CHARTER

OF THE

Town of Thurmont

FREDERICK COUNTY, MARYLAND

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THURMONT

ARTICLE I
Corporate Name

Section 101. Corporate name.

This Charter is the municipal corporation charter of the Town of Thurmont.

Section 102. Definitions.

(a) The terms "town," "city," "municipality," or "Municipal Corporation" shall each mean the Town of Thurmont.

ARTICLE II
General Corporate Powers

Section 201. Enumeration.

The inhabitants of the Town of Thurmont, within the corporate limits legally established from time to time, are hereby constituted and continued as a body corporate by the name of the "Town of Thurmont" with all the privileges of a body corporate by that name to sue and be sued, to plea 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.

ARTICLE III
Corporate Boundaries

Section 301. Description of Corporate Boundaries.

The limits of the Town of Thurmont shall be as they existed immediately prior to the date of this Charter, subject to all rights, reservations, limitations and conditions as may be set forth in all prior resolutions of annexation and in the Charter of the Town in effect immediately prior to this Charter, and as may be hereafter amended as provided by law.

Section 302. Public Filing of Corporate Boundaries.

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 Frederick County and the Director of the Department of Legislative Reference [Services] of the Maryland General Assembly. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Town in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE IV
The Board of Commissioners

Section 401. Number, Selection, Term. (See Note (1))

All legislative powers of the Town are vested in a Board of Commissioners consisting of 5 members including 4 Commissioners and the Mayor. All executive powers of the Town are vested in the Mayor who shall serve as President of the board of commissioners and Chief Executive Officer of the town. The Commissioners and the Mayor shall be elected as hereinafter provided and shall hold office for a term of 4 years, or until their successors take office. The regular term of Commissioners and the Mayor shall expire on the first day of November following the election of their successors. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the duration of the term for which they were elected or until their successors take office under the provisions of this Charter.

The terms of office for Commissioners shall be staggered so that the Mayor and 2 Commissioners are elected together. Two years later, the remaining 2 Commissioners shall be elected. (Res. No. 2013–03, 6–26–2013.)

Section 402. Qualifications of Commissioners and the Mayor.

Commissioners and the Mayor shall be registered voters of the Town of Thurmont and shall have resided in the Town for at least 1 year immediately preceding their election.

Section 403. Compensation of Commissioners and the Mayor.

Compensation of each Commissioner and the Mayor shall be as specified from time to time by ordinance. Compensation of Commissioners shall be equal. The Mayor's compensation may be different from that of the Commissioners.

The Mayor and Commissioners shall be eligible for reimbursement for Town business related expenses incurred in the conduct of their official duties subject to the limits set from time to time by policy adopted by the board of commissioners.

Section 404. Meetings of the Board of Commissioners.

(a) The newly elected Board of Commissioners shall meet at 7:00 pm. on the first Tuesday in November following its election for the purpose of organization after which the Commission shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called by the Chief Administrative Officer or upon the request of the Mayor or a majority of the members of the Board of Commissioners.

(b) All meetings of the Board of Commissioners shall be open to the public unless closed in accordance with State law. For the purposes of this Charter, the terms Closed Meeting or Executive Session shall mean all meetings that are not open to the public. The rules of the Board of Commissioners shall provide that residents and property owners shall have a reasonable opportunity to be heard at any public meeting regarding any municipal question.

(c) Notwithstanding (b) above, the Board of Commissioners may hold public workshops that shall be open to the public. Generally, no votes will be taken at public workshops and no public input is required to be heard. If the commissioners vote at a public workshop, then public input must be permitted prior to such vote.

(d) Live and/or recorded electronic coverage as well as print media are welcome and permitted at any public meeting or workshop of the Board of Commissioners and any advisory committee or commission, does not unreasonably interfere with the conduct of such meeting.

Section 405. Reserved.

Section 406. Reserved.

Section 407. Eligibility for Holding Office.

Any member of the Board of Commissioners who, during his/her term of office, ceases to be a legal resident or registered voter of the Town shall no longer be eligible to hold office and shall immediately forfeit the office.

Section 408. Forfeiture of Office.

The Mayor or a Commissioner shall immediately forfeit his/her office upon conviction of a felony.

Section 409. Mayor and Mayor Pro–Tem of the Board of Commissioners.

The Mayor shall serve as President of the Board of Commissioners. The Board of Commissioners shall elect a Mayor Pro–Tem from among its members, who shall act as President of the Board of Commissioners in the absence of the Mayor and shall have and exercise all the powers of the President conferred by the Charter.

Section 410. Quorum. (See Note (1))

Except as may be otherwise provided in this Charter, three (3) members of the Board of Commissioners shall constitute a quorum. For purposes of determining a quorum, the Mayor shall be counted as a member. A quorum shall be required for the transaction of business. (Res. No. 2013–03, 6–26–2013.)

Section 411. Procedure of Board of Commissioners.

The Board of Commissioners shall determine its own rules not inconsistent with Robert's Rules of Order and order of business. It shall keep minutes of its proceedings and enter therein yeas and nays upon final action on any question, resolution or ordinance, or at any other time if requested by any member. The minutes shall be open to public inspection except for portions taken in a closed session as provided in Section 404 of this Charter. Minutes taken during a closed session may be opened for public inspection by a majority vote of the Board of Commissioners. No action requiring a vote of the Board of Commissioners shall be taken except in a public meeting or a closed session as provided in Section 404 of this Charter.

Access to minutes taken during a closed session of the Board of Commissioners may not be withheld from any Commissioner or from the Mayor unless to prevent a conflict of interest.

Section 412. Procedure for Enactment of Resolutions and Ordinances. (See Note (1))

(a) Definitions

(1) "Resolution" shall mean a formal expression of opinion; will or intent adopted by a vote of the Board of Commissioners and, unless otherwise required by law, shall not have the force of an ordinance.

(2) "Ordinance" shall mean a legislative enactment adopted in a manner prescribed by this section that shall have the full force of law.

(3) "Amendment" shall mean a change to a proposed or adopted ordinance or resolution.

(b) A proposed ordinance or proposed resolution may be introduced by any Commissioner or the Mayor at any public meeting of the Board of Commissioners.

(c) The Board of Commissioners shall not vote on the passage or amendment of any proposed ordinance at the meeting in which it is introduced.

(d) The Board of Commissioners may:

(1) Pass,

(2) Amend and pass,

(3) Reject, or

(4) Defer consideration of a proposed ordinance or amendment at any meeting of the Board of Commissioners held not less than 6 days nor more than 60 days after the meeting at which the ordinance or amendment was introduced.

(e) Except as otherwise provided in this Charter, every ordinance or amendment shall become effective at the expiration of 7 calendar days following adoption by the Board of Commissioners unless a later effective date has been specified therein.

