

## CHARTER

[HISTORY: Adopted by the Mayor and Council of the City of Taneytown 8-9-1999 by Charter Res. No. 99-4. Amendments noted where applicable.]

### ARTICLE I General Corporate Powers

~ C-101. Incorporation.

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

~ C-102. Boundaries.

A copy of the courses and distances describing the corporate boundaries shall be on file in the city offices and available for public inspection during normal business hours. A map showing the current corporate boundaries shall be maintained in the city offices and shall be similarly available for public inspection.

### ARTICLE II City Council

~ C-201. Membership; election; term of office.

All legislative powers of the city shall be vested in a Council consisting of a Mayor and five Councilpersons who shall be elected as hereinafter provided and who shall hold office for a term of four years or until the succeeding Council takes office. The regular term of Councilpersons shall expire on the second Monday in May following the election of their successors.

~ C-202. Qualifications.

Councilpersons shall be at least 25 years old, shall have resided in the city for at least two years immediately preceding their election and shall be qualified voters of the city.

~ C-203. Salary.

Each Councilperson shall receive a salary which shall be equal for all Councilpersons and shall be as specified from time to time by a resolution passed by the Council in the regular course of its business; provided, however, that the salary specified at the time

any Council takes office shall not be changed during the period for which that Council was elected. The resolution making any change in the salary paid to the several Councilpersons, either by way of increase or decrease, shall be finally resolved prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

~ C-204. Meetings.

The Council shall meet at 7:30 p.m. on the second Monday in May following the election for the purpose of organization, after which the Council shall regularly meet at such times as it may prescribe, but not less frequently than once each month. Special meetings shall be called at the request of the Mayor or a majority of the members of the Council. All meetings of the Council shall be conducted in accordance with the provisions of Title 10, Subtitle 5 of the State Government Article of the Annotated Code of Maryland.

~ C-205. Mayor Pro Tem.

At the first meeting after an election the Council shall elect from among its members a Mayor Pro Tem who shall serve in the absence or disability of the Mayor and shall perform the duties of the Mayor during such absence or disability. In the event of a vacancy in the office of Mayor for any cause, the Mayor Pro Tem shall serve as Mayor for the remainder of the term of this office.

~ C-206. Quorum.

A majority of the members of the Council shall constitute a quorum for the purposes of transacting any and all business or actions, except for the passage of ordinances. An ordinance shall not be passed without the favorable votes of a majority of the whole number of members elected to Council and shall be further subject to the veto powers of the Mayor.

~ C-207. Rules; order of business; journal of proceedings.

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

~ C-208. Vacancies.

Vacancies in the Council shall be filled as provided in ~ C-515B of this Charter.

~ C-209. Adoption of ordinances.

A. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not

less than six nor more than 70 days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration shall be deferred to some specified future date.

B. In cases of emergency the above requirements may be suspended by the affirmative votes of four members of the Council.

C. The Mayor, in case he or she disapproves of any ordinance passed by the Council, may refuse to approve the same and shall return it to the Council at its next meeting, with his or her reasons for withholding his or her signature therefrom, and if said ordinance, when again put upon its passage, shall receive the votes of 4/5 of the members of Council, it shall become a valid ordinance without the signature of the Mayor.

D. Every ordinance shall become effective at the time of approval by the Council. The title of the ordinance shall be published, and the ordinance shall be on file in the city office for public review.

~ C-210. Ordinances to be filed.

Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection.

### ARTICLE III Mayor

~ C-301. Election; term of office. [Amended 3-12-2001 by Charter Res. No. 2001-4]

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years, or until his or her successor is elected and qualified. The Mayor in office at the time this provision takes effect shall continue to serve for the balance of the term for which he or she was elected. Beginning with the election in May 1987, and every four years thereafter, a Mayor shall be elected for a term of four years. The newly elected Mayor shall take office on the second Monday in May following his or her election, except in the case of a Special Election, in which case the term of Mayor shall run four years beginning with the second Monday of June.

~ C-302. Qualifications.

The Mayor must be 25 years old, must have resided in the city for at least five years immediately preceding his or her election and must be a qualified voter of the city.

~ C-303. Salary.

The Mayor shall receive a salary as set from time to time by a resolution passed by the Council in the regular course of business. The Council shall not change the salary for any Mayor during the term for which that Council was elected. The resolution making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally resolved prior to the municipal election to elect the next

succeeding Council and shall take effect only as to the next succeeding Council.

