

CHARTER  
OF THE TOWN  
OF  
EAGLE HARBOR

PRINCE GEORGE'S COUNTY  
MARYLAND

Joseph C. Lomax, Jr.  
TOWN MAYOR

As found in the Public Local Laws of  
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# CHARTER OF THE TOWN OF EAGLE HARBOR

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# CHARTER OF THE TOWN OF EAGLE HARBOR

## ARTICLE I THE TOWN'S POWERS AND LIMITS

### §1. General Corporate Powers

The citizens of the Town of Eagle Harbor, located in Prince George's County, Maryland, within the provisions of this Charter, within the corporate limits legally established from time to time, are hereby constituted and/or continued a body corporated by the name of the "Town of Eagle Harbor," with all privileges of a body and by that name may have a perpetual succession, sue and be sued, to plead and be impleaded in any court of law or equity, to purchase, hold, sell, and dispose of real, personal and mixed property for municipal purposes, and to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. Within this Charter, the General Ordinances, Notices, and any other official document of the Town of Eagle Harbor, the term "Town" shall mean and refer, as appropriate, to the Town of Eagle Harbor, The Town Commissioners of Eagle Harbor, and/or any official acts of any person, agent, official, committee, or entity acting on behalf of the Town.

### §2. Town's Corporate Limits

The corporate boundaries of the Town of Eagle Harbor shall be as defined and included within the plat of the Eagle Harbor subdivision, as the said plat is now designated and recorded among the Land Records of the Circuit Court for Prince George's County, Maryland at Liber S.D.H. 3, Folio 22.

### §3. Recordation of Town's Corporate Boundaries

The corporate boundaries of the Town of Eagle Harbor shall be filed at all times with the Clerk of the Circuit Court for Prince George's County. In addition, a copy of the corporate boundaries shall be on file in the office of the Mayor or of the Town Treasurer-Clerk. All such descriptions of corporate boundaries shall be recorded and filed in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

## ARTICLE II THE BOARD OF TOWN COMMISSIONERS

### §1. Number, Selection, and Term of Town Commissioners

All legislative powers of the Town shall be vested in a corporate body designated as the "Board of Town Commissioners for Eagle Harbor," consisting of five (5) Town Commissioners who shall each be elected at-large as hereinafter provided and who shall hold office for a term period of two years or until the succeeding Board of Town Commissioners take office. The regular term of the Town Commissioners shall expire on the second Friday in September following the election of their successors who shall take

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office on the second Saturday in September following their election. Town Commissioners 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 Town Commissioners takes office under the provisions of this Charter.

### §2. Election of Chairman of the Town Commissioners

The Town Commissioners shall, at their first meeting after election, elect a Chairman of the Board of Town Commissioners from among its members who shall act as Chairman of the Board of Town Commissioners and the ceremonial Mayor of the Town and shall be identified as the Chairman of the Town Commissioners, the Town Mayor, and/or the Chairman-Mayor.

### §3. Qualifications of Town Commissioners

The Town Commissioners shall be at least, twenty-five (25) years of age and qualified voters of the Town for at least one year prior to their election. The Election Clerk, who is appointed by the Chairman-Mayor under §10 of this Article, shall be the judge of the election and qualification of candidates for election to the Town's Board of Commissioners. The Election Clerk shall keep a list of the names of all persons who voted at any election and the names of any person who, by them, has been refused the privilege of voting, which list shall be turned over to the Town Commissioners within five (5) days after the election to which it relates.

### §4. Compensation of the Town Commissioners

No salary shall be given to any member of the Board of Town Commissioners. The Board of Town Commissioners, however, may establish for themselves, by majority vote, compensation to be received by them for their term while on the Board. If compensation is established, then each Commissioner shall receive an amount that shall be equal for all Town Commissioners and shall be as specified from time to time by an ordinance passed by the Board in the regular course of its business; provided, however, that the compensation specified at the time any Board takes office shall not be changed during the period for which that Board was elected. The ordinance making any change in the compensation paid to the Town Commissioners, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Board of Town Commissioners.

