

CHARTER

OF THE

Town of Hurlock

DORCHESTER COUNTY, MARYLAND

(Compiled by Robert J. Merriken, P.C. – February 2021)

CONTENTS

Section

ARTICLE I General Corporate Powers

101.

ARTICLE II Corporate Limits

201.

ARTICLE III The Council

- 301. Number, Selection, Term.
- 302. Qualifications of Councilmembers.
- 303. Salary of Councilmembers.
- 304. Meeting of the Council.
- 305. Quorum.
- 306. Procedure of Council.
- 307. Vacancies on the Council.
- 308. Ordinances.
- 309. Veto.
- 310. Files of Ordinances.

ARTICLE IV The Mayor

- 401. Selection and Term.
- 402. Qualifications of Mayor.
- 403. Salary of the Mayor.
- 404. Powers and Duties.
- 405. Vacancy in Office of Mayor.

ARTICLE V General Powers

- 501. General Powers.
- 502. Exercise of Powers.

ARTICLE VI
Registration, Nomination and Elections

- 601. Voters.
- 602. Registration.
- 603. Appeal.
- 604. Nominations.
- 605. Election of the Mayor and Councilmembers.
- 606. Conduct of Elections.
- 607. Absentee Ballots.
- 608. Special Elections.
- 609. Vote Count.
- 610. Preservation of Ballots.
- 611. Regulation and Control.
- 612. Penalties.

ARTICLE VII
Finance

- 701. Fiscal Year.
- 702. Budget.
- 703. Budget Adoption.
- 704. Transfer of Funds.
- 705. Over Expenditure Forbidden.
- 706. Appropriations Lapse After One Year.
- 707. Checks.
- 708. Taxable Property.
- 709. Budget Authorized Levy.
- 710. Notice of Tax Levy.
- 711. When Taxes are Overdue.
- 712. Sale of Tax Delinquent Property.
- 713. Audit.
- 714. Tax Anticipation Borrowing.
- 715. Authorization to Borrow Money.
- 716. Payment of Indebtedness.
- 717. Previous Issues.
- 718. Purchasing and Contracts.

ARTICLE VIII
Administration

- 801. Town Manager.
- 802. Town Attorney.
- 803. Authority to Employ Personnel.
- 804. Compensation for Employees.
- 805. Employee Benefit Program.
- 806. Prohibition.

ARTICLE IX
Public Ways and Sidewalks

- 901. Definition of Public Ways.
- 902. Control of Public Ways.

ARTICLE X
Special Assessments

- 1001. Power: Special Assessments.
- 1002. Procedures.

ARTICLE XI
Town Property

- 1101. Acquisition, Possession, and Disposal.
- 1102. Condemnation.
- 1103. Town Buildings.
- 1104. Protection of Town Property.

ARTICLE XII
General Provisions

- 1201. Oath of Office.
- 1202. Official Surety Bonds.
- 1203. Prior Rights and Obligations.
- 1204. Enforcement and Penalties.
- 1205. Effect of Charter on Existing Ordinances.
- 1206. Gender.
- 1207. Separability.

ARTICLE XIII
Transitional Provisions

- 1301. Nature of this Article.
- 1302. Transition Between Present and Charter-Mandated Forms of Government.
- 1303. Date of Next Municipal Election.

ARTICLE XIV
Water and Sewers

- 1401. Powers.
- 1402. Placing Structures in Public Ways.
- 1403. Obstructions.
- 1404. Entering on County Public Ways.
- 1405. Connections.

- 1406. Charge for Connections.
- 1407. Improper Use.
- 1408. Extensions Beyond Boundaries.
- 1409. Right of Entry.
- 1410. Pollution of Water Supply.
- 1411. Contracts for Water.
- 1412. Charges.
- 1413. Exceptions.
- 1414. Violations and Penalties.

APPENDIX I
Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Additional powers.
- A1-104. Establishment of urban renewal agency.
- A1-105. Powers withheld from the agency.
- A1-106. Initiation of project.
- A1-107. Preparation and approval of plan for urban renewal project.
- A1-108. Disposal of property in urban renewal area.
- A1-109. Eminent domain.
- A1-110. Encouragement of private enterprise.
- A1-111. General obligation bonds.
- A1-112. Revenue bonds.
- A1-113. Short title.
- A1-114. Authority to amend or repeal.

