01–2007, 1–1–08.)

Section 209. Ordinances.

(a) In order to enable the Commission of Church Hill to fully exercise the power conferred upon them by this charter and to enable them to better promote and preserve the public health, safety and welfare, the Commissioners of Church Hill may pass all ordinances that are from time to time necessary.

(b) An ordinance may be passed, amended, rejected or have its consideration deferred at any regular or special Commission meeting held not less than six (6) days or more than sixty (60) days after the meeting at which it was introduced. In cases of emergency, the Commissioners may, by the unanimous vote of the members of the Commission who are present, suspend this requirement and adopt an ordinance at the same meeting at which it is introduced.

(c) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following approval of the Commission. Any emergency ordinance shall become effective on the date specified in the ordinance, but never until it has been approved unanimously by the Commission.

(d) Each ordinance shall be posted on the Town Hall bulletin board for one week after it becomes effective. (Res. No. 01-2007, 1-1-08.)

Section 210. Referendum.

If, before the expiration of twenty (20) calendar days following approval of any ordinance except ordinances approved by the Commission to achieve compliance with state and federal laws or mandates, a petition is filed with the Town Clerk containing the signatures of not less than thirty per centum (30%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Commission shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the Commission's discretion, at a special election occurring before the next regular election. The effectiveness of an ordinance requested for referendum, or any part of an ordinance requested for referendum, shall be suspended following the receipt of such petition. Unless disapproved at the election by a majority of the qualified voters voting on the question, an approved ordinance shall become effective on the day following the day of the special election. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 517, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Section 901 and Section 902 of this Charter. The

provisions of this section shall be self-executing, but the Commission may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res. No. 01-2007, 1-1-08.)

Section 211. Files of Ordinances.

Ordinances shall be permanently filed at the Town Hall in a binder marked “Ordinances” and shall be made available for public inspection.

Section 212. Charter Amendments.

Charter amendments shall be initiated by way of a charter amendment resolution and shall be processed in accordance with the applicable provisions of The Local Government Article of the Annotated Code of Maryland, as amended from time to time. (Res. No. 01-2007, 1-1-08; Res. No. 01-2013, 1-21-14.)

**ARTICLE III
General Powers**

Section 301. General Powers.

(a) The Commission shall have all the powers specified for exercise by municipalities or necessarily implied therefrom as granted under the *Constitution* and laws of the State of Maryland and the United States of America, together with any and all powers inherent in the creation of municipalities. Furthermore, the Commission shall have the power to pass such ordinances not contrary to the *Constitution* and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the town; for the protection and preservation of the town’s property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

(b) In addition to all other powers granted to the town by this Charter or any other provision of law, the town 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 to the town in this section. (Res. No. 01-2007, 1-1-08.)

Section 302. Specific Powers.

The Commission shall have, in addition, the power to pass all ordinances not contrary to the Constitution and laws of this State, for the specific purposes provided in the Annotated Code of Maryland, Local Government Article, Division II “Municipalities”, Title 5 “Powers”.

This section is not to be construed as limiting the powers of the Town to the several subjects mentioned in the Local Government Article.

(1) To provide for municipal advertising, for the printing and publication of statements of the receipts and expenditures of the municipality, and the publication and codification of all laws, ordinances, resolutions, or regulations adopted by or affecting the municipality.

(2) To expend municipal funds for any purpose deemed to be public and to affect the safety, health, and general welfare of the municipality and its occupants, provided that funds not appropriated at the time of the annual levy, shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members elected to said legislative body.

(3) To provide for the appointment of an auditor or accountant to audit the books and accounts of all municipal officers collecting, handling, or disbursing funds belonging to the municipality.

(4) To establish, maintain and support a municipal band or musical organization.

(5) To make reasonable regulations concerning buildings and signs to be erected within the limits of the municipality, including a building code and the requirement for building permits.

(6) To regulate the interment of bodies and to control the location and establishment of cemeteries.

(7) To provide, maintain and operate such community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the municipality as the legislative body may determine.

(8) To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipality, and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

(9) To prohibit the youth from being on the streets and public places at unreasonable hours of the night.

(10) To control the use and handling of dangerous and explosive materials, and to prevent the firing of any firearms or other explosive instrument.

(11) To have the general management and control of the finances of the municipality, and to designate by ordinance or resolution the banks or trust companies of this State in which shall be deposited all funds belonging to the municipality.

(12) To establish and maintain a fire department; and to provide for the removal of fire hazards.

(13) To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge, to impose franchise fees, and to establish rates, rules, and regulations for franchises granted under this section.

(14) To regulate or prevent the throwing or depositing of any dirt, garbage, trash, or liquids in any public place and to provide for the proper disposal of such material.

(15) To appoint a board of health, and to define and regulate its powers and duties; to establish quarantine regulations, and to authorize the removal or confinement of persons having infectious or contagious diseases; to prevent and remove nuisances; to prevent the introduction of contagious diseases into the municipality; to regulate the places of manufacturing soap, fertilizer, and other noxious things; to regulate slaughterhouses, packing houses, and all places where offensive trades may be carried on; to regulate 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 Secretary of Health and Mental Hygiene or any county board of health or any public general or public local law relating to the subject of health.

