

## **CHARTER C**

### **MUNICIPAL CHARTER OF ROCK HALL**

**[HISTORY: Adopted by the Mayor and Council of the Town of Rock Hall 12-6-1990 by Res. No. 90-5; as amended during codification 3-8-2001 by Res. No. 2001-1, effective 4-27-2001 (based on the February 1981 publication by the Delmarva Advisory Council). Other amendments noted where applicable.]**



ARTICLE I  
**THE MUNICIPAL CORPORATION**

GENERAL CORPORATE POWERS

**Section 101. Incorporation and General Powers**

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



## ARTICLE II CORPORATE LIMITS

### DESCRIPTION OF BOUNDARIES

#### **Section 201. Filing of Corporate Limit Descriptions**

A description of the corporate boundaries of the Town of Rock Hall shall, at all times, be on file with the Town Clerk or other comparable official and with the Clerk of the Court of Kent County.

#### **Section 202. Original Boundaries**

The boundaries of said town shall be as follows: beginning at the headwaters of Rock Hall Creek, on the boundary line between the lands of Thomas Joiner and the lands of Abraham Alexander, and running thence in an easterly direction with said boundary line about 500 feet to the lands of Pauline Ascher; thence running with the boundary line between the lands of Pauline Ascher and Abraham Alexander to the public road leading from Rock Hall to Grey's Inn; thence running in an easterly direction to the boundary line between the lands of George L. Maslin and Abraham Alexander on the public road leading from Chestertown to Grey's Inn, and continuing said line easterly 200 feet to a stone on the division line of G. L. Maslin and A. Alexander by a stone; thence by a straight line to a stone on the east side of the public road leading from Rock Hall to Chestertown, said point being distant 100 feet south from the Arch Bridge over Grey's Inn Creek, said point being marked by a stone; thence by a straight line northwesterly to a point on the north side of the Haven Road, marked by a stone; thence north parallel with the public road leading from Rock Hall Cross Roads to Denby, 200 feet, thence west to W. M. Miller's line; thence by a straight line to the extreme end of Windmill Point; thence by a straight line to the place of beginning.

##### **A. Revisions of 1950**

Beginning for the same at a point on the mean high-water line of Rock Hall Creek at the mouth of a ditch that empties into said Rock Hall Creek 200 feet more or less southerly from a street or way in Rock Hall known as "Chesapeake Avenue," and running:

1. Thence by and with the old line of the corporate limits of Rock Hall over the waters of Rock Hall Harbor N 84° 13'W 3359.40 feet to a point on Rock Hall Creek, known as "Windmill Point";
2. Thence by and with the boundary line of an area intended to be taken into the corporate limits of Rock Hall, the following courses and distances: N 28° 39'W 430.20 feet (along the mean high-water line of Rock Hall Creek, to a point on a division line of the area aforementioned);
3. Thence by and with said division line:
  - a. N 19° 10'E 1627.90 feet to the southwesterly corner of the Thomas B. Elbourn et al lands;

- b. N 10° 13'E 380.00 feet with the said Elbourn lands;
  - c. S 78° 47'E 341.30 feet with the said Elbourn lands to the southeasterly corner of the Loan Lot No. 2;
  - d. N 12° 38'E 242.80 feet along the easterly line of the Loan Lot No. 2 to the center of the state road known as "Rock Hall Avenue";
  - e. S 77° 30'E 725.80 feet along the center line of Rock Hall Avenue to the westerly division line of the lands of Joshua Thomas;
  - f. N 06° 33'E 402.20 feet along the said Thomas lands and others, to a point 400 feet northerly from the center line of the aforementioned Rock Hall Avenue;
  - g. S 77° 30'E 1857.60 feet to a point where the line 400 feet northerly and parallel to Rock Hall Avenue intersects the old corporate division line (N 55° 33'E 513.00 feet from an eight-by-eight-inch concrete monument set on the old division line of Rock Hall and on the northerly side of Rock Hall Avenue);
4. Thence continuing with the old boundary line of Rock Hall N 55° 33'E 1208.50 feet to an eight-by-eight-inch concrete monument;
5. Thence by and with a division line of the lands intended to be taken into the corporate limits:
  - a. N 00° 30'W 125.50 feet to a point;
  - b. S 82° 29'E 476.90 feet to a point on the westerly line of the Rock Hall to Tolchester State Road (40 feet wide);
  - c. S 00° 30'E 125.50 feet to an eight-by-eight-inch concrete monument set on the westerly side of the last-mentioned state road, and at a corner of the old corporate limits;
6. Thence continuing by and with the line of the old corporate limits S 00° 30'E 77.80 feet to a point;
7. Thence crossing over the state road and by and with a division of the lands intended to be taken into the corporate limits:
  - a. S 83° 13'E 192.40 feet along the northerly line of the Louis O. Kendall et al lot to the northeasterly corner of same;
  - b. S 00° 30'E 342.30 feet to the point on the old corporate division line;
  - c. S 43° 25'E 280.30 feet from an eight-by-eight-inch concrete monument set in the northwesterly corner of the Haven and Rock Hall to Tolchester Roads;
8. Thence continuing with the old corporate limits line S 43° 25'E 2587.60 feet to an eight-by-eight-inch concrete monument set on the southeasterly side of the Rock Hall to Chestertown state road, 100 feet more or less southerly from

the old Anchor Bridge;

