

**CHARTER FOR BROOKEVILLE**  
**GENERAL CORPORATE POWERS**

Section 1.

The inhabitants of Brookeville within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "The Town of Brookeville" 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.

**CORPORATE LIMITS**

Section 2.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court for Montgomery County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference and in the office of the Clerk-Treasurer.

The boundaries of the Town of Brookeville are as follows:

The corporate limits of the Town of Brookeville, Maryland, shall be the limits of the two (2) contiguous parcels of ground (when combined) described as follows:

Parcel 1: Beginning on the east side of the Brookeville and Washington turnpike at the end of the dividing line between the lands of John W. Metz and Mrs. Caroline Edmondstone; then westerly through the lands of William B. Miller and Elisha J. Hall to a large branch willow tree on the west bank of Meadow Branch; then with the east bank of said branch to its intersection with Reedy Branch; thence with the east side of Reedy Branch to the point where it is crossed by the road leading to the farm of Mrs. Catherine Riggs; then with the east side of Back Street to its intersection with Spring Branch; then with said branch through the land of the Protestant Episcopal rectory and Mrs. Caroline Edmondstone to the dividing line between the lands of said Caroline Edmondstone and John W. Metz; thence with said line to the place of beginning.

Parcel 2: Beginning for the same at a point on the present corporate boundaries of the Town of Brookeville (the boundaries as established by Chapter 118 of the Laws of Maryland 1890) on the east side of the Brookeville and Washington turnpike being the point of beginning of a description of the boundaries of said Town set forth in Chapter 118 of the Laws of Maryland 1890, thence South 17° West along the east side of said turnpike, now Maryland Route Number 97, approximately 325 feet to a point on a prolongation of the second line in a description contained in a deed from Russell W. Bryan, et ux, to George Kimmel recorded among the Land Records of Montgomery County, Maryland, in Liber 1243 at Folio 208; thence across said turnpike and along said second line reversed 182.83 feet to the beginning thereof at a point 245 feet from the beginning of the first line of a description contained in a deed from Mary Linton to Russell W. Bryan recorded among said Land Records in Liber 990 at Folio 58, thence along said line North 30° 11' West or a prolongation thereof to intersect the said present corporate boundaries at a point believed to be approximately 600 feet from the beginning and on the first line of said boundaries as described in the aforesaid Chapter 118.

**THE COMMISSIONERS**

### Section 3. Number, Selection, Term.

All legislative powers of the Town shall be vested in a body designated as "The Commissioners of Brookeville," consisting of three commissioners who shall be elected as hereinafter provided and who shall hold office for a term of two years or until their successors are elected and qualified. Newly elected commissioners shall take office on the second Monday following their election. Each commissioner holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until the successor commissioner takes office under the provisions of this Charter. Notwithstanding the above, in order to ensure proper continuity in governance, the Commissioners may, by duly enacted Resolution and Ordinances, establish special procedures for overlapping terms of Commissions for a particular election year, and may shorten or lengthen the term of office in a particular election. Such Resolution and Ordinances shall be finally ordained prior to the municipal election for the members of the next succeeding Commissioners and shall take effect only as to the members of the next succeeding Commissioners. In no event may any term so established be for less than a period of one year or for more than a period of three years. (Res. No. 99-01, 1-9-00)

### Section 4. Qualifications of Commissioners.

Commissioners shall have resided in the Town for at least one year immediately preceding their election and shall be qualified voters of the Town. Commissioners shall maintain a permanent residence in the Town during their term of office.

### Section 5. Salary of Commissioners.

Each commissioner may receive an annual salary which shall be as specified from time to time by an ordinance passed by the Commissioners in the regular course of their business; provided, however, that the salary specified at the time the Commissioners take office shall not be changed during the period for which the Commissioners were elected and further provided that such a salary ordinance be approved by the majority of the qualified voters of the municipality voting thereon at a regular or special municipal election. The ordinance making any change in the salary paid to the several commissioners, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Commissioners and shall take effect only as to the members of the next succeeding Commissioners.

### Section 6. Meeting of the Commissioners.

The newly elected Commissioners shall meet at 8:00 p.m. on the second Monday following its election for the purpose of organization, after which the Commissioners shall meet regularly at such times as may be prescribed by its rules. Special meetings shall be called by the Clerk-Treasurer upon the request of two members of the Commissioners. All meetings of the Commissioners shall be open to the public, and the rules of the Commissioners shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

### Section 7. President of the Commissioners.

At the first meeting after an election, the three Commissioners shall choose one of their number as President for a term of one year. (Res. No. 99-01, 1-9-00)

## Section 8. Quorum.

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

## Section 9. Procedure of Commissioners.

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

## Section 10. Vacancies on the Commission.

In event of a vacancy on the Commissioners for any reason, the Commissioners by a majority vote shall appoint some person, qualified in accordance with Section 4, to fill such vacancy for the remainder of the unexpired term.

