

**A RESOLUTION TO REPEAL THE CHARTER OF THE
TOWN OF EMMITSBURG IN ITS ENTIRETY AND
ADOPT A NEW CHARTER**

This Resolution of the Board of Commissioners of the Town of Emmitsburg, Maryland, is adopted pursuant to the authority granted to them by Article XI-E of the Maryland Constitution and Section 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland to repeal the Charter of the Town of Emmitsburg and enact a new one in its place.

WHEREAS, the Town of Emmitsburg (the "Town") is authorized by the Town Charter and provisions of Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (the "Maryland Code") to amend its municipal charter; and

WHEREAS, the Board of Commissioners has concluded that it is in the best interest of the Town to amend the Town Charter to: 1) make stylistic and grammatical changes; 2) correct misspellings and inconsistencies; 3) provide a more accurate description of the Town boundaries; 4) clarify the Town police limits; 5) reduce the length of the residency qualification of Commissioners and the Mayor; 6) clarify the specific enumerated powers of the Board of Commissioners; 7) correct inconsistencies in penalties for violations of Town ordinances; 8) amend provisions relating to the Mayor's veto power; 9) clarify the Town's tax year, budget year, and accounting year; 10) provide a date for when taxes are due and in arrears and allow the Town to assess interest and penalties by ordinance; 11) provide for the sale of tax delinquent property; 12) provide that the ownership of all fees collected by Town officers and employees acting in their official capacity belong to the Town; 13) provide for the audit of the Town's financial books; 14) clarify and amend the Town's authority to borrow money and issue and sell bonds; 15) increase the Town's short-term borrowing limit; and 16) provide that any ordinance in effect that conflicts with the Charter is repealed to the extent of the conflict.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF EMMITSBURG that the Charter of the Town of Emmitsburg as it now exists, is hereby repealed and a new Charter for the Town of Emmitsburg, attached hereto and incorporated herein by reference, is hereby adopted to stand in the place of the Charter so repealed.

AND BE IT FURTHER RESOLVED THAT all ordinances and resolutions enacted by the Board of Commissioners of the Town of Emmitsburg prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for such ordinance or resolution is not granted to the Town of Emmitsburg by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this Resolution.

AND BE IT FURTHER RESOLVED THAT this Resolution repealing the Charter of the Town of Emmitsburg and adopting a new Charter for the Town shall not alter ownership, title, or control of any property in which the Town has an interest prior to the effective date of the Charter adopted by this Resolution; nor shall the adoption of this Resolution affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the Town of Emmitsburg prior to the effective date of the Charter and all such liabilities, debts and other obligations shall continue to be fulfilled and satisfied by the Town; nor shall the adoption of this Resolution affect the term of office or incumbency of any Board member, or any appointed or elected member of any department, office, board, commission, committee, agency, or other unit of the Town of Emmitsburg, and the continuity of every department, office, commission, committee, agency, or other unit of the Town is retained, it being the intent of the Board of Commissioners that the affairs of the Town be continued without interruption and without substantial changes in the form or manner of government under the Charter adopted by this Resolution.

AND BE IT FURTHER RESOLVED THAT if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

AND BE IT FURTHER RESOLVED THAT this Resolution shall take effect fifty (50) days from and after the date of its final passage and that its provisions shall be implemented on the 27th day of October, 2021, unless a proper petition for referendum filed pursuant to Section 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland prior to that date.

AND IT IS FURTHER RESOLVED THAT The Town Clerk, on behalf of the Mayor, is hereby directed to proceed with the posting of a complete and exact copy of this resolution at the Town of Emmitsburg's town office located at 300A South Seton Avenue, Emmitsburg, Maryland 21727 for a least forty (40) days following adoption and publication of a fair summary of this Resolution in a newspaper of general circulation in the Town of Emmitsburg not less than four (4) times, at weekly intervals, within a period of at least forty (40) days immediately after the resolution is adopted.

AND IT IS FURTHER RESOLVED THAT the sending of information concerning the charter amendment provided herein to the Maryland Department of Legislative Services pursuant to the requirements of Section 4-304 of the Maryland Code.

NOW, THEREFORE, BE IT HEREBY enacted this 7th day of September, 2021 by the Mayor and Board of Commissioners, that Resolution Number 2021-05R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

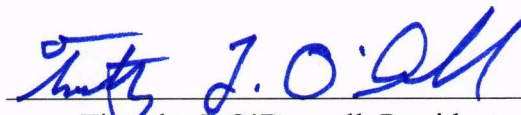
PASSED this 7th day of September, 2021
by a vote of 4 for, 1 against, 0 absent, and 0 abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:



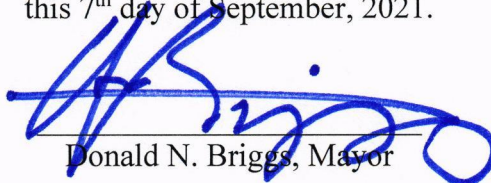
Madeline Shaw, Town Clerk



Timothy J. O'Donnell, President

APPROVED VETOED

this 7th day of September, 2021.



