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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 2-7-1966, effective 3-29-1966. Amendments noted where applicable.]

**TITLE I**  
**General Corporate Powers**

**§ C-1. General corporate powers.**

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

**TITLE II**  
**Corporate Limits**

**§ C-2. Corporate limits.**

The courses and distances showing the exact corporate limits of the City shall be filed at all times with the Clerk of the Circuit Court for Worcester County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Mayor or of the City Manager. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

**TITLE III**  
**The Council**

**§ C-3. Number, selection, term.**

All legislative powers of the City shall be vested in a Council consisting of five Councilmen. Each Councilman shall be elected as hereinafter provided and shall hold office for a term of three years, or until the succeeding Councilman takes office. The regular term of Councilmen shall expire on the second Tuesday in April following the election of their successors. Councilmen holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Councilmen take office under the provisions of this Charter.

**§ C-4. Qualification of Council members. [Amended 1-20-1986 by Res. No. 153; 12-15-1986 by Res. No. 159; 8-7-1989 by Res. No. 185-A; 5-15-2000 by Res. No. 324; and 6-16-03 by Res. No. C-03-01]**

Council members shall be at least twenty-one years of age, shall have resided in the City and the legislative district which they seek to represent for at least one year immediately preceding their election, shall be registered voters of the City, and must reside in the legislative district which they represent. If a council member ceases to reside within the corporate limits, he or she must resign from office. If, however, a council member ceases to reside in the legislative district which he or

she represents, and takes up residence in another district within the corporate limits, he or she must immediately resign unless there is less than twelve months remaining in the council member's term, in which case the council member will be allowed to complete the term of office.

#### **§ C-5. 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 Councilman takes office shall not be changed for that Councilman during the period for which he was elected. The ordinance making any change in the salary paid the several Councilmen, either by way of increase or decrease, shall be finally ordained prior to, the next municipal election for Councilmen and shall only become effective for each Councilman at the beginning of the succeeding term of office.

#### **§ C-6. Meetings of the Council. [Amended 9-8-1987 by Res. No. 168]**

The Council shall meet at a convenient time and date during the first week following an election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings shall be called by the City Manager upon the request of the Mayor or a majority of the members of the Council. All meetings of the Council herein provided for shall be open to the public, except for special closed sessions as authorized by State Sunshine laws, and the rules of the Council shall provide that the residents of the City shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

#### **§ C-7. Council to be judge of qualifications of its members.**

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

#### **§C-8. President of the Council. [Amended 12-20-1982 by Res. No. 132]**

The Mayor shall serve as President of the Council. The Mayor may take part in all discussions, but shall have no vote. The Council shall elect a Vice-President and Second Vice-President of the Council from among its members who shall act as President of the Council in the absence of the President and/or Vice-President of the Council as the case may be. In the absence of the Mayor and Vice-Presidents, the remaining Council members may designate one of its members to act as Temporary President of the Council until the return of the Mayor or Vice-Presidents.

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<sup>1</sup> Editor's Note: See the Annotated Code of Maryland, Art. 41, ~ 1-205, and the State Government Article of the Annotated Code of Maryland, ~ 10-501 through 10-512.

### **§ C-9. Quorum.**

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any action taken without the favorable votes of a majority of the whole number of members elected to the Council.

### **§ C-10. 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 member. The journal shall be open to the public inspection.

### **§C-11. Vacancies in Council.**

Vacancies in the Council shall be filled as provided in Section C-40 of this Charter.

### **§ C-12. Ordinances and resolutions. [Amended 10-14-1968 by Res. No. 18]**

No ordinance or resolution shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six, nor more than sixty days, after the meeting at which an ordinance or resolution was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative votes of four members of the Council. Every ordinance or resolution, unless it be passed as an emergency ordinance or resolution shall unless otherwise provided in the ordinance or resolution, become effective upon approval by the Mayor or passage by the Council over his veto. A fair summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the municipality within thirty (30) days of its effective date. An emergency ordinance or resolution shall become effective on the date specified in the ordinance or resolution, but no ordinance or resolution shall become effective until approved by the Mayor or passed over his veto by the Council.

