

CHARTER OF THE TOWN OF EAGLE HARBOR

- (31) House Numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same or, in default thereof, to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.
- (32) Jail. To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the Town or to 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 Town for the sale of any goods, wares, merchandise or services, to license and regulate any business, occupation, trade, calling or place of amusement or business and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (34) Liens. To provide that any valid charges, taxes or assessments made against any real property within the Town shall be liens upon such property, to be collected as municipal taxes are collected.
- (35) Lights. To provide for the lighting of the Town.
- (36) Livestock. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals and to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.
- (37) Markets. To obtain by lease or rent, own, construct, purchase, operate and maintain public markets within the Town.
- (38) Minor privileges. To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.
- (39) Noise. To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.
- (40) Nuisances. To prevent or abate by appropriate 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, prohibit, control the location of or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of

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enumeration, not limitation.

- (41) Obstructions. To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto or any other places within the limits of the Town.
- (42) Planning and zoning. To exercise the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.
- (43) Parking facilities. To license, regulate, establish, obtain by purchase, obtain by lease or rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.
- (44) Parking meters. To install parking meters on the streets and public places of the Town in such places as it shall, by ordinance, determine and, by ordinance, 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 Roads Commission of Maryland must first be approved by the Commission.
- (45) 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.
- (46) Police force. To establish, operate and maintain a police force.
- (47) Police powers. To prohibit, suppress and punish within the Town all vice, gambling and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; and all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.
- (48) Property. To acquire, by conveyance, purchase or gift, real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the Town 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 (20) days' notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the Town.
- (49) Quarantine. To establish quarantine regulations in the interests of the public health.
- (50) Regulations. To adopt by ordinance and enforce within the corporate

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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.

- (51) Regulation and Control of Town Elections. To provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of nomination and Town elections and for the prevention of fraud in connecting therewith and for a recount of ballots in case of doubt or fraud.
- (52) Streets and Sidewalks. To regulate the use of streets, sidewalks and all structures in, under or above the same, to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions and to prescribe hours for cleaning sidewalks.
- (53) 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 Town.
- (54) Taxicabs. To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.
- (55) Vehicles. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.
- (56) Voting machines. To purchase, lease, borrow, install and maintain voting machines for use in Town elections.

§3. Savings clause

The enumeration of powers in Article III, §2 of this Charter is not to be construed as limiting the powers of the Town to the several subjects mentioned.

§4. Exercise of Powers

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

§5. Enforcement of Ordinances

To ensure the observance of the ordinances of the Town, the Board of Town Commissioners shall have the power to provide that violation thereof shall be a misdemeanor or an infraction and shall have the power to affix thereto penalties as

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provided in and pursuant to Article XI, §3 of this Charter. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance or resolution passed under the authority of this Charter shall have the right of appeal within ten (10) days to the Circuit Court of Prince George's County. The Board of Town Commissioners may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

ARTICLE IV

VOTER QUALIFICATION, REGISTRATION, AND ELECTION PROCEDURES

§1. Qualifications of Voters

Every person who is (1) a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the Town for at least six months out of the year immediately preceding any Town election or who owns real property within the Town's corporate limits, (4) is registered in accordance with the provisions of this charter, and (5) establishes proof of residency as required by the Town in §9B of this Article, shall be a "qualified voter of the Town." The Board of Town Commissioners shall be the judge of the qualification of its voters.

§2. Election Judges

The election shall be conducted by three election judges and one election clerk to be appointed by the Board of Town Commissioners prior to each election. In the event that any election judge or election clerk after appointment is unable or declines to serve, the remaining judges shall name some one to take his or her place.

§3. Duties of Election Clerk

The Election Clerk shall be in charge of all Town elections and shall not be a candidate for any elective office during his or her appointment as Election Clerk.

§4. Time and Place of Elections

The election for the Town's Board of Commissioners shall be held on the second Saturday in August of each odd-numbered year at a place to be designated by the Board of Town Commissioners, at which election the polls shall remain open from 10:00 a.m. until 6:00 p.m. Suitable ballot boxes, polling places and printed ballots shall be provided by the Election Clerk.

§5. Conduct of Elections

At least thirty (30) days before any election, the Town Commissioners shall insert a notice of elections for two consecutive weeks in a newspaper in general circulation throughout Prince George's County, and shall cause to be posted in five conspicuous

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places in the Town, notice of said election, designating the place of voting, the operating hours the polls, and the names of the election judges and the election clerk.

§6. Candidates for Election

Any person desiring to become a candidate for any elective office in the Town shall at least forty-five (45) days before an election, file or cause to be filed with the, the Election Clerk, a petition stating that he or she is a candidate for the office, which petition must be filed by such person and endorsed by at least fifteen registered voters. Upon the filing of said petition the Town Commissioners shall print such person's name upon the ballot with a square opposite each name and there shall appear a statement instructing the voter as to how many persons to vote for.