Donald N. Briggs, Mayor

EMMITSBURG
ARTICLE I
Incorporation and General Government

Section 1. -Incorporation.

The citizens of the Town of Emmitsburg in Frederick County, Maryland, are hereby constituted a body corporate by the name of the Town of Emmitsburg and by that name shall have perpetual succession, sue and be sued, have and use a common seal which may be altered at pleasure, and have all powers and privileges incident to or that may attach to a municipal corporation, including those powers and general provisions as set forth in Section 5-101 *et seq.* of the Local Government Article of the Annotated Code of Maryland.

Section 2. - Boundaries.

The limits of the Town shall be as they existed immediately prior to the effective 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 this Charter, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be maintained on file with the Town Clerk.

Section 3. - Police Limits.

All municipal police officers shall have the power and authority to enforce the laws of the State of Maryland and the Town of Emmitsburg within the municipality and beyond its corporate limits to the extent provided by Maryland law. Municipal police officers shall further have the powers and authority to enforce all ordinances relating to disorderly conduct and nuisances within the municipality and beyond those corporate limits for one-half (½) mile, as well as on any municipally-owned property located outside of the aforementioned area, except where there is conflict with the powers of another municipality.

Section 4. - Laws Applied to Annexed Areas.

The Town of Emmitsburg shall exercise all governmental powers in any area now or hereafter lawfully annexed to and made a part of such Town.

ARTICLE II

Board of Commissioners

Section 1. - Legislative Powers; Election Generally; Term.

All legislative powers of the Town of Emmitsburg shall be vested in a Board of Commissioners, consisting of five Commissioners who shall be elected as hereinafter provided. The fifth commissioner established by Charter Amendment Resolution No. 2006-01R shall be elected at the general election in 2006 or at a special election to be held. The terms of the Commissioners elected to office in the years 2001, 2002, and 2003 shall be for three years or until their respective successors are elected and qualified, and each such Commissioner's term shall expire on the first Monday in May of the third year following each Commissioner's election. The terms of the Commissioners elected to office in the years 2004, 2005, and 2006 shall be for three years and five months or until their respective successors are elected and qualified, and each such Commissioner's term shall expire on the first Monday in October of the third year following each such Commissioner's election. Thereafter, each Commissioner shall hold office for a term of three years or until their successor is elected and qualified, and the regular terms of Commissioners shall expire on the first Monday in October of the third year following each Commissioner's election. (Res. No. 2003-004R, 1-14-04; Res. No. 2006-01R, 3-9-06).

Section 2. - Qualifications.

Commissioners shall have resided in Emmitsburg, for at least one month (30 days) immediately preceding their election and shall be qualified voters. Each Commissioner shall reside in the Town during their term of office, and their removal of their residence from the Town during their term shall immediately vacate their office. The Board shall be the judges of the election and the qualification of its members.

Section 3. - Salaries.

The Commissioners shall receive such compensation as shall be fixed by ordinance, but no Commissioner shall have their compensation or salary increased or diminished during their term.

Section 4. - Meetings.

The Board of Commissioners shall meet regularly once each month at a time and on a date as specified by ordinance. Special meetings may be called by the Mayor or by two Commissioners as often as necessary for the transaction of business. Meetings of the Board shall be opened to the public except as permitted by the laws of the State of Maryland, including, but not limited to, the Annotated Code of Maryland General Provisions Article—Section 3-101 et seq. (as amended) "Open Meetings Act", and the rules of the Board shall provide a reasonable opportunity for public comments to be heard at the regular monthly meeting and all public hearings in regard to any matters. (Res. No. 2003-06R, 9-26-03.)

Section 5. - Quorum: Passage of Ordinances, Generally; Rules and Order of Business.

A majority of the Board of Commissioners shall constitute a quorum for the transaction of business and no ordinance shall be approved or other action taken without a majority favorable vote. The Board shall determine its own rules and order of business and it shall keep a journal of its proceedings. The Mayor is not a member of the Board of Commissioners and shall not vote on the passage of any resolution, ordinance, order or other action including any action to sustain or override a veto. (Res. No. 2006-01R, 3-9-06.)

Section 6. - Attendance of Absent Members; Expulsion of Members.