(16) To authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires, and drainage and sewage systems on private property, and to compel repairs thereon.

(17) To provide that any valid charges, taxes or assessments made against any real property within the municipality shall be liens upon such property to be collected in the same manner as municipal taxes are collected.

(18) To establish and to regulate markets, and to license the sale of marketable commodities therein.

(19) To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the *Constitution* or public general or public local laws of the State, and to request and avail themselves of the facilities of the Department of Budget and Management, as provided in § 4-303 of the State Personnel and Pensions Article, for the administration of such merit system without unnecessary expense.

(20) To establish and maintain such parks, gardens, playgrounds, and recreational facilities as in the discretion of the legislative body are deemed to be for the health and welfare of the municipality and its inhabitants.

(21) To provide a retirement or pension system or a group insurance plan for its officers or employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe.

(22) To establish and maintain an adequate police force.

(23) To punish and suppress vagrancy, vice, gambling, and the owning or keeping of houses of ill fame within the limits of the town.

To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(23a) The municipal corporation may provide for the creation, appointment, duties, and powers of a board of port wardens to exercise jurisdiction within the limits of the municipal corporation.

(i) A board of port wardens may regulate the placement, erection, or construction of structures or other barriers within or on the waters of the municipality, including but not limited to the issuing of licenses to create or build wharves or piers and the issuing of permits for mooring piles, floating wharves, buoys, or anchors, taking into account the present and proposed uses, and the effect of present and proposed uses on marine life, wildlife, conservation, water pollution, erosion, navigational hazards, the effect of the proposed use on congestion within the waters, the effect on other riparian property owners, and the present and projected needs for any proposed commercial or industrial use. The port wardens shall have the power to regulate the materials and construction for the aforesaid improvements and to make certain that any improvements in the waters within the municipality do not render the navigation too close and confined. This provision in no way intends to affect or conflict with any zoning power of a municipality.

(ii) No person may build any wharf or pier, or carry out any earth or other material for the purpose of building a wharf or pier, nor shall any persons place or erect mooring piles, floating wharves, buoys, or anchors without a license or permit from the port wardens. If any person violates the provisions of this section, or if any person builds any wharf or pier a greater distance into the waters of the port, or in a different form, or of different materials than determined and allowed by the wardens, he is subject to a fine as imposed by the legislative body of the municipal corporation.

(iii) In all differences that arise between any aggrieved party and the port wardens of that municipal corporation concerning the discharge of the duties of the port wardens, an appeal may be taken to the legislative body of the municipal corporation or, if authorized by the municipal corporation by ordinance, to the circuit court for the appropriate county.

(24) To acquire by conveyance, purchase or condemnation real or leasehold property needed for any public purpose; to erect buildings thereon for the benefit of the municipality; and to sell at public or private sale after twenty days' public notice and to convey to the purchaser or purchasers thereof any real or leasehold property belonging to the municipality when such legislative body determines that the same is no longer needed for any public use.

To take by gift, grant, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor, and accepted by the municipality; to provide for the proper administration of the same; and to convey the same when such legislative body determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

(24a) To provide for the purchase of materials, supplies, and equipment through the purchasing bureau of the State Department of General Services whenever desirable.

(25) To remove or temporarily suspend from office any person who has been appointed to any municipal office and who after due notice and hearing is adjudged to have been guilty of inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office, or insubordination; and to fill the vacancy caused by such removal or suspension.

(26) To fix the salary or compensation of all municipal officers and employees.

(27) To make, have and use, and from time to time, alter, a common seal.

(28) To require the owners of premises to keep the sidewalks thereon clean and free from snow, ice, or other obstructions.

(29) To provide for special elections for municipal purposes, at such times and places as may be determined, and subject to the provisions of the charter of said municipality.

(30) To provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections.

(31) To make use of federal or State financial assistance for commercial or industrial redevelopment projects, for the purpose of making grants, loans, or guaranteeing loans to private entities; provided, that the authority granted by this subsection may be used only for commercial or industrial redevelopment projects and may not be used for residential or housing projects.

(32) To exercise the licensing authority granted in the Business Regulation Article and other provisions of law.

(33) Subject to the limitations imposed under Article 24 of the Code, the Tax – General Article, and the Tax – Property Article, to establish and collect reasonable fees and charges;

(i) For the franchises, licenses, or permits authorized by law to be granted by a municipal corporation; or

(ii) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

(34) To offer and pay rewards for information relating to criminal activity committed within the municipality.

(35) (i) In accordance with the provisions of this paragraph, to establish a commercial district management authority for any commercial district within its geographical limits. As to each authority it establishes, the legislative body shall:

1. Specify the membership, organization, jurisdiction, and geographical limits of the authority;

2. Specify one or more of the following as the purposes of the authority:

A. Promotion;

B. Marketing; and

C. The provision of security, maintenance, or amenities within the district; and

3. Provide such financing as it deems appropriate for the authority through fees which may be charged to, or taxes which may be levied against, businesses subject to the authority's jurisdiction.