HURLOCK

ARTICLE I General Corporate Powers

Section 101.

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

ARTICLE II Corporate Limits

Section 201.

The courses and distances showing the exact original corporate limits of the Town, plus all annexations, are on file at all times with the Clerk of the Circuit Court for Dorchester County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference [Services] and in the Office of the Town Manager.

The corporate boundaries of the Town of Hurlock are as follows:

Beginning for the same at a Concrete Monument which bears South 83 degrees 53 minutes 43 seconds West 371.72 feet with an extension of the northerly side of Jackson Street from the centerline of Main Street or Maryland Highway No. 331, and having coordinates of North 289,796.68 feet and East 1,124,991.39 feet of the Maryland State Grid System, and from said Place of Beginning running thence (1) South 00 degrees 41 minutes West 513.70 feet to a Concrete Monument; thence (2) North 89 degrees 19 minutes West 1260.98 feet to a Point [in] a Hickory Tree; thence (3) North 00 degrees 44 minutes 30 seconds East 193.84 feet to a Point in a Cherry Tree; thence (4) North 67 degrees 13 minutes 09 seconds West 668.00 feet to a Concrete Monument; thence (5) North 77 degrees 48 minutes 50 seconds West 298.88 feet to a Concrete Monument; thence (6) South 89 degrees 09 minutes West 2285.50 feet to a Concrete Monument; thence (7) North 04 degrees 48 minutes 27 seconds West 40.00 feet to a Concrete Monument and the southeasterly side of the Penn Central Railroad Company Right-of-way leading from Hurlock to East New Market; thence (8) North 47 degrees 29 minutes 30 seconds East 3326.11 feet to an Iron Rod; thence (9) crossing the said Railroad Company Right-of-way, North 39 degrees 29 minutes 07 seconds West 66.10 feet to a Concrete Monument; thence (10) crossing Poplar Street and continuing North 39 degrees 29 minutes 07 seconds West 1678.75 feet to a Concrete Monument on the north side of Oak Street; thence (11) North 45 degrees 58 minutes 20 seconds

East 887.15 feet to a Concrete Monument; thence (12) North 42 degrees 55 minutes 39 seconds West 1690.24 feet to a Concrete Monument; thence (13) North 44 degrees 33 minutes 21 seconds East 1209.37 feet to a concrete monument on the west side of Academy Street or Maryland Highway No. 331; thence (14) crossing said Highway, North 74 degrees 25 minutes 56 seconds East 1674.35 feet to a Concrete Monument on the west side of Glen Oak Hotel Road or Main Street; thence (15) crossing said Road, North 83 degrees 56 minutes 21 seconds East 834.03 feet to a Concrete Monument on the west side of Baltimore and Eastern Railroad Company Right-of-way; thence (16) crossing said Railroad Company Right-of-way and Maryland Highway No. 307, South 37 degrees 07 minutes 19 seconds East 2207.73 feet to a Concrete Monument on the northwest side of the aforementioned Penn Central Railroad Company Right-of-way, thence (17) crossing said Railroad Company Right-of-way, South 26 degrees 32 minutes 01 seconds East 1452.24 feet to a Concrete Monument and the land of American Stores Company; thence by and with the said American Stores Company land the following five courses and distances: (18) North 62 degrees 18 minutes 21 seconds East 207.03 feet; thence (19) North 40 degrees 28 minutes 18 seconds East 306.72 feet; thence (20) South 62 degrees 31 minutes 39 seconds East 243.00 feet; thence (21) South 42 degrees 16 minutes 39 seconds East 54.00 feet; thence (22) crossing Andrews Street Extended, continuing South 42 degrees 16 minutes 39 seconds East 30.25 feet; thence (23) North 40 degrees 28 minutes 21 seconds East 787.19 feet; thence (24) North 19 degrees 46 minutes 39 seconds West 25.42 feet; thence (25) North 42 degrees 07 minutes 21 seconds East 1414.68 feet; thence (26) South 47 degrees 52 minutes 39 seconds East 800.00 feet; thence (27) South 42 degrees 07 minutes 21 seconds West 1200.00 feet; thence (28) South 33 degrees 25 minutes 39 seconds East 1154.56 feet to a Concrete Monument on the northerly side of the aforementioned Maryland Highway No. 392; thence (29) by and with the northerly side of said highway, South 69 degrees 44 minutes 21 seconds West 677.07 feet to a Concrete Monument; thence (30) North 69 degrees 16 minutes 39 seconds West 1299.70 feet to the center of the Stream of Wright's Branch; thence by and with the center of said Stream and the many meanderings thereof, generally, the following four courses and distances: (31) South 13 degrees 36 minutes 21 seconds West 220 feet; thence (32) South 03 degrees 05 minutes 39 seconds East 90.00 feet; thence (33) South 25 degrees 48 minutes 39 seconds East 60.00 feet; thence (34) South 37 degrees 58 minutes 39 seconds East 312.47 feet; thence (35) leaving said Stream, North 87 degrees 51 minutes 56 seconds West 225.60 feet; thence (36) South 02 degrees 12 minutes 19 seconds West 150.00 feet; thence (37) North 87 degrees 56 minutes 56 seconds West 88.30 feet to a Concrete Monument; thence (38) South 26 degrees 32 minutes 01 seconds East 215.32 feet to the northerly side of the aforementioned Maryland Highway No. 392; thence (39) crossing said Highway, South 00 degrees 48 minutes 09 seconds East 2299.25 feet to a Concrete Monument on the northerly side of the aforementioned Jackson Street; thence (40) by and with the northerly side of said Jackson Street and crossing the aforementioned Main Street or Maryland Highway No. 331, South 83 degrees 53 minutes 43 seconds West 2317.09 feet to the Place of Beginning, containing 790.819 Acres of Land, more or less. (Res. No. 2017-2, 6-12-18.)