## Section 11. Ordinances.

a. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners, held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specific future date.

b. Every ordinance shall become effective at the expiration of twenty (20) calendar days following approval of the full body of the Commissioners. An ordinance declared to be an emergency ordinance shall become effective on the date specified in the ordinance, but not until it has been approved by the full body of the Commissioners.

## Section 12. Files of Ordinances.

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

## **GENERAL POWERS**

### Section 13. General Powers.

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

b. The Commissioners shall have, in addition, the power to pass ordinances, not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

- (1) Administrative. To create, change, or abolish offices and departments and to assign

additional functions to offices and departments, but not including the power to create, change, abolish or discontinue any office or department or to transfer any function of an office or department established by this Charter.

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

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

(4) Appropriations. To appropriate municipal monies for any purpose within the powers of the Commissioners.

(5) Billboards and Signs. To regulate, restrain or prohibit the erection or maintenance of billboards, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the Town.

(6) Buildings.

(a) To make reasonable regulations in regard to the buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate or adopt as herein provided, a building code and such other codes as deemed necessary.

(b) Said codes may incorporate by reference any code or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on any subject relating to plumbing and construction and maintenance of buildings and structures, provided that subsequent amendments or supplements to any such model or standard code shall not be effective until specifically incorporated into such building or other codes.

(c) 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.

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

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

(9) Dangerous Improvements. 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.

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

(11) Fire. To contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to forbid and prohibit the use of fire-hazardous buildings and structures; to regulate or prevent the use of bonfires, explosives, or any other similar things which may endanger persons or property.

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

(13) Health. To protect and preserve the health of the Town and its inhabitants; to regulate, inspect, and abate any buildings, structures, or places which cause or may cause any unsanitary conditions or conditions detrimental to health. To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property. Provided, however, that the exercise of these powers shall not be construed to affect in any manner any of the powers and duties of the State Board of Health and Mental Hygiene and the Health Officer of Montgomery County, or any public general or local law relating to the subject of health.

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

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

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

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

(18) 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.

(19) Parking Meters. To install parking meters on the streets and public places of the Town in such places as they shall by ordinance determine, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

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

(21) Planning and Zoning.

(a) To exercise the power as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland (1957 edition, as amended) subject, however to the limitations and provisions of said article.

(b) To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the Town at the owners' expense, such expense to constitute a lien upon the property collectible as tax monies.

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

(23) Police Powers. To punish and suppress vagrancy, vice, gambling, and the owning or keeping of houses of ill fame within the limits of the Town. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(24) Property. To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

(25) Refuse Collection. To acquire, regulate, or provide for the collection, removal, and disposal of refuse, garbage, rubbish, filth, or any other matter or thing that is or may become injurious to the health or comfort of the inhabitants of the Town. Whenever such requirements shall not be met, the Town shall arrange for the necessary work to be done and any expenses incident thereto shall become a lien upon the property.

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

(27) Sidewalks. To construct, maintain, and improve sidewalks and 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; to prescribe hours for clearing and cleaning sidewalks.

(28) Streets. To construct, maintain and improve the streets and to control the public ways of the Town; to erect and maintain bridges; to provide for the lighting of the Town.

(29) Saving Clause. The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

(30) Exercise of Powers. For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Commissioners may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (Res. No. 91-2, 9-3-91)

## **REGISTRATION, NOMINATIONS, AND ELECTIONS**

### Section 14. Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the Town for at least thirty (30) days preceding any Town election, and (d) is registered in accordance with the provisions of this Charter, shall be a registered voter of the Town. Every registered voter of the Town shall be entitled to vote at any or all Town elections.

### Section 15. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Commissioners on or before the first Monday in February in every year. The terms of the members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for two (2) years. Members of the Board of Supervisors of Elections shall be registered voters of the Town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairperson. Vacancies on the board shall be filled by the Commissioners for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Commissioners. (Res. No. 99-1, 1-9-00)

### Section 16. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Commissioners. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Commissioners if he so requests within ten (10) days after receiving the written copy of the charges against him.