(f) Unless specified otherwise in this Charter, a majority of the votes cast by the Board of Commissioners must be in the affirmative to pass any ordinance or resolution.

(g) In cases of emergency, the provision that an ordinance or amendment may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of a majority of all members present. An emergency ordinance may be enacted when the Board of Commissioners deems such action necessary for the immediate preservation of the public peace, health, safety, or welfare. An emergency ordinance may become effective immediately upon adoption or on a later date as specified therein. No emergency ordinance shall levy any tax or authorize borrowing except as provided in Section 1205 of this Charter; abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; sell any public property or land; or create any vested right or interest. Every emergency ordinance shall be plainly designated as such and shall describe the emergency in clear and specific terms. Upon adoption, a fair summary of the emergency ordinance or amendment shall be promptly published on the town web site, shall be listed on the town cable channel, and posted on an the bulletin board located in the town office. (Res. No. 2013–03, 6–26–2013.)

Section 413. File of Ordinances.

(a) Each proposed ordinance shall be posted on the bulletin board located in the town office following its introduction and until it is approved or disapproved pursuant to this Article.

(b) Ordinances in effect shall be permanently filed by the Town Chief Administrative Officer and kept available for public inspection.

Section 414. Procedure for Adoption, Amendment or Repeal of the Charter.

The procedure for adoption, amendment, or repeal of the Charter of the Town of Thurmont shall be as specified in Article 23A [Title 4, Subtitle 3 of the Local Government Article] of the Maryland Code, as amended from time to time.

ARTICLE V
The Mayor

Section 501. Powers and Duties. (See Note (1))

(a) *Generally.* The Mayor shall represent the Town government at official events within and outside the Town.

(b) The Mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administration and execution of the town

government.

(c) *Board of Commissioners' Meetings*. The Mayor shall serve as presiding officer at Board of Commissioners meetings and shall set the agenda. The Mayor may participate in all discussions, and may introduce, second, and vote on questions before the Board of Commissioners.

(d) The Mayor shall have supervision over the financial administration of the town government. The Mayor shall prepare or have prepared annually a budget and submit it to the Board. The Mayor shall supervise the administration of the budget as adopted by the Board. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(e) *Other powers and duties*. The Mayor shall have such other powers and perform such other duties in the execution of the town and as prescribed by this Charter or as may be required by the Board of Commissioners, not inconsistent with this Charter. Included in these powers and duties shall be:

(1) The Chief Administrative Officer, and the Chief Financial Officer, are accountable to the Mayor, consistent with the policies and resolutions passed by the Board of Commissioners.

(2) To nominate candidates for all Department Heads including the Police Chief, the Chief Administrative Officer and the Chief Financial Officer. Decisions on hiring of these positions shall be by resolution of the Board of Commissioners.

(3) To nominate a candidate for the position of Town Attorney. Decision on hiring a Town Attorney shall be by resolution of a super majority of the Board of Commissioners.

(4) Propose the termination of the Chief Administrative Officer, the Chief Financial Officer and the Department Heads including the Police Chief. Decisions on terminations of these positions shall be by resolution of the Board of Commissioners.

(5) Propose termination of the Town Attorney. Decisions on the termination of this position shall be by a resolution of the Board of Commissioners. (Res. No. 2013–03, 6–26–2013.)

ARTICLE VI
Powers of Board of Commissioners

Section 601. General Powers.

In addition to all the powers granted to the Board of Commissioners by this Charter or any other provision of law, the Board of Commissioners may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter or any applicable law passed by the General Assembly of Maryland. The enumeration of powers

and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.

Section 602. Enumeration of Specific Powers. (See Note (1))

In addition to the powers which have been, or may hereafter be, granted to it, The Board of Commissioners also shall have the power to pass ordinances for the following specific purposes:

(1) *Advertising.* To provide for advertising, printing and publication of materials relating to the business of the Town, including financial and legal notices required by law or this Charter.

(2) *Aisles and Doors.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of doors and the means of egress there from.

(3) *Amusements.* To provide, in the interest of the public welfare, for the licensing or regulating of theatrical or other public amusements including displays, games of chance, and festivals.

(4) *Animals.* To regulate the keeping of and provide for the licensing of all domestic animals in the Town; and, to authorize the impounding, keeping, sale, destruction, or redemption of homeless animals or stray licensed animals.

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

(6) *Auctioneers.* To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

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

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

(9) *Boards, Commissions and Committees.* To appoint such boards, commissions and committees as may be necessary to the health, welfare, recreation and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the ordinance or resolution, which creates it.

(10) *Bridges.* To erect and maintain bridges.

(11) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant zoning certificates, and/or building

permits for the same; to formulate zoning, building, and plumbing codes and to appoint a zoning inspector, 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 assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(12) *Cemeteries.* To regulate and prohibit the interment of bodies within the Town and to regulate cemeteries.

(13) *Codification of Ordinances.* To provide for the codification of all ordinances.

(14) *Community Services.* To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(15) *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.

(16) *Curfew.* To restrict the times during which people may be in the streets, lanes, alleys, or public places of the Town.

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

(18) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; 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.

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

(20) *Explosives and Combustibles.* To regulate or prevent the storage of gunpowder, oil, or any other combustible matter to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(21) *Fees and Charges.* To establish and collect fees and charges for all franchises, licenses, and permits issued by the Town and for all governmental or proprietary functions of the Town.

(22) *Filth.* To compel the occupant of any premises or building in the Town, when it

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; to have general management and control of the finances of the Town.

(24) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department or to make arrangements with other qualified organizations to do so; to inspect building 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 condition of Town fire–hazard regulations are met; to install and maintain fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

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

(26) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, and any others which may be deemed advantageous and beneficial to the Town, subject to Maryland law.

(27) *Garbage.* To prevent the deposit of any unwholesome substance on either private or public property, and to compel its removal to designated points; to require slop, garbage, ashes and other waste or unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal and to establish conditions applicable to such removal.

(28) *Grants–in–Aid.* To accept gifts and grants of Federal or State funds from the Federal or State governments, any agency thereof or private source and to expend the same for any lawful public purpose.

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

(30) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his or her powers or duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to inspect, regulate, and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the

County Board of Health, or any public, general or local law relating to the subject of health.

(31) *House Numbers.* To regulate the numbering of houses and lots and to compel owners to number and/or renumber them; or, in default thereof, and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants

(32) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the Town, County or State or to use the County jail for such purpose.

(33) *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. Included within the scope of this section are activities conducted in residentially zoned property, whether or not for profit.

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

(35) *Lights.* To provide for the lighting of the Town.

(36) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(38) *Minor Privileges.* To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and displays of goods, wares, and merchandise.

(39) *Noise.* To regulate or prohibit unreasonable noise.