~ C-304. Powers and duties.

A. Ordinances. The Mayor shall see that the ordinances of the city are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the city government.

B. The Mayor, with the approval of Council, shall appoint all committees and the heads of all departments and agencies of the city government, as established by this Charter or by ordinance. All department and agency heads shall serve at the pleasure of the Mayor, unless otherwise provided in this Charter.

C. Reports. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he or she deems proper for the public good and the welfare of the city.

D. Member of Council. The Mayor shall serve as a member of the Council, shall preside at its meetings and shall vote on all questions coming before the Council when there is a tie vote thereon.

E. Other powers. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him or her by the Council not inconsistent with this Charter.

#### ARTICLE IV Powers of the Council

~ C-401. Enumeration.

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

B. Specific powers. The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state for the following specific purposes:

(1) Advertising. To provide for advertising for the purposes of the city, for printing and publishing statements as to the business of the city.

(2) Amusements. To provide, in the interest of the public welfare, for licensing, regulating or restraining theatrical or other public amusements.

(3) Appropriations. To appropriate municipal moneys for any purpose within the powers of the Council.

(4) Band. To establish a municipal band, symphony orchestra or other musical organization and to regulate by ordinance the conduct and policies thereof.

(5) Billboards. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city 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 city.

(6) Bridges. To erect and maintain bridges.

(7) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the city and to grant building permits for the same; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or in part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down; and 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.

(8) Cemeteries. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

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

(10) Commercial management authority. In accordance with the provisions of this subsection, to establish a commercial district management authority for any commercial district within its geographical limits. As to each authority it establishes, the Council shall:

(a) Specify the membership, organization, jurisdiction and geographical limits of the authority.

(b) Specify one or more of the following as the purposes of the authority:

[1] Promotion;

[2] Marketing; and

[3] The provision of security, maintenance or amenities within the district.

(c) Provide such financing as it deems appropriate for the authority through fees which may be charged to, or taxes which may be levied against, businesses subject to the authority's jurisdiction.

(11) Commercial redevelopment. To make use of federal or state financial assistance for commercial or industrial redevelopment projects and for the purpose of making grants and loans or guaranteeing loans to private entities, provided that the authority granted by this subsection may be used only for commercial or industrial redevelopment projects and may not be used for residential or housing projects.

(12) Community services. To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the city.

(13) Cooperative activities. To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(14) Curfew. To prohibit the youth of the city from being in the streets, lanes, alleys or public places at unreasonable hours.

(15) Dangerous conditions. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(16) Departments. To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter, 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) Discharge of appointees. To remove or temporarily suspend from office any person who has been appointed to any municipal office and who, after due notice and hearing, is adjudged to have been guilty of inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office or insubordination and to fill the vacancy caused by such removal or suspension.

(18) Disorderly houses. To suppress bawdy houses, disorderly houses and houses of ill fame.

(19) Dogs. To regulate the keeping of dogs in the city and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(20) Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(21) Explosives. To regulate or prevent the storage of gunpowder, petroleum products or any other explosive or combustible matter and to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property.

(22) Filth. To compel the occupant of any premises, building or outhouse situated in the city, when the same has become filthy or unwholesome, to abate or cleanse the condition and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(23) 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 city.

(24) Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire companies serving the city; to inspect buildings for the purpose of reducing fire hazards; to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of city fire hazard regulations are met; to install and maintain 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 city.

(25) Food. To inspect and to require the condemnation, if unwholesome, of, and to regulate the sale of, any food products.

(26) Franchises.

(a) To grant and regulate franchises to water companies, sewer companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the city, subject, however, to the limitations and provisions of the laws of the State of Maryland.

(b) To grant franchises as provided under existing public general or public local laws, to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees and to establish rates, rules and regulations for franchises granted under this subsection.

(27) Funds. To expend municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the city and its occupants, provided that funds not appropriated at the time of the annual levy shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members elected to said Council.

(28) Gambling. To restrain and prohibit gambling.

(29) 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.

(30) Grants in aid. To accept gifts and grants of federal, state or county funds from the federal, state or county government or any agency thereof and to expend the same for any lawful public purpose agreeable to the conditions under which the gifts or grants were made.

(31) Hawkers. To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the city and to revoke such licenses for cause.