(ii) An authority established pursuant to this paragraph may not:

1. Exercise the power of eminent domain;

2. Purchase, sell, construct, or, as a landlord, lease office or retail space; or

3. Except as otherwise authorized by law, otherwise engage in competition with the private sector.

(iii) Any fee or taxes imposed under this paragraph shall be used only for the purposes stated in this paragraph and may not revert to the general fund of the municipal corporation.

(36) (i) It has been and shall continue to be the policy of this State that the orderly development and use of land and structures requires comprehensive regulation through implementation of planning and zoning controls.

(ii) It has been and shall continue to be the policy of this State that planning and zoning controls shall be implemented by local government.

(iii) To achieve the public purposes of this regulatory scheme, the General Assembly recognizes that local government action will displace or limit economic competition by owners and users of property.

(iv) It is the policy of the General Assembly and of this State that competition and enterprise shall be so displaced or limited for the attainment of the purposes of the State policy for implementing planning and zoning control as set forth in this article and elsewhere in the public local and public general law.

(v) The powers granted to the municipality pursuant to this subsection shall not be construed:

1. To grant to the municipality powers in any substantive area not otherwise granted to the municipality by other public general or public local law;

2. To restrict the municipality from exercising any power granted to the municipality by other public general or public local law or otherwise;

3. To authorize the municipality or its officers to engage in any activity which is beyond their power under other public general law, public local law, or otherwise; or

4. To preempt or supersede the regulatory authority of any State department or agency under any public general law.

(37) (i) In addition to the authority provided elsewhere in this subsection, and provided the municipal corporation has urban renewal authority granted under Article III, Section 61 of the Maryland Constitution:

1. Subject to the provisions of subparagraph (iv) of this paragraph, to acquire, within the boundary lines of the municipal corporation, land and property of every kind, and any right, interest, franchise, easement or privilege therein, by purchase, lease, gift, condemnation or any other legal means, for development or redevelopment, including, but not limited to, the comprehensive renovation or rehabilitation thereof; and

2. To sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity.

(ii) No land or property taken by a municipal corporation for any of the aforementioned purposes or in connection with the exercise of any of the powers which may be granted to a municipal corporation pursuant to this paragraph by exercising the power of eminent domain, shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

(iii) All land or property needed, or taken by the exercise of the power of eminent domain, by any municipal corporation for any of the aforementioned purposes or in connection with the exercise of any of the powers which may be granted to a municipal corporation pursuant to this paragraph is hereby declared to be needed or taken for a public use or a public benefit.

(iv) Before the acquisition of any single family or multiple family dwelling unit, or other structure, is made under this paragraph, a finding or determination shall be made that:

1. The dwelling unit or structure has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety, and welfare;
2. The dwelling unit or structure is likely to continue to deteriorate unless corrected;
3. The continued deterioration of the dwelling unit or structure will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and
4. The owner of the dwelling unit or structure has failed to correct the deterioration thereof.

(v) The legislative body of a municipal corporation shall adopt an ordinance for each acquisition of land or property made under the provisions of this paragraph.

(38) *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. (Res. No. 01–2007, 1–1–08; Res. No. 01–2013.)

Section 303. Exercise of Powers.

For the purpose of carrying out the powers granted in this Charter, the Commission may pass all necessary ordinances and resolutions. 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. (Res. No. 01–2007, 1–1–08.)

Section 304. Enforcement of Ordinances.

(a) To ensure the observance of the ordinances of the town, the Commission has the power to provide that violation thereof shall be a misdemeanor, unless otherwise declared to be a municipal infraction, and has the power to affix thereto penalties of a fine not exceeding \$1,000.00 or imprisonment not exceeding six months, or both such fine and imprisonment. Any person subject to any fine, forfeiture or penalty has the right of appeal within ten days to a court of appropriate jurisdiction for Queen Anne’s County. The Commission may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a

bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) *Municipal Infractions.*

(1) The Commission 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 section a municipal infraction is a civil offense.

(2) A fine not to exceed \$1,000.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the town within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000.00 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 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. (Res. No. 01-2007, 1-1-08.)

Section 305. Files of Ordinances.

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

**ARTICLE IV
Nominations and Elections**

Section 401. Qualifications of Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the town for thirty (30) days preceding any town election, and (d) is registered to vote in accordance with the provisions of this charter, shall be a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

Section 402. Board of Supervisors of Elections.

The Commission may appoint a Board of Supervisors of Elections consisting of three (3) members who shall be appointed annually by the Commission on or before the first Monday in October. Members of the Board of Supervisors of Elections shall be qualified voters of the town.

The terms of the members of the Board of Supervisors of Elections shall begin on the first Monday in October in the year in which they are appointed and shall run for one (1) year. Members of the Board of Supervisors of Elections shall not hold, or be candidates for, any town elective office during their term of office. The Board shall elect one of its members as chairperson. Vacancies on the Board shall be filled by the Commission for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Commission. (Res. No. 01-2007, 1-1-08.)