(40) *Nuisances.* To prevent, prohibit 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; to regulate or prohibit all trading, handling, or manufacture of any commodity which is or may become offensive, noxious, or injurious to the public comfort or health.

(41) *Parades.* To regulate the holding of meetings, processions and parades in Town streets, parks, or other public places.

(42) *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.

(43) *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 to prescribe by ordinance rates and provisions for the use thereof.

(44) *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.

(45) *Police Force.* To establish, operate, and maintain a police force in order to maintain peace and order within the Town, including the power to make arrests and restrain and detain persons who are in violation of the ordinances of the Town or the laws of Frederick County and the State of Maryland. The Town shall maintain relationships / reciprocal operating agreements with all surrounding police agencies. The Town may contract with Frederick County and/or Maryland State law enforcement authorities for services.

(46) *Property.* To acquire by conveyance, purchase or gift, real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the Town; to convey at public or private sale any real or leasehold property when the Board of Commissioners has determined it is no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; and to control, maintain and protect public buildings, grounds and property of the Town.

(47) *Public Ways and Sidewalks.* To regulate the use of Town streets, roads, alleys, and sidewalks, and all other 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 prescribe hours for cleaning sidewalks.

(48) *Quarantine.* To establish quarantine regulations in the interest of the public health.

(49) *Recycling.* To establish regulations governing the recycling of waste and to operate a program for the collection and disposal thereof.

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

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

(52) *Taxicabs.* To license, tax and regulate public hackers, taxicab drivers, porters and all other persons pursuing like occupations.

(53) *Unlicensed and Derelict Vehicles.* To regulate the storage of unlicensed and derelict vehicles on public streets and alleys, as well as on private property, and to provide for their removal and disposal.

(54) *Utilities.* To construct, operate, and maintain facilities for the provision of essential utilities to Town residents including, water, sewer, and electricity and to assess appropriate charges for connection to and use of these utilities. Such charges shall be collected on a regular basis and shall be liens on property served by such.

(55) *Vehicles.* To regulate and license vehicles not subject to the licensing powers of the State of Maryland.

(56) *Voting Machines.* To purchase, lease, borrow, install and maintain voting machines for use in Town elections.

(57) *Special Elections.* To provide for special elections at times and places to be determined by the Board of Commissioners.

(58) *General Authority.* To exercise such authority as may be granted the Town pursuant to State law. (Res. No. 2013–03, 6–26–2013.)

Section 603. Exercise of Powers.

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

Section 604. Enforcement.

To ensure the observance of the charter and ordinances of the Town, the Board of Commissioners shall have the power to provide that a violation of the charter or an ordinance shall be a misdemeanor or a municipal infraction and may affix penalties that do not exceed the maximum penalties prescribed by law.

ARTICLE VII
Chief Administrative Officer

Section 701. Appointment; Compensation. (See Note (1))

Following nomination by the Mayor, the Board of Commissioners, by resolution, may appoint a Chief Administrative Officer for the Town. The Chief Administrative Officer may only be terminated upon motion of the Mayor as affirmed by a majority vote of the Board of Commissioners. The Board of Commissioners shall set the compensation for the Chief

Administrative Officer. (Res. No. 2013–03, 6–26–2013.)

Section 702. General Powers and Duties.

The Chief Administrative Officer shall be responsible for the day–to–day operations of the Town government and shall be responsible for carrying out the policies approved by the Board of Commissioners. The Chief Administrative Officer shall be accountable to the Mayor.

Section 703. Enumeration of Specific Powers and Duties.

The Chief Administrative Officer shall:

(a) Attend Board of Commissioner meetings and may take part in the discussion, but he/she shall not have a vote.

(b) Keep minutes of all Board of Commissioners meetings.

(c) Direct and supervise the administration of all offices, departments and agencies of the Town, as assigned by the Mayor except as otherwise provided by this Charter or by ordinance.

(d) Report annually to the Board of Commissioners the condition of municipal affairs and make such recommendations as the Chief Administrative Officer deems proper for the public good and welfare of the Town.

(e) Act as the Town Zoning Administrator.

(f) Act as the Town Human Resources Administrator.

(g) Perform such other duties as may be prescribed by this Charter or as may be required by the Mayor.

Section 704. Delegation of Authority. (See Note (1))

The Chief Administrative Officer may delegate her/his duties with the consent and resolution of the Board of Commissioners. (Res. No. 2013–03, 6–26–2013.)

ARTICLE VIII
Chief Financial Officer

Section 801. Appointment; Compensation. (See Note (1))

Following nomination by the Mayor, the Board of Commissioners, by resolution, may appoint a Chief Financial Officer for the Town. The Chief Financial Officer may only be terminated upon motion of the Mayor as affirmed by a majority vote of the Board of Commissioners. The Board of Commissioners shall set the compensation for the Chief Financial Officer. (Res. No. 2013–03, 6–26–2013.)

Section 802. General Powers and Duties.

The Chief Financial Officer shall be responsible for all the financial duties of the Town, except as otherwise provided by this Charter. The Chief Financial Officer shall be accountable to the Mayor.

The Chief Administrative Officer may serve as the Chief Financial Officer simultaneously.

Section 803. Enumeration of Specific Powers and Duties.

The Chief Finance Officer shall have the authority, and shall be required, to:

(a) Assist the Mayor in the preparation of the annual budget for submission to the Board of Commissioners.

(b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the Town in such form as the Board of Commissioners may approve, not contrary to State law.

(d) Submit a complete financial report at the end of each fiscal year to the Board of Commissioners.

(e) Ascertain that all taxable real property within the Town is currently assessed for taxation.

(f) Arrange for collection of all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and any other revenues for whose collection the Town is responsible.

(g) Supervise the financial affairs and the administration of the budget as adopted by the Board of Commissioners.

(h) Have custody of all public monies belonging to or under the control of the Town, except funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.

(i) Perform any other duties in relation to the fiscal or financial affairs of the Town as the Mayor or Board of Commissioners may require, or as may be required elsewhere in this Charter.

(j) Maintain separate accounts for all enterprise funds.

ARTICLE IX
Town Attorney

Section 901. Appointment; Qualifications; Compensation. (See Note (1))

Following nomination by the Mayor, with the super majority approval of the Board of Commissioners, the Town shall appoint a Town Attorney. The Town Attorney may only be terminated upon motion by the Mayor as affirmed by a simple majority vote of the Board of Commissioners. When a new mayor is elected, the selection of the Town Attorney will be re–affirmed by a supermajority vote of the full Board of Commissioners. The Board of Commissioners shall set the compensation for the Town Attorney.

Town Attorney shall be a member of the bar of the 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 Mayor or Board of Commissioners.

The Town shall have the power to employ such other legal consultants, as it deems necessary from time to time.

The role of the Town Attorney may be filled by a Town Employee or a single contracted attorney or by a law firm that employs more than one attorney. (Res. No. 2013–03, 6–26–2013.)