9. Thence by and with a division line of the lands intended to be taken into the corporate limits:
  - a. S 43° 25'E 205.70 feet to a point;
  - b. S 19° 12'W 473.80 feet to a point;
  - c. S 33° 42'W 1055.2 feet to a point;
  - d. S 48° 32'W 638.9 feet to an eight-by-eight-inch concrete monument that marks the southeasterly corner of the present corporate limits of Rock Hall (Note: The last three mentioned courses and distances are intended to be parallel to Boundary Avenue and a distance of 182.6 feet from the center line of said avenue.);
10. Thence by and with the old corporate limit lines:
  - a. N 65° 31'W 200.00 feet to the center of Boundary Avenue;
  - b. N 67° 40'W 87.50 feet to the center of the state road leading from Rock Hall to Eastern Neck Island;
  - c. N 64° 08'W 21.30 feet to the line of lands of Samuel Robert Tucker et al;
11. Thence by and with the said Tucker lands:
  - a. S 06° 22'W 13.00 feet to a point;
  - b. N 71° 02'W 144.40 feet to a point;
  - c. N 06° 22'E 33.00 feet to a point on the old corporate limits line; N 64° 08'W 171.3 feet from the center of the aforementioned state road;
12. Thence by and with the old corporate limits line:
  - a. N 64° 08'W 973.20 feet to a stone;
  - b. N 74° 32'W 874.90 feet to an eight-by-eight-inch concrete monument;
  - c. N 71° 33'W 279.80 feet along a ditch to the point of beginning.

**B. Annexation [Adopted 11-6-1975]**

The boundaries of the Town of Rock Hall are hereby extended to include the following area comprised of parcels of land lying on the north and northeast of the current boundary lines of said town, all such land being contiguous and adjoining to the existing corporate area, which is hereby added to said corporate area and which is more specifically described as follows:

1. Beginning for the same at a point on the southeasterly side of Boundary Avenue, said point being the same as that described in the south 43° 25'E 2587.60 feet line of the eighth line of division describing the boundaries of the Town of Rock Hall effective as of June 1, 1953, and contained in Article 15 of

the Code of Public Local Laws of Maryland (1930 Edition) and from the Laws of Maryland (1953), paragraph 336A, said point therein being described as an eight-by-eight-inch concrete monument set on the southeasterly side of the Rock Hall to Chestertown state road, 100 feet more or less southerly from the old Arch Bridge; running thence northeasterly and binding on the said southeasterly side of Boundary Avenue approximately 600 feet to a point on the southeasterly side of Boundary Avenue at right angles from and directly opposite the point of beginning of Parcel No. 3 in Liber WHG No. 31, page 567, the Land Records of Kent County, said point of beginning being described therein as an iron pipe set in the line of the public road leading from Edesville to Rock Hall and at the southeast corner of the James W. Coleman land; running thence northwesterly across Boundary Avenue to said point of beginning set on the northwesterly side of Boundary Avenue;

2. Running thence along the first course and distance described in Parcel No. 3 of Liber WHG No. 31, page 567, to a point at the end thereof, said course and distance being described therein partially as north 0° 30'W 286.9 feet to an iron pipe on the east side of what is known as the "head of Grey's Inn Creek";
3. Running thence northeasterly along the east side of a ditch between said head of Grey's Inn Creek through property shown as Parcel No. 13 on Map No. 51, Kent County, Tax Map Division, Department of Assessments and Taxation, to a point where said ditch intersects the southerly right-of-way line of Maryland Route 20;
4. Thence crossing northerly at right angles to said right-of-way line to a point directly opposite on the northerly right-of-way line of Route 20;
5. Thence following said ditch in an easterly and northeasterly direction to the east of Parcel No. 449, the west of Parcel No. 221 and through Parcel No. 448, shown on the aforementioned Map No. 51, to a point where the ditch intersects the third course and distance in the description in Liber RAS No. 40, page 485, said third course and distance being the north 38° 45'W 45.6 perches line;
6. Running thence with and binding on said line to its end, said end being marked in the aforementioned description by a stone and said end also being the end of the third line of the property described in Liber RAS No. 39, page 597;
7. Running thence reversely along the third and second lines of the property described in Liber RAS No. 39, page 597, to the end of the first line therein described, said end of the first line being also the most easterly corner of Parcel No. 5 of the aforementioned Map No. 51, said Parcel No. 5 being further described in Liber EHP No. 15, page 416, and said most easterly corner being the end of the second course and distance as described in Parcel No. 2 therein, said corner being a gum tree on the division between said Woodland and T. Milton Jones property, said Parcel No. 5 being also the property of the Mayor and Council of the Town of Rock Hall; thence leaving said corner and running with land bounding on said property in a counterclockwise direction, as surveyed by Crockett Associates, Baltimore, Maryland, in May 1967, the following bearings and distances, referring all courses to the true meridian as established by the United States Coast and Geodetic Survey:



- a. North 43° 19 minutes 50 seconds west 891.00 feet to an iron pipe now set;
  - b. South 39° 40 minutes 10 seconds west 369.38 feet to an iron pipe now set;
  - c. Thence leaving the outlines of said Parcel No. 2 aforementioned and running along the outlines of Parcel No. 1 in Liber EHP No. 15, page 416, and also along the outlines of land which by deed dated March 7, 1858, and recorded among the land records of Kent County in Liber JKH No. 1, page 112, was conveyed by William Parker to Frances P. Rodney, as now surveyed, north 76 degrees, 25 minutes 50 seconds west 1,615.63 feet to a stone heretofore set at the beginning of the first parcel in the lastly herein mentioned deed;
8. Thence running with and binding on the first line of the lastly herein mentioned deed and also along the fourth line of Liber DCB No. 3, page 625, as now surveyed, south 15 degrees 34 minutes 40 seconds west approximately 625 feet to the end of the first line in Liber EHP No. 25, page 617, said line being described as north 20 degrees east 14 perches to a stone planted in the ground; thence along the second line in said deed described therein as north 86 degrees west to the main road leading from Rock Hall to Swan Creek;
  9. Thence across said main road now known variously as "Maryland Route 445," "North Main Street" and the "Tolchester-Rock Hall Road," to a point at the end of the eighth line of the property described in Liber WHG No. 41, page 527, said point being described therein as a stone on the western side of the Swan Point Road, and running thence reversely along the eighth, seventh and sixth lines of said property to a point at the mean tide mark on the body of water known as the "Haven," said point also being the most southwesterly corner of property identified as that of Irvin C. Tillman and as Parcel No. 49 on Map Nos. 50 and 51, Kent County, Tax Map Division, Department of Assessments and Taxation;
  10. Thence southerly with the binding on a line following the mean tide mark (mean water level) of the body of water known as the "Haven" to the point where said line intersects the south 77 degrees 30 minutes 1857.60 feet line of the third line of division describing the boundaries of the Town of Rock Hall as hereinbefore mentioned;
  11. Running thence with and binding on the said boundaries of the Town of Rock Hall to the point of beginning; containing therein 266 acres, more or less;
  12. Being that portion of land northeast and north of and contiguous to the north and northeasterly boundaries of the Town of Rock Hall. **[Amended 4-26-1991 by Res. No. 91-4]**
- C. 1977 Annexation **[Adopted 2-21-1977]**