§7. Vote Count

Immediately upon the closing of the polls, the ballots shall be publicly counted, and the election judges, within two (2) days thereafter, shall make a truthful and correct return to the Chairman-Mayor of the said Town Commissioners, and within ten (10) days thereafter, the Board of Town Commissioners shall meet and declare those qualified persons receiving the highest number of votes duly elected.

§8. Procedure for Voting Ties

In the event two or more persons seeking election to the Board of Town Commissioners receive the same number of votes so that there is no choice for a seat and/or seats on the Board, a new election among the tied candidates shall be immediately proclaimed by the Board of Town Commissioners, which election shall be held on the first available Friday after five (5) days notice is given to the Town pursuant to the terms expressed in Article IV, §5 of this Charter.

§9. Registration of Voters

A. There shall be a registration of qualified persons not registered to vote at the Town's designated community center from 12 p.m. to 4 p.m. on the first Saturday in June each year. The Board of Town Commissioners may designate additional days as registration days.

B. Proof of residency, as expressed in § 1 of this Article, is established by the presentation of the following documents during the Town's registration period:

1. A valid and current property deed, mortgage and/or property tax bill indicating current ownership of the Town of Eagle Harbor property by the applicant; or
2. A valid Maryland state driver's license indicating that the applicant's resides in the Town of the Eagle Harbor and

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3. Copies of at least two (2) different bills, i.e. utility, credit, or bank statements, mailed to the applicant at a Town in the last three (3) months.

C. The Board shall cancel a registration of any persons that fails to vote at least once at a general or special election within the five (5) preceding calendar years; has been declared to be mentally disabled and/or handicapped by either a court or medical professional; or has failed to meet the qualifications enumerated in Article IV §1 of this Charter. Unless registration is canceled, a person registered and qualified to vote shall not be required to re-register. The Election Clerk shall keep a list of registered voters, updated bi-annually (January 1 and July 1) of each year and shall be responsible for striking from said list any and all persons who have died, been removed from the list, and/or have been disqualified as a voter pursuant to this Article and/or other binding authority.

§10. Absentee Votes

Any registered voter is entitled to vote in the Town election by absentee ballot. It shall be the duty of the Election Clerk to transmit and receive applications for absentee ballots and to provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote. Absentee ballots must be received on or before the election day, prior to the closing of the polls, to be counted. The Election Clerk shall keep, for six (6) months after the close of election, all identifying information relative to an absentee vote, including all stamped and/or postal service processed envelopes and/or any dated information demonstrating proof of absentee vote and receipt of absentee vote by the Town.

§11. List of Eligible Voters

The list of eligible voters shall be created, maintained, and forwarded by the Election Clerk to the Treasurer-Clerk in accordance with federal and state law.

§12. Notice of Election Days

The Treasurer-Clerk shall give at least thirty (30) days prior notice of every election by an advertisement published in at least one (1) newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town

§13. Removal of Voters from Registry

An election judge may remove a voter from the registry pursuant to § 3-502 of Article 33 of the Annotated Code of Maryland

§14. Challenges and Appeal of Voter Registration

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A. A person who feels aggrieved by any action of a local board regarding voter registration may file a challenge with that local board pursuant to § 3-602 of Article 33 of the Annotated Code of Maryland (1957 edition, as amended).

B. A party who is aggrieved by the final decision in a hearing by a local board is entitled to judicial review of the decision as provided in § 3-603 of Article 33 of the Annotated Code of Maryland.

§15. Certificate of Nomination

A. Persons may be nominated for elective office in the Town by filing a certificate of nomination signed by fifteen (15) registered voters in the Town. Such certificate shall state the following:

- (1) The name of the candidate;
- (2) A statement that the signers of the certificate are registered voters; and
- (3) That the signers support the candidate's participation in the election.

B. The certificate shall be filed with the Election Clerk at least forty-five (45) calendar days prior to the election. No person shall file for nomination to more than one (1) elective Town public office nor hold more than one (1) elective Town public office at any one (1) time.

§16. Special Elections

All special Town elections shall be conducted by the Treasurer-Clerk in the same manner and with the same personnel, as far as practicable, as regular Town elections.

§17. Preservation of Ballots.

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

§18. Equal Privileges of Town Residents

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

(b) Race. All persons, no matter their racial or ethnic background, shall have equal privileges with regards to registering, voting, and holding Town offices.

(c) Religion. All persons, no matter their religious background or affiliation, shall

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have equal privileges with regards to registering, voting, and holding Town offices.

ARTICLE V. TOWN EMPLOYEES

§1. The Authority to Employ Personnel

The Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government. There shall be no discrimination on the basis of race, color, gender, religious affiliation, or sexual orientation in the employment of Town employees.