ARTICLE III
The Council

Section 301. Number, Selection, Term.

a. All legislative powers of the Town are vested in a Council consisting of five Councilmembers who shall be elected as hereinafter provided and shall hold office for a term of years as set forth in Article VI, Section 609(a) set forth hereinafter or until the succeeding Council takes office. The regular term of Councilmembers shall expire on the first Monday in December following the election of their successors. Councilmembers holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter. The Council shall elect one of its members as its president. The Council President shall serve as the presiding officer at Council meetings in the absence of the Mayor.

b. The Town of Hurlock, Maryland, shall be divided into five Councilmanic districts, one of which shall be an at-large councilmanic district, as follows:

(1) Councilmanic District No. 1 shall be composed of that area of the Town beginning at the municipal corporate boundary of the Town to the northwest where it intersects Academy Street (MD 331); continuing along the municipal corporate boundary to the east as it intersects North Main Street, follows North Main Street in a northerly direction and continues until it intersects Broad Street (MD 307) on the easterly side of town; continuing west along Broad Street (MD 307) to the intersection of Broad Street and Academy Street (MD 331); continuing along Academy Street (MD 331) in a northerly direction to the intersection of Academy Street (MD 331) and Orchard Street; continuing in an easterly direction along Orchard Street to the intersection of Orchard Street and North Main Street; continuing in a northerly direction along North Main Street to the intersection of North Main Street and Mapleton Street; continuing in a westerly direction along Mapleton Street to the intersection of Mapleton Street and Academy Street (MD 331); and continuing in a northerly direction parallel to and to the east of Academy Street (MD 331), at the rear property line of those parcels fronting Academy Street (MD 331) to the point of beginning.

(2) Councilmanic District 2 shall be composed of that area of the Town beginning at the intersection of the northwesterly municipal corporate boundary and Oak Street (Cabin Creek-Hurlock Road); continuing in a northerly direction along the municipal corporate boundary to the intersection of the municipal corporate boundary and Academy Street (MD 331); continuing in a southeasterly direction parallel and to the west of Academy Street (MD 331) to the rear of the property line of those parcels fronting Academy Street (MD 331) to the intersection at Mapleton Street; continuing in an easterly direction along Mapleton Street to the intersection of Mapleton Street and North Main Street; continuing in a southerly direction along North Main Street to the intersection of North Main and Orchard Street; continuing in a westerly direction along Orchard Street to the intersection of