ARTICLE X
Chief of Police

Section 1001. Appointment; Compensation. (See Note (1))

Following nomination by the Mayor, the Board of Commissioners, by Resolution, shall appoint a Chief of Police for the Town. The Chief of Police may only be terminated upon motion by the Mayor and affirmed by majority vote of the Board of Commissioners. The Board of Commissioners shall set the compensation for the Chief of Police. (Res. No. 2013–03, 6–26–2013.)

Section 1002. General Powers and Duties.

The Chief of Police shall be responsible for and shall have full and absolute charge of all police officers subject to the direction of the Mayor and Board of Commissioners. He or she shall exercise such powers and perform such duties as shall be required of him or her, from time to time by ordinance, by the Mayor, or by the orders, resolutions, and policies adopted by the Board of Commissioners.

Section 1003. Enumeration of Specific Powers and Duties.

The Chief of Police shall have the authority, and shall be required, to:

(a) Adopt such rules, regulations, restrictions, policies and provisions, as he or she shall deem proper and desirable for the efficient operation of the police department.

(b) Conduct, or have his or her designated agent conduct, an internal investigation of any officer alleged or believed to have engaged in any act of misconduct, misfeasance, malfeasance, or violation of the police department's policies, rules, regulations and/or procedures.

(c) Implement disciplinary proceedings against an officer, if, at the conclusion of an internal investigation, the finding and conclusions support such action. All disciplinary proceedings against officers shall be conducted in accordance with and pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR), as amended from time to time.

(d) Discipline, suspend, demote, or terminate an officer upon conclusion of a hearing conducted pursuant to the LEOBR and a finding of guilt and recommendation for punishment.

(e) Perform any other duties in relation to the public safety of the Town as the Mayor or Board of Commissioners may require, or as may be required elsewhere in this Charter.

ARTICLE XI
Registration, Nomination, and Elections

Section 1101. Qualifications of 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 corporate limits of the Town for thirty (30) days, and;

(d) Is registered to vote in the Town in accordance with provisions of this Charter;

Is a qualified voter of the Town.

Section 1102. Board of Supervisors of Elections. (See Note (1))

(a) There shall be a Board of Supervisors of Elections consisting [of] a minimum of three (3) members who shall be appointed by the Mayor with the approval by Resolution of the Board of Commissioners. Additional members may be appointed and approved as needed. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in September in the year in which they are appointed and shall run for 4 years. The Mayor shall appoint one of its members as Chairperson. Vacancies on the Board of Supervisors of Elections shall be filled by the Mayor with the approval of the Board of Commissioners for the remainder of the unexpired term.

(b) Members of the Board of Supervisors of Elections shall be qualified voters of the Town pursuant to Section 1101 of this Charter. No member of the Board of Supervisors of Elections or their immediate family shall hold or be a candidate for any Town elective office during the term of office of a member. Compensation of the members of the Board of Supervisors of Elections shall be determined by the Board of Commissioners.

(c) Any member of the Board of Supervisors of Elections may be removed by the Board of Commissioners for inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office, or insubordination. Before removal, the member of the Board of Supervisors of Elections proposed for removal shall be given a written copy of the charges and shall have a public hearing before the Board of Commissioners, if requested, within ten days after receiving the written copy of the charges.

(d) The Board of Supervisors of Elections shall be in charge of receiving nominations, certifying candidates, conducting all Town elections, and certifying election results. The Board of Supervisors of Elections may appoint election clerks to assist in its duties but need not do so. No election clerk or their immediate family shall hold or be a candidate for any Town elective office during their term of service. The Board of Commissioners shall determine compensation of Election Clerks.

(e) The Board of Supervisors of Elections shall conduct election recounts subject to procedures approved by the Mayor and the Board of Commissioners. (Res. No. 2013–03, 6–26–2013.)

Section 1103. Notice of Elections. (See Note (1))

At least forty–nine (49) days, but not more than fifty–five (55) days, prior to each Town election, the Board of Supervisors of Elections shall publish notice of the upcoming election at least once a week for two weeks in at least one newspaper of general circulation within the Town and by posting a notice thereof in some public place or places in the Town and by placing notice on the town's web site. (Res. No. 2013–03, 6–26–2013.)

Section 1104. Registration. (See Note (1))

(a) Provided that persons meet the voter qualifications enumerated in Section 1101 of this Charter, registration to vote with the Frederick County Board of Elections shall be deemed registration for Town elections and the Town Board of Supervisors of Elections shall accept the list of registered voters provided by the Frederick County Board of Elections as a valid registration list for the Town.

(b) The Town shall maintain a supplemental registration list for voters who choose not to register with the County. The Board of Commissioners, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent supplemental registration and provide for re–registration when necessary. The Board of Supervisors of Elections shall keep the supplemental registration lists up to date by striking from the lists any persons who

have died, moved out of the Town, or have not voted in a Town election within the preceding five calendar years.

(c) No person shall be entitled to vote in a Town election unless he/she is duly registered to vote at least twenty–eight (28) days prior to that election. (Res. No. 2013–03, 6–26–2013.)

Section 1105. Appeal from Action of Board of Supervisors of Elections.

If any candidate for office is aggrieved by any action of the Board of Supervisors of Elections, such candidate may appeal to the Circuit Court for Frederick County.

Section 1106. Nominations. (See Note (1))

(a) Each year on the last Tuesday in September at 7:00 p.m. there shall be held a nominating convention. The Board of Supervisors of Elections shall cause posters to be placed around the town in conspicuous places announcing this fact at least ten (10) days prior thereto, and shall also cause a notice to be placed in a local newspaper of general circulation in the Town for at least two (2) successive weeks prior thereto stating the date and time of both the convention and the election to follow.

(b) The Mayor shall serve as the temporary Chairperson of the convention.

(c) The first order of business shall be the election of some registered voter of the town as permanent Chairperson of the convention. The Chairperson shall then call for the nomination of qualified voters for the open Mayor and/or Board of Commissioners positions. Any person nominated must receive at least one (1) second. All persons so nominated and seconded shall appear on the printed ballot unless they state in the convention that they do not wish to run for the office for which they have been nominated, or unless they notify the Board of Supervisors of Elections in writing within three (3) days following the convention that they do not wish to run for the office for which they have been nominated.

(d) The Town Chief Administrative Officer shall keep minutes of the proceedings of the convention.

(e) The convention may not be closed to the public for any reason.

(f) Candidates may also be nominated by providing a letter to the Board of Supervisors of Elections proposing the nomination, to be received in the Town Office before the close of business on the day of the nominating convention or by delivering the letter to the Chairperson of the nominating convention prior to closing the nominations for the specific office up for election. The letter must contain the printed name, address, and signature of the person being nominated, the person making the nomination, and the person seconding the nomination. The signatures must be notarized. (Res. No. 2013–03, 6–26–2013.)