Section 403. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Commission, if in the judgment of the Commission, 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 for removal. There shall be a public hearing on the charges before the Commission, if the member of the Board so requests, within ten (10) days after receiving the written copy of the charges. (Res. No. 01-2007, 1-1-08.)

Section 404. Town Clerk to act in lieu of Board of Supervisors of Elections.

The Commission may designate the Town Clerk to act in lieu of an established Board of Supervisors of Elections.

Section 405. Duties.

The Board of Supervisors of Elections, or Town Clerk if designated in lieu of a Board of Supervisors of Elections, shall be in charge of any supplemental registration list, nominations, and all town elections. The Board may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Commission.

Section 406. Registration.

(a) *Effective Immediately.* Every person who meets the qualifications of Section 401 (a) – (c) of this charter may register to vote in town elections with the Town Clerk anytime the town office is open provided said registration occurs at least 30 days prior to any town election. Registration books will close 30 days prior to any town election and will not reopen until the day after the election. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he or she is registered. The Board of Supervisors of Elections or the Town Clerk shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of town. The Commission is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a re-registration when necessary.

(b) *Effective July 1, 1990.* According to the procedures prescribed in the Annotated Code of Maryland, State Election Code, Article 33, Section 3-2(d), residents of the town who are

registered with the county to vote in county, state, and federal elections will also be qualified to vote in town elections. In addition, every person who resides in the town and is qualified to vote under the provisions of Section 401 (a) – (c) of this charter but who is not registered to vote in Queen Anne’s County, may register with the Board of Supervisors of Elections to vote in town elections. The Board of Supervisors of Elections shall maintain a supplemental registration list of those town residents desiring to vote in town elections who are not registered to vote in county, state, and federal elections. (Res. No. 01–2007, 1–1–08.)

Section 407. Notice of Municipal Election.

The Board of Supervisors of Elections shall give at least two (2) weeks’ notice of every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof on the Town Hall Bulletin Board. Registration with the town Board of Supervisors of Elections does not constitute registration for county elections. (Res. No. 01–2007, 1–1–08.)

Section 408. Appeal of the Actions of the Board of Supervisors of Elections.

If any person is aggrieved by an action of the Board of Supervisors of Elections, that person may appeal to the Commission within 14 days. Any decision or action of the Commission upon such appeals may, in turn, be appealed to the Circuit Court of Queen Anne’s County within thirty (30) days of the decision or action of the Commission. (Res. No. 01–2007, 1–1–08.)

Section 409. Nominations to the Commission.

Persons may be nominated for elective office in the town by filing a certificate of nomination signed by five qualified voters in the town with the Board of Supervisors of Elections or the Town Clerk at least twenty (20) calendar days prior to the town election. Such certificate shall state the following:

- (1) The office for which the candidate is seeking the nomination,
- (2) the name of the candidate,
- (3) a statement that the signers of the certificate are qualified voters in the town, and
- (4) that the signers support the nomination of the named candidate.

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. (Res. No. 01–2007, 1–1–08.)

Section 410. Election of Commissioners.

(a) *Regular Elections.* (1) Beginning on the first Monday of June 1989, and every third year thereafter, the qualified voters of the town shall elect one person as Commissioner who shall serve for a term of three years. The person elected shall fill the seat on the Commission that expires

on the second Monday of June 1989. (2) Beginning on the first Monday of June 1990, and every third year thereafter, the qualified voters of the town shall elect one person as Commissioner who shall serve for a term of three years. The person elected shall fill the seat on the Commission that expires on the second Monday of June 1990. (3) Beginning on the first Monday of June 1991, and every third year thereafter, the qualified voters of the town shall elect one person as Commissioner who shall serve for a term of three years. The person elected shall fill the seat on the Commission that expires on the second Monday of June 1997.

(b) *Special Elections.* In the case that multiple vacancies on the Commission create the need to fill more than one seat on the Commission, the requisite number of candidates to fill the Commission shall be elected by the qualified voters of the town in the method prescribed in Section 208 of this charter. The natural expiration of the term of Commissioner does not constitute a vacancy on the Commission to be filled by special election. All special 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. (Res. No. 01–2007, 1–1–08.)

Section 410A. Uncontested Elections.

If a Town election is uncontested, the Board of Supervisors of Elections shall certify to the Commissioners of the Town of Church Hill that only one candidate has filed and that the election will be canceled. At the Commissioners' organizational meeting described in Section 204 of the Town Charter, the Board of Supervisors of Elections will certify the result(s) to the Commissioners. If no candidate files for an election, the Commissioner whose term is expiring shall serve until a candidate is elected and qualified. The election under this provision shall be conducted in accordance with Section 410(b) of this Chapter. For the purpose of this section, the vacancy shall occur on the day when the Board of Supervisors of Elections certifies to the Commissioners that no candidates have filed certificates of nomination in accordance with Section 409 of this Chapter. The deadline for filing certificates of candidacy for an election under this provision shall be no later than twenty (20) days prior to the scheduled election. (Res. No. 02–2014, 1–20–2015.)

Section 411. Conduct of Elections.

(a) *Elections shall be on a non-partisan basis.* 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.

