

## CHARTER OF THE TOWN OF EAGLE HARBOR

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 charged different rates, but, except for this, any rate shall be uniform.
- D. All special assessment charges shall be levied by the Board of Town Commissioners by ordinance. Before levying any special assessment charges, the Board of Town Commissioners shall hold a public hearing. The Treasurer-Clerk 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 Treasurer-Clerk and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Treasurer-Clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Treasurer-Clerk shall have completed publication and service of notice as provided in this section. Following the hearing, the Treasurer-Clerk, at 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 (10) days after the levying of any assessment by the Board of Town Commissioners.
- F. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Board of Town Commissioners may determine. The Board of Town Commissioners 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 Board of Town Commissioners.
- G. All special assessment installments shall be overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

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- H. All special assessments shall be billed and collected by the Treasurer-Clerk.

### **ARTICLE VII TOWN HOLDINGS**

#### **§1. Acquisition, Possession and Disposal**

The Town may acquire real, personal or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds and franchises of every kind belonging to or in the possession of the Town, by whatever prior name known, at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

#### **§2. Condemnation**

The Town shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland (1951 Edition, as amended), title, "Eminent Domain." 11.

#### **§3. Acquisition and Maintenance of Buildings for Town Government**

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

#### **§4. Protection**

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

### **ARTICLE VIII PUBLIC WAYS AND SIDEWALKS**

#### **§ 1. Public Ways**

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

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### § 2. Control and Maintenance by Town; Exceptions

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland, the Town Charter, and the Town's Ordinances, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town.

### § 3. Powers of Town Regarding Public Ways

Regarding public ways, the Town shall have the power to:

- A. Establish, regulate and change from time to time the grade lines, width and construction materials of any Town public way or part thereof, bridges, curbs and gutters.
- B. Grade, lay out, construct, open, extend and make new Town public ways.
- C. Grade, straighten, widen, alter, improve or close up any existing Town public way or part thereof.
- D. Pave, surface, repave or resurface any Town public way or part thereof.
- E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any Town public way or part thereof.
- F. Construct, reconstruct, maintain and repair bridges.
- G. Name Town public ways.
- H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

### § 4. Powers of Town Regarding Sidewalks

Regarding sidewalks, the Town shall have the power to:

- A. Establish, regulate and change from time to time the grade lines, width and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.
- B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on Town property along any public way or part thereof.

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- C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.
- D. Require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

### § 5. Powers of Town Regarding Weed Control

- A. The Town Commissioners shall have the power to prevent or abate, by appropriate ordinance, all nuisances in the Town which are so defined at common-law, by this Charter, and/or by the laws of the State of Maryland, whether the same be herein specifically named or not, to regulate and control the cutting of weeds, grass or deleterious, unhealthful growth or other noxious matter that may be growing, lying, or located on any lot, place or area within the Town.
- B. The Town Commissioners shall have the power, upon the failure of an owner to comply after proper notice by the Town, to abate the nuisance or correct the condition authorized to be controlled or regulated by this section, and charge the owner, occupant, and/or agent of the property and/or record a lien against the property, in the appropriate amount, which shall be collectable by the Town in the same manner as taxes or by suit at law.

## ARTICLE IX WATER AND SEWERS

### §1 Powers of Town

The Town shall have the power to:

- A. Construct, operate, and maintain a water system and water plant
- B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.

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- E. Have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

### §2 Submission of Plans and Written Approval Required Prior to Construction of Structures in Public Ways; Penalties

Any public service corporation, company or individual, before beginning any construction of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Town may order it removed.

### §3 Removal of Obstructions Upon Notice; Use of Condemnation Powers; Penalties

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the Town or in the county which impede the establishment, construction or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Article VII, §2 of this Charter. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

### §4 Right of Entry on County Public Ways; Notification Required

The Town 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 Prince George's County, the Town 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.

### §5 Connections to Water and Sewer Mains; Disposition of Cesspools, Privies and Wells, Penalties

The Town 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 ready for operation by the Town, all

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abutting property owners, after reasonable notice, shall be required to connect all fixtures with the water or sewer main. The Town 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.

### §6. Connection Charges

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

### §7. Prevention of Waste or Improper Use of System

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

### §8. Operation and Maintenance of Private Systems; Penalties

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

### §9 Extension of Water and Sewer Mains

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

### §10. Right of Entry for Access to Installations; Penalties

Any employee or agent of the Town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the Town, shall have the right of entry for access to water or sewer installations, at all reasonable hours

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and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the Town or in the county served by the Town's water or sewage disposal system. Any restraint or hinderance 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.

### §11. Pollution of Water Supply Prohibited; Penalties

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in the Town water supply system. Any violation of the provisions of this section shall be a misdemeanor.