Section 1107. Election of Mayor and Commissioners. (See Note (1))

Terms of office. As noted in Section 401 of this Charter, the term of office of the Mayor and Commissioners shall be four (4) years. The terms of the Commissioners shall be staggered. Elections shall be held every odd–numbered year on the last Tuesday in October. (Res. No. 2013–03, 6–26–2013.)

Section 1108. Voting on Issues or Questions.

In addition to elections of the Mayor and Commissioners, issues and questions may also be placed on the ballot. Such issues or questions may be identified by the Board of Commissioners or by citizen referendum as provided in Section 1117 of this Charter.

Section 1109. Conduct of Elections.

The Board of Supervisors of Elections shall arrange and/or provide, for each special and general election, a suitable place or places for voting and suitable ballot boxes and ballots and/or properly functioning 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 and with no party designation of any kind. Ballots and/or voting machines shall allow the voting of write–in candidates.

Residents not comfortable with voting electronically may vote utilizing the provisions of the absentee ballots.

Polls shall be open from 7 a.m. to 8 p.m. on election days. Persons in line at the time of closing shall be permitted to vote.

Section 1110. Absentee Voting.

Any qualified voter is entitled to vote in any election by absentee ballot under conditions set by the Board of Commissioners. The Board of Supervisors of Elections shall transmit and receive applications for absentee ballots and shall provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote in a manner prescribed by law and described in detail in the Town Ordinance for Absentee Balloting.

Section 1111. Special Elections. (See Note (1))

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

(b) Whenever required by this Charter, it shall be the duty of the Board of Supervisors of Elections to order a special election at a date not less than 30 days nor more than 90 days from the date an office is declared vacant or the date an election results in a tie vote except as otherwise provided in Section 1116.

(1) Recall elections as defined in Section 1115 of this Charter are not subject to the dates in Section 1111 (b) above. They are instead subject to the dates in Section 1115 of this Charter.

(c) Following the special election, the Mayor or Commissioner(s) elected pursuant to this section shall take office at the next meeting of the Board of Commissioners. (Res. No. 2013–03, 6–26–2013.)

Section 1112. Vote Count.

(a) As soon as possible and no later than 24 hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate, issue or question and shall certify the results of the election to the Mayor who shall record the results in the minutes of the next public meeting of the Board of Commissioners. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidates for Commissioners with the two highest number of votes in the election shall be declared elected as Commissioners.

(b) In the event of a tie between any candidates for an elected seat in which the tie has a bearing on who shall be declared elected, those candidates shall participate in a special election pursuant to Section 1111 of this Charter.

Section 1113. Preservation of Ballots.

The Board of Supervisors of Elections shall be responsible for preserving all ballots used in any Town election for at least 4 months following the date of the election. Printed ballots shall be kept whether cast or not.

Section 1114. Regulation and Control by Board of Commissioners.

The Board of 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 Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots. A recount shall occur:

(a) Automatically if there is a margin of 5% or less votes between candidates if the outcome could affect which candidates are elected, or;

(b) Upon the written request, accompanied by a non–refundable fee of $500.00, to the Board of Supervisors of Elections from any registered voter received not later than 5:00 pm Friday following the election.

Section 1115. Recall of Elected Officials. (See Note (1))

The Mayor or any Commissioner may be recalled from office, subject to the following:

(a) A recall petition, signed by not less than 25 percent of the registered voters of the Town, shall be presented to the Board of Commissioners at their regular meeting. The petition shall state the desire of the signatories to have the named Mayor or Commissioner subjected to a vote of the electorate to determine whether the official shall be reaffirmed in office or removed. The petition shall state specifically the reason(s) for recall of a Town official. A petition shall name only one Town official subject to recall.

(b) Only registered voters may sign a recall petition. Each voter signing said petition shall sign his or her name and the date. A petition shall be considered initiated on the date that the first voter signature is obtained. No petition may be initiated until at least 6 months after the Town Official named in the recall petition was elected to office. The petition must be presented to the Board of Commissioners within 60 days of the date of the first signature signed on the petition.

(c) Under each signature shall be typed or printed each petitioner's name and address.

(d) At the bottom of each page of the petition, the individual circulating the petition shall type or print his or her name and address. The individual circulating the petition shall sign and date the petition and make an affidavit that he/she circulated the petition and witnessed each individual whose name appears thereon sign the same in his/her presence.

(e) Upon receipt of a petition to recall an official, the Board of Commissioners shall refer the petition to the Board of Supervisors of Elections for verification of the appropriate number of qualified voters' signatures, as well as the corresponding addresses. The Board of Supervisors of Elections shall return said petition with its written findings as to qualified voters' signatures and addresses to the town attorney for legal sufficiency. The town attorney will forward his/her opinion of the decision of the Board of Supervisors of Elections, within 14 days following receipt of the decision for action by the Board of Commissioners at its next regularly scheduled meeting. At that meeting, if the petition has been authenticated, the Board of Commissioners shall set a date for a special election to be held within 30 days of the meeting providing for a vote for or against the recall.

(f) Voting shall be conducted in the same manner prescribed herein for regular Town elections and, if the election results in a plurality vote to remove, the position shall become vacant immediately and shall be filled as prescribed in Section 1116 of this Charter.

(g) The Mayor or any Commissioner may be subject to only one recall petition during each term in office. (Res. No. 2013–03, 6–26–2013.)

Section 1116. Vacancies in Elective Office.

In case a vacancy occurs on the Board of Commissioners one hundred eighty (180) days or more prior to the expiration of the term, a special election shall be called to fill the vacancy as prescribed in Section 1111 of this Charter. In the case of any such vacancy, which occurs less than one hundred eighty (180) days prior to the expiration of the term, the vacancy for the unexpired term shall be filled at the next general election.

Section 1117. Referenda.

Registered voters of Thurmont may request that specific questions, issues, resolutions or ordinances with the exception of contracts entered into by the Board, be subject to referendum. Votes on referendum questions, issues, resolutions, or ordinances may occur at the time of regularly scheduled general elections or as the subject of a Special Election.

(a) A petition, signed by not less than 25 percent of the registered voters of the Town shall be presented to the Board of Commissioners at their regular meeting. The petition shall state the desire of the signatories to have the specific questions, issues, resolutions or ordinances subjected to a vote of the electorate. The exact language of the questions, issues, resolutions or ordinances must appear on or be attached to the petition. A separate petition shall be required for each question, issue, or ordinance.

(b) Only registered voters may sign a referendum petition. Each voter signing said petition shall sign his or her name and the date. A petition shall be considered initiated on the date that the first voter signature is obtained. The petition must be presented to the Board of Commissioners within 60 days of the date of the first signature signed on the petition.