### §5. Organization and Procedure of Town Commissioners

The Board of Town Commissioners shall pass laws and by-laws for their own government while in session. The Board shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection.

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### §6. Meetings of the Board of Town Commissioners

The newly-elected Board shall meet at the Town's designated community center on the first Saturday in September following its election at 11:00 a.m. At that meeting, the Board of Town Commissioners shall meet and establish a regular meeting date and time, and such regular meetings shall not be less frequent than once each month. Special meetings shall be called by the Treasurer-Clerk, upon the request of the Chairman-Mayor or a majority of the members of the Board of Town Commissioners, who shall send out notice of the special meeting at least five (5) days prior to the special meeting. All meetings of the Board of Town Commissioners shall be open to the public except as provided for in Title 10, Subtitle 5 of the State Government Article of the Maryland Annotated Code, and the rules of the Board shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to the any municipal question unless the session or a portion of the session is closed to the public.

### §7. Vacancies in the Board of Town Commissioners

A vacancy on the Board may be created for any of the following reasons: (1) resignation; (2) death; (3) disqualification; (4) failure of a person elected as a Town Commissioner to qualify within thirty days after his or her election; or (5) any other reason not herein specified upon unanimous vote of all the remaining Board members.

### §8. Filling Vacancies in the Board of Town Commissioners

In case of a vacancy on the Board of Town Commissioners for any reason, the Board shall elect a qualified person to fill such vacancy until the next general election at which time, if the seat vacated has not expired, the unexpired term shall be filled by election. Any vacancies on the Board shall be filled by the favorable votes of a majority of the remaining members of the Board. The results of any such vote shall be recorded in the minutes of the Board.

### §9. Quorum

Three (3) of the members of the Town Commission shall constitute a quorum for the opening and closing of meetings and the transaction of business. A majority of the Town Commissioners present shall decide the outcome of any matter voted upon except for the passage of any ordinance, any charter amendment resolution, or any resolution authorizing or determining matters relating to tax anticipation, general obligation or revenue indebtedness of the Town. No ordinance (irrespective of the subject matter), no charter amendment resolution (irrespective of the subject matter), and no resolution authorizing or determining matters relating to tax anticipation, general obligation or revenue indebtedness of the Town shall be passed or approved without the favorable votes of a majority of the whole number of members elected to the Town Commission.

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### §10. Treasurer-Clerk.

A. Appointment. The Chairman-Mayor shall appoint a Treasurer-Clerk, who shall be approved by the Board, to serve at the pleasure of the Board. The Treasurer-Clerk shall be the chief financial officer of the Town under the supervision of the Board. The Treasurer-Clerk shall serve as Clerk to the Board, attend every meeting of the Board, keep a full and accurate account of the proceedings of the Board, and keep such other records and perform such other duties as may be required by this Charter or the Board.

B. Compensation. The Town Commissioners may establish a reasonable compensation for the Treasurer-Clerk, provided however, that the compensation specified for such position at the time any person takes the office of Treasurer-Clerk shall not be changed during the period for which that person was elected.

### §11. Treasurer's Bond

The Town's Treasurer-Clerk shall give bond to the Town Commissioners in such penalty and with such surety or sureties as said Town Commissioners may require, conditioned upon the faithful performance of the duties of his or her office. The premium on said bond shall be paid for by the Town Commissioners.

### §12. Health Officers

The Town Commissioners may annually appoint one or more health officers for the Town who shall perform such duties as the Town Commissioners may require by such health ordinances as they may pass for the protection and preservation of the health of the citizens of the Town.

### §13. Park Commission

The Town Commissioners of Eagle Harbor shall have authority to appoint a Park Commission, consisting of five members, for a term of two years. The Park Commission shall have charge and control of all public parks and squares belonging to and controlled by or in the custody of the Town Commissioners.

### §14. Passage of Ordinances

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Board of Town Commissioners held not less than six (6) nor more than seventy (70) 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 four (4) members of the Board. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty-one (21) calendar days following approval by the Board. An emergency ordinance shall become effective on the



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date specified in the ordinance, but no ordinance shall become effective until approved by the Board. The exact text of each ordinance shall be posted on a bulletin board in the Town office for twenty (20) successive days following its passage.