§2. The Authority to Establish a Merit System

The Town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Board of Town Commissioners 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, compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The Town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system as provided in State law.

§3. Definition of Unclassified and Classified Service

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

(a) **Unclassified Service.** The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

- (i) The Board of Town Commissioners, and persons appointed to fill vacancies in these positions.
- (ii) The Treasurer-Clerk and Town Attorney.
- (iii) The heads of all offices, departments and agencies and members of Town boards and commissions.
- (iv) Part-time, temporary, and unpaid offices and positions.

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- (b) **Classified Service.** The classified service shall comprise all positions not specifically named in subsection (a) of this Section. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

§4. Compensation and Benefits

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Board of Town Commissioners, subject to the restrictions imposed upon establishing the salaries of the councilmen. The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expand public monies of the Town for such programs.

§5. Retirement

The Town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town.

§6. Prohibitions and Penalties

- (a) **Prohibitions.** No person in the classified service of the Town or seeking admission thereto shall be appointed, promoted, demoted,, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the Town shall continue in such positions after becoming a candidate of nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the Town shall either directly or indirectly give, render, or pay 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 whatsoever from any person holding a position in the classified service of the Town; no person holding a position in the classified service of the Town shall make any contribution to the campaign funds or [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

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public office, further than in exercise of his right as a citizen to express his opinion and to cast his vote.

- (b) Penalties. 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 or [of] not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. 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 Town service, and shall, if he or she is an officer or employee of the Town, immediately forfeit the office or position he holds.

ARTICLE VI THE TOWN'S FINANCE

§1. Powers and Duties of the Treasurer-Clerk

Under the supervision of the Commissioners, the Treasurer-Clerk shall have authority and shall be required to:

- (a) prepare at the request of the Town Commissioners an annual budget to be submitted to the Town Commissioners.
- (b) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the Town Commissioners may require, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the Town Commissioners may require, a complete financial report to the Town Commissioners.
- (e) Ascertain that all taxable property within the Town is assessed for taxation.
- (f) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
- (g) Do such other things in relation to the fiscal or financial affairs of the Town as the Town Commissioners may require or as may be required elsewhere in this Charter.

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§2. Surety Bond

The Treasurer-Clerk shall provide a bond with such corporate surety and in such amount as the Town Commissioners by ordinance may require.

§3. The Fiscal Year

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

§4. Submission of the Budget

The Chairman-Mayor of the Board of Town Commissioners, on such date as the Town Commissioners by ordinance shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Town Commissioners. 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 be equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Treasurer-Clerk, open to public inspection by anyone during normal business hours.

§5. Adoption of the Budget

Before adopting the budget, the Town Commissioners shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Town Commissioners may insert new items or may increase or decrease the items of the budget. Where the Town Commissioners 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 an ordinance. A favorable vote of at least a majority of the total elected membership of the Town Commissioners shall be necessary for adoption of the budget.

§6. Appropriations

No public money may be expended without having been appropriated by the Town Commissioners. 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.

§7. The Transfer of Funds

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

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§8. Over-Expenditures Prohibited

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 expenditures of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditures pursuant to this Charter. Any contract, verbal or written, made in violation of the Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts of the borrowing or spending of money for capital improvements to be financed in whole or in part by issuance of bonds, or monies otherwise borrowed by the Town, 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.

§9. Lapse of Appropriations; Unexpended Funds.

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.

§10. Issuance and Signing of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by both the Treasurer-Clerk and the Chairman-Mayor or by the Chairman-Mayor and a member of the Board of Town Commissioners.

§11. Taxable Property

All real property and all tangible personal property within the corporate limits of the Town or personal property which may have a situs there by reason of the residence of the owner therein is subject to taxation for municipal purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

§12. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Treasurer-Clerk. The Board of Town Commissioners may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than five thousand dollars (\$5,000.00) shall be made on written contract. The Treasurer-Clerk shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the lowest responsible bidder, taking into consideration such factors (but not by way of

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limitation) as quality of goods and work, time of delivery or completion and past performances of the bidder. All such written contracts shall be approved by the Board of Town Commissioners before becoming effective. The Board shall have the right to reject all bids and re-advertise. The Town, at any time, at its discretion, may employ its own 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 Town may require.

§13. Possession of and Accounting for Fees

All fees received by a Town officer or Town employee of the Town government in his/her official capacity shall belong to the Town government and be accounted for to the Town.

§14. Auditing

The financial books and accounts of the Town shall be audited annually.

§15. Power of Town to Levy Special Taxes and Assessments

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid, in whole or in part, by special 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 Town and any other item of cost which may reasonably be attributed to the project.

§16. Procedure for Special Assessments

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 Board of Town Commissioners.
- 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 Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of