(c) Under each signature shall be typed or printed each petitioner's name and address.

(d) At the bottom of each page of the petition, the individual circulating the petition shall type or print his or her name and address. The individual circulating the petition shall sign and date the petition and make an affidavit that he/she circulated the petition and witnessed each individual whose name appears thereon sign the same in his/her presence.

(e) Upon receipt of a petition for referendum, the Board of Commissioners shall refer the petition to the Board of Supervisors of Elections for verification of the appropriate number of qualified voters' signatures, as well as the corresponding addresses. The Board of Supervisors of Elections shall return said petition with its written findings as to qualified voters' signatures and addresses, within 14 days for action by the Board of Commissioners at its next regularly scheduled meeting. At this meeting, if the petition is authenticated, the questions, issue or ordinance shall be suspended except as stated in Section 1117 (i) of this Charter. The Board of Commissioners shall set a date for a special election if so requested on the petition. If a special election is not requested as part of the petition, the question, issue, resolution, or ordinance shall be included on the ballot of the next regularly scheduled Town election.

(f) Voting shall be conducted in the same manner prescribed herein for regular and/or Special elections.

(g) A petition for referendum may be included in a regular Town election if said petition is verified by the Board of Supervisors of Elections at least 60 days prior to the election.

(h) A plurality vote shall be required for the questions, issues, or ordinances to subject to referendum to pass. Such a vote binds the Mayor and Commissioners to take the necessary

action to implement the question, issue or ordinance approved by referendum.

(i) Except for an emergency ordinance, no new ordinance or the part thereof petitioned to referendum shall become effective following the receipt of such petition until approved at referendum by a plurality of the qualified voters voting on the question provided that the petition for referendum is presented to the Board of Commissioners before the effective date of the ordinance. An emergency ordinance, or the part thereof petitioned to referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof petitioned to referendum, shall be suspended until approval by a majority of the qualified voters voting on the question at any election.

(j) The provisions of this section shall not apply to any ordinance, or part thereof, or action of the Board of Commissioners levying property taxes for the payment of indebtedness, or the adoption of the annual budget, but the provisions of this Section shall apply to any ordinance, or part thereof, levying special assessment charges.

(k) Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provisions of this Section shall be self–executing, but the Board of Commissioners may adopt ordinances in furtherance of these provisions and not in conflict with them.

(l) Any ordinance, or part thereof, disapproved by the voters may not be re–introduced for consideration by the Board of Commissioners for at least one year following the referendum vote.

ARTICLE XII
Finance

Section 1201. 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 of the following year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 1202. Proposed Budget.

At least thirty–two (32) days before the beginning of any fiscal year, the Mayor shall submit a proposed budget to the Board of Commissioners. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The proposed budget is a public record and is open to public inspection during normal business hours at the Town Office.

Section 1203. Budget Adoption.

Before adopting the budget the Board of Commissioners shall hold a public hearing thereon after two (2) weeks notice thereof in at least one newspaper of general circulation within the Town. If the Board of Commissioners increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. Approval by a majority of the elected members of the Board of Commissioners is necessary for adoption.

Section 1204. Appropriations.

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

Section 1205. Amendments After Adoption of Budget. (See Note (1))

(a) *Supplemental Appropriations*. If during the fiscal year the Chief Financial Officer certifies that revenues in excess of those estimated in the budget are available for appropriation, the Mayor or Board of Commissioners may make supplemental appropriations for the year up to the amount of such excess.

(b) *Emergency Appropriations*. To meet a public emergency affecting life, health, property, or the public peace, the Board of Commissioners may make emergency appropriations by emergency ordinance in accordance with the provisions of Section 412 of this Charter. If a meeting of the Board of Commissioners cannot be scheduled in time to approve action to mitigate a public emergency, the Mayor or the CFO have the authority to take those actions necessary to protect the health, property, or public peace of the Town residents. The Board of Commissioners shall be informed of the action taken as soon as possible following such action.

(c) *Transfer of Funds*. The Board of Commissioners must approve any transfer of funds in excess of 10% between major appropriations for different purposes in a public session after accepting public comment before becoming effective. "Major appropriations" are defined as the top level operating accounts such as "General Fund", "Sewer", "Water", and "Electric" in the operating budget, and any item in the capital budget of a magnitude greater than $ 15,000. The Board of Commissioners may adopt policies requiring approval of transfers between lower levels of the budgets.

(d) *Procedure*. The authorization of supplemental appropriations or transfer of funds shall require approval of a two–thirds vote of the members of the Board of Commissioners. (Res. No. 2013–03, 6–26–2013.)

Section 1206. Over–Expenditure Prohibited.

No officer or employee shall, during any budget year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the 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 in this section 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 1207. Lapse of Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they have 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 1208. Payment of Financial Obligations.

Before any capital obligation is considered for payment, payment must be approved by the Department Head from whose budget the funds were obligated.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Mayor or the Chief Financial Officer.

Section 1209. Taxable Property.

All real property within the corporate limits of the Town may be subject to taxation for municipal purposes. The assessment used shall be the same as that for State and County taxes. No authority is given by this Section to impose taxes on any property that is exempt from taxation by State law.

Section 1210. Tax Levy.

(a) *Rate.* The Board of Commissioners annually may levy such taxes upon assessable real property within the corporate limits, as it deems necessary, subject to the provisions below, and shall set the tax rates by resolution prior to adoption of the annual budget.

(b) *Notice of Tax Levy.* Immediately after the tax levy is adopted by the Board of Commissioners in each year, the Chief Administrative Officer shall give notice of the adoption of the levy by posting a notice thereof in some public place or places and in at least one newspaper of general circulation in the Town and post it on the town web site.

(c) *Taxes Constitute Lien.* All taxes levied under this Section shall be a lien on any and all property of the person, corporation, or entity against whom they are levied.

(d) *Abatement.* The Board of Commissioners are [is] authorized and empowered, whenever it shall seem to them [it] expedient for the encouragement of the growth and development of business, to provide by general ordinance for the abatement of any or all taxes

levied by authority of the Commissioners. Such abatement or exemption shall be extended to all businesses engaged in the type of business proposed to be benefited by ordinances under the provisions of this section.

Section 1211. When Taxes Are Overdue.

The taxes provided for in Section 1210 of this Charter shall be due and payable as provided in the Tax – Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears and shall be subject to additional penalties as authorized by State law. Any interest or penalty rates to be imposed by the Town shall be established by ordinance. This is in addition to the interest and penalties imposed by State law. All taxes not paid and in arrears one year after the date on which they are due and payable shall be collected as provided in Section 1212 of this Charter.

Section 1212. 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 1211 of this Charter shall be turned over by the Chief Administrative Officer to the County official 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 1213. Fees.

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

Section 1214. Audit.