(32) Health. To protect and preserve the health of the city and its inhabitants; to appoint a Public Health Officer and to define and regulate his or her powers and duties; to prevent the introduction of contagious diseases into the city; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; 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.

(33) House numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same or, in default thereof, to authorize and require the same to be done by the city at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

(34) Infrastructure inspections. To authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires and drainage and sewage systems on private property and to compel repairs thereon.

(35) Jail. To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the city or to use the county jail for such purpose.

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

(37) Liens. To provide that any valid charges, taxes or assessments made against any real property within the city shall be liens upon such property, to be collected as municipal taxes are collected.

(38) Lights. To provide for the lighting of the city.

(39) 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.

(40) Markets. To obtain by lease or rent, own, construct, purchase, operate and maintain public markets within the city.

(41) 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.

(42) Noise. To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns, sirens or electronic devices.

(43) Nuisances. To prevent or abate by appropriate ordinance all nuisances in the city which are so defined at common law, by this Charter or by the laws of the State of Maryland, whether the same are herein specifically named or not, and to regulate, to prohibit, to control the location of or to require the removal from the city of all trading in, handling of or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health. In this connection the city may regulate, prohibit, control the location of or require the removal from the city of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, renderies, livestock and poultry. This listing is by way of enumeration, not limitation.

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

(45) Parking facilities. To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

(46) Parking meters. To install parking meters on the streets and public places of the city in such places as it shall be determined and to prescribe rates and provisions for the use thereof.

(47) Parks and recreation. To establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the city.

(48) Police force. To establish, operate and maintain a police force. All city police officers shall, within the municipality and beyond the corporate boundaries, have the powers and authority to keep and enforce the laws of the State of Maryland and of the City of Taneytown.

(49) Police powers.

(a) To enforce all ordinances and laws of the city and state equally within the limits of the city and beyond to a distance set by Council and not to exceed the authority limits as granted by the state in Article 27, ~ 602B, of the Annotated Code of Maryland or for so much of this distance as does not conflict with the powers of another municipal corporation.

(b) Mutual aid agreements.

[1] Authority to send police and equipment beyond territorial limits. By action as in the regular routine for legislative enactments, the Council may determine the circumstances under which the police officers and other officers, agents and employees of the city, together with all necessary equipment, may lawfully go or be sent beyond the territorial limits of the county or municipal corporation, as the case may be, to any point within or without the State of Maryland.

[2] Actions deemed to be for public and governmental purpose; immunity of city from liability. In such event the acts performed for this purpose by the police officers or other

officers, agents or employees and the expenditures made for these purposes by the city shall be deemed conclusively to be for a public and governmental purpose, and all of the immunities from liability enjoyed by the city when acting through its police officers or other officers, agents or employees for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when the city is so acting, under Article 27, ~ 602B, of the Annotated Code of Maryland or under other lawful authority, beyond its territorial limits.

[3] Immunity of police from liability; application of employee benefits. The police officers and other officers, agents and employees of the city, when acting under this subsection or under other lawful authority beyond the territorial limits of the city within the state shall have all the immunity from liability described under ~ 5-328 of the Courts Article of the Annotated Code of Maryland and exemptions from laws, ordinances and regulations and have all of the pension, relief, disability, workers' compensation and other benefits enjoyed by them while performing their respective duties within the territorial limits of the city.

[4] Authority to enter into reciprocal agreements; required provisions. The Council may enter into reciprocal agreements for such periods as it deems advisable with any county, municipal corporation or the Maryland-National Capital Park and Planning Commission, in or outside the state, including the District of Columbia, in order to establish and carry into effect a plan to provide mutual aid through the furnishing of its police and other employees and agents, together with all necessary equipment, in the event of an emergency as provided in Subsection B(49)(b)[1] of this section. The Council may not enter into an agreement unless the agreement provides that each of the parties to the agreement shall waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement and indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement, outside their respective jurisdictions under such agreement.

[5] Liability insurance. The Council may procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with another county or municipal corporation outside the state.

[6] Authority of out-of-state police to enforce state laws. The police officers and other officers, agents and employees coming into this state pursuant to a reciprocal agreement as provided for elsewhere in this subsection are authorized to enforce the laws of the State of Maryland to the same extent as if they were duly authorized law enforcement officers of any county or municipality in the State of Maryland.

(50) Procurement. To provide for the purchase of materials, supplies and equipment through the Purchasing Bureau of the State Department of General Services whenever desirable.