The Board of Commissioners may compel the attendance of absent members in such manner and under such penalties as may be provided by ordinance. The Board by a vote of three of its members may expel a member from a meeting for disorderly conduct or violation of its rules; provided the Mayor also approves of such action. (Res. No. 2006-01R, 3-9-06.)

Section 7. - Witnesses.

The Board of Commissioners shall have the power to provide by ordinance for summoning before the board or any of its committees any persons it deems necessary. Such persons may be compelled to testify on matters relating to the business of the Town or its officials and employees.

Section 8. - Vacancies.

In case of the death, refusal to act, disqualification, resignation, or removal of the Mayor or any of the Commissioners out of the limits of the Town, the Commissioners, for the time being, shall elect a Mayor or Commissioner to fill the vacancy for the period of time until the next election for a Mayor and/or Commissioners to be held by the Town. At the time of the next general election, a person shall be elected Mayor or Commissioner and shall serve the remainder of the term of the vacating Mayor or Commissioner until a successor shall be elected and qualified. During the temporary absence from Town of the Mayor, and until the Mayor is again able to act, the President of the Board of Commissioners shall be the acting Mayor, with all rights, powers and duties of the said Mayor, excepting the powers of appointment and removal. (Res. No. 1-80, 5-29-80; Res. No. 2-80, 10-22-80.)

Section 9. - Authority Over Offices, Departments and Agencies.

The Board of Commissioners by ordinance may create, change, and abolish offices, departments, agencies, or commissions established or not specifically established by this Charter. The Board of Commissioners by ordinance may assign and delegate additional functions or duties to offices, departments, agencies, or commissions established by this Charter or otherwise, but may not discontinue or assign or delegate to any office, department, agency, or commission any function or duty specifically assigned by this Charter to a particular office, department, agency, or commission. In the creation, assignment, and delegation of duties, the Board of Commissioners shall at all times reserve for itself the final decision on all policy and legislative

matters and shall reserve for itself supervisory power over all offices, departments, agencies, or commissions established either by the Charter or by the Commissioners pursuant to this Charter.

Section 10. - Authority to Fix Salaries.

The Board of Commissioners shall fix salaries for all employees and officers of the Town.

Section 11. - Ordinances: Method of Passage, Generally. Veto.

When any ordinance is introduced for passage by the Board of Commissioners, it shall be read and may be passed at that time. Legislative procedures shall be set out by ordinance. All ordinances passed by the Board shall be approved by the Mayor or passed over the Mayor's veto in accordance with the provisions of Article III as hereinafter set forth. (Res. No. 2-80, 10-22-80.)

Section 12. - Powers of the Board of Commissioners Enumerated.

a. General Powers.

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

b. Specific Powers.

The Board of Commissioners shall have in addition to the above-mentioned general powers, and any other powers which may be conferred in this Article, or otherwise by operation of law, power to pass ordinances not contrary to the laws and constitution of this State for the specific purposes mentioned as follows:

1. To provide for the codification of all ordinances which have been or may hereafter be passed.
2. To manage and control all property of the Town and to authorize the purchase or the sale of property in the name of the Town within or without the boundaries of the Town.
3. To provide for the form and manner of making contracts.
4. To lay taxes upon all real and personal property in the Town, and regulate the collection and enforcement of the same.
5. To borrow money as authorized by Article V.
6. To provide for the adjustment of claims against the Town and the payment of the same.

7. To preserve the peace and order of the Town, and punish the resistance, hindrance and obstruction of public officers in the discharge of their duties; and to prevent vice, suppress gambling, houses of ill fame, and disorderly houses.

8. To protect the Town from fire and unsafe buildings and to regulate the cleaning of chimneys.

9. To regulate the manufacturing and keeping of explosives and inflammable materials or conveyance thereof through the streets of the Town.

10. To tax and regulate the use and construction of electrical plants and wires on which electricity is conducted within the Town.

11. To tax and regulate the use and construction of telegraph, telephone, cable television and any other lines used for similar purposes in the Town.

12. To protect public lamps or other public lights in the Town.

13. To regulate and contribute to the support of the fire companies in the Town.

14. To provide for the laying out, grading, discontinuing, altering, paving, opening, improving, lighting, making and repairing streets, curbs, squares, walks, drains, sewers, gutters and to keep open and safe for public use and travel all streets, squares, alleys or any other parts thereof, and to require sidewalks to be kept free from ice, snow, or other obstructions.

15. To regulate all shows, processions, assemblages, or parades in the streets or public places.

16. To regulate the speed and travel in general of all animals, bicycles, other vehicles or modes of transport and automobiles, and to designate over what streets and thoroughfares the same may be driven.

17. To prohibit the running at large of animals in the streets or public places, and for the impounding of the same, and to prevent the cruelty to animals. To tax dogs and regulate the time and manner, when public safety requires it, of animals running at large.