The boundaries of the Town of Rock Hall are hereby extended to include the following area comprised of property lying to the west of the current town boundaries and enclosing an area known as "Gratitude" and surrounded by the waters of Rock Hall Creek, Chesapeake Bay, Swan Creek and the Haven and which is hereby added to said corporate area and which is more specifically described as follows: Beginning for the same at a point on the mean high-water line of Rock Hall Creek at the mouth of a ditch that empties into said Rock Hall Creek 200 feet more or less southerly from a street or way in Rock Hall known as "Chesapeake Avenue" and running:

1. Thence by and with the old line of the corporate limits of Rock Hall over the waters of Rock Hall Harbor N 84° 13'W 3359.40 feet to a point of Rock Hall Creek known as "Windmill Point";
2. Thence by and with the boundary line of an area intended to be taken into the corporate limits of Rock Hall, the following courses and distances: N 28° 39'W 430.20 feet along the mean high-water line of Rock Hall Creek, to a point on a division line of the area aforementioned;
3. Thence by and with said division line:
  - a. N 19° 10'E 1627.90 feet to the southwesterly corner of the Thomas B. Elbourn et al lands;
  - b. N 10° 13'E 380.00 feet with the said Elbourn lands;
  - c. S 78° 47'E 341.30 feet with the said Elbourn lands to the southeasterly corner of the Loan Lot No. 2;
  - d. N 12° 38'E 242.80 feet along the easterly line of the Loan Lot No. 2 to the center of the state road known as "Rock Hall Avenue";
  - e. S 77° 30'E 725.80 feet along the center line of Rock Hall Avenue to the westerly division line of the lands of Joshua Thomas;
  - f. N 06° 33'E 402.20 feet along said Thomas lands and others, to a point 400 feet northerly from the center line of the aforementioned Rock Hall Avenue;
4. And thence running the 10 following courses and distances:
  - a. 28° 48' 58 west 2812.58 feet;
  - b. S 79° 51' 16 west 482.54 feet;
  - c. S 45° 22' 11 west 1096.04 feet;
  - d. N 45° 25' 51 west 1410.72 feet;
  - e. S 33° 55' 24 west 680.90 feet;
  - f. S 04° 20' 36 west 1980.69 feet;
  - g. S 33° 47' 57 east 2912.18 feet;

- h. S 66° 04' 49 east 1356.50 feet;
- i. S 82° 28' 54 east 1987.08 feet;
- j. N 80° 05' 41 east 805.84 feet to intersect the N 84° 13' west 3359.40 feet call first mentioned herein and at a point 300 feet from the beginning thereof.<sup>1</sup>

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1. Note (1): Thus in the original.



ARTICLE III  
THE COUNCIL

MEMBERSHIP OF THE COUNCIL

**Section 301. Number of Councilpersons; Selection; Term [Amended 4-13-2006 by Res. No. 2006-01; 12-1-2014 by Charter Res. No. 2014-01]**

All legislative powers of the town are vested in a Council consisting of five members, including the Mayor, all of whom shall be elected as hereinafter provided and who shall hold office for a term of four years or until a successor takes office. Councilpersons holding office at the time this Charter takes effect shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter. The term "Council," as used in this Charter, shall mean and refer to the Mayor and the four Councilpersons and is synonymous with the term "the Mayor and Council." The terms "Councilmember" and "Councilperson," as used in this Charter, are synonymous and refer to the members of the Council other than the Mayor.

**Section 302. Qualifications of Councilpersons [Amended 4-13-2006 by Res. No. 2006-01; 4-8-2021 by Charter Res. No. 2021-01]**

- A. Councilpersons shall have been a bona fide resident of the town for at least two years immediately preceding their election, shall be at least 25 years of age at the time of their election, and shall be qualified voters of the town. To qualify to remain in office, a Councilperson must remain a bona fide resident of the town for the full duration of his or her term of office.
- B. As used herein, the term "bona fide residence" means a primary, full-time residence and shall be established by the following documentation:
  - 1. A sworn affidavit filed concurrently with a candidate's certificate of nomination as set forth in Section 608A of this Charter providing the candidate's current address, which shall be the location at which he or she actually lives and resides and constitutes his or her primary, full-time residence; and
  - 2. Documentation of his or her primary, full-time residence, including:
    - a. Maryland voter's registration;
    - b. Current driver's license or identification card issued by the Maryland Motor Vehicle Administration;
    - c. Real property tax receipt, copy of a lease agreement for the residence, or an affidavit from the property owner or landlord confirming, under oath, that the property is the candidate's primary, full-time residence; and
    - d. Two of the following (with any personal or financial information and social security numbers redacted): bank statement, utility bill, W-2 form, and/or a Form 1099 issued by the Internal Revenue Service.