(51) Property. To acquire, by conveyance, purchase or gift, real, personal or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the city and its inhabitants; to convey any real or leasehold or personal property when no longer needed for the public use, after having given at least 20

days' public notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the city.

(52) Regulations. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(53) Rewards. To offer and pay rewards for information relating to criminal activity committed within the city.

(54) Sidewalks. To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; and to prescribe hours for cleaning sidewalks.

(55) Surety bond. To provide surety bond with such corporate surety in an amount as determined by the Council for any elected or appointed official or employee of the city.

(56) Sweepings. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the city.

(57) Taxicabs. To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

(58) Tree trimming. To regulate and control the planting, trimming, destroying or removal of trees, bushes or their broken or fallen parts in or upon or from any public way of said city or within its corporate limits, without the necessity of any other authority or permission than is hereby given.

(59) Urban renewal authority. In addition to the authority provided elsewhere in this section, and provided that the municipal corporation has urban renewal authority granted under Article III, Section 61 of the Maryland Constitution:

(a) Subject to the provisions of Article 23A, ~ 2, Subsection (37)(iv), of the Annotated Code of Maryland, to acquire, within the boundary lines of the municipal corporation, land and property of every kind, and any right, interest, franchise, easement or privilege therein, by purchase, lease, gift, condemnation or any other legal means, for development or redevelopment, including but not limited to the comprehensive renovation or rehabilitation thereof; and

(b) To sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity.

(60) Vehicles. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(61) Voting machines. To purchase, lease, borrow, install and maintain voting machines for use in city elections.

(62) 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.

C. Saving clause. The enumeration of powers in this section is not to be construed as limiting the powers of the city to the several subjects mentioned.

~ C-402. Exercise.

For the purpose of carrying out the powers granted in this article or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the city 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.

~ C-403. Enforcement; violations and penalties.

A. The Council shall have the power to provide that any violation of the Code of the City of Taneytown shall be a misdemeanor. Unless otherwise specified as an infraction, all such violations shall be a misdemeanor and, unless otherwise set forth in the Code, shall have as a penalty for each such violation a fine not exceeding \$1,000 or imprisonment not to exceed six months, or both such fine and imprisonment.

B. The Council may provide that violation of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(1) A fine not to exceed \$1,000 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the city within 20 days of receipt of a citation. Each day a violation continues shall constitute a separate offense.

(2) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city, in writing, of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(3) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

## ARTICLE V

### Registration, Nomination and Elections

~ C-501. Qualified voters.

Every person who is a citizen of the United States, is at least 18 years of age, is a resident of the city and is registered in accordance

with the provisions of this Charter shall be a qualified voter of the city. Every qualified voter of the city shall be entitled to vote at any or all city elections.

~ C-502. Duties of the Clerk.

The Clerk shall be in charge of all city elections, registrations of voters and nominations of candidates. The Council may appoint election clerks or other employees to assist the Clerk in any of his or her duties.

~ C-503. Clerk not to be a candidate.

The Clerk shall not be a candidate for any elective office during his or her appointment as Clerk.

~ C-504. Notice of election.

The Clerk shall give at least 21 calendar days' notice of every election by an advertisement published in at least one newspaper of general circulation in the city and by posting a notice thereof in some public place or places in the city.

~ C-505. Registration.

Qualified persons shall be entitled to register to vote in city elections during such hours and at such locations as prescribed by the Council, provided that the registration books of the city shall close seven days prior to the date of the city election. Registration shall be permanent, and no person shall be entitled to vote in city elections unless he or she is registered. It shall be the duty of the Clerk to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the city. The Council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a reregistration when necessary.

~ C-506. Absentee ballots.

Any qualified citizen registered to vote is entitled to vote in all municipal elections by absentee ballot. The city shall, by ordinance, provide the procedures for such voting.

~ C-507. Appeals.

If any person shall feel aggrieved by the action of the Clerk in refusing to register to vote or in striking the name of any person from the voter list or by any other action, such person may appeal such decision to the Council. The decision of the Council upon such appeal may be further reviewed by filing a petition for appeal in the Circuit Court for Carroll County within 30 days from the date of the decision of the Council, but in no event may such a petition be filed less than 20 days prior to the election.

~ C-508. Nominations.

A. Persons may be nominated for elective office in the city by filing a certificate of nomination with the Clerk. A certificate of nomination for the office of Mayor shall be signed by at least 15 registered voters of the city, and a certificate of nomination for the office of Councilperson shall be signed by at least 10 registered voters.