### **§ C-13. Veto.**

All ordinances and resolutions passed by the Council shall be promptly delivered by the City Manager to the Mayor for his approval or disapproval. If the Mayor approves any ordinance or resolution, he shall sign it. If the Mayor disapproves any ordinance or resolution, he shall not sign it. The Mayor shall return all ordinances and resolutions to the City Manager within six days after delivery to him (including the days of delivery and return and excluding Sunday) with his approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance or resolution disapproved by the Mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance or resolution shall not become effective unless subsequently passed by a favorable vote of four-fifths of the whole Council within thirty-five calendar days from the time of the return of the ordinance or resolution. If the Mayor fails to

return any ordinance or resolution within six days of the delivery as aforesaid, it shall be deemed to be approved by the Mayor and shall become effective in the same manner as an ordinance or resolution signed by him.

**§ C-14. Files of ordinances and resolutions.**

Ordinances and resolutions shall be permanently filed by the City Manager and shall be kept available for public inspection.

**TITLE IV  
The Mayor**

**§ C-15. Selection and term. [ Amended 5-15-00 by Res. No. 323]**

The Mayor shall be elected as hereinafter provided and shall hold office for a term of three (3) years or until his successor is elected and qualified. The newly elected Mayor shall take office on the Second Tuesday of April following his election.

**§ C-16. Qualifications of Mayor. [Amended 12-15-1986 by Res. No. 160; 05-15-00 by Res. No. 324]**

The Mayor must be at least twenty-five years of age, must have resided in the City for at least one year immediately preceding his election and must be a registered voter of the City. If the Mayor files a certificate of nomination for any municipal elective office other than Mayor, he or she must resign as Mayor effective 12:01 a.m. on the Second Tuesday in April of the current year.

**§C-17. 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.

**§ C-18. Powers and duties.**

- A. The Mayor shall be recognized as head of the City government for all ceremonial purposes.
- B. The Mayor shall have the power to veto ordinances and resolutions passed by the Council as provided in Section C-13.
- C. 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.

## **TITLE V**

### **City Manager**

#### **§ C-19. Appointment of City Manager.**

The Council shall appoint an officer of the City who shall have the title of City Manager and shall have the powers and perform the duties as provided in this Charter. 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 year after the expiration of his term.

#### **§ C-20. Qualifications of Manager.**

The City Manager shall be chosen on the basis of his executive ability and administrative qualifications with special reference being made to his actual experience in, or 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 City or the State of Maryland but during his tenure of office he shall reside within the City.

#### **§ C-21. Salary of Manager.**

The City Manager shall receive such compensation as the Council shall determine from time to time.

#### **§ C-22. Removal of Manager.**

The Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members. At least thirty days before such removal shall become effective, the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reason for his removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after filing of such a request. After such public hearing, if one be 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 any unpaid balance of his salary and his salary for the next two calendar months following adoption of the preliminary resolution.

#### **§ C-23. Powers and duties.**

- A. The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City and, to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office.

- B. The City Manager shall attend all Council meetings and shall arrange for minutes of all Council meetings to be recorded.
- C. The City Manager shall have complete supervision over the financial administration of the City 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.
- D. The 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.

## **TITLE VI General Powers**

### **§ C-24. General Powers.**

- A. General Powers outlined. 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 City; for the protection and preservation of the City'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 City and visitors thereto and sojourners therein.
- B. Specific powers. The Council shall have, in addition, the power to pass ordinances or resolutions 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 City for printing and publishing statements as to the business of the City.
  - (2) Aisles. To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.
  - (3) Amusements. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
  - (4) Appropriations. To appropriate municipal 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 City and to license auctioneers.
  - (6) Band. To establish a municipal band, symphony orchestra or other musical

organization, and to regulate by ordinance or resolution the conduct and policies thereof.

- (7) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the City.
- (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 City, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or taken down.
- (10) Cemeteries. To regulate or prohibit the interment of bodies within the City 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 City.
- (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 City 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; 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 City, and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.
- (19) Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
- (20) Explosives. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.
- (21) Filth. To compel the occupant of any premises, building or outhouse situated in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.
- (22) Finances. To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City.
- (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 City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City 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 City.
- (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 City, subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (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; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them

conveniently for removal.

- (28) Grants-in-aid. To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.
- (29) Hawkers. To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the City, and to revoke such licenses for cause.
- (30) Health. To protect and preserve the health of the City and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the City; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases, to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; provided, that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health, or any public general or local law relating to the subject of health.
- (31) House numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the City 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 or lockup for temporary confinement of violators of the laws and ordinances of the City or use the County jail for such purpose.
- (33) Licenses. Subject to any restriction imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business, to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (34) Liens. To provide that any valid charges, taxes or assessments made against any real property within the City shall be liens upon such property, to be collected as municipal taxes are collected.
- (35) Lights. To provide for the lighting of the City.
- (36) Livestock. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.
- (37) Markets. To obtain by lease or rent, own, construct, purchase, operate and maintain

public markets within the City.