- C. If, after election, a Councilperson changes his or her bona fide residence, he or she shall provide the documentation required in Subsection (B)(1) and (2) above establishing his or her new bona fide residence within the town.
- D. If a majority of the Council determines that there is a genuine question as to whether a Councilperson is a bona fide resident of the town, the Council shall convene a hearing, written notice of which shall be provided to the Councilperson whose residency is in question at least 30 days in advance, at which he or she shall have the opportunity to present evidence and testimony regarding his or her residency. If, following the hearing, a majority of the Council determines that the Councilperson is not a bona fide resident of the town, then he or she shall be deemed to have forfeited the office of Councilperson, effective immediately and without any right of further appeal.
- E. The residency requirements for sitting Councilpersons set forth in this section shall only be deemed to apply to those Councilpersons elected in 2021 and continuing thereafter.
- F. If any Councilperson fails to attend four consecutive meetings without being excused by a majority of the remainder of the Council, then he or she shall be deemed to have forfeited the office of Councilperson, effective immediately and without any right of appeal.

### **Section 303. Council to be Judge of Qualifications of its Members**

The Council shall be the judge of the election and qualifications of its members.

### **Section 304. President of the Council**

The Mayor shall serve as President of the Council. The Council shall elect a Vice President of the Council from among its members, who shall act as President of the Council in the absence of the President of the Council.

### **Section 305. Compensation of Councilpersons [Amended 4-26-1991 by Res. No. 91-4]**

Each Councilmember shall receive an annual salary the amount of which shall be specified from time to time by an ordinance passed by the Council in the regular course of its business. The salary for each Councilmember shall be equal except that the salary specified at the time any Councilmember takes office shall not be changed during the period for which the Councilmember was elected.

### **Section 306. Vacancies in the Council**

Vacancies in the Council shall be filled as provided in Section 614 of this Charter.

### **PROCEDURE OF THE COUNCIL**

### **Section 307. The Rules and Order of Business**

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question,

resolution, or ordinance, or at any other time if required by one member. The journal shall be open to public inspection.

**Section 308. Meetings of the Council. [Amended 9-25-1992 by Res. No. 92-6]**

The newly elected Council shall meet the first Monday following its election for the purpose of organization, and election of one of its members to serve as Vice President of the Council (Vice Mayor), after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk-Treasurer upon the request of the Mayor or a majority of the members of the Council. All meetings of the Council shall be open to the public except in special and appropriate circumstances when meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article, Open Meetings Law, of the Annotated Code of Maryland, as amended from time to time. The rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question

**Section 309. Quorum**

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Council.

**Section 310. Passage of Ordinances [Amended 4-26-1991 by Res. No. 91-4; 7-14-2022 by Res. No. 2022-01]**

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six nor more than 60 days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended or rejected, or its consideration deferred to some specified future date. In case of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the Council. Except as otherwise set forth herein, every ordinance shall become effective at the expiration of 20 calendar days following approval by the Council. An emergency ordinance and an ordinance, or part thereof, passed under the authority of this Charter pertaining to levying property taxes for the payment of indebtedness, adoption of the annual budget, authorizing the annual tax levy, or levying special assessment charges, where the proceeds of such special assessment charges have been or are to be pledged to the payment of any bonds, notes, or other indebtedness incurred or to be incurred by the town for public improvements to be financed in whole or in part by each special assessment charge, shall become effective on the date specified in the ordinance, and may become effective immediately upon passage. No ordinance shall become effective until approved by the Council. A brief but fair description of each ordinance passed to include emergency ordinances shall be published at least two weeks in a newspaper or newspapers having general circulation in the town within 20 days of passage.

**Section 311. Processing Referendums**

If, before the expiration of 20 calendar days following approval of any ordinance, a petition is filed with the Clerk-Treasurer containing the signatures of not less than

20% of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election, or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for 60 days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within 60 days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approval by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of the section of this Charter pertaining to levying property taxes for the payment of indebtedness, adoption of the annual budget, authorizing the annual tax levy, nor to any ordinance or part thereof levying special assessment charges under the provision of this Charter, where the proceeds of such special assessment charges have been or are to be pledged to the payment of any bonds, notes, or other indebtedness incurred or to be incurred by the town for public improvements to be financed in whole or in part by each special assessment charge. The provisions of this section shall be self-executing but the Council may adopt ordinances in furtherance of those provisions and not in conflict with them, and the Council may voluntarily submit to a referendum any ordinance enacted by it, except those specifically excluded hereby.

### **Section 312. Filing of Ordinances**

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



ARTICLE IV  
**THE OFFICE OF MAYOR**

THE MAYOR

**Section 401. Selection and Term**

The Mayor shall hold office for a term of four years or until his successor is elected and qualified. The newly elected Mayor shall take office on the first Monday following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.

**Section 402. Qualifications [Amended 4-26-1991 by Res. No. 91-4; 4-8-2021 by Charter Res. No. 2021-01]**

The qualifications and residency requirements of the office of Mayor are the same as the qualifications and residency requirements of Councilpersons set forth in Section 302 of this Charter. If the Mayor fails to attend four consecutive meetings without being excused by a majority of the remainder of the Council, then he or she shall be deemed to have forfeited the office of Mayor, effective immediately and without any right of appeal.

**Section 403. Compensation for the Mayor [Amended 4-26-1991by Res. No. 91-4]**

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which he was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally adopted prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor.

**Section 404. Powers and Duties [Amended 4-26-1991 by Res. No. 91-4; 12-1-2014 by Charter Res. No. 2014-01]**

- A. Generally. 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 administrative branch of the town government; unless such administrative responsibilities have been delegated by the Mayor and Council to a Town Manager pursuant to Section 810 of this Charter.
- B. Appointments and removal of employees and heads of offices, departments, and agencies. The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the town government as established by this Charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor and Council. All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the Mayor and Council, in accordance with rules and regulations in any merit system which may be adopted by the Council.