Orchard Street and Academy Street (MD 331); continuing in a southeasterly direction along Academy Street (MD 331) to the intersection of Academy Street (MD 331) and Broad Street (MD 307); continuing in an easterly direction along Broad Street (MD 307) to the intersection of Broad Street (MD 307) and Neelson Street; continuing in a southerly direction along Neelson Street to the intersection of Neelson Street and Delaware Avenue (MD 392); and continuing in a westerly direction along Delaware Avenue (MD 392) to the intersection of Delaware Avenue (MD 392) and South Main Street (MD 331); continuing in a northerly direction along South Main Street (MD 331) to the intersection of South Main Street (MD 331) and Gay Street; continuing in a westerly direction along Gay Street to the intersection of Gay Street and Charles Street; continuing in a northerly direction along Charles Street to the intersection of Charles Street and Poplar Street; continuing in a westerly direction along Poplar Street to the intersection of Poplar Street and Elm Street, continuing in a northerly direction along Elm Street to the intersection of Elm Street and Oak Street; and continuing in a westerly direction along Oak Street to the point of beginning.

(3) Councilmanic District No. 3 shall be composed of the area of Town beginning at the intersection of the municipal corporate boundary, Jackson Street and (MD 331); continuing along the municipal corporate boundary in a westerly direction; as it intersects (MD 392), continues westerly along (MD 392), continues further west and northwest until the municipal corporate boundary intersects Cabin Creek-Hurlock Road and continues in an easterly direction to the intersection of Cabin Creek-Hurlock Road (Oak Street) and Elm Street; continuing in a southerly direction along Elm Street to the intersection of Elm Street and Poplar Street; continuing in an easterly direction along Poplar Street to the intersection of Poplar Street and Charles Street; continuing in a southerly direction along Charles Street to the intersection of Charles Street and Gay Street; continuing in an easterly direction along Gay Street to the intersection of Gay Street and South Main Street; continuing in a southerly direction along South Main Street to the intersection of South Main Street and Delaware Avenue (MD 392); continuing along Delaware Avenue (MD 392) in an easterly direction to the intersection of Delaware Avenue (MD 392) and Railroad Avenue; continuing in a southerly direction along Railroad Avenue to the intersection of Railroad Avenue and Dorchester Avenue; continuing in a westerly direction along Dorchester Avenue to the intersection of Dorchester Avenue and South Main Street (MD 331); and continuing south along South Main Street to the point of beginning.

(4) Councilmanic District No. 4 shall be composed of that area of Town beginning at the intersection of Neelson Street and Broad Street (MD 307); continuing in an easterly direction along Broad Street (MD 307) and running concurrently with the easterly municipal corporate boundary; continuing along the easterly municipal corporate boundary as it turns in a generally southerly direction and then turns generally north, following (MD 331) (South Main Street); continuing in a northerly direction along (MD 331) (South Main Street) to the intersection of South Main Street (MD 331) and Dorchester Avenue; continuing in an easterly

direction along Dorchester Avenue to the intersection of Dorchester Avenue and Railroad Avenue; continuing in a northerly direction along Railroad Avenue to the intersection along Railroad Avenue and Delaware Avenue (MD 392); continuing in an easterly direction along Delaware Avenue (MD 392) to the intersection of Delaware Avenue (MD 392) and Neelson Street; and continuing in a northerly direction along Neelson Street to the point of beginning.

(5) Councilmanic District No. 5 shall be composed of the entire incorporated limits of the Town. (Res. No. 1987-1, 11-17-1987; Res. No. 1991-1, 5-14-1991; Res. No. 1999-1, 1-11-2000; Res. No. 2001-6, 9-25-2001; Res. No. 2012-1, 4-17-2012; Res. No. 2016-1, 11-1-2016.)

Section 302. Qualifications of Councilmembers.

Councilmembers shall be at least twenty-five years of age, shall have resided in the Town for at least one year immediately preceding their election, and shall be qualified voters of the Town. They shall maintain a permanent residence in the Town during their term of office.