(b) It shall be the duty of the Board of Supervisors of Elections to provide a suitable place or places for voting and suitable ballot boxes and/or voting machines for each general and special election.

(c) The Board of Supervisors of Elections shall keep the polls open on election days for such hours as may be designated by the Commission by resolution at least fourteen days prior to any town election.

(d) In order to cast a ballot, a person must present identification in a form satisfactory to the Board of Supervisors of Elections. (Res. No. 01–2007, 1–1–08.)

Section 412. Absentee Ballots.

(a) Any qualified voter of the Town of Church Hill is entitled to vote in any municipal election by absentee ballot. Requests to vote by absentee ballot must be qualified in accordance with the state law.

(b) Requests to vote by absentee ballot must be received by the Board of Supervisors of Elections at least 20 days prior to any town election.

(c) The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to the election.

(d) Completed absentee ballots must be returned to the Board of Supervisors of Elections prior to election day or on election day before the polls close.

Section 412A. Provisional Ballots.

(a) If an individual is eligible under subsection (b) of this section, the individual shall be issued and may cast a provisional ballot at a polling place on election day. A provisional ballot is a ballot that is cast by an individual but is not counted until the individual’s qualifications to vote have been confirmed by the Board of Elections Supervisors or Town Clerk.

(b) An individual is eligible to cast a provisional ballot if:

(1) The individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the town and is eligible to vote in that election; and

(2) (A) The individual’s name does not appear on the register or an election official asserts that the individual is not eligible to vote, or the individual does not have sufficient identification to satisfy the Board of Supervisors of Elections;

(B) An election official asserts that the individual is not eligible to vote;

or

(C) The individual does not have necessary identification. (Res. No. 01–2007, 1–1–08.)

Section 413. Write-In Candidates.

Only those candidates who have filed a certificate of nomination in accordance with Section 409 of this Chapter are eligible for election. Any vote cast for a write-in candidate, shall not be allowed. (Res. No. 01–2007, 1–1–08; Res. No. 02–2014, 1–20–2015.)

Section 414. Vote Count.

Within twelve hours after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes, including regular and absentee ballots, cast for each candidate or question and shall certify the results of the election to the Town Clerk who shall record the results in the official record of the Commission. The candidate(s) with the highest number of votes in the general election shall be declared elected. (Res. No. 01-2007, 1-1-08.)

Section 415. Preservation of Ballots.

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

Section 416. Reserved. (Res. No. 01-2007, 1-1-08.)Section 417. Regulation and Control.

The Commission shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Res. No. 01-2007, 1-1-08.)

Section 418. Violations and Penalties.

Any person who (a) fails to perform any duty required under the provisions of this article or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will, or will tend to affect fraudulently any registration, nomination or election, shall be deemed guilty of a misdemeanor. Any officer, employee, appointee or agent 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. (Res. No. 01-2007, 1-1-08.)

ARTICLE V

Finance

Section 501. Fiscal Year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in each year and shall end on the last day of June in the following year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Res. No. 01-2007, 1-1-08.)

Section 502. Budget.

The Town Administrator, on such date as the Commission by ordinance may determine, but no later than the second meeting of May of each year, shall submit a budget to the Commission. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk, open to public inspection by anyone during normal business hours. (Res. No. 01–2007, 1–1–08.)

Section 503. Budget Adoption.

Before adopting the budget the Commission shall hold a public hearing thereon. The Commission may insert new items or may increase or decrease the items of the budget. Where the Commission shall increase the total proposed expenditures it shall also increase the total anticipated revenues in any 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 Commission is necessary for adoption. (Res. No. 01–2007, 1–1–08.)

Section 504. Appropriations.

No public money may be expended without having been appropriated by the Commission. 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. Funds not appropriated at the time of the annual levy, shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members of the Commission. (Res. No. 01–2007, 1–1–08.)

Section 505. Transfer of Funds.

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

Section 506. Over-Expenditure 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 any purpose, in excess of the amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, however, may prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 507. 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 508. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Town Administrator and shall be countersigned by an authorized member of the Commission. In the event that the Town Administrator is unavailable to sign a check or checks, a second member of the Town Commission shall sign the check(s) in lieu of the Administrator. (Res. No. 01-2007, 1-1-08; Res. No. 01-2014, 1-20-2015.)

Section 509. 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, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 510. 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 511. Notice of Tax Levy.

Immediately after the levy is made by [the] Commission in each year, the Administrator shall give notice of the making of the levy by posting notice thereof in some public place or places in the town. The Administrator shall make out and mail or personally deliver to Queen Anne's County for delivery 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. 01-2007, 1-1-08.)

Section 512. When Taxes are Overdue.

Taxes provided for in this Charter shall be due and payable on the first day of 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 then imposed by Queen Anne's

County, or the maximum rate allowed by state law, whichever is greater until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 513. (Res. No. 01–2007, 1–1–08.)

Section 513. Sale of Tax–Delinquent Property.

All property on which the town taxes have not been paid and which are in arrears as provided by Section 512 of this charter shall be sold for taxes by Queen Anne’s County in the manner prescribed by state law. The funds generated from the tax sale shall be remitted directly to the town. (Res. No. 01–2007, 1–1–08.)