- C. Reports and recommendations to Council. The Mayor, each year, shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.
- D. Preparation of budget. The Mayor shall prepare or have prepared annually a budget and submit it to the Council for approval.
- E. Other powers and duties. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter.

ARTICLE V  
**POWERS OF THE COUNCIL**

**GENERAL POWERS**

**Section 501. Legislative**

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

**SPECIFIC POWERS**

**Section 502. Enumeration of Specific Powers**

The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state, for the specific purposes provided in the remaining subsections of this section.

1. Advertising — To provide for advertising, for the purposes of the town, for printing and publishing statements as to the business of the town.
2. Aisles — To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.
3. Amusements — To provide in the interest of public welfare for licensing, regulating, or restraining theatrical or other public amusements.
4. Appropriations — To appropriate municipal moneys for any purpose within the powers of the Council.
5. Auctioneers — To regulate the sale of all kinds of property at auction within the town and to license auctioneers.
6. Band — To establish a municipal band, symphony orchestra or other musical organization and to regulate by ordinance the conduct and policies thereof.
7. Billboards — To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, 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.
8. Bridges — To erect and maintain bridges.
9. Buildings — To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the town and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a

Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or in part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.

10. Cemeteries — To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
11. Codification — To provide for the codification of all ordinances which have been or may hereafter be passed.
12. Community Services — To provide, maintain and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the town.
13. Cooperative Activities — To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.
14. Curfew — To prohibit the youth of the town from being in the streets, lanes, alleys or public places at unreasonable hours of the night.
15. Dangerous Conditions — To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
16. Departments — To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.
17. Disorderly Houses — To suppress bawdy houses, disorderly houses and houses of ill fame.
18. Dogs — To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.
19. Elevators — To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
20. Explosives — To regulate or prevent the storage of gunpowder, oil or any other explosive or 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. Filth — To compel the occupant of any premises, building, or outhouse situated in

the town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

22. Finances — To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purposes; to have general management and control of the finances of the town.
23. Fire — To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fireplugs where and as necessary and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.
24. Food — To inspect and to require the condemnation, if unwholesome, of food and to regulate the sale of any food products.
25. Franchises — To grant and regulate franchises to water companies, electric companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any other which may be deemed advantageous and beneficial to the town, subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than 50 years.
26. Gambling — To restrain and prohibit gambling.
27. Garbage — To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal.
28. Grants-in-aid — To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.
29. Hawkers — To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the 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 powers and 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 prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary condition or conditions detrimental to health, provided that

nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any public, general or local law relating to the subject of health.

31. House Numbers — To regulate the numbering of houses and lots to compel owners to renumber the same or, in default thereof, to authorize and require the same to be done by the town, at the owner's expense, such expense to constitute a lien upon the property, collectible as tax moneys.
32. Jail — To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town 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.
34. Liens — To provide that any valid charges, taxes or assessments made against any real property within the town shall be liens upon such property, to be collected as municipal taxes are collected.
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, dogs 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 display of goods, wares and merchandise.
39. Noise — To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.
40. Nuisances — To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this Charter or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, prohibit or control the location of, or to require the removal from the town of, all trading in, handling of or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health. In this connection, the town may regulate, prohibit, or control the location of or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hogpens, tanneries and renderies. This listing is by way of enumeration, not limitation.
41. Obstructions — To remove all nuisances and obstructions from the streets, lanes

and alleys and from any lots adjoining thereto or any other places within the limits of the town.

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 by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.
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. All town policemen shall, within the municipality, have the powers and authority of Deputy Sheriff in this state. **[Amended 12-5-1974]**
46. Police Powers — To prohibit, suppress and punish within the town all vice, gambling and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.
47. Property — To acquire, by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least 20 days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.
48. Quarantine — To establish quarantine regulations in the interests of the public health.
49. Regulations — To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.
50. Sidewalks — To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours of cleaning sidewalks.
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 hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like

occupations.

53. Vehicles — To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.
54. Voting Machines — To purchase, lease, borrow, install and maintain voting machines for use in town elections.
55. Zoning — To exercise the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.
56. Saving Clause — The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

#### ENFORCEMENT OF ORDINANCES

##### **Section 503. Exercise of Powers**

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

##### **Section 504. Enforcement**

To ensure the observance of the ordinances of the town, the Council has the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding \$500 or less than \$5, or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within 10 days to the Circuit Court of Kent County, in which the fine, forfeiture, or penalty was imposed. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding convictions.

##### **Section 505. Supervision of Financial Administration of Government [Added 12-1-2014 by Charter Res. No. 2014-01]**

The Council shall have complete supervision over the financial administration of the town government. The Council shall supervise the administration of the budget as adopted by the Council, shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.



ARTICLE VI  
MUNICIPAL ELECTIONS

THE BOARD OF SUPERVISORS OF ELECTIONS

**Section 601. Membership of the Board**

There shall be a Board of Supervisors of Elections consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in March in every second odd-numbered year. The term of members of the Board of Supervisors of Elections shall begin on the first Monday in March in the year in which they are appointed and shall run for four years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

**Section 602. Removal of Members of the Board**

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council, if in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within 10 days after receiving the written copy of the charges.

**Section 603. Duties of the Board**

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

**Section 604. Notice of Registration Days and Elections**

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

REGISTRATION

**Section 605. Voter Registration [Amended 4-13-2006 by Res.No. 2006-01]**

There shall be a registration ongoing, until the first Monday in April in every odd-numbered year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the Mayor may designate additional days as registration days. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date

by striking from the lists persons known to have died or to have moved out of the town. The Council is hereby authorized and directed by ordinance to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a registration when necessary.