- (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 ordinance all nuisances in the City which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the City 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 City may regulate, prohibit, control the location of, or require the removal from the City 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 City.
- (42) Parking facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.
- (43) Parking meters. To install parking meters on the streets and public places of the City in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration of Maryland 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 City.
- (45) Police force. To establish, operate, and maintain a police force. All City 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 City all vice, gambling, and games of chance; prostitution and solicitation therefore and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.
- (47) Property. To acquire by conveyance, purchase or gift, real or leasable property for

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<sup>2</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

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

- (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; to prescribe hours for cleaning sidewalks.
  - (51) Sweepings. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the City.
  - (52) Taxicabs. To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressman, 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 City 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, and such other legislation as the General Assembly of Maryland has passed or may subsequently pass.
  - (56) Indemnification. To provide for the defense and indemnification of municipal officials and employees against claims and legal actions arising out of or relating to their official duties or employment for or on behalf of the City. [Added 1-3-1979 by Res. No. 98, approved 1-3-1979]
- C. Saving clause. The enumeration of powers in this section is not to be construed as limiting the powers of the City to the several subjects mentioned.

## **§ C-25. Exercise of powers.**

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

### **§C-26. Enforcement.**

To ensure the observance of the ordinances of the city, the Council shall have the power to provide that violation thereof shall be a misdemeanor or municipal infraction and shall have the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.) and/or imprisonment for up to six (6) months for misdemeanors. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within ten days to the Circuit Court of the county in which the fine, forfeiture, or penalty was imposed. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

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

### **§ C-27. Voters. [Amended 2-1-1971 by Res. No. 35, approved 2-2-1971; 4-19-1993 by Res. No. 225]**

Every person who, (a) is a citizen of the United States, (b) is at least eighteen years of age, (c) has resided in the City for at least thirty days next preceding and City election, and (d) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at any or all City elections, subject to the provisions of Section C-35 and any other applicable provisions of this Code.

### **§ C-28. Board of Supervisors of Elections. [ Amended 5-15-2000 by Res. No. 327]**

There shall be a Board of Supervisors of Elections consisting of five (5) members who shall be appointed by the Mayor with the approval of the Council on or before the fourth Monday in January in every even-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Council.

### **§ C-29. Removal.**

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<sup>3</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council, if he so requests within ten days after receiving the written copy of the charges against him.

### **§C-30. Duties.**

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all City elections. The board may appoint election clerks or other employees to assist it in any of its duties.

### **§ C-31. Notice. [Amended 2-3-1975 by Res. No. 71; 5-15-2000 by Res. No. 326]**

The Board of Supervisors of Elections shall give at least four (4) weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the City, and by posting a notice thereof in some public place or places in the City, and are authorized to give two weeks notice of the deadline for filing a certificate of nomination for election to the offices of city council or mayor in a manner the Board determines appropriate.

### **§ C-32. Registration. [Amended 2-3-1975 by Res. No. 70, approved 2-3-1975; 4-19-1993 by Res. No. 226]**

Every person qualified as a Voter in accordance with the provisions of this Charter may register with the Board of Supervisors of Elections during normal business hours (9:00 a.m. to 5:00 p.m.) on any day on which City Hall is regularly open for business (except between the second Tuesday in March and the first Tuesday in April of each year, inclusive) or at any other time or on any other day the Board may designate. Registration shall be permanent and no person shall be entitled to vote in City elections unless that person is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists current by striking from the lists those persons known to have died or otherwise become disqualified from voting. The Council is hereby authorized to adopt by ordinance or resolution, and to enforce, any additional provisions necessary to establish and maintain a system of permanent registration and to provide for re-registration when necessary.

### **§ C-33. Appeal.**

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

### **§C-34. Nominations. [Amended 5-15-2000 by Res. No. 325; and 06-16-03 by Res. C-03-01].**

Persons may be nominated for elective office in the City by filing a certificate of nomination. The fee to file a certificate of nomination shall be \$25.00. The certificate of nomination shall state the following: (1) the office for which the candidate is seeking the nomination, and (2) the name of the candidate. The certificate shall be filed with the Board of Election Supervisors at least sixty calendar days prior to the election,

except in the event a person currently holding a municipal elective office files a certificate of nomination and a letter of resignation from the currently held municipal elective public office, a candidate may file a certificate of nomination for the office affected by the resignation until a day which is thirty (30) days prior to the election. No person shall file for nomination to more than one elective public office or hold more than one elective public office at any one time.