### §12. Contracts for Water or Sewage Removal.

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

### §13. Service Rates and Charges; Collection

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Treasurer-Clerk, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

## **ARTICLE X TOWN'S BONDS AND BORROWING**

### §1. Bonds, Generally

The Treasurer-Clerk and such other officers or employees of the Town, as the Town Commissioners or this Charter may require, shall give bond in such amount and with such surety as may be required by the Board of Town Commissioners. The premiums on such bonds shall be paid by the Town.

### §2. Tax Anticipation Borrowing

During the first six (6) months of any fiscal year, the Town 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 (6) 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 Town to exceed fifty per centum (50%) of the

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property tax levy for the fiscal year in which such notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Board of Town Commissioner shall have the powers to regulate all matters concerning the issuance and sale of tax anticipation notes.

### §3. General Obligation Borrowing.

(a) The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this Section.

(b) As determined by or provided for in the authorizing ordinance and/or resolution of the Town Commissioners, the general obligation bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication or dissemination of the notice of sale, as determined by the Town Commissioners by ordinance or resolution;

(2) For a price or prices that may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Town Commissioners; and

(4) For cash or other valuable consideration.

(c) The ordinance or resolution that authorizes the general obligation bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity, at such price or prices at, above or below par value as determined or provided for by the Town Commissioners, and for the manner of publishing or otherwise giving notice of such redemption, and may contain such other provisions regarding the terms, conditions, issuance, sale and delivery of such bonds, notes or other evidences of indebtedness as the Town Commissioners may determine necessary or desirable.

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

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

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

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

(h) In connection with the authorization of its general obligation bonds, notes or other evidences of indebtedness, the Town may pledge to the payment thereof, or provide that such obligations shall be payable in the first instance from, any other sources of revenue available to the Town.

(i) The power and obligation of the Town to pay any and all general obligation bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter or other applicable law shall be unlimited except as hereinabove provided, and the Town shall levy ad valorem taxes upon all taxable property in the Town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon without limitation of rate or amount.

(j) Pursuant to an ordinance or resolution passed in accordance with this section, the Town Commissioners may delegate to one or more named elected or appointed officials of the Town the authority to make on behalf of the Town any such determinations with respect to any general obligation borrowing as they deem appropriate.

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

(l) All general obligation bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter, as amended, and all ordinances and 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.

### §4. Long-Term Borrowing

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A. Such borrowing or indebtedness shall be evidenced by the issuance of general obligation coupon bonds, the same to be issued, sold and delivered in accordance with the terms and conditions of an ordinance or ordinances passed in conformity with and pursuant to the authority of §§ 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), Title, "Corporations-Municipal;" Subtitle, "Home Rule;" Subheading, "Creation of Municipal Public Debt;" provided, however, that if the ordinance or ordinances authorizing the issuance of said bonds shall so specify, said bonds may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids.

B. The maturing principal of and interest of said bonds may be paid, in whole or in part, from the proceeds of such benefit assessments or connection or service charges, or any combination thereof, as the Town of Eagle Harbor may levy, impose, and collect from time to time during and for any period of time not exceeding the life of said bonds, power and authority so to do being hereby specifically granted.

### §5. Revenue Bonds, Notes or Other Evidences of Indebtedness

(a) In addition to any other authority conferred by applicable law, the Town shall have the power to borrow money to finance or refinance undertakings for the accomplishment of any of the purposes, objects and powers of the Town and, in connection therewith, to issue bonds, notes or other evidences of indebtedness (including refunding bonds, notes or other evidences of indebtedness), all of which shall be fully negotiable and payable as to both principal and interest solely from, and secured solely by, a pledge of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken in whole or in part by issuance of said bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Town Commissioners, or (5) any combination of (1), (2), (3) or (4). Any and all of such revenue bonds, notes or other evidences of indebtedness shall not be general obligations of the Town and shall never constitute an indebtedness or a charge against the general credit or taxing powers of the Town within the meaning of any constitutional, statutory or charter provision limiting or restricting the issuance or sale of bonds, notes or other evidences of indebtedness of the Town, and shall never constitute or give rise to any pecuniary liability of the Town.

(b) Any and all revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section shall be authorized by ordinance. Any such ordinance may prescribe, among other things, certain matters pertaining to such revenue bonds, notes or other evidences of indebtedness including, without limitation, the form and tenor thereof; the terms, provisions and conditions thereof; the manner or method of issuance and sale thereof (which may be at public sale