18. To license and regulate public conveyances or forms of transportation, such as, but not limited to, taxies or bus services and the charges for the use thereof.

19. To regulate and prohibit the excavation and opening of streets, public walks, and public grounds for public or private purposes, whether temporary or permanent, and the regulation of any work or thing therein.

20. To regulate and provide for sewage disposal and to levy and collect charges for the use of the Emmitsburg sewage system.

21. To regulate laying and use of gas pipes, water pipes, electric light conduits, railroad tracks, and drains for public or private purposes in the streets of the Town; and to levy and collect charges on the laying and use thereof.

22. To provide for sprinkling of the streets or parts thereof and establishing of public foundations of any kind, or hydrants, and providing of the same with water.

23. To regulate and provide for a water plant and the use thereof and all facilities used in connection therewith; and to regulate the use of water furnished by the Town; and to levy and collect charges for the use of water and water facilities furnished by the Town.

24. To provide for the health of the Town and prevention of the introduction of contagious diseases within the Town's corporate limits.

25. To prevent and similarly abate nuisances of any kind, at the expense of persons maintaining them.

26. To establish quarantine regulations and regulate the burial and disinterment of the dead.

27. To provide for the licensing and regulating or restraining of theatricals, sports, exhibitions, public amusements and performances within the Town's corporate limits.

28. To license, tax, and regulate the peddling of merchandise on the streets, as well as branch stores and other concerns established for temporary purposes only.

29. To establish, equip, regulate, and fund a police department; and to appoint Town officers thereto in order to establish and maintain the peace and order of the Town, and to insure the compliance with all Town ordinances and actions passed or taken pursuant to this Charter.

30. To provide for and regulate the registration of voters in the Town for Town elections, and the holding of Town elections.

31. To operate, maintain, supervise, plan and further regulate all public recreation and park services.

32. To plan and zone the Town with the general purpose of guiding and accomplishing a co-ordinated, adjusted, and harmonious development of the Town. Among other things, this zoning and planning authority may be used to promote the health, safety, morals, order, convenience, prosperity, and general welfare of the Town within its police limits; to provide good civic design and arrangement; to promote wise and efficient expenditure of public funds; to make adequate provisions for traffic; to prevent the over-crowding of land and prevent undue concentration of population; and to provide adequate light and air.

33. To fill all vacancies in any Town office not otherwise provided for.

34. And to do any and all things necessary to effect the powers herein. (Res. No. 2-95, 2-7-96.)

35. To perform such other acts as are authorized by Section 5-201 *et seq.* of the Local Government Article of the Annotated Code of Maryland.

Section 13. - Enforcement.

For the purpose of carrying out the powers enumerated above, for the preservation of the cleanliness, health, peace and good order of the community; for the protection of the lives and property of the citizens; and to suppress, abate and discontinue, or cause to be suppressed, abated, or discontinued all nuisances within the corporate and sanitary limits of the City, the Board of Commissioners may pass all ordinances from time to time necessary. To ensure the observance of these ordinances, in addition to the usual action of debt or such other civil remedies as may exist in such cases by law for the recovery of the penalties thereto affixed, the Board of Commissioners may affix thereto penalties of a fine not exceeding \$1,000.00 or imprisonment not exceeding ninety days or both, except as otherwise provided in this Charter, or in State law. (Res. No. 1-74, 9-9-74.)

Section 14. - Jail Commitments.

Any judge of a court having jurisdiction in this County, being the District Court for Frederick County, when imposing any fine, penalty or forfeiture, for the violation of any ordinance of the Town of Emmitsburg, shall order the person convicted to be committed to the public jail if they shall fail or refuse to pay the fine, penalty, or forfeiture and costs, there to remain until the same are paid or until discharged according to law; and the Sheriff of said County shall receive and safe keep in the public jail all persons who shall be committed thereto for a breach of any of the laws or ordinances of the Town of Emmitsburg, according to the tenor

of the commitment, and in the same manner and under the same regulations as persons committed for violations of the laws of this State.

Section 15. - Structure of the Board of Commissioners.

a. Each year the Board of Commissioners shall elect from among its membership, at a meeting at which all Commissioners are present, a Treasurer and a President of the Board of Commissioners.

b. The President of the Board of Commissioners shall preside over all meetings of the Board, and shall be acting Mayor when the circumstances are such that the Mayor is absent and cannot function in their capacity.

c. The Town Treasurer shall counter-sign all checks and receive such other powers as the Board of Commissioners shall from time to time designate and delegate to him.

ARTICLE III
Mayor

Section 1. - Election and Term.