### **§C-35. Election of Mayor and Councilmen.**

- A. **[ Amended 5-15-2000 by Res. NO. 323]** On the first Tuesday in April in 1966 the Mayor shall be elected for a two-year term. On the first Tuesday in April every two years thereafter a Mayor shall be elected to serve for a period of two years, until the first Tuesday in April in 2002 and every three years thereafter, to serve for a period of three years.
- B. **[Amended 1-6-1986 by Res. No. 151 ]** The City shall be divided by law into five (5) legislative districts for the election of members of the City Council. Each legislative district shall contain one Councilmember who shall be elected by the registered voters of that legislative district only. All Council members shall serve for a period of three years. Notwithstanding the above, all presently elected Councilmember's shall be allowed to complete their present terms regardless of which district they reside in.
- (1) Each legislative district shall consist of adjoining territory, be relatively compact in form, and include substantially the same population as other districts. Due regard shall be given to all constitutional standards in creating the legislative districts.
  - (2) From time to time as based on the latest U.S. Census Bureau data and after public hearing, the Council may reestablish boundaries of the legislative districts for elections of the members of the Council.
  - (3) The City shall retain the present staggered-term election system as originally established by Resolution No. 1 of 2-7-66 and included in the Charter of 1968. On the first Tuesday of April in 1986 the qualified voters of Legislative Districts 1 and 2 shall elect their respective Councilmember's. On the first Tuesday of April 1987 the qualified voters of Legislative District 3 shall elect their Councilmember. On the first Tuesday of April in 1988, the qualified voters of Legislative Districts 4 and 5 shall elect their respective Councilmember's. On the first Tuesday of April in 1989, and every year thereafter, each position on the Council which shall become vacant on the second Tuesday in April of that year shall be filled by an election of the qualified voters in that legislative district of the City.

### **§ C-36. Conduct of elections. [Amended 3-19-1973 by Res. No. 50, approved 3-20-1973]**

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to

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<sup>4</sup>Editor's Note: This resolution also provided as follows: "Any section or sections of the existing Charter of Pocomoke City, Maryland which are inconsistent with this Amendment are hereby repealed."

7:00 p.m. on election days or for longer hours if the Council requires it. In the event that there is no contest for any of the offices for which an election shall be proper, the Board of Supervisors of Elections are authorized and directed to cancel the election with respect to said office or offices after giving public notice thereof by publication for two successive weeks in a newspaper or newspapers having general circulation in the City, and to certify as elected the candidate or candidates therefore who have filed a valid certificate of nomination pursuant to Section C-34 of the Charter.

### **§ C-37. Special elections.**

All special City 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 City elections.

### **§ C-38. Vote count.**

Within twelve hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the City Manager who shall cause the results to be recorded 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 or candidates for Councilman with the highest number of votes in each general election shall be declared elected as Councilmen.

### **§ C-39. Preservation of ballots and voting-machine totals.**

All ballots used in any City election shall be preserved for at least six months from the date of the election. In any City election in which voting machines are used, after the voting machines have been locked against voting, a tabulation of votes appearing on the public counters shall be made, then all voting machines used shall be sealed for a six months' period. In the event that the voting machines used cannot be sealed for six months, the Mayor and Council shall pass an ordinance setting forth the procedure to be followed for a certification and the preservation of all votes cast on such voting machines.

### **§C-40. Vacancies. [Amended 8-8-1988 by Res. No. 179]**

In case of a vacancy on the Council for any reason, the Council may either leave the office vacant until the next election for that District or fill such vacancy for the unexpired term by either appointing some qualified person to fill such vacancy or by a special election held either in conjunction with the next General Election or at any other time specified by the Council. In case of a vacancy in the office of Mayor for any reason, the Council may either leave the office vacant until the next General Election or fill such vacancy for the remainder of the term by either appointing some qualified person to fill the vacancy or by a special election.