### §15. Processing Referendums

If, before the expiration of twenty (20) calendar days following the passage of any ordinance by the Board of Town Commissioners, a petition is filed with the Treasurer-Clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Board shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Board's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed that authorizes levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Article VI, §§ 15-16 of this Charter. The provisions of this section shall be self-executing, but the Board may adopt ordinances in furtherance of these provisions and not in conflict with them.

### §16. Filing of Ordinances

Upon passage, any and all ordinances shall be permanently filed by the Treasurer-Clerk and kept available for public inspection during the normal business hours of the Town. An annual compilation of all public ordinances of general application and continuing force that have been enacted during the year will be supplemented to the most recent Code of Ordinances and filed with the Maryland State Department of Legislative Services.

### §17. Publication of Ordinances

After twenty (20) days have elapsed, a fair summary of each ordinance enacted shall be published at least once in a newspaper or newspapers having general circulation in the Town.

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### §18. Appointment of Town Attorney

The Chairman-Mayor, with the approval of the Board, may appoint a Town attorney. The Town attorney shall be a member of the bar of Maryland Court of Appeals. The Town attorney shall be the legal advisor of the Town and perform such duties in connection as may be required by the Board. His or her compensation shall be determined by the Board. The Town shall have the power to employ such legal consultants as it deems necessary from time to time.

## ARTICLE III POWERS OF THE BOARD OF TOWN COMMISSIONERS

### §1. General Powers

(a) Administrative. The Board of Town Commissioners shall have the authority to create, change or abolish offices and departments and to assign additional functions to offices and departments but not including the power to create, change, abolish or discontinue any office or department or to transfer any function of an office or department established by the Board.

(b) Legislative. The Board of Town Commissioners may pass such ordinances, not inconsistent with the United States Constitution and the laws of the State of Maryland, or this Charter, as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town and visitors thereto and sojourners therein.

(c) Financial. The Board of Town Commissioners shall have complete supervision over the financial administration of the Town government, shall have the authority to prepare an annual budget, to supervise the disbursement of all monies, and to control all expenditures so as to assure that the budget appropriations are not exceeded.

### §2. Specific Powers

The Board of Town Commissioners shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state for the following specific purposes:

- (1) Advertising. To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.
- (2) Aisles. To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement and to regulate the construction and operation of the doors and means of egress therefrom.

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- (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 Board of Town Commissioners.
- (5) Auctioneers. To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.
- (6) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the Town.
- (7) Billiards. To make it unlawful for any person, firm or corporation to keep, maintain, or conduct in Eagle Harbor, a public billiard, pool parlor, or a room with a public pool table or tables, and the Commissioners of Eagle Harbor shall have no authority or power to, and shall not, grant a permit and;/or license for any such activities.
- (8) Bridges. To erect and maintain bridges.
- (9) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the Town and to grant building permits for the same; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and inspections; and to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or in part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.
- (10) Cemeteries. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- (11) Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.
- (12) Community Services. To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the Town.
- (13) Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of any governmental functions.

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- (14) Curfew. To prohibit the youth of the Town from being in the streets, lanes, alleys or public places at unreasonable hours of the night.
- (15) Dangerous conditions. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- (16) Departments. To create, change and abolish offices, departments or agencies other than offices, departments and agencies established by this Charter and to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.
- (17) Disorderly houses. To suppress bawdy houses, disorderly houses and houses of ill fame.
- (18) Dogs. To regulate the keeping of dogs in the Town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.
- (19) Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
- (20) Explosives. To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.
- (21) Filth. To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.
- (22) Finances. To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose and to have general management and control of the finances of the Town.
- (23) Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire

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companies serving the Town; 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 Town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

- (24) Food. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products.
- (25) Franchises. To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.
- (26) Gambling. To restrain and prohibit gambling.
- (27) Garbage. To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points and to require slops, garbage, ashes and other waste or 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 Town and to revoke such licenses for cause.
- (30) Health. To protect and preserve the health of the Town 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 Town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; and to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health, provided that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any public general or local law relating to the subject of health.