Section 514. Fees.

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

Section 515. Audits.

The financial books and accounts of the town shall be audited annually in a manner determined by the Commission in accordance with applicable federal and state law. (Res. No. 01-2007, 1-1-08.)

Section 516. Tax Anticipation Borrowing; Sale of Municipal Bonds or Notes.

(a) *Tax Anticipation Borrowing; Authority to Borrow.* – (1) During the first 6 months of any fiscal year, the town may borrow in anticipation of the collection of the property tax imposed for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing.

(2) 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 6 months after the beginning of the fiscal year in which they are issued.

(3) 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 50 percent of the property tax imposed for the fiscal year in which the notes or other evidences of indebtedness are issued.

(4) All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued.

(5) The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

(b) *Municipal Bonds; Authority to Borrow; Public sale; notice of sale; price; issuance for cash or other valuable consideration; signatures and seals; marketing agreements; General Obligation and Revenue Bonds.* – In addition to the authority provided above with respect to tax anticipation borrowings, the town shall have the power to borrow money for any proper purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this section.

(1) As determined or provided for in the authorizing ordinance and/or resolution of the Commissioners, the general obligation bonds, notes or other evidences of indebtedness of the town may be issued and sold: by private negotiated sale without advertisement or solicitation of competitive bids or at public sale after solicitation of competitive bids, as determined by the resolution or ordinance authorizing the issuance of the bonds or notes.

(2) (i) Any public sale of municipal bonds or notes when advertisement is required may be held only after 1 or more insertions of a notice of the sale in either a newspaper of general circulation in the town or a publication having a circulation primarily among the investment and financial community.

(ii) The first insertion of the notice of sale shall be published at least 10 days before the date fixed for the sale.

(3) (i) Municipal bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds notes [bonds, notes] or other evidences of indebtedness, as provided in the authorizing resolution or ordinance.

(ii) The resolution or ordinance that authorizes the municipal bonds notes [bonds, notes] or other evidences of indebtedness may provide for their redemption prior to maturity, at such price or prices at, above or below par value as determined or provided for by the Commissioners, and for the manner of publishing or otherwise giving notice of such redemption.

(iii) Municipal bonds or notes may be issued, sold, and delivered on such terms and conditions, including at a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for in the authorizing resolution or ordinance.

(4) Municipal bonds or notes may be issued for either cash or other valuable consideration.

(5) The official signatures and seals affixed to any municipal bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

(6) The town may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tendered option granted to holders.

(7) The town is authorized to issue municipal bonds, which may be general obligation bonds to which the full faith, credit and general taxing power of the town are pledged. The town is further authorized to provide for the issuance of municipal bonds payable to principal and interest solely from revenues of one or more sources of revenue available to the town; which bonds shall not constitute an indebtedness of the town to which its full faith, credit or general taxing power are pledged.

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

(9) Any resolution adopted by the Commissioners pursuant to this section may be introduced and adopted in a single session and shall not be subject to petition to referendum, notwithstanding the provisions of any other section of this Charter.

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

(11) The provisions of this subsection shall not apply to any tax anticipation borrowing incurred in accordance with this article. (Res. 89-2, 1-23-90; Res. No. 01-2007, 1-1-08.)

Section 517. Payment of Indebtedness; 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. The full faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes, or other evidences of indebtedness 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. (Res. 89-2, 1-23-90.)

Section 517A. Payment of Indebtedness; Revenue Bonds.

The town shall have the power to dedicate such revenues as it shall deem proper to the payment of such bonds, notes, or other evidences of indebtedness and interest thereon [thereon] without limitation of amount and to pay therefrom any and all revenue bonds, notes, and other evidences of indebtedness issued by it under the authority of this Charter. Neither the full faith, credit nor the general taxing power of the town are pledged to the payment of such instruments, and they shall not constitute an indebtedness of the town to which its full faith, credit or taxing power are pledged. (Res. 89-2, 1-23-90.)

Section 518. Prior Bond Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances 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 519. Purchases and Contracts.

(a) All purchases and contracts for the Town government shall be made by the Town Administrator or designee under the direction of the Commissioners. The Commission may

provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts.

(b) *Competitive Bidding Requirements.* All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than ten thousand dollars (\$10,000.00) shall be made utilizing competitive bids and by written contracts. The Town Administrator shall be required to advertise for sealed bids in such a manner as shall be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the bidder who submits the most responsive and responsible bid giving consideration to factors such as the lowest price, quality of goods and work, ability to deliver goods or complete work promptly, the bidder's demonstration of overall qualifications and assurances to perform the work or provide the services which are the subject of the bid and responsibility of bidders. All such written contracts shall be approved by the Commission before becoming effective and all written contracts may be protected by such bonds, penalties and conditions as the town may require.

(c) The Town Administrator and the Commission shall have the right to reject all bids and re-advertise.

(d) The Commission by unanimous vote of those present may waive the bidding requirements of this section for good cause shown.