B. Each such certificate shall state the following:

- (1) The office for which the candidate seeks to be nominated.
- (2) The name of the candidate.
- (3) A statement that the signers of the certificate are registered voters and that they support the nomination of the named candidate.

~ C-509. Date of election.

Regular city elections shall be on the first Monday in May of every other year beginning in May 1989.

~ C-510. Election of Councilpersons. [Amended 3-12-2001 by Charter Res. No. 2001-3]

A new Council shall be elected every two years. The terms of office for Councilpersons shall be for four years, but the election shall be staggered so that approximately half the Councilpersons are elected each time. Those Councilpersons in office at the time this provision takes effect shall continue to serve for the balance of the term for which they were elected. Beginning with the election in May 1987, and every four years thereafter, two Councilpersons shall be elected for terms of four years each. Beginning with the election in May 1989, and every four years thereafter, three Councilpersons shall be elected for terms of four years each. The terms of Councilpersons shall run four years beginning with the second Monday in May following election, except in the case of a Special Election, in which case the terms of Councilpersons shall run four years beginning with the second Monday of June following the Special Election.

~ C-511. Conduct of elections.

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

~ C-512. Special elections.

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

~ C-513. Vote count. [Amended 3-12-2001 by Charter Res. No. 2001-2]

Within 12 hours after the closing of the polls, the Clerk shall determine the vote cast for each candidate or question and shall record the result in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The required number of candidates for Councilperson with the highest number of votes in the general election shall be declared elected as Councilpersons. If any number of candidates for Mayor and Council receive an equal number of votes in the highest amount in the general election, there shall be a special election on the first Monday in June, following all election requirements of Article 5 of the Taneytown City Charter. If during the Special Election, another tie vote results, the Council shall vote to decide the election, which vote shall be the final vote. Incumbents will remain in office until a candidate is declared elected.

~ C-514. Preservation of ballots.

All ballots used in any city election shall be preserved for at least six months from the date of election.

~ C-515. Vacancies.

A. Mayor. In case of a vacancy in the office of Mayor for any reason, the Mayor Pro Tem shall become Mayor for the remainder of the unexpired term. The Council shall then elect some qualified person to fill the vacancy on the Council for the remainder of the unexpired term.

B. Council.

(1) In case of a vacancy on the Council for any reason, the Council shall appoint some qualified person to fill such vacancy for the remainder of the unexpired term.

(2) Procedure. Any vacancies on the Council shall be filled by the favorable votes of a majority of the remaining members of the Council. The results of any such vote shall be recorded in the minutes of the Council.

~ C-516. Control of elections.

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

~ C-517. Electioneering near polling places. [Added 3-12-2007 by Charter Res. No. 2007-5]

No person shall canvass, electioneer or post any campaign material, or other handouts of any kind, in any polling place, or on or about any public property or private property open to the public, that is within a radius of 100 feet from any entrance and exit of the building where ballots are cast.

~ C-518. Violations and penalties.

Any person who willfully and with the intent to defraud fails to perform any duty required of him or her under the provisions of this article or any ordinances passed thereunder; in any manner willfully or corruptly with the intent to defraud violates any of the provisions of this article or any ordinances passed thereunder; or willfully or corruptly does anything which will affect fraudulently any registration, nomination or city election shall be deemed guilty of a misdemeanor. Any officer or employee of the city government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

#### ARTICLE VI Administration

~ C-601. Appointment of City Manager.

There shall be a City Manager appointed by the Mayor with the approval of the Council. The City Manager's compensation shall be determined by the Council. The financial powers of the city, except as otherwise provided by this Charter, shall be exercised by the City Manager under the direct supervision of the Mayor.

~ C-602. Removal of City Manager.

The City Manager may be removed from office for cause by vote of the City Council. Where circumstances warrant, the City Council may give the City Manager 30 days' notice of the expiration of his or her appointment. The action of the City Council in removing the City Manager shall be final.

~ C-603. Duties of City Manager.

The duties and responsibilities of the City Manager include the following, under the supervision of the Mayor and City Council. The City Manager shall:

A. Organize, direct and supervise the administration of all departments, offices and agencies of the city, including the Police Department, the Department of Public Works, the Department of Finance, the Department of Planning and the City Clerk, and to further include such departments and agencies which the City Council from time to time places under his or her supervision. In addition to the City Manager, there may be department heads, including a Chief of Police, Superintendent of Public Works, Director of Planning, Treasurer and City Clerk. However, one individual may also serve as head of more than one department if the City Manager shall so organize and direct. Only the City Manager, the Mayor and department heads may give direct orders to city employees.