The Mayor shall be elected as hereinafter provided. The term of the Mayor elected to office in 2002 shall be for three years and shall expire on the evening of the first Monday in May of 2005. The term of the Mayor elected in 2005 shall be for three years and five months and shall expire on the first Monday in October of 2008. Thereafter, the Mayor shall hold office for a term of three years, or until their successor is elected and shall qualify. The Mayor's term shall expire on the evening of the first Monday in October of each third year after the regular election. (Res No. 2, 12-30-80; Res No. 86-2, 4-22-86; Res. No. 98-17, 1-21-99; Res. No. 2003-005R, 1-14-04.)

Section 2. - Qualifications and Salary.

The Mayor must be a legal resident of Emmitsburg, Maryland, for at least one month (30 days) immediately preceding their election and shall be a qualified voter. The Mayor shall receive such salary as specified by ordinance, but it may not be raised or diminished during their term of office. The Mayor shall reside in the Town during their term of office. Upon the removal of their residence from the Town during their term, the Mayor shall immediately vacate their office. If this should happen, the President of the Board of Commissioners shall be acting Mayor, as set forth in Article II, Section 15. (Res. No. 2, 12-30-80.)

Section 3. - Powers and Duties.

a. *Generally.* The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the Chief Executive Officer. The Mayor shall be responsible for the administration of the Town's affairs to the Board of Commissioners and to the voters of the Town. The Mayor may call upon any officer or employee of the Town, entrusted with receipt and expenditure of public monies, for a statement of their account, as often as the Mayor may think necessary. When required by the Commissioners, the Mayor shall report in writing the general state of the Town, and at any time may recommend any matters as they may think will promote its interest.

b. *Approval or Veto of Legislation.* The Mayor shall approve or disapprove every ordinance passed by the Board of Commissioners. Every ordinance passed by the Commissioners shall be submitted by them to the Mayor immediately after its passage at a public meeting and within ten calendar days after the date of the meeting at which the action was passed the Mayor shall act thereon. If the Mayor shall approve or fail to act on it within the ten calendar day deadline, it shall become operative and effective, which fact shall be endorsed by the Town Clerk. If the Mayor shall veto any ordinance they shall notify the Town Clerk of that fact and transmit their reasons for such action in writing to the Commissioners at their next regular meeting; and such ordinance shall not become operative or effective unless passed over the Mayor's veto within thirty (30) calendar days of the date on which the Mayor exercised the veto by an affirmative vote of at least four (4) members of the Board of Commissioners. The Mayor may withdraw their veto at any time during the period of thirty calendar days after vetoing an action of the Board of Commissioners, in which case the action shall be deemed to have been approved by the Mayor effective as of the date of the withdrawal. (Res. No. 2, 12-30-80; Res. No. 2006-02R, 3-9-06.)

c. *Appointment and Discharge of Officers and Employees.* The Mayor, with the advice and consent of the Board of Commissioners, shall appoint all employees of all offices, departments, commissions, and agencies of Town government as established by this Charter or by ordinance of the Board of Commissioners, unless otherwise provided in this Charter or unless otherwise provided in the Town ordinance establishing the office, department, commission, or agency. If at any time the Mayor shall think that any person appointed to office by them shall be incompetent or unfaithful to the duties of their office, the Mayor shall file a written statement of charges against such person with the Commissioners, a copy of which shall also be sent to the persons charged, and if after fully hearing, a majority of the Board of Commissioners shall find the officer or employee unfaithful or incompetent, then the Mayor may dismiss such persons. The vacant position may then be filled by the Mayor with advice and consent of the Commissioners. All employees and officers shall serve at the pleasure of the Mayor, but may be discharged only as previously set forth herein. (Res. No. 2, 12-30-80.)

d. *Miscellaneous Powers and Duties.* The Mayor shall have such other duties and powers as are given to him by the laws of the State of Maryland, other Articles of this Charter and by ordinances passed pursuant to this Charter by the Board of Commissioners, such as, but not limited to, the financial supervision of the Town and preparation of the budget. (Res. No. 2, 12-30-80.)

ARTICLE IV

Registrations, Nominations, and Elections

Section 1. - Eligibility to Vote.

Every person who is eligible to vote in state and county elections and who has resided in Emmitsburg for at least thirty days next preceding any Town election and is registered in accordance with the provisions of this Charter shall be a qualified voter in this Town.

Section 2. - Elections Generally.