**Section 606. Qualifications of Voters [Amended 4-13-2006 by Res. No. 2006-01; 2-9-2012 by Res. No. 2011-01]**

Every person who is a citizen of the United States; is at least 18 years of age; is registered to vote with the Kent County Board of Elections; is a resident of Maryland that has resided continuously within the corporate limits of Rock Hall since the January 1st immediately preceding any town election held pursuant to Section 609 of the Charter of the Town of Rock Hall; and is registered in accordance with the provisions of this Charter shall be a qualified voter of the town. For special elections, the voter must have resided within the corporate limits of Rock Hall for the 90 days preceding the election. Every qualified voter of the town shall be entitled to vote at any or all town elections.

**Section 607. Appeal from an Action of the Board of Supervisors of Elections [Amended 4-13-2006 by Res. No. 2006-01]**

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Circuit Court for Kent County.

**THE NOMINATION OF CANDIDATES FOR OFFICE**

**Section 608. Filing for Office [Amended 4-8-2021 by Charter Res. No. 2021-01]**

Persons may be nominated for elective office in the town by filing a certificate of nomination and the documentation required by Section 609(B) of this Charter at the office of the Board of Supervisors of Elections on or before the second Monday in April next preceding the town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. Any person desiring to withdraw his candidacy must do so seven days prior to the election.

**Section 608A. Certificate of Nomination. [Amended 4-26-1991 by Res. No. 91-4; 4-8-2021 by Charter Res. No. 2021-01]**

Persons may be nominated for elective office in the town by filing a certificate of nomination and the documentation required by Section 609(B) of this Charter at the office of the Board of Supervisors of Elections on or before the second Monday in April next preceding the town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. Any person desiring to withdraw his candidacy may do so at least seven days prior to the election.

A. Certificate of nomination. A certificate in the following form shall be sufficient:

To the Board of Supervisors of Elections of the Town of Rock Hall,

I hereby request that you print my name on the official ballot in the Town of Rock Hall election to be held on \_\_\_\_\_ as candidate for \_\_\_\_\_; I am \_\_\_\_\_ years old; I have been a bona fide resident of the town for \_\_\_\_\_; I am a registered voter in the town.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

## ELECTION PROCEDURES

### **Section 609. Elections of the Mayor and Councilpersons [Amended 4-26-1991 by Res. No. 91-4]**

- A. On the first Saturday of May 1991, and every alternate two years thereafter, the qualified voters of the town shall elect one person as Mayor and two persons as Councilmembers for terms of four years.
- B. On the first Saturday of May 1993, and every alternate two years thereafter, the qualified voters of the town shall elect two Councilmembers for terms of four years.

## Section 610. Conduct of Elections

### **Section 610. Conduct of Elections [Amended 4-26-1991 by Res. No. 91-4]**

- A. It shall be the duty of the Board of Supervisors of Elections to provide for each general and special election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep polls open from 10:00 a.m. to 8:00 p.m. on election days or for longer hours if the Council requires it. **[Amended 4-13-2006 by Res. No. 2006-01]**
- B. The Board of Supervisors of Elections shall make provisions for an absentee ballot for those persons who are qualified to vote and may be unavoidably absent from the town for any reason on election day or for those persons who are qualified to vote and whose physical disability will prevent them from being present at the polls on election day.
  - 1. A qualified voter of the town desiring to vote at any town election as an absentee voter shall make application in writing to the Clerk-Treasurer for an absentee ballot. An application for an absentee ballot must be received by the close of business on the Friday eight days prior to election day. After such deadline, a late application must be completed in person at the Clerk-Treasurer's office in the Rock Hall Town Offices during normal business hours. **[Amended 2-9-2012 by Res. No. 2011-01]**
  - 2. Upon receipt of said application, the Clerk-Treasurer shall promptly mail or deliver a ballot to the qualified applicant which shall be marked at the top "absentee ballot." Underneath these words shall be printed the following instructions:

"Mark ballot by placing an "X" in proper blank after each candidate question."

3. Two envelopes shall be provided with absentee ballots:
  - a. Return envelope. One envelope shall be known as the "return envelope" and shall be addressed to Chairman of Board of Supervisors of Elections of the Town of Rock Hall, Rock Hall, Maryland 21661.
  - b. Ballot envelope. The other envelope shall be know as the "ballot envelope" and shall contain the town absentee ballot.
4. All absentee ballots must be received by the Board of Supervisors of Elections of the town election not later than the closing of the polls on town election day. Ballots not received prior to such closing will not be counted.
5. No ballot envelopes shall be opened or unfolded prior to the closing of the polls and the beginning of tabulation of all ballots. No absentee ballot shall be rejected except by unanimous vote of the Board of Supervisors of Elections. Candidates or designee may be present for tabulation of ballots.

### **Section 611. Special Elections**

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

### **Section 612. Vote Count**

Within 48 hours after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the results of the election to the Clerk-Treasurer of the town, who shall record the results in the minutes of the Council.

### **Section 612A. Tie Vote [Added 2-9-2012 by Res. No. 2011-01]**

In the event of a tie vote in the election for the office of Mayor, there shall be a special runoff election between the tied candidates, to be held as soon as is practicable following the election. In the event of a tie vote in the election for the office of Councilmember, the Board of Elections shall provide for an impartial method of chance to select a winner from the pool of tied candidates.

### **Section 613. Preservation of Ballots**

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

### **Section 614. Vacancies [Amended 3-29-1991 by Res. No. 91-3]**

- A. In case of a vacancy on the Council for any reason, the Council shall, within 45 days of the occurrence of the vacancy, elect some qualified person to fill such vacancy until the next regular town election. At the next regular election the persons receiving the two highest votes shall fill the regular four-year terms. Any vacancy

in an unexpired term shall be filled by person(s) receiving the next highest vote(s). In case of a vacancy in the office of Mayor for any reason, the Council, within 45 days, shall elect some qualified person from the existing Council to fill the vacancy until the next regular town election. The results of all votes filling vacancies shall be recorded in the minutes of the Council.