B. Subject to the confirmation of the Mayor and Council, appoint all city employees, other than department heads. Only the Mayor, with the approval of Council, shall have the authority to appoint department heads. The City Manager shall have the authority to suspend any city employee for sufficient cause. With the approval of the Mayor and Council, the City Manager shall have the authority to remove any city employee. The City

Manager may authorize any department head to exercise these powers with respect to subordinates in his or her department, as provided for in the personnel rules of the city.

C. See that all laws, provisions of the City Charter and acts of the City Council are faithfully executed.

D. Prepare and submit to the Mayor and City Council by May of each year a proposed budget for the city, the same to include both revenue and expenditure estimates for the coming fiscal year.

E. Attend all public meetings of the City Council and shall have the right to participate in discussion at such meetings, but the City Manager may not vote.

F. Arrange for the taking of minutes of all City Council meetings and keep a full and accurate account of the proceedings of the City Council.

G. Undertake such research and make reports and recommendations as the City Council may direct or which he or she may deem desirable and in the best interest of the City of Taneytown.

H. Keep the City Council fully informed as to the financial condition and future needs of the city. The City Manager shall submit to the City Council an annual report on the finances and administrative activities of the city at the end of each fiscal year.

I. Purchase materials, equipment, supplies and services when not in excess of the dollar amount prescribed by the City Council.

J. Ascertain that all taxable property within the city is assessed for taxation.

K. Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the city and all other revenues for whose collection the city is responsible and receive any funds receivable by the city.

L. Have custody of all public moneys belonging to or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.

M. Do such other things in relation to the fiscal or financial affairs of the city as the Mayor or the Council may require or as may be required elsewhere in this Charter.

The Clerk shall serve at the pleasure of the Mayor and Council. The Clerk's compensation shall be determined by the Council. The administrative financial duties of the city, except as otherwise provided by this Charter, shall be exercised by the Clerk under the direct supervision of the City Manager.

~ C-605. Powers and duties of Clerk.

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

A. Assist the City Manager in the preparation of an annual budget to be submitted by the Mayor to the Council.

B. Maintain a general accounting system for the city in such form as the Council may require, not contrary to state law.

C. Assist the City Manager in the collection of all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the city and all other revenues for whose collection the city is responsible and receive any funds receivable by the city.

D. Invest city-held funds within guidelines as approved by the Mayor and City Council in the Taneytown Investment Fund Policy and as not to be contrary to state law.

E. Perform the duties of records manager for all city files and records and maintain files as required by the Maryland State Archives.

F. Do such other things in relation to the fiscal or financial affairs of the city as the Mayor or the Council may require or as may be required elsewhere in this Charter.

~ C-606. Clerk to Council.

The Clerk shall serve as Clerk to the Council. The Clerk shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. The Clerk shall keep such other records and perform such other duties as may be required by this Charter or the Council.

## ARTICLE VII Finance

~ C-701. Fiscal year.

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

~ C-702. Budget preparation.

The Mayor, on such date as the Council shall determine, but no later than the regularly scheduled June Council meeting, shall submit a budget

for final approval by Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk, open to public inspection by anyone during normal business hours.

~ C-703. Budget adoption.

Before adopting the budget, the Council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total 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 Council shall be necessary for adoption.

~ C-704. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

~ C-705. Transfer of funds.

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

~ C-706. Overexpenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing contained in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

~ C-707. 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 and shall lapse into the city treasury.

~ C-708. Checks.

The Council by resolution may designate who may sign and countersign every check. All checks issued in payment of salaries or other municipal obligations shall be issued and signed by one of these designated officials and countersigned by the other.

~ C-709. Taxable property.

All real property and all tangible personal property other than inventories within the corporate limits of the city shall be subject to taxation for municipal purposes, and the assessment used shall not exceed the amounts certified by the state. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

~ C-710. Amount of tax levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

~ C-711. Notice of tax levy.

Immediately after the levy is made by the Council in each year, the Clerk shall give notice of the making of the levy by posting a notice thereof in some public place or places in the city. The Clerk shall make out and mail or deliver in person or arrange for such delivery to each taxpayer or his or her agent at his or her last known address a bill or account of the taxes due from him or her. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his or her property.