Section 303. Salary of Councilmembers.

a. Each Councilmember shall receive an annual salary which shall be specified from time to time by the Council in the regular course of its business in accordance with a three-tiered plan based on the initial term or number of consecutive terms of each Councilmember with the salary capped at three consecutive terms plus the educational incentives hereinafter described. The three tiers shall be described as: 1st Term; 2nd Consecutive Term; and any 3rd Consecutive Term.

b. In the event of a vacancy on the Council, any person appointed to serve on the Council pursuant to Article III, Section 307, shall be paid at the same rate as a 1st Term Councilmember for the remainder of that term. If the Councilmember filling the vacancy is elected at the next applicable municipal election, that Councilmember shall be considered a 1st Term Councilmember and paid according to the 1st Term tier.

c. In addition to the above, upon completion of the Academy for Excellence in Local Governance program facilitated by and/or administered by the University of Maryland, College Park, and receipt of a graduation certificate, such Councilmembers shall receive annually, beginning in the year of receipt of such graduation certificate, an additional amount as set from time to time by the Council in the regular course of business.

d. In addition to the above, upon receipt of a certificate/graduate designation as a "Torchbearer" from the Academy for Excellence in Local Governance program facilitated by and/or administered by the University of Maryland, College Park, such Councilmembers shall receive annually, beginning in the year in which the "Torchbearer" certificate/graduate designation is received, an additional amount as set from time to time by the Council in the regular course of business.

e. The salary and educational incentives specified at the time any Councilmember takes office shall not be changed during the term for which that Councilmember was elected. The ordinance making any change in the salary and the educational incentives paid to the several Councilmembers either by way of increase or decrease, shall be finally adopted prior to the next municipal election for the affected members of the Council and shall take effect only as to the affected members of the Council following the next applicable municipal election.

(Res. No. 2019-1, 4-16-2019)

Section 304. Meeting of the Council.

The newly elected Council shall meet at 6:00 p.m. on the first Monday in December following its election for the purposes of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once per month. Special meetings may be called by the Town Manager upon the request of the Mayor or a majority of the members of the Councilmembers. Special meetings may also be called by the Mayor with the consent of a majority of the Council. In the absence of the Mayor, a majority of the members of the Council, may call a special meeting for a specific purpose. No matters other than those for which the special meeting was called shall be discussed at said meeting. All meetings of the Council shall be open to the public except in special and appropriate circumstances when meetings may be closed in accordance with Subtitle 2 of Title 3 of the General Provisions Article of the Annotated Code of Maryland, as amended, to wit: the Maryland Open Meetings Act. The rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any public meetings open to the public, excluding work sessions, in regard to any municipal question.

Regularly scheduled meetings, including any meetings scheduled during or under a declaration of a formal emergency by the Mayor pursuant to Article IV Section 404.a and any extensions thereof shall only be cancelled by the Town Manager and/or the Mayor with the consent of a majority of the Council.

(Res. No. 2012-4, 10-31-2012; Res. No. 2017-2, 6-12-2018; Res. No. 2020-1, 6-30-2020.)

Section 305. Quorum.

A majority of the Councilmembers shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Councilmembers.

Section 306. Procedure of Council.

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

Section 307. Vacancies on the Council.

In the event of a vacancy on the Council for any reason, the Council, by unanimous vote, shall appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term. If for any reason the Council cannot reach a unanimous vote to appoint a person to fill the vacancy on the Council within two (2) consecutive regular meetings of the Mayor and Council, then the Council, by majority vote, shall appoint a person from the list of responsive applicants to fill the vacancy at the next regular meeting of the Mayor and Council. (Res. No. 2012-1, 4-17-2012.)

Section 308. Ordinances.

a. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all members of the Council.

b. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over this veto.

c. A summary of each ordinance shall be published at least once in a newspaper having general circulation in the municipality. An unabridged copy of each ordinance shall be posted in the Town Hall for view by the public during regular business hours of the Town office. (Res. No. 2004-1, 7-13-2004.)

Section 309. Veto.

a. All ordinances passed by the Council shall be promptly delivered by the Town Manger to the Mayor for his or her approval or disapproval. If the Mayor approves any ordinance, he or she shall sign it. If the Mayor disapproves any ordinance, he or she shall not sign it.

b. The Mayor shall return all ordinances to the Town Manger within six (6) days after delivery to the Mayor (excluding the first day, including the last day, and excluding any Sunday) with his or her approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a message stating the reason for his or her disapproval. Any disapproved ordinances shall not become law unless subsequently passed by a unanimous vote of the Council within thirty-five (35) calendar days from the time of the return of the ordinance.

c. If the Mayor fails to return any ordinance within six (6) days of its delivery, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by him or her after it was passed by the Council. (Res. No. 2017-2, 6-12-2018.)