(e) The Town at any time in its discretion may employ its own forces or those of any other government or governmental agency for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids.

(f) Notwithstanding the foregoing, whenever a State, county, municipality or other governmental entity, quasi-governmental entity, bi-county agency or any consortium or purchasing alliance composed of any such entities, provided that such governmental entity or association has adopted procurement regulations that are comparable to those enacted by the Town, has conducted a bid and awarded a contract authorizing local governments to purchase the bid item at the bid price, the Town Administrator may, without soliciting bids and with the Commission's approval, purchase the item in question at the bid price from the successful bidder, without having to conduct bidding for the Town of Church Hill if the Town Administrator independently acquires and documents market conditions, information and determines that the bid price is competitive. However, for any purchase order exceeding ten thousand dollars (\$10,000.00) the Town Administrator shall request that the Commission waive bidding for good cause shown.

(g) Furthermore, all contracts involving professional services, including, but not limited to accounting, architecture, auditing, engineering, law, planning and surveying need not be on a bid basis, but may be negotiated by the Town Administrator and approved by the Town Commission.

(h) The Town Administrator, with the approval of the President of the Commission or in the President's absence one of the two remaining Town Commissioners, may authorize the emergency procurement of supplies, materials, equipment, services, or construction without competition where there exists a threat to public health, welfare, or safety; during a state of

emergency declared by the President of the Commission or in the President's absence one of the two remaining Commissioners; where delay would significantly injure the Town, financially or otherwise; to prevent a break-down in machinery and/or threatened termination of essential services (including maintenance and repair of essential office equipment); or in any other circumstance in which goods, materials, equipment, supplies, services, or construction are needed immediately. The Town Commissioners shall promptly be notified of all emergency procurements. (Res. 48-95, 1-23-96; Res. No. 01-2007, 1-1-08; Res. No. 01-2014, 1-20-2015.)

ARTICLE VI Administration

Section 601. Town Administrator.

(a) *Appointment, tenure, removal.* The Commission shall appoint a Town Administrator who shall serve at the pleasure of the Commission. The Administrator shall be appointed by the Commission with approval of a two-thirds (2/3) majority vote for an indefinite term. A two-thirds (2/3) majority vote of all members of the Commission shall be required for removal. The Commission shall determine the conditions of employment of the Town Administrator.

(b) *Qualifications.* The Administrator shall be chosen on the basis of executive and administrative qualifications with reference to knowledge of or experience with the duties of the office. The Administrator shall furnish to the town for approval a surety bond in an amount to be prescribed by the Commission and approved by the Town Attorney. The bond shall be conditioned on the faithful performance of duties. The bond premium shall be paid by the town.

(c) *Compensation.* The Administrator shall receive such compensation as the Commission fixes from time to time.

(d) *Duties and responsibilities.* The Administrator shall be the chief financial officer and chief personnel officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the Administrator under the direct supervision of the Commission. Under the supervision of the Commission, the Administrator shall have authority and be required to:

- (1) Prepare an annual budget to be submitted to the Commission.
- (2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the town in such form as the Commission may require, not contrary to state law.
- (4) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.
- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(7) Have custody of all public monies, belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the fiscal or financial affairs of the town as the Commission may require or as may be required elsewhere in this charter.

(9) Attend all meetings of the Commission.

(10) Perform all duties established in this Charter as being the responsibility of the Town Administrator.

(11) Such other duties and responsibilities determined by the Commission.

In addition to the above duties, the Town Administrator shall perform all of those duties which are the responsibility of the Town Clerk in the event the position of Town Clerk is vacant. (Res. No. 01-2007, 1-1-08.)

Section 602. Town Clerk.

A Town Clerk may be appointed by the Commission. The Clerk shall attend every meeting of the Commission and keep a full and accurate account of the proceedings of the Commission. The Clerk shall keep such other records and perform such other duties as may be required by this Charter or the Commission. The Clerk shall furnish to the town for approval a surety bond in an amount to be prescribed by the Commission and approved by the Town Attorney. The bond shall be conditioned on the faithful performance of duties. The bond premium shall be paid by the town.

Section 603. Town Attorney.

A Town Attorney may be appointed by the Commission. The [Town] Attorney shall be a member of the bar of the Maryland Court of Appeals. The Attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the Commission. The Town Attorney's compensation shall be determined by the Commission. The town shall have the power to employ other legal consultants as it deems necessary from time to time.

Section 604. Authority to Employ Personnel.

The Town Commission shall have the power to employ such officers and employees, and by ordinance adopt a personnel policy, 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 605. 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 Commission, subject to the restrictions imposed upon establishing the salaries of the Commission. (Res. No. 01-2007, 1-1-08.)

Section 606. 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 monies of the town for such programs.

Section 607. 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.

ARTICLE VII
Public Ways and Sidewalks

Section 701. Definition of Public Ways.

The term “public ways” as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, rights-of-way and alleys. (Res. No. 01–2007, 1–1–08.)

Section 702. 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 703. Public Ways; Powers.

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 public way or part thereof, bridge, 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 public way or part thereof.
- (d) To pave, surface, repave, or resurface any town public way or part thereof, and to provide for all necessary removal therefrom of snow, ice and debris.