~ C-712. Overdue taxes; half-year tax.

The taxes provided for in ~ C-710 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of 2/3 of 1% for each month or fraction thereof until paid. All such taxes overdue and in arrears after the first day of the following November may be collected as provided in ~ C-713. The city shall also have the right to levy a half-year tax on new construction, which tax shall be due and payable on the first day of January in the year for which such tax is levied and shall be overdue and in arrears on the last day of the following February, and all such taxes overdue and in arrears shall bear the same rate of interest as herein provided for taxes due and payable on the first day of July. The Mayor and Council may, by ordinance or resolution, impose and collect after October 1 penalties for failure to

make payment by or after that day or, in the case of half-year assessments, after March 1.

~ C-713. Tax sales.

A list of all property on which the city taxes have not been paid and which is in arrears as provided by ~ C-712 of this Charter shall be turned over by the Clerk to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law.

~ C-714. Fees.

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

~ C-715. Audits.

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

~ C-716. Tax anticipation borrowing.

The city shall have the power to borrow in anticipation of the collection of property taxes 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; provided, however, that no tax anticipation notes or other evidences of indebtedness shall be issued except for cash or be sold at less than the par value thereof.

~ C-717. Borrowing power.

The city shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds in the manner prescribed in the laws of Maryland.

~ C-718. Payment of indebtedness.

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

~ C-719. Prior bond issues.

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

~ C-720. Purchases and contracts.

All purchases and contracts for the city government shall be made by the City Manager. The Council may provide by resolution for rules and regulations regarding the use of competitive bidding and contracts for all city purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than \$10,000 shall be made on written contracts. The City Manager shall be required to advertise for sealed bids in such manner as may be prescribed by resolution for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The City Manager, upon approval by the Council, shall have the right to reject any and all bids and readvertise. The city may at any time in its discretion employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the city may require.

## ARTICLE VIII

### Personnel

~ C-801. Authority to employ.

The city shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the city government. All city employees shall be employees at will.

~ C-802. Retirement system.

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

~ C-803. Compensation.

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

~ C-804. Benefit programs.

The city is authorized and empowered, by resolution, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and to expend public moneys of the city for such programs.

~ C-805. Holidays, sick leave and vacations.

The city is authorized and empowered, by resolution, to provide for a system of compensation for or allowance of holidays, sick leave and vacations.

ARTICLE IX  
Public Ways and Sidewalks

~ C-901. Definition.

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

~ C-902. Control of public ways.

The city shall have control of all public ways in the city, except such as may be under the jurisdiction of the State of Maryland or an agency thereof. Subject to the laws of the State of Maryland and this Charter, the city may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the city.

~ C-903. Powers regarding public ways.

The city shall have the power to:

A. Establish, regulate and change from time to time the grade lines, width and construction materials of any city public way or part thereof, bridges, curbs and gutters.

B. Grade, lay out, construct, open, extend and make new city public ways.

C. Grade, straighten, widen, alter, improve or close up an existing city public way or part thereof.

D. Pave, surface, repave or resurface any city public way or part thereof.

E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any city public way or part thereof.

F. Construct, reconstruct, maintain and repair bridges.

G. Name city public ways.

H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

~ C-904. Sidewalks.

The city 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 city property along any public way or part thereof.

B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on city property along any public way or part thereof.

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 city to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the city may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are city taxes or by suit at law.

#### ARTICLE X

#### Water and Sewers

~ C-1001. Powers.

The city 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.

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.

~ C-1002. Structures in public ways.

Any public service corporation, company or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe or other structure in the public ways of the city, shall submit plans to the city and obtain written approval upon such conditions and subject to such limitations as may be imposed by the

city. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the city may order it removed.

~ C-1003. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the city or in the county which impede the establishment, construction or operation of any city sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the city. If necessary to carry out the provisions of this section, the city may use its condemnation powers provided in ~ C-1202. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

~ C-1004. Entering public ways.

The city may enter upon or do construction in 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 stormwater sewers provided for in this Charter. Unless required by the county, the city need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. The city may repair or remove the utility pipe lines, or parts thereof, or their connections on and under the surface of all the public ways within the corporate limits of Taneytown without the necessity of any other authority or permission than is hereby given; provided, however, that if any such public way is a state highway, the work shall be done to the satisfaction of the State Highway Department, and the entire cost of replacing the state highway in as good a condition as before shall be paid by the city.