Section 310. Files of Ordinances.

Ordinances shall be permanently filed by the Town Manager and shall be kept available for public inspection. (Res. No. 2017-2, 6-12-2018.)

ARTICLE IV
The Mayor

Section 401. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The newly elected Mayor shall take office on the first Monday in December following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.

Section 402. Qualifications of Mayor.

The Mayor shall be at least twenty-five years of age, must have resided in the Town for at least one year immediately preceding his election and must be a qualified voter of the Town. He shall maintain a permanent residence in the Town during his term of office.

Section 403. Salary of the Mayor.

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

Section 404. Powers and Duties.

a. *General Duties.* The Mayor shall be the principal representative of the Town in all official and ceremonial matters, and before all Federal, State and local governmental bodies, including serving as the resident agent of the Town. The Mayor shall preside over the meetings of the Council and shall be entitled to actively engage in any discussion that occurs during the meetings of the Council. The Mayor is authorized to declare for the Town of Hurlock, when a formal emergency begins and ends. The Mayor shall also perform such other duties and functions as may be authorized or required of him or her under this Charter, or any amendments thereto, or by municipal ordinance.

b. *Personnel Duties.* The Mayor shall have a vote along with the Council on the issue of termination of the employment contract of:

- (1) any person who holds the position of Town Manager or acting Town Manager, and

(2) any department heads employed pursuant to an employment agreement which agreement is in effect prior to the effective date of this Charter provision, and which employment agreement provides for the Mayor's participation in the termination of employment.

c. *Voting and Veto Power.* Unless otherwise provided by a specific ordinance or other Charter provision or provisions, the Mayor shall only vote in the event of a tie vote of the Council. The Mayor shall have the power and authority to veto ordinances passed by the Council as set forth in Section 309 of this Charter.

d. *Effective Date.* The effective date of this Charter provision shall be the effective date of Charter Amendment Resolution No. 2017-2. (Res. 2017-1, 11-29-2017; Res. No. 2017-2, 6-12-2018.)

Section 405. Vacancy in the Office of the Mayor.

If, within a period of two years following any mayoral election, the office of the Mayor becomes vacant due to the death, resignation, or due to any other incapacity, a special election shall be held to elect a successor to serve the remainder of the present term. If such vacancy occurs after the first two years of the present term, the Council shall elect one of its own members to serve as the Mayor until the next regularly scheduled election. The Council President, in addition to his duties as the Council President and as a Councilmember, shall also serve as the acting Mayor in the event the office of the Mayor becomes vacant until such time as the office of Mayor has been filled following a special election or following an election of the Council of one of its own members to serve as Mayor provided for herein. The Council President shall have all of the powers and responsibilities of the office of Mayor while serving as the acting Mayor. (Res. 2018-1, 2-27-2018.)

ARTICLE V
General Powers

Section 501. General Powers

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

b. *Specific Powers.* The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of this State, for the specific purposes provided in the remaining subsections of this section.

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

(2) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

(4) *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.

(5) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Council; to borrow money in accordance with the provisions of this Charter.

(6) *Fire.* To contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards; to forbid and prohibit the use of fire-hazardous buildings and structures; to regulate or prevent the use of bonfires, explosives, or any other similar matters which may endanger persons or property; to take all other measures necessary to control and prevent fire in the Town.

(7) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article 23 and 78 of the Annotated Code of Maryland (1957 edition, as amended). No franchise shall be granted for a longer period than fifty (50) years.

(8) *Health.* To protect and preserve the health of the Town and its inhabitants; to regulate, inspect, and abate any buildings, structures, or places which cause or may cause any unsanitary conditions or conditions detrimental to health. To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize

such work to be done by the proper officers and to assess the expense thereof against such property. Provided, however, that the exercise of these powers shall not 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 to [of] health.

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

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

(11) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.

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

(13) *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.

(14) *Parks and Recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(15) *Planning and Zoning.* To exercise the power as to planning and zoning, conferred upon municipal corporations generally in Article 66B [the Land Use Article] of the Annotated Code of Maryland (1957 edition, as amended) subject however to the limitations and provisions of said article.

(16) *Police Force.* To establish, operate, and maintain a police force.