### Section 17. Duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nomination procedures, and all Town elections. The Board may appoint election clerks or other employees to assist in any of its duties but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Commissioners.

### Section 18. Notice.

The Board of Supervisors of Elections shall give at least two (2) weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the Town, or, by posting a notice thereof in some public place or places in the Town.

### Section 19. Registration.

- a. There shall be a registration on the first Monday in April in every year, of qualified persons not

registered to vote. If necessary for the performance of registration or the convenience of the citizens of the Town, the Commissioners may designate additional days as registration days.

b. Registration shall be permanent, and no person shall be entitled to vote in Town elections unless they are registered. It shall be the duty of the Board of Supervisors of Elections 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 Town.

c. The Commissioners, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a registration when necessary. (Res. No. 99-1, 1-9-00)

#### Section 20. Appeal.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Commissioners. Any decision or action of the Commissioners upon such appeals may be appealed to the Circuit Court of Montgomery County within thirty (30) days of the decision or action of the Commissioners.

#### Section 21. Nominations.

a. Persons shall be nominated for elective office in the Town by filing a certificate of nomination with the Board of Supervisors of Elections on or before the second Monday in April next preceding the Town election. Such certificate shall identify the office being sought and contain the name and signature of the candidate and such other information necessary to determine his or her proper qualification for that office.

b. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

#### Section 22. Election of Commissioners.

On the Second Tuesday in May in every year, the registered voters of the Town shall elect one person as Commissioner to serve for a term of two (2) years, except that by Resolution or Ordinance enacted prior to any such election in order to ensure continuity in town governance, the Commissioners may provide for shortening or lengthening such term, which shall not exceed three years or be less than one year. (Res. No. 99-1, 1-9-00)

#### Section 23. Conduct of Elections.

a. Elections shall be on a non-partisan basis. 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.

b. It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines.

c. The Board of Supervisors of Elections shall keep the polls open from 3:00 p.m. to 7:00 p.m. on election days, or such other hours as may be designated by the Commissioners.

#### Section 24. Absentee Ballots.

a. Any qualified voter registered to vote in the Town of Brookeville is entitled to vote in any municipal



election by absentee ballot.

b. The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to the elections.

#### Section 25. Special Elections.

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections.

#### Section 26. Vote Count.

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Clerk-Treasurer of the Town who shall record the results in the minutes of the Commissioners. The three (3) candidates for Commissioner with the highest number of votes in the general election shall be declared elected as Town Commissioner.

#### Section 27. Preservation of Ballots.

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

#### Section 28. Regulation and Control.

The Commissioners 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 elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

#### Section 29. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this sub-title or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this sub-title or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will, or will tend to, affect fraudulently any registration, nomination, or election, shall be deemed guilty of a misdemeanor. Any officer or employee of the Town 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.

## **FINANCE**

#### Section 30. Fiscal Year.

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

#### Section 31. Budget.

The Commissioners shall prepare a budget on such date as they shall determine, but at least thirty-two (32) days before the beginning of any fiscal year. 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-Treasurer, open to public inspection by anyone during normal business hours.

### Section 32. Budget Adoption.

a. Before adopting the budget the Commissioners shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the Town. The Commissioners may insert new items or may increase or decrease the items of the budget. Where the Commissioners 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 Commission shall be necessary for adoption.

b. If the budget is not approved by July 1, a majority vote of the Commissioners shall be necessary to extend the current budget for a single thirty day period. Expenditures for that period shall not exceed one-twelfth (1/12) of the annual expenses provided in the budget of the previous fiscal year.

### Section 33. Appropriations--Approval.

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

### Section 34. Transfer of Funds.

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

### Section 35. Over-Expenditure Forbidden.

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 amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, 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.

### Section 36. Appropriations Lapse After One Year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

### Section 37. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Clerk-Treasurer and shall be countersigned by any member of the Commissioners.

Section 38. Taxable Property.

All real property within the Corporate limits of the Town shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on property which is exempt from taxation by any Act of the General Assembly.

Section 39. Budget Authorized 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.

Section 40. Notice of Tax Levy.

Immediately after the levy is made by the Commissioners in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real estate 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 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 property.

Section 41. When Taxes are Overdue.

The taxes provided for in Section 48 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 two-thirds of one per centum (2/3) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 43 [42].

Section 42. Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 42 [41] of this Charter shall be turned over by the Clerk-Treasurer 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.

Section 43. Fees.

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

Section 44. Audit.

The financial books and accounts of the Town shall be audited annually in a manner determined by the Commissioners but not contrary to applicable State law.