The financial books and accounts of the Town shall be audited annually as required by State law.

Section 1215. Authority to Borrow Money.

(a) *General Obligation Bonds.* The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds. The power and obligation of the Town to pay any and all general obligation bonds, notes, or other evidences of indebtedness issued by it under this authority 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 interests thereon, without limitation of amount. Except as otherwise provided herein, the faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the general obligation bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. The Town shall have the power and authority to sell any bonds, notes, or other evidences of indebtedness at, above or below the face par value thereof, by

public sale or private negotiated sale without advertisement or publication of notice of sale of solicitation of competitive bids, as the Board of Commissioners may, by ordinance, determine, notwithstanding any contrary limitations or restrictions, including, without limitation, any limitations or restrictions contained in Ann. Code of Md. Art. 23A, §§ 31–39 [Title 19, Subtitle 3 of the Local Government Article], and, more particularly, in Ann. Code of Md. Art. 23A, § 32 [34](2),(4) [§ 19–304(a), (b), and (e) of the Local Government Article].

(b) *Revenue Bonds.* The Town shall have the power to issue revenue bonds for one or more revenue–producing projects that serve a proper public purpose. Prior to the issuance of revenue bonds, the Board of Commissioners shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended, the manner in which the revenue bonds will be sold, which may be by public sale or private negotiated sale, and such other terms as the Board of Commissioners may deem necessary or appropriate. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the Town shall not be pledged for the payment of revenue bonds.

(c) *Tax Anticipation Borrowing.* During the first six months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property taxes levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than 6 months after 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 percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Board of Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes in concert with County and State law.

Section 1216. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the Town prior to adoption 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 1217. Purchasing and Contracts.

The Board of Commissioners shall provide by ordinance for rules and regulations regarding the use of competitive bidding for Town purchases and contracts including the level of expenditures below which competitive bids are not required.

Section 1218. Capital Reserve Fund.

(a) The Town shall maintain Capital Reserve Funds, which it may fund as a normal budget item, or by the methods of Sections 1203 and 1205 of this charter. Capital Reserve Funds

shall only be used for capital improvements in the Town or to retire capital improvement debt. Disbursements from the funds shall require an affirmative vote of a majority of the members of the Board of Commissioners. The funds shall be placed in federally insured interest bearing account(s). Accrued interest shall remain in the Capital Reserve Funds.

(b) Notwithstanding the requirement of use for only capital improvements, the Town may use the Capital Reserve Fund for Tax Anticipation Borrowing as described in Section 1215 (c) of this charter. Interest paid to the Capital Reserve Fund on the funds borrowed shall be at the market–borrowing rate at the time of borrowing.

ARTICLE XIII
Personnel

Section 1301. Authority to Employ Personnel.

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

Section 1302. Merit System Authorized.

The Town may provide by ordinance for appointments and promotions in administrative service on the basis of merit and fitness. To carry out this purpose the Board of Commissioners may adopt such rules and regulations governing the operation of a merit system, as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations.

Section 1303. Public Ethics.

Pursuant to State law, the Board of Commissioners shall adopt by ordinance a Code of Ethics for Town officials and employees and procedures for enforcement

Section 1304. Retirement System.

The Town shall have the power to include its officers and employees within any retirement system or pension system 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 1305. Reserved. (See Note (1))

Section 1306. Employee Benefit Programs.

The Town is authorized and empowered to provide for or participate in employee benefit

programs.

ARTICLE XIV
Public Ways and Sidewalks

Section 1401. Definition of Public Ways.

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

Section 1402. Control of Public Ways.

The Town shall have control of all public ways in the Town except those under the jurisdiction of Frederick County or the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, maintain, close, or otherwise regulate the use of public ways in the Town.

Section 1403. Public Ways; Powers.

The Town shall have the power:

(a) To establish and enforce the standards to be met in the construction or repair of Town public ways.

(b) To establish, regulate and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridges, curbs, and gutters.

(c) To grade, lay out, construct, open, extend, and make new Town public ways.

(d) To grade, straighten, widen, alter, improve, or close any existing Town public way or part thereof.

(e) To pave, surface, repave, or resurface any Town public way or part thereof.

(f) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.

(g) To name or rename Town public ways.

(h) To have surveys, plans, specifications, and estimates made for any of the above activities, projects, or parts thereof.

Section 1404. Sidewalks; Powers.

The Town shall have the power:

(a) To establish, regulate and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.

(b) To grade, layout, construct, reconstruct, pave, repave, repair, extend, or otherwise alter a sidewalk on Town property along any public way or part thereof.

(c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions as well as to be responsible for their cost for repair and maintenance.

(d) To require and order the owner of any property abutting on any public way in the Town to perform any project authorized by this Section at the owner's expense according to reasonable plans and specifications. If, after due notice the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

ARTICLE XV
Water and Sewer

Section 1501. Powers.

The Town shall have the power:

(a) To construct, reconstruct and operate and maintain a municipal water system.

(b) To construct, reconstruct and operate and maintain a sanitary sewage system and sewage treatment plant.

(c) To construct, reconstruct and operate and maintain a storm water drainage system.

(d) To enlarge, alter, repair, improve or dispose of all parts, installation and structures of the above plants and systems.

(e) To have surveys, plans, specifications and estimates made for any of the above plants and systems, or parts thereof, or the extension thereof.

(f) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

(g) To levy charges for the provision of water and sewer.

(h) To establish restrictions upon the amount and conditions of use of Town supplied water.

(i) To establish restriction upon the amount and conditions of use of Town supplied

sanitary sewer disposal system.

(j) To specify requirements for those parts of the system built by others and later turned over to the Town.

Section 1502. Placing 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 Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to the limitations as may be imposed by the Town. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewage or storm water systems, the Town may order it removed at the owner's expense and to the satisfaction of the Town.

Section 1503. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures in, on, or over any public way in the Town or the County which impede the establishment, construction, or operation of any Town sewer or water main, shall upon reasonable notice, remove or adjust the obstructions at the owner's expense and to the satisfaction of the Town. If necessary to carry out the provisions of this Section, the Town may use its condemnation powers.

Section 1504. Connections.

The Town may 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 provided that such connections are permitted by the Town's Adequate Public Facilities Ordinance. When the Town declares any water main or sanitary sewer ready for operation, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The Town shall require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and shall require that all cesspools, sink drains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health shall be ordered to be abandoned and closed. The Board of Commissioners is empowered to grant exemptions to the above requirements.

The Town is under no obligation to extend water or sewer mains beyond their current service areas. Any such extension granted by the Town shall be at the expense of the user/requestor.

Section 1505. Charge for Connections.

The Town may charge for each connection made to the Town's water or sewer mains. The amount of the charge shall be determined by the Board of Commissioners from time to time by ordinance and shall be at least sufficient to cover the Town's costs without subsidy by the taxpayers or other system users. Payment of this charge shall be made before the connection is made.