~ C-1005. Connections.

The city shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the city, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The city may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and shall require that all cesspools, sinkdrains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells shall be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

~ C-1006. Connection charge.

The city may make a charge, the amount to be determined by the Council, for each connection made to the city's water or sewer mains.

Arrangements for the payment of this charge shall be made before the connection is made.

~ C-1007. Improper use of system.

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

~ C-1008. Private systems.

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

~ C-1009. Extension beyond boundaries.

The city shall not further extend its water or sewerage system beyond the city limits.

~ C-1010. Right of entry.

Any employee or agent of the city while in the necessary pursuit of his or her official duties with regard to the water or sewage disposal system operated by the city shall have the right of entry, for access to water or sewer installations, at all reasonable hours and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the city or in the county served by the city's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant or person in possession, or the agent of any of them, shall be a misdemeanor.

~ C-1011. Pollution of water supply.

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

~ C-1012. Contracts for service.

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

~ C-1013. Charges and rates.

The city 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 Clerk, and if bills are unpaid within 30 days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as city taxes or by suit at law.

ARTICLE XI  
Special Assessments

~ C-1101. Powers.

The city shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer main, 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 assessments. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the city and any other item of cost which may reasonably be attributed to the project.

~ C-1102. Procedure.

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

A. Cost. The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Council.

B. Assessments. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the city and outstanding against any property at any time, exclusive of delinquent installments, to exceed 25% of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

C. Classes of property. 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. Levy.

(1) All special assessment charges shall be levied by the Council by ordinance.

(2) Before levying any special assessment charges, the Council shall hold a public hearing. The 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 Council and be heard concerning the proposed project and special assessment.

(3) 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 either publication of a copy of the notice at least once in a newspaper of general circulation in the city or publication of a copy of the notice once in a newsletter of general circulation in the Taneytown area. The 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.

(4) The date of hearing shall be set at least 10 and not more than 30 days after the Clerk shall have completed publication and service of notice as provided in this section.

(5) Following the hearing, the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

E. Appeals. 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 Carroll County within 10 days after the levying of any assessment by the Council.

F. Payment. Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

G. When overdue. All special assessment installments shall be overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as city taxes or by suit at law.

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

## ARTICLE XII Property

~ C-1201. Acquisition, possession and disposal.

The city may acquire real, personal or mixed property within or without the corporate limits of the city for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the

city after having given at least 20 days' public notice of the proposed conveyance.

~ C-1202. Condemnation.

The city shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within or without the corporate limits of the city for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the city shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by the laws of the State of Maryland or the rules of procedure thereof.

~ C-1203. Buildings.

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

~ C-1204. Protection.

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

ARTICLE XIII  
Garbage Collection

~ C-1301. Powers.

The city shall have the power to provide for the operation and maintenance or contract for the operation and maintenance of garbage, solid waste, recycling, yard waste, residential bulk and commercial debris collection and disposal systems and may do all things it deems necessary for the efficient operation and maintenance of the same.

~ C-1302. Charges and rates.

The city shall have the power to charge and collect such service rates for garbage and solid waste collection as it deems necessary. These charges may be billed and collected by the Clerk in addition to charges made for water and sewer service. If bills are unpaid after 30 days, service for water, sewer or garbage collection or any of the same may be discontinued. All such charges shall be a lien on the property, collectible in the same manner as city taxes or by suit at law.

ARTICLE XIV  
General Provisions

~ C-1401. Oath of office.

A. Text. Before entering upon the duties of their offices, the Mayor, the Councilpersons, the City Manager, the Clerk and all other persons elected or appointed to any office of profit or trust in the

city government shall take and subscribe the following oath or affirmation:

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

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

~ C-1402. Surety bonds.

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

~ C-1403. Prior rights and obligations.

All rights, title and interest held by the city or any other person or corporation on January 1, 1999, in and to any lien acquired under any prior Charter of the city are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on January 1, 1999. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

~ C-1404. Effect of Charter.

A. Ordinances not in conflict. All ordinances, resolutions, rules and regulations in effect on the date of ratification of this Charter 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. Ordinances in conflict. All ordinances, resolutions, rules and regulations in effect on the date of ratification of this Charter which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

~ C-1405. 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 meaning and effect with the section or part of a section to which such holding shall directly apply.