### **§ C-41. Women.**

Women shall have equal privileges with men in registering, voting, and holding City offices. Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

**§ C-42. Regulation and control.**

The Council shall have the power to provide by ordinance or resolution in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

**§ C-42A. Election -- 1966.**

Nothing contained in this Charter shall affect appointment of judges of election, registration officials, registration of voters, appointment of election officials, nomination and qualifications of candidates or the conduct of the election for Mayor and Councilmen to be held on the first Tuesday in April, in the year 1966. The election to be held on the first Tuesday in April, in 1966, shall be governed by the provisions of the Charter of the Mayor and Council of Pocomoke City in force and effect prior to the adoption of this Charter.

**§ C-43. Penalties.**

Any person who (a) fails to perform any duty required of him under the provisions of this Title or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this Title or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or City election, shall be deemed guilty of a misdemeanor. Any officer or employee of the City 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.

**TITLE VIII  
Finance**

**§ C-44. City Clerk.**

- A. There shall be a City Clerk appointed by the City Manager with the approval of the Council. He shall serve at the pleasure of the City Manager. His compensation shall be determined by the Council.
- B. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the City Clerk under the direct supervision of the City Manager.

**§ C-45. Powers and duties of City Clerk.**

Under the supervision of the City Manager, the City Clerk shall have authority and shall be required to:

- A. Prepare at the request of the City Manager an annual budget to be submitted by the City Manager 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 City in such form as the Council may require, not contrary to State law.
- D. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the City Manager.
- E. Ascertain that all taxable property within the City is assessed for taxation.
- F. Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the City and all other revenues for whose collection the City is responsible, and receive any funds receivable by the City.
- G. Have custody of all public moneys, belonging to or under the control of the City, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the City.
- H. Do such other things in relation to the fiscal or financial affairs of the City as the Mayor, Council or City Manager may require or as may be required elsewhere in this Charter.

#### **§ C-46. Bond of City Clerk.**

The City Clerk shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require.

#### **§ C-47. Fiscal year.**

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

#### **§ C-48. Budget.**

The City Manager, on such date as the Council by resolution shall determine, but at least thirty-two days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the City Manager and open to public inspection by any one during normal business hours.

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<sup>5</sup>Editor's Note: See Ch. 11, Budget.

**§ C-49. Budget adoption.**

Before adopting the budget the Council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such proposed expenditures. The budget shall be prepared and adopted in the form of a resolution before the first day of July in every year.

**§C-50. 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.

**§ C-51. Transfer of funds.**

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

**§ C-52. 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 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 made, when such contract is permitted by law.

**§ C-53. Appropriation 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.

**§ C-54. Checks. [Amended 12-20-1982 by Res. No. 132]**

All checks issued in payment of salaries and other municipal obligations shall be issued and signed by the

City Clerk or in the event of his absence or disability the Council may authorize some other officer of the City to issue and sign such checks. All checks must be countersigned by one of the Vice-Presidents of the City Council or in their absence, by the President of the City Council. In the absence of the President and Vice-Presidents of the City Council, the Temporary President of the Council must countersign the checks.

**§ C-55. Taxable property.**

All real property and all tangible personal property within the corporate limits of the City 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. Except that the Mayor and Council may, whenever it shall seem expedient for the encouragement of the establishment of manufactures and manufacturing industries in the City, provide by ordinance for the exemption from taxation for municipal purposes, for a period of time not to exceed ten years, lands, machinery, tools, implements and buildings located in Pocomoke City and used by such manufactures in the usual conduct of their manufacturing business. 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.

**§ C-56. 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 year and the tax rate determined shall be passed as a resolution by the Council.

**§ C-57. Notice of tax levy.**

Immediately after the levy is made by the Council in each year, the City Clerk shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City. 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.

**§ C-58. When taxes are overdue. [Amended 6-12-1972 by Res. No. 48; 8-2-1982 by Res. No. 130, approved 8-2-1982]**

The taxes provided for in Section C-56 of 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. Discounts for payments made prior to the first day of October shall be at the rate established by Resolution of the Council. Taxes shall bear interest while in arrears at the rate established by Resolution of the Council. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section C-59.

**§ C-59. Sale of tax-delinquent property. [Amended 6-12-1972 by Res. No. 49]**

A list of all property on which the City taxes have not been paid and which are in arrears, as provided by Section C-58 of this Charter, shall be turned over by the City Clerk 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 and if not sold for taxes by this County official, be sold by the City Clerk, in the manner prescribed by State law.

#### **§ C-60. Fees.**

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

#### **§ C-61. Audit.**

The financial books and accounts of the City shall be audited annually as required by Article 19 of the Annotated Code of Maryland, (1957 Edition, as amended).