All elections shall be held by ballot or voting machine, and in such manner as shall from time to time be directed by ordinance. The Mayor, with the consent and approval of the Board of Commissioners, shall appoint judges of elections in accordance with procedures which may be established by ordinance. Such judges shall conduct the elections and shall keep the polls open from 7:00 a.m. to 8:00 p.m. Registration with the Board of Supervisors of Elections, Frederick County, Maryland, by a voter who resides in the Town of Emmitsburg, shall be deemed registered for the Town of Emmitsburg. An individual who wishes to vote shall register with the Board of Supervisors of elections of Frederick County in accordance with the regulations established for registration from time to time by the Board of Supervisors of Elections of Frederick County. (Res. No. 4-95, 2-7-96; Res. No. 97-07; 8-14-97; Res. No. 2003-02R, 9-24-03.)

Section 3. - Nominations.

No nomination for office is required and any person desiring to run for office shall file a certificate of candidacy with the Town Clerk in accordance with the procedures which may be established by ordinance. (Res. No. 4-95, 2-7-96; Res. No. 2003-02R, 9-24-03.)

ARTICLE V

Finance

Section 1. - Financial Supervision.

The Mayor shall have complete supervision over the financial administration of the Town government. The Mayor may delegate, under their supervision, any of the financial powers and duties granted him by this Charter. The Mayor shall receive any assistance they request with regard to financial matters from any Town officer or employee.

Section 2. - Expenditures to be Authorized by the Board of Commissioners.

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

Section 3. - Fiscal Year.

The Town shall operate on an annual budget with the fiscal year beginning on the first day of July and ending on the last day of June of the following calendar year. Such fiscal year shall also constitute the tax year, the budget year and the accounting year.

Section 4. - Budget—Estimates used for Preparation.

At the first meeting in May of each year the Mayor shall present to the Board of Commissioners a complete budget for the upcoming fiscal year and the explanatory budget message required by Section 5 hereof. The annual budget to be submitted by the Mayor shall include a statement of anticipated capital improvement projects for the upcoming fiscal year. The Mayor, with the assistance of such Town officers and employees as they request, shall obtain from the head of each office, department and agency the following: (a) estimates of revenue and expenditures for the next fiscal year, detailed by organization units and character and object of expenditures; (b) such other supporting data as they may request; and (c) an estimate of all capital projects pending or which such office, department or agency head believes should be undertaken within the budget year and within the next five succeeding years.

In preparing the budget, the Mayor shall review the estimates, shall hold hearings thereon with the head or other representative of the office, department or agency concerned, and may revise the estimates as they deem advisable. (Res. No. 2006-13R, 10-10-06.)

Section 5. - Budget Message.

The budget message submitted by the Mayor to the Board of Commissioners shall explain the budget, shall contain an outline of the proposed financial policies of the Town for the budget year, and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. It shall include a statement of pending capital projects of a capital program for the next five fiscal years. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the Mayor shall believe useful to the Board of Commissioners.

Section 6. - Budget—Contents Generally.

The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

- (a) A general summary.
- (b) Detailed estimates of all anticipated revenues applicable to proposed expenditures.
- (c) All proposed expenditures.

The total of the anticipated revenues shall equal the total of the proposed expenditures.

Section 7. - Budget—Classification of Revenues.

Anticipated revenues shall be classified as "surplus," "miscellaneous revenue" and "amount to be raised by property tax." Miscellaneous revenues shall be subclassified by sources.

Section 8. - Budget—Items to Appear Opposite Anticipated Revenues.

In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually received during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year, and the amount actually received to the time of preparing the budget plus receipts for the remainder of the fiscal year estimated as accurately as may be.

Section 9. - Budget—Status of Public Utilities to Appear in Separate Section.

The anticipated revenues and proposed expenditures and anticipated surplus or shortfall of revenues from water and sewer operations and any other public utilities owned or operated by the Town shall be stated in a separate statement of the budget.

Section 10. - Budget—Enumeration of Proposed Expenditures.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, or, in the absence of such provision, by regulations established by ordinance. Separate provisions shall be included in the budget for at least the following items:

- a. Interest, amortization and redemption charges on the public debt for which the faith and credit of the Town is pledged.
- b. Other statutory expenditures.
- c. The payment of all judgments.
- d. An amount equal to the deficit for operations of water and sewer and other public utilities during the last completed fiscal year, separately stated for each utility which appears in a separate section of the budget.
- e. Administration, operation and maintenance of each office, department or agency of the Town itemized by character an object of expenditures.
- f. Contingent expense in an amount of not more than three percent of the total proposed expenditures.
- g. Expenditures proposed for capital projects.

Section 11. - Budget—Items to Appear Opposite Proposed Expenditures.

In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year, and the amount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be.

Section 12. - Budget—Summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of revenue and kinds of expenditures, in such form as to present to the tax payers a simple and clear picture of the detailed estimates of the budget.

Section 13. - Budget—Public Record.

The budget and budget message and all supporting schedules shall be a public record in the office of the Town Clerk, open to public inspection by anyone.

Section 14. - Budget—Change of Items by the Board of Commissioners.