(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.

(i) To acquire property by purchase, lease, easement or eminent domain incident to the right-of-way necessary for street construction. (Res. No. 01-2007, 1-1-08.)

Section 704. Sidewalks; Powers.

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 or on private property where appropriate authorization has been obtained 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 or on private property where appropriate authorization has been obtained 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 may be a lien on the property and may be collectible in the same manner as are town taxes or by suit at law. (Res. No. 01-2007, 1-1-08.)

ARTICLE VIII Water and Sewer

Section 801. Powers.

The town shall have the power to acquire, establish, design, construct, reconstruct, expend, extend, enlarge, alter, improve, operate, maintain and repair a water supply and distribution system, a sanitary sewer system, and wastewater treatment plant a storm water drainage system, stormwater sewers and a sanitary disposal plant, system or stabilization lagoon, within or without the corporate limits of the town, and to take any and all action necessary or appropriate thereto,

including the making of surveys, plans, specifications and estimates. The town may by ordinance regulate the use and operation of any such plant or system or part thereof in any manner it deems to be in the public interest. The town shall also have the power to dispose of all parts, installations and structures of the above referenced plants and systems. (Res. No. 01–2007, 1–1–08.)

Section 802. 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 shall be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit pipe or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed.

Section 803. 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. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. No. 01–2007, 1–1–08.)

Section 804. County Public Ways.

The town may enter upon or do construction, in, on, or over any public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter.

Section 805. Connections.

The town shall provide for each and every property abutting upon a street or right of way in which a water main or sewer is laid, a water service pipe or sewer connection, which shall be extended from the water main or sewer to the property line of the abutting lot, and shall be constructed by the town, but subject to the connection charge provided for in Section 806 (which charge shall be paid before the actual connection with any pipe or private property is made). When any water main or sanitary sewer is declared by the town complete and ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main within the time prescribed by the town. Where the aforesaid fixtures do not exist, or are of a nature which, in the judgment of the town, is improper or inadequate, satisfactory equipment shall be installed by the owner on the premises consisting of at least one water closet and one sink or washbasin, both of which shall be properly connected with the sewer. The town 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 806. Charge for Connections.

The town may make a charge, the amount to be determined by the Commission, for each connection made to the town's water or sewer mains. This charge may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section 807. 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 808. Private Systems.

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

Section 809. Extensions Beyond Boundaries.

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

Section 810. 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 811. 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 812. Contracts for Water or Sewage Removal.

The town, if it deems it advisable, shall contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage.

Section 813. Service Rates.

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 Clerk, and if bills are unpaid within thirty (30) days, they may be delinquent and the service may be discontinued. All charges shall be a lien on the property, collectable in the same manner as town taxes or by suit at law. (Res. No. 01-2007, 1-1-08.)

ARTICLE IX Special Assessments

Section 901. Powers.

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 municipal improvements, including, but not limited to 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 project out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment shall 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 reasonable by [reasonably be] attributed to the project. (Res. No. 01-2007, 1-1-08.)

Section 902. Procedure.

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

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

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

(c) *Classes.* 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) *Levy.* All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Town 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 to be assessed and the time and place at which all persons interested, or their agents or attorneys, may appear before the Commission 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 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 shall have completed publication and service of notice as provided in this section. Following the hearing the Commission in its discretion, may vote to proceed with the project and may levy the special assessment.

(e) *Appeals.* Any interested person 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 Queen Anne's County within ten (10) days after the levying of any assessment by the Commission.

(f) *Payment.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Commission may determine. The Commission shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Commission.

(g) *Due date.* 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) *Collection.* All special assessments shall be billed and collected by the Town. (Res. No. 01-2007, 1-1-08.)

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 the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof.

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 proceedings shall be that established in the “Real Property” Article of the *Annotated Code of Maryland*, Title 12, Eminent Domain, enacted by Chapter 12, Acts 1974. (Res. No. 01–2007, 1–1–08.)

Section 1003. Town Buildings.

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

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) *Text.* Before entering upon the duties of their offices, the Commissioners, Town Administrator, 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 _____ of Church Hill according to the Constitution and Laws of this State.”

(b) *Administered.* The Commissioners shall take this oath or affirmation before a notary public or other officer authorized to administer oaths in the State of Maryland, who shall certify to the Town that such oath has been administered, which certification shall be filed and recorded in the official records of the Commission. All other persons shall do so before a Commissioner or the Town Administrator. (Res. No. 01–2007, 1–1–08.)

Section 1102. Official Surety Bonds.

Such other officers or employees of the town as the Commission or this Charter may require, shall give bond in such amount and with such surety and with such conditions as may be required by the Commission. 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. Reserved.

Section 1105. Effect of Charter on Existing Ordinances.

(a) *Not in conflict.* 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 in accordance with provisions of authority granted in this Charter.

(b) *In conflict.* 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 1106. Severability.

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 not [nor] the context in which such section or part of a section so held invalid may 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 a section to which such holding may directly apply. (Res. No. 01–2007, 1–1–08.)