#### **§ C-61A. General obligation bonds. [Added 10-14-1968 by Res. No. 19]**

The City shall have the power to borrow money for any public purpose, including the refinancing of any outstanding indebtedness, and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issued in anticipation thereof, the same to be issued and sold in the manner prescribed in Sections 31-37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition) (1966 Replacement Volume), title "Corporations-Municipal," subtitle "Home Rule," subheading "Creation of Municipal Public Debt," provided, however, that if the ordinance or ordinances authorizing the issue and sale of any of such bonds or notes shall so specify, the bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation of competitive bids.

#### **§C-62. Tax-anticipation borrowing.**

During the first six months of any fiscal year, the City shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax-anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax-anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax-anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax-anticipation indebtedness of the City 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.

#### **§ C-63. Payment of indebtedness.**

The power and obligation of the City 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 City shall levy ad valorem taxes upon all the taxable property of the City 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 City is hereby pledged for the payment of the principal of and the interest on all bonds, note, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

#### **§ C-64. Previous issues.**

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

#### **§ C-65. Purchasing and contracts. [Amended 4-16-1973 by Res. No. 51, approved 4-17-1973; 10-19-1987 by Res. No. 170; 11-20-1995 by Res. No. 266]**

All purchases and contracts for the City government shall be made by the City Manager. The Council may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all City purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars (\$5,000.00) shall be made on written contract. The City Manager shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance or resolution for all such contracts except in those instances where the Council determines that it would be in the best interest of the City to waive the requirements for advertising and/or sealed bids. 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 shall be approved by the Council before becoming effective. The City Manager shall have the right to reject all bids and re-advertise. The City Manager, at any time in his/her discretion, may employ City forces for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the City Manager may require.

#### **§ C-66. City Attorney.**

The Mayor, with the approval of the Council, may appoint a City Attorney. The City Attorney shall be a member of the Bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the City and shall perform such duties in this connection as may be required by the Council, Mayor or City Manager. His compensation shall be determined by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

#### **§ C-67. Authority to employ personnel.**

The City 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 City government.

#### **§ C-68. Merit system.**

The City may provide by ordinance or resolution 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, and appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations.

**§ C-69. Unclassified and classified service.**

- A. The Civil Service of the City shall be divided into the unclassified and classified service.
- B. 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 City Manager and the City Attorney.
  - (3) The heads of all offices, departments and agencies and members of City boards and commissions.
  - (4) Part-time, temporary, and unpaid offices and positions.
- C. 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.

**§ C-70. Prohibitions.**

- A. If a merit system is adopted, no person in the classified service of the City 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 City 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 City 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 City; no person holding a position in the classified service of the City shall make any contribution to the campaign funds of any political party or any candidate for public office

or take any part in the management, affairs, or political campaign of any 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 not exceeding one thousand dollars (\$1,000.) and/or imprisonment for up to six (6) months. Any person who is convicted under this section shall, for a period of five years, be ineligible for appointment to or employment in a position in the City service, and shall, if he be an officer or employee of the City, immediately forfeit the office or position he holds.

### **§ C-71. Retirement system.**

The City 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 City.

### **§ C-72. Compensation of employees.**

The compensation of all officers and employees of the City shall be set from time to time by a resolution or ordinance passed by the Council, subject to the restrictions imposed upon establishing the salaries of the Councilmen and Mayor.

### **§ C-73. Employee benefit program.**

The City is authorized and empowered, by ordinance or resolution, 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 City for such programs.

## **TITLE IX Public Ways and Sidewalks**

### **§ C-74. Definition of public ways.**

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

### **§ C-75. Control of public ways.**

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<sup>6</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

<sup>7</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

The City shall have control of all public ways in the City 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 City may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the City.

**§ C-76. Public ways: powers.**

The City shall have the power:

- A. To establish, regulate and change from time to time the grade lines, width, and construction materials of any City public way or part thereof, bridges, curbs, and gutters.
- B. To grade, lay out, construct, open, extend and make new City public ways.
- C. To grade, straighten, widen, alter, improve, or close up any existing City public way or part thereof.
- D. To pave, surface, repave, or resurface any City public way or part thereof.
- E. To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any City public way or part thereof.
- F. To construct, reconstruct, maintain and repair bridges.
- G. To name the City public ways.
- H. To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
- I. To require and order the owner of any property abutting on any public way in the City to perform any projects authorized by Subsection E of 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 City may do the work and the expense thereof shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law. [Added 3-20-1972 by Res. No. 44]

**§ C-77. Sidewalks: powers.**

The City 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 City property along any public way or part thereof.
- B. To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on City 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 City 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 City may do the work and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law.