The Commissioners may insert new items or may increase or decrease the items of the budget and where they shall increase the total proposed expenditures, they shall also increase the total anticipated revenue to balance the same.

Section 15. - Budget—Adoption.

The budget shall be prepared and adopted in the form of an ordinance. The budget for the new fiscal year shall be finally adopted not later than the 27th day of June, and if not adopted by the Commissioners on or prior to such day, the budget, as submitted by the Mayor, shall be deemed to have been finally adopted by the Commissioners.

Section 16. - Issuance and Signing of Checks.

All checks issued in payment of municipal obligations shall be issued and signed by the Town Treasurer and shall be countersigned by the Mayor.

Section 17. - Taxing Power.

The Town of Emmitsburg shall have the power to levy annually on the assessable property in said Town and collect such taxes as in its judgment may be necessary to pay all the debts, obligations and expenses of the Town government which have been or may hereafter be lawfully incurred. As part of its taxing power, the Town of Emmitsburg shall have the power to levy and to collect a general assessment on all property in the Town to pay for the construction and/or maintenance of water mains, sewer mains, public ways, sidewalks, curbs, gutters, and storm water sewers. This general assessment need not be on the basis of assessed valuation of the property, but may be on any equitable basis determined by the Board of Commissioners.

Section 18. - Taxable Property and Assessments.

All real and tangible personal property within the limits of the Town or which may have a situs there by the reasons of the residence of the owner therein, shall be subject to taxation for municipal purpose and the assessment for such purpose shall be the same as that for State and County taxes. Agricultural property within the Town may be exempt from the Town taxes or taxed at a lower rate than other property in the Town. Industrial property may also be exempted or taxed at a lower rate than other property in the Town.

Section 19. When Taxes Are Overdue.

The taxes provided for in Section 17 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 20 of this Charter.

Section 20. 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 19 above shall be turned over by the Town 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 21. Fees.

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

Section 22. Audit.

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

Section 23. - Collection of Taxes.

a. The tax year shall be from July 1 through June 30, as set forth in Section 3 of this same Article. All taxes provided for in this Charter and ordinances as may be passed thereunder shall be due on the first day of July and shall be overdue and in arrears on the first day of the succeeding October, and bear interest at the rate of one percent for each month or fraction of a month thereafter until paid. The Town may establish discounts for prompt payment of taxes. Tax sales of properties for which taxes have not been paid shall be held in accordance with Tax Property Article, Sections 14-808 to 14-854 and any subsequent amendments thereto, of the Annotated Code of Maryland.

b. Where improvements are added to any property resulting in an increase of assessment between July 1 and December 31 of any year, the Town tax for the last half of the fiscal year, being one-half of the total annual levy, shall be due on the first day of January, and shall be overdue and in arrears on the first day of the succeeding April, and shall bear interest at the rate of one percent for each month or fraction of a month thereafter until paid. The same provisions as to discounts and tax sales as were applicable in subsection a., shall also apply herein.

*Amended 12-4-95 See Resolution # 4-95

Section 24. - Authority to Borrow Money and Issue and Sell Bonds.

The Town of Emmitsburg shall have the power to borrow on the faith and credit of the Town from time to time as may be deemed necessary for its general corporate purposes. The Town may issue and sell bonds for such indebtedness in accordance with the provisions of Section 25 of this Article or with State law.

(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 evidence 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 evidence 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 evidence 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 evidence of indebtedness, or in the ordinance authorizing their issuance. The Town shall have the power and authority to sell any bonds, notes, or other evidence 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 or 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. Title 19, Subtitle 3 of the Local Government Article, and, more particularly, in Ann. Code of Md., Local Government Article § 19-304(a), (b), and (e).

(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 evidence of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence 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 evidence 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 evidence of indebtedness are issued. All tax anticipation notes or other evidence 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 25. - Regulations Concerning the Issuance and Sale of Bonds.

Except as otherwise specified under the provisions of this Charter, the total amount of bonds issued under the authority of this Charter, when added to bonds outstanding, shall not exceed forty percent of the total assessed value of all taxable property in the Town. The Board of Commissioners may regulate the issuing or sale of bonds in any manner not contrary to this Article.

Section 26. Previous Issues.

All bonds, notes, or other evidence 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 27. - Short Term Borrowing.

The Town shall have the power to borrow on a short-term basis and to issue notes or other evidence of indebtedness for such borrowing. Such borrowing shall be done as provided by ordinance. The amount of short-term borrowing when added to bonds outstanding shall not exceed fifty percent of the total assessed value of all taxable property in the Town.

Section 28. - Bonds and Notes Exempt from Taxes.