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following the solicitation of competitive bids, or by private negotiated sale without advertisement or publication of the notice of sale or solicitation of competitive bids, as the Town Commissioners may deem appropriate and which need not be in the manner set forth in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time); the time or times of issuance thereof; and any and all other details incident to any such revenue bonds, notes or other evidences of indebtedness and the issuance, sale and delivery thereof and of any and all transactions relating thereto; and any such ordinance may authorize and empower the Town Commissioners by resolution to determine, set forth or provide for any and all of the foregoing matters and to do any and all things necessary, proper, desirable or expedient in connection with the issuance, sale and delivery of any such revenue bonds, notes or other evidences of indebtedness and any and all transactions relating thereto, provided that such ordinance sets forth a maximum principal amount of revenue bonds, notes or other evidences of indebtedness to be issued for such undertaking and generally describes the project or projects to be accomplished. A resolution adopted pursuant to this section may be introduced and adopted at a single session of the Town Commissioners, may not be petitioned to referendum and shall become effective immediately upon its adoption. Pursuant to an ordinance or resolution passed in accordance with this section, the Town Commissioners may delegate to one or more named elected or appointed officials of the Town the authority to make on behalf of the Town any such determinations with respect to any revenue borrowing as they deem appropriate.

(c) Any revenue bonds, notes or other evidences of indebtedness authorized to be issued under the provisions of this Section may be secured by a trust agreement, indenture or similar instrument between the Town and a corporate trustee, which may be any entity with trust powers within or without the State of Maryland. The authorizing ordinance or resolution (if any) may, among other matters, approve or provide for the approval of the form of the trust agreement, indenture or similar instrument. The authorizing ordinance, the resolution (if any) or the trust agreement, indenture or similar instrument may pledge or assign all or any part of: (1) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing or refinancing is undertaken by issuance of said revenue bonds, notes or other evidences of indebtedness, (2) the revenues from or arising in connection with any contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with the proceeds of such revenue bonds, notes or other evidences of indebtedness, (3) the contracts, agreements, mortgages, instruments, documents or securities purchased or otherwise acquired with such revenue bonds, notes or other evidences of indebtedness, (4) any other security approved by the Town Commissioners, or (5) any combination of (1), (2), (3) or (4). Any such ordinance, resolution, trust agreement, indenture or similar instrument may set forth the rights and remedies of the holders of the revenue bonds, notes or other evidences of indebtedness; may restrict the individual right of action by the holders of such revenue bonds, notes or other evidences of indebtedness; may contain whatever provisions for the protection and enforcement of the rights and remedies of the holders of any such revenue bonds, notes or other evidences of indebtedness as the Town Commissioners may deem reasonable and proper;

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and, in addition to the foregoing, may contain whatever other provisions the Town Commissioners may deem reasonable, desirable or proper for the security of the holders of any such revenue bonds, notes or other evidences of indebtedness.

(d) All revenue bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter, as amended, and all ordinances and 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.

### §6. Payment of Indebtedness

The power and obligation of the Town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of the Town's Charter or ordinances shall be unlimited, and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of the Town's Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

## ARTICLE XI GENERAL PROVISIONS

### §1. Oath of Office

Before any elective or appointive officer of the Town of Eagle Harbor shall enter upon his or her duties, he or she shall make an oath before some other officer authorized to administer oaths in Prince George's County, Maryland stating that he or she will diligently and faithfully discharge the duties of his or her office and that he or she shall file a certificate of such oath, with the Treasurer-Clerk or the Chairman-Mayor of the Board of Town Commissioners, which shall become part of the record of said Town.

All persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: "I, \_\_\_\_\_ do swear (or affirm, as the case may be) that I will support the Constitution of the United States; 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." All elected officials of the Town 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 of the Court.

### §2. Prior Rights and Obligations

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All right, title and interest held by the Town or any other person or corporation at the time this Charter is adopted in and to any lien acquired under any prior Charter of the Town are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

### §3. General Penalties

A. Misdemeanor. Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable, upon conviction thereof before the District Court of Maryland, by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment for sixty (60) days in the County Detention Center, in the discretion of the Court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. Municipal infractions. The Town's Board of Commissioners may provide that violations of any municipal ordinance shall be a municipal infraction within the terms of Article 23A, § 3(b), of the Annotated Code of Maryland, as the same may be amended from time to time, and is further empowered to provide for the same by ordinance.

### §4. Effect of Charter on existing laws and rules.

A. All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

### §5. Severability

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

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meaning and effect with the section or part of a section to which such holding shall directly apply.

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## Official Form for Citing

The

### Municipal Charters of Maryland

The Department of Legislative Services recommends that the following form to be used in citing the Municipal Charters of Maryland: Charter of the Town/City of \_\_\_\_\_, Section, Chapter, Municipal Charters of Maryland, Volume (Edition).

For example reference to Sections 12 through 14 of the Charter of the Town of Barclay is cited as:

Charter of the Town of Barclay, Sections 12 through 14, Chapter 4, Municipal Charters of Maryland, Volume 1 (1983 Edition, as reprinted November, 1990).

Page numbers are made up of two parts. The first number references the sequential number assigned to the municipality's charter, and the second number is the actual page number of the charter. Sections 12 through 14 of the Charter of the Town of Barclay are found on pages 4-3 and 4-4 of the Municipal Charters of Maryland