## **TITLE X Water and Sewers**

### **§ C-78. Powers.**

The City shall have the power:

- A. To construct, operate and maintain a water system and water plant.
- B. To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- C. To construct, operate and maintain a storm-water drainage system and storm-water sewers.
- D. To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- E. To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

### **§ C-79. 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 City, shall submit plans to the City and obtain written approval upon such conditions and subject to such limitations as may be imposed by the City. 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 City may order it removed.

### **§ C-80. Obstructions.**

All individuals, firms, or corporations having mains, pipes, conduits or other structures, in, on or over any public way in the City or in the County which impede the establishment, construction or operation of any

City sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the City. If necessary to carry out the provisions of this section, the City may use its condemnation powers provided in Section C-94. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

#### **§ C-81. Entering on county public ways.**

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

#### **§ C-82. Connections.**

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

#### **§C-83. Charge for connections.**

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

#### **§ C-84. Improper uses.**

In order to prevent any leakage or waste of water or other improper use of the City's water system or sewage disposal system, the City may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use.

#### **§ C-85. Private systems.**

The City 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 City. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

**§ C-86. Extensions beyond boundaries.**

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

**§ C-87. Right of entry.**

Any employee or agent of the City while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the City, 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 City or in the county served by the City'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.

**§ C-88. 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 City water supply system. Any violation of the provisions of this section shall be a misdemeanor.

**§ C-89. Contracts for water.**

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

**§ C-90. Charges. [Amended 02-07-2000 by Res. No. 321]**

The City shall have the power to charge and collect such service rates, water rates, 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 City, and if bills are unpaid within thirty days, the service may be discontinued. Utility bills which are over 30 days in arrears be set at 16% per year. All charges shall be a lien on the property, collectible in the same manner as City taxes or by suit at law.

**TITLE XI  
Special Assessments**

**§ C-91. Power: special assessments.**

The City 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 parking lots, of water mains, sanitary sewer mains, storm-water sewers, curbs, and gutters and by the construction and paying 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 assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the City, and any other item of cost which may reasonably be attributed to the project.

### **§ C-92. Procedure.**

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

- A. The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Council.
- B. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the City and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- C. When desirable, the affected property may be divided into different classes to be charge 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 City Manager 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 City. The City Manager 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 days and not more than thirty days after the City Manager shall have completed publication and service of notice, as provided in this section. Following the hearing the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.
- E. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for the County

within ten days after the levying of any assessment by the Council.

- F. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed thirty years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.
- G. All special assessment installments shall be overdue six months after the date on which they 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 City taxes or by suit at law.
- H. All special assessments shall be billed and collected by the City Clerk.

## **TITLE XII Town Property**

### **§ C-93. Acquisition, possession and disposal.**

The City may acquire real, personal, or mixed property, 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 City. All municipal property, funds, and franchises of every kind belonging to or in the possession of the City (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

### **§ C-94. Condemnation.**

The City shall have the power to condemn property of any kind, or interest therein, or franchise connected therewith, in fee or as an easement, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the City, shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Real Property Article of the Annotated Code of Maryland, §12-101 et seq.

### **§ C-95. City buildings.**

The City 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 City government.

### **§ C-96. Protection of city property.**

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

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<sup>8</sup>Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

**TITLE XIII**  
**General Provisions**

**§ C-97. Oath of office.**

- A. Before entering upon the duties of their offices, the Mayor, the Councilmen, the City Manager, 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 City government shall take and subscribe the following oath or affirmation:

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

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

**§ C-98. Official bonds.**

The City Manager, the City Clerk and such other officers or employees of the City as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the City.

**§ C-99. Prior rights and obligations.**

All right, title and interest held by the City 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 City, 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.

**§ C-100.**

**§ C-101. Effect of Charter on existing ordinances.**

- A. All ordinances, resolutions, rules, and regulations in effect in the City at the time this

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<sup>9</sup>Editor's Note: Former Section C-100, Misdemeanors, was deleted during codification; see Ch. 1, General Provisions, Art. II. See now § C-26 of this Charter.

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 City 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.

**§ C-102. Separability.**

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.