All bonds, notes or other evidence of indebtedness issued and sold by the Town of Emmitsburg shall be exempt from all State, County and Town taxes in Maryland, as provided by State law.

ARTICLE VI Public Ways

Section 1. - Powers of the Town Generally.

The Town of Emmitsburg shall have charge of all the 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, the Town of Emmitsburg may do whatever it deems necessary to establish, change from time to time, operate, and maintain in good condition the public ways of the Town.

Section 2. Power of Town to Levy Special Assessments.

The Town of Emmitsburg may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the 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 costs thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidence 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 projects. (Res. 1-84, 9-25-84.)

Section 3. Procedure.

(a) *Provided.* – The procedure for special assessments, wherever authorized in this Charter, is as provided in this section.

(b) *Assessment of Cost.* – The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Board of Commissioners.

(c) *Amount.* – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessments be levied which causes the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Uniformity of rates.* – 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.

(e) *Levy of charges; public hearing; notice* – All special assessment charges shall be levied by the Board of Commissioners by ordinance. Before levying any special assessment charges, the Board of Commissioners shall hold a public hearing. The Town Clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Board of 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 publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Town Clerk shall present a certificate of publication and mailing of copies of the notice at the hearing, 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 the hearing shall be set at least ten and not more than thirty days after the Town Clerk shall have completed publication and service of notice as provided in this section. Following the hearing, the Board of Commissioners, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to Appeal* – Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Frederick County within ten days after the levying of any assessment by the Board of Commissioners.

(g) *Payments; interest*. – Special assessments may be made payable in annual or more frequent installments over such periods of time, not to exceed ten years, and in such manner as the Board of Commissioners may determine. The Board of Commissioners shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Board of Commissioners.

(h) *When due; lien on property; collection*. – All special assessment installments are 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.

(i) *Town Clerk* – All special assessments shall be billed and collected by the Town Clerk. (Res. 1-84, 9-25-84.)

ARTICLE VII
Water, Sewers and Miscellaneous Public Works

Section 1. - Powers of the Town Generally.

The Town of Emmitsburg shall have the power to construct, operate, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of water systems or waterworks, sewerage systems and treatment plants, storm water sewers and ponds, refuse and/or garbage collection and disposal systems, airports, public markets, electric light plants, and electrical distribution systems, fire plugs and other public works and to have surveys, plans, specifications and estimates made for the same and to do such things and make such rules and regulations regarding them as it deems necessary; and to assess the costs, in whole or in part, on the abutting or benefited property in any equitable manner as provided by the Commissioners.

ARTICLE VIII
Miscellaneous Provisions

Section 1. - Prior Rights and Obligations not Affected by the Charter.

All rights, title and interest held by the Town of Emmitsburg or any other person or corporation at the time this Charter is adopted, in or to any lien acquired under any prior Charter of the Town, is 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 existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for cause of actions 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 2. - Effect of the Charter on Existing Laws.

All laws in effect at the time this Charter is adopted relating to or applicable to the Town of Emmitsburg which are not inconsistent with this Charter shall remain in effect until changed or repealed by the General Assembly of Maryland.

Section 3. - Effect of the Charter on Existing Ordinances, Resolutions, Etc.

A. All ordinances, resolutions, rules and regulations in effect in the Town of Emmitsburg at the time this Charter is adopted and which are not in conflict with the provisions of this Charter, shall remain in effect until amended, altered, 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 4. - General Penalty.

a. To ensure the observance of the Charter and the ordinances of the Town, the Board of Commissioners shall have the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and shall have the power to affix thereto penalties of a fine not exceeding \$1,000.00 or imprisonment for not exceeding 90 days, or both such fine and imprisonment. Any persons subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within 10 days to the Circuit Court for Frederick County. The Board of Commissioners may provide that, where 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.

b. (1) The Board of Commissioners may provide that violations of any municipal ordinances shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(2) A fine not to exceed \$1,000.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the Town within 20 days of receipt of a citation. Each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the Town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial shall result in the fine being doubled to an amount not exceeding \$1,000.00 and adjudication by the District Court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. No. 3-95, 2-7-96.)

Section 5. - Inconsistent Laws.

All acts and parts of acts, general or local, inconsistent with the provisions of this Charter, be and the same hereby are repealed to the extent of such inconsistency. Nothing contained herein shall affect or restrict any control which the State Board of Health is empowered by law to exercise in any part of this State.

Section 6. - Charter Powers not Exclusive.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and the Town shall have such other powers as are incident to those specifically mentioned or as are a necessary consequence of the powers herein conferred. In addition to the powers enumerated in this Charter, the Town shall have all powers, rights and privileges now or hereafter granted by the Constitution and laws of the State of Maryland.

Section 7. - 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 section shall 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.