Section 1506. Improper Uses.

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

Section 1507. Private Systems.

The Town may provide that no water supply, sewage disposal, or storm water drainage system, and no water mains, sewers, drains, or connections therewith shall be constructed or operated by any person or persons, firms, corporation, institution or community, whether upon private premises or otherwise except for those already in existence in the Town. The Town 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. Any cesspool of [or] other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town. All costs for abatement shall be a lien on the property, collectible in the same manner as Town taxes or by suit of law. The Board of Commissioners is empowered to grant exemptions to the above requirements.

Section 1508. Extensions Beyond Boundaries.

The Town shall have the power to extend its water or sewage systems beyond the Town limits. The price for service beyond the Town limits shall be greater than the price for service within the Town limits. Connection fees shall be greater than that for connection within the Town limits.

Section 1509. Right of Entry.

Any employee or agent of the Town, while in the necessary pursuit of official duties with regard to the water or sewage disposal systems operated by the Town shall have the right of entry, for access to water or sewer installations, at all reasonable hours and after reasonable advance notice to the owner, tenant, or person in possession, upon any property or premises and into any building in the Town or County served by the Town's water or sewage disposal system.

Section 1510. 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 Town water supply system. This provision shall not prevent Town officials from introducing dyes or chemicals necessary to evaluate, diagnose and/or correct problems, and maintain the proper operation of the water supply system.

Section 1511. Collection of Charges.

The Town shall have the power to charge and collect such service rates, water rents,

ready–to–serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. Charges for water and sewer services are to be billed and collected by the Chief Administrative Officer. If the bills are delinquent for a length of time to be established periodically by the Board of Commissioners, the service may be discontinued. All charges for water and sewer services shall be a lien on the property, collectible in the same manner as Town taxes or by suit of law.

ARTICLE XVI
Electricity Supply

Section 1601. Powers.

The Town shall have the power:

(a) To construct, operate, and maintain a system for the distribution and/or generation of electric power to the municipality consistent with Federal, state, and county law.

(b) To enter into contracts, either individually or in concert with other municipalities and jurisdictions, with wholesale electricity suppliers for the supply of wholesale electrical power to the Town.

(c) To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all obsolete parts, installations and structures of the electricity supply system.

(d) To specify requirements for those parts of the system built by others and later turned over to the Town.

(e) To have surveys, plans, specifications, and estimates made for the above system, or parts thereof, or the extension thereof.

(g) To do all things it deems necessary for the efficient operation and maintenance of the above system.

(h) To levy charges for the provision of electricity including the ability to set different rates as a function of time of day and/or usage.

(i) To establish restrictions upon the amount and conditions of use of Town supplied electricity.

(j) To allow integration into the Town's system of resident–owned electric generating systems including the purchase of excess power from such systems.

(k) To sell the Town's electrical distribution system to a public or private entity if such sale is in the best interests of the current customers and the Town. Such a sale would require a

referendum in accordance with Section 1117 of this Charter without the requirement for a petition. Any sale must meet all applicable Federal, state, and county laws and regulations.

Section 1602. Operation.

The operation of the Thurmont Municipal Light Company shall be in accordance with established rules and regulations of the company as approved by the Maryland Public Service Commission or successor agency.

ARTICLE XVII
Special Assessments

Section 1701. Power.

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

Section 1702. Procedure.

The procedure for special assessments shall be established by ordinance.

ARTICLE XVIII
City/Town Property

Section 1801. Acquisition, Possession and Disposal. (See Note (1))

The Town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise. Upon determination by the Board of Commissioners that the property is no longer needed for any public use, the Town may sell, lease, or otherwise dispose of any property belonging to the Town after twenty (20) days public notice. 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.

No provision of this Charter shall require the Town to accept any donation of real, personal, or mixed property. (Res. No. 2013–03, 6–26–2013.)

Section 1802. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein, or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by State law.

Section 1803. Annexation. (See Note (1))

The Town shall have the power to annex real property contiguous with its corporate boundaries. The manner of procedure in case of any annexation proceeding shall be that established by State law. (Res. No. 2013–03, 6–26–2013.)

Section 1804. Town Buildings. (See Note (1))

The Town shall have the power to acquire, to obtain by lease or rent, to purchase, to construct, to operate, and to maintain all buildings and structures it deems necessary for the operation of the Town government. (Res. No. 2013–03, 6–26–2013.)

Section 1805. Protection of Town Property. (See Note (1))

The Town shall have the power to do whatever may be necessary subject to other provisions of this Charter to protect Town property and to keep all Town property in good condition. (Res. No. 2013–03, 6–26–2013.)

ARTICLE XIX
General Provisions

Section 1901. Oath of Office.

(a) Before entering upon the duties of their offices, the Mayor, the Commissioners, the Chief Administrative Officer, the Chief Financial Officer, the members of the Board of Supervisors of Elections, 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 solemnly swear or affirm 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) The Mayor shall take and subscribe this oath or affirmation before the Clerk or one of the sworn deputies of the Clerk of the Circuit Court for Frederick County before taking office.

All others [other] persons taking and subscribing the oath shall do so before the Mayor.

Section 1902. Official Bonds.

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

Section 1903. Prior Rights and Obligations.

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

Section 1904. Misdemeanors.

(a) Unless otherwise explicitly provided, a violation of a Town ordinance shall be a misdemeanor.

(b) Every act or omission which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the Circuit Court of Frederick County by a fine, imprisonment, or both, not to exceed the maximum misdemeanor penalty prescribed by State law.

(c) A party found guilty of a misdemeanor shall have the right to appeal to the extent provided for by State law.

(d) Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1905. Municipal Infractions.

(a) The Board of Commissioners may declare that a violation of a Town ordinance shall be a municipal infraction, unless that violation is declared to be a felony by State law or other ordinance, and affix penalties thereto not to exceed the maximum penalty for a municipal infraction prescribed by State law. For purpose [purposes] of this Section, a municipal infraction is a civil offense.

(b) Any person receiving a citation for a municipal infraction may choose to stand trial

for the infraction in a manner prescribed by State law.

(c) Each day a violation continues shall constitute a separate offense.

(d) All fines, fees, and costs for conviction of Municipal Infractions shall go to the Town's general revenue.

Section 1906. 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 according to the provisions of this Charter.

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

Section 1907. 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 any part of the section so held invalid shall appear.

NOTES

(1) Resolution No. 2013–03, effective June 26, 2013, amended Sections 401, 410, 412, 501, 602, 701, 704, 801, 901, 1001, 1102, 1103, 1104, 1106, 1107, 1111, 1115, 1205, 1305, 1801, 1803, 1804, and 1805 of the Charter.