- B. If the Council fails to fill a vacancy within 45 days of the occurrence of the vacancy, the Town Board of Election Supervisors shall call a special election to fill the vacancy to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy. In the event that the resignation occurs within 120 days of the regular election, the Council may leave the seat vacant until the next regular election.
- C. Any resignation by the Mayor or a Council member must be in writing and delivered to the Clerk-Treasurer.

**Section 614A. Recall. [Added 10-10-2013 by Charter Res. No. 2013-03]**

- A. All elected officials of the town shall be subject to recall and removal from office by the registered voters of the town in accordance with the provisions of this section; provided, however, that this section shall not apply to the following:
  - 1. An elected official of the Town that has held office for 90 days or less;
  - 2. An elected official in whose favor a recall election has been determined within the last two years; or
  - 3. An elected official who, pursuant to Section 608A of this Charter, has failed to timely file a certificate of nomination or, having timely filed a certificate of nomination, withdraws his or her candidacy.
- B. Recall petition.
  - 1. A recall petition shall be addressed to "The Mayor and Council of the Town of Rock Hall," filed with the Clerk-Treasurer, and shall contain the following:
    - a. A statement of the grounds upon which recall is sought;
    - b. The signatures of at least 25% of the registered voters of the Town; and
    - c. A request for a recall election.
  - 2. A recall petition shall not address more than one elected official.
  - 3. A recall petition shall be on a form provided by the Clerk-Treasurer and available at the Town Office during normal business hours. The Clerk-Treasurer shall also provide any individual requesting a recall petition form with the number of registered voters of the town as of the date upon which such form is requested.
  - 4. Upon receiving a recall petition, the Clerk-Treasurer shall immediately notify the Council that a recall petition has been filed. Within 15 days of the filing of a recall petition, the Clerk-Treasurer shall prepare a dated certificate verifying whether the recall petition meets the requirements of Subsection (B)(1). The

certificate shall be forwarded to the Mayor and Council upon its completion.

- a. If the certificate states that the recall petition does not meet the requirements of Subsection (B)(1), the Clerk-Treasurer shall send written notice thereof to the petitioner. Such written notice shall specify the defect(s) in the recall petition and advise the petitioner of the right to refile a proper recall petition, without prejudice.
- b. If the certificate shows the recall petition meets the requirements of Subsection (B)(1), the matter shall be placed on the Council's agenda for a special public meeting to be held within 45 days of the date of the certificate, at which there shall be a public hearing, immediately after which the Council shall take action on the recall petition. Notice of the special public meeting shall be published for at least two weeks prior thereto in a newspaper or newspapers having general circulation in the town. The Council may prescribe additional methods of publication reasonably deemed to provide notice of the special public meeting.
- c. The elected official whose recall is sought shall continue to hold office until the elected official resigns or is recalled, but shall not participate in any discussions or actions related to the recall.

C. Special public meeting.

1. During the public hearing portion of the special public meeting described in subsection 4(b), those petitioning for and those opposed to recall, as well as the elected official who is the subject of the recall petition, shall have a reasonable opportunity to be heard.
2. Immediately following the public hearing portion of the special public meeting, the Council shall adopt a resolution ordering that a recall election be held and setting a date therefor, which shall not be less than 30 days nor more than 60 days from the date of the special public meeting, unless:
  - a. The elected official who is the subject of the recall petition chooses to resign; or
  - b. A regular Town election is scheduled to occur within 60 days of the meeting date, in which case the Council may order that the recall election be included on the regular election ballot.

D. Recall election.

1. Notice of the date of a recall election shall be published for at least two weeks prior to the election in a newspaper or newspapers having general circulation in the town. The Council may prescribe additional methods of publication that are reasonably deemed to provide notice of the recall election.
2. The recall election shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections, except as otherwise provided in this section.
3. The recall election ballot shall read: "Shall (name of elected official) continue

in the office of (insert office name) of the Town of Rock Hall?" Following this question shall be the words "Yes" and "No," which the voter shall use to vote for or against recall. The question of recall shall be decided by a simple majority of the votes cast.

4. Results of the recall election. The question of recall shall be decided by a simple majority of the votes cast. If a majority of votes cast is in favor of recall, the elected official's term of office shall immediately terminate upon the certification of the election. If the majority of votes cast are not in favor of recall, the elected official's term shall continue unaffected.
- E. Filling of vacancy created by recall. The successor of any elected official removed by recall shall be selected in the usual course of filling vacancies as set forth in Section 614 of this Charter; provided, however, that an elected official removed by recall is not eligible to fill the vacancy created by his or her recall.

### **Section 615. Equal Privileges for Women**

Women shall have equal privileges with men in registering, voting and holding town offices. Whenever the masculine gender has been used as to any registering, voting, or holding town office, it shall be construed to include the feminine gender.

### **Section 616. Regulation and Control**

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

### **Section 617. Penalties [Amended 4-13-2006 by Res. No.2006-01]**

- A. Any person who: (1) willfully and knowingly registers to vote in a fraudulent or unlawful manner; (2) willfully and knowingly votes in a fraudulent or illegal manner; (3) is ineligible to vote as a result of being convicted of an infamous crime and votes or attempts to vote; (4) disobeys a lawful command of an election official at a polling place on election day; (5) hinders or impedes the conduct of electoral activities through breach of the peace, disorder, violence or threat of violence; (6) interferes with the performance of an election official's official duties or interferes with individuals lawfully present at polling places; (7) fraudulently or illegally tampers, destroys or interferes with ballots, election records, voting equipment or supplies is guilty of a misdemeanor.
- B. Any election official who: (1) willfully neglects their official duties or who engages in corrupt, illegal or fraudulent activity; or (2) willfully or knowingly falsifies or allows the falsification of reports or who defaces or harms any document entrusted to the official's custody is guilty of a misdemeanor. Any election judge who: (1) willfully and knowingly interferes with the right or ability of an otherwise qualified individual to vote or allows an unqualified individual to vote; (2) improperly places a ballot in a box or alters a ballot in any way; or (3) willfully or knowingly falsifies or allows the falsification of reports or defaces or harms any document entrusted to the official's custody shall be guilty of a misdemeanor. Any officer or employee of

the town government who is convicted of a misdemeanor under the provisions of this section shall immediately, upon conviction thereof, cease to hold such office or employment.