#### Section 45. 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 no 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 cent (50) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

#### Section 46. Authorization to Borrow Money.

The Town 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, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title "Municipal Corporations," subtitle "Creation of Municipal Public Debt."

#### Section 47. 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 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. 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 this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

#### Section 48. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the Town 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.

#### Section 49. Purchasing and Contracts.

a. Purchases for the Town government shall be made by the Clerk-Treasurer under the direction of the Commissioners. The Commissioners shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

b. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than one-thousand (\$1000.00) shall be made utilizing competitive bids and written contracts. The Clerk-Treasurer shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance. The contract, in writing, 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 Commissioners before becoming effective. The Commissioners shall have the right to reject all bids and readvertise. The Town at any time in its discretion may 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 Town may require.

c. All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the Commissioners.

## **ADMINISTRATION**

### Section 50. Clerk-Treasurer.

a. There shall be a Clerk-Treasurer appointed by the Commissioners who shall serve at the pleasure of the Commissioners and whose compensation shall be determined by the Commissioners. The Clerk-Treasurer shall be the financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the Commissioners.

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

### Section 51. Town Attorney.

There may be a Town Attorney appointed by the Commissioners. He shall serve at the pleasure of the Commissioners and his compensation shall be so determined by the Commissioners. The Town Attorney shall be a member of the bar of Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Commissioners. The Town shall have the power to employ other legal consultants as it deems necessary from time to time.

### Section 52. Authority to Employ Personnel.

The Town Commissioners shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government.

### Section 53. Retirement System.

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

### Section 54. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Commissioners subject to the restrictions imposed upon establishing the salaries of the Town Commissioners.

### Section 55. Employee Benefit Programs.

The Town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public moneys of the Town for such

programs.

#### Section 56. Prohibitions.

a. No officer or employee in the service of the Town shall continue in such position after becoming a candidate for nomination or election to any public office in the Town.

b. No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any Town political purpose whatever from any person holding a position in the service of the Town.

c. No person holding a position in the service of the Town shall make any contribution to the campaign funds of any political party or any candidate for public office in the Town or take any part in the management, affairs, or political campaign of any political party or candidate for public office in the Town, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

### **PUBLIC WAYS AND SIDEWALKS**

#### Section 57. Definition of Public Ways.

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

#### Section 58. Control of Public Ways.

The Town has control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town.

### **SPECIAL ASSESSMENTS**

#### Section 59. Power: Special Assessments.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation, or construction, of curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessment may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

#### Section 60. Procedure.

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

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 Commissioners.

The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the 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.

All special assessment charges be levied by the Commissioners by ordinance. Before levying any special assessment charges, the Commissioners shall hold a public hearing. The Clerk-Treasurer 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 Commissioners 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 Clerk-Treasurer 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 and not more than thirty days after the Clerk-Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Commissioners in its discretion, may vote to proceed with the project and may levy the special assessment.

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 of the County within twenty-one (21) days after the levying of any assessment by the Commissioners.

Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years, and in such manner as the Commissioners may determine. The 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 Commissioners.

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 Town taxes or by suit at law.

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

## **TOWN PROPERTY**

### Section 61. 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.

Section 62. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as in 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 public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland, title "Eminent Domain."

Section 63. Town Buildings.

The Town 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 Town government.

Section 64. Protection of Town Property.

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.

**GENERAL PROVISIONS**

Section 65. Oath of Office.

Before entering upon the duties of their offices, the Commissioners, the Clerk-Treasurer, and all other 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; 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."

Section 66. Official Bonds.

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

Section 67. Liability for Damages.

Before the Town of Brookeville shall be liable for damages of any kind, the person injured, or someone in his behalf, must give the Clerk-Treasurer notice in writing of the injury within thirty (30) days after the injury has been received, stating specifically when, where and how the injury occurred and the extent of the injury.

Section 68. Prior Rights and Obligations.

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 offense 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.

#### Section 69. Enforcement and Penalties.

To assure the observance of the ordinances of the Town, the Commissioners have the power to provide that violation thereof shall be a misdemeanor and have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a period not exceeding thirty days, or both, such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter has the right of appeal within ten days to the Circuit Court of the County in which the fine, forfeiture, or penalty was imposed. The Commissioners may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

#### Section 70. Effect of Charter on Existing Ordinances.

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 in accordance with provisions of authority granted in 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 shall be and the same hereby are repealed to the extent of such conflict.

#### Section 71. Gender.

Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

#### Section 72. Separability.

If any section or part of 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 section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.