ARTICLE VII  
FINANCE

THE OFFICE OF CLERK-TREASURER

**Section 701. Clerk-Treasurer [Amended 4-26-1991 by Res. No. 91-4; 8-12-2013 by Charter Res. No. 2013-02]**

There shall be a Clerk-Treasurer hired by the Mayor and Council. The Clerk-Treasurer shall serve at the pleasure of the Mayor and Council. The Mayor and Council may also hire such Assistant Clerk-Treasurers as they may deem necessary. They shall serve at the pleasure of the Mayor and Council. Their compensation shall be determined by the Council. The Clerk-Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the Town Manager. Assistant Clerk-Treasurers shall assist the Clerk-Treasurer in the exercise and administration of the Clerk-Treasurer's powers and duties under the direct supervision of the Clerk-Treasurer and the Town Manager.

**Section 702. Powers and Duties [Amended 8-12-2013 by Charter Res. No. 2013-02]**

Under the supervision of the Town Manager, the Clerk-Treasurer shall have authority and shall be required to:

- A. Prepare at the request of the Town Manager an annual budget to be submitted by the Mayor to the Council.
- B. Supervise and be responsible for the disbursement of all moneys 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 Council may require, not contrary to state law.
- D. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the Town Manager.
- E. Ascertain that all taxable property within the Town is assessed for taxation.
- F. Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the town and all other revenues for whose collection the town is responsible and receive any funds receivable by the town.
- G. Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.
- H. Do such other things in relation to the fiscal or financial affairs of the town as the Mayor and Council may require or as may be required elsewhere in this Charter.

**Section 703. Surety Bond**

The Clerk-Treasurer and the Assistant Clerk-Treasurer shall provide a bond with such corporate surety and in such amounts as the Council by ordinance may require. Said bond shall be paid for by the town.

**THE MUNICIPAL BUDGET****Section 704. The Fiscal Year**

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

**Section 705. Submission of the Budget**

The Mayor, on such date as the Council by ordinance shall determine, but at least 32 days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, open to public inspection by anyone during normal business hours.

**Section 706. Adoption of the Budget [Amended 7-14-2022 by Res. No. 2022-01]**

Before adopting the budget, the Council shall have a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having a general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. If the Council 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. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

**EXPENDITURES****Section 707. Appropriations**

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

**Section 708. Transfer of Funds [Amended 12-1-2014 by Charter Res. No. 2014-01]**

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

**Section 709. Over-Expenditures**

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 contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds or notes, 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 laws.

#### **Section 710. Unexpended/ Unencumbered Appropriations**

All appropriations shall lapse at the end of the budget year to the extent that they shall have not 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 711. The Issue of Checks [Amended 4-26-1991 by Res. No. 91-4; 6-20-2013 by Charter Res. No. 2013-01]**

The authorized signatories of all checks issued in payment of salaries or other municipal obligations shall be the Mayor, the Vice President of the Council (Vice Mayor), and the Town Manager. All such checks must be signed by two of the three foregoing individuals in order to be valid.

#### **Section 712. Purchases and Contracts [Amended 4-26-1991 by Res. No. 91-4; 3-10-2005 by Res. No. 05-01; 12-1-2014 by Charter Res. No. 2014-01]**

Purchases for the town government may be made by the Town Manager, Clerk-Treasurer and heads of the departments up to a maximum of \$1,000 with appropriately approved purchase order. Extraordinary purchases exceeding this maximum must be approved by the Mayor and Council before obligating the town to such purchases. The Mayor and Council may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements or contractual service involving more than \$5,000 shall be made on written contract. The Clerk-Treasurer shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods or work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Mayor and Council shall have the right to reject any and all bids. All written contracts shall be protected by such bonds, penalties and conditions as the town may require.

#### **Section 713. Authority for Borrowing; Payment of Indebtedness**

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

- B. As determined by or provided for in the authorizing ordinance or resolution of the Mayor and Council, the bonds, notes or other evidences of indebtedness of the town may be issued and sold:
- (1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law (which competitive bids may be delivered by electronic or facsimile means or by any other commercially reasonable manner determined by the Mayor and Council by ordinance or resolution);
  - (2) For a price or prices which may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;
  - (3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Mayor and Council; and
  - (4) For either cash or other valuable consideration.
- C. The ordinance or resolution that authorizes the bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity and for the manner of publishing or otherwise giving notice of such redemption.
- D. The town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.
- E. The official signatures and seals affixed to any of the bonds, notes or other evidences of indebtedness may be imprinted in facsimile.
- F. The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this section shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property within the corporate limits of the town for the prompt payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation as to rate or amount. The full faith and credit of the town is hereby pledged to the payment of the principal of and the interest on all bonds, notes and other evidences of indebtedness hereafter issued under the authority of this section, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance or resolution authorizing their issuance.

#### **Section 714. Previous Issues**

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

#### **REVENUES**

**Section 715. Taxable Property Defined**

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and 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 which is exempt from taxation by any Act of the General Assembly.

**Section 716. The Establishment of the Tax Levy**

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

**Section 717. Announcement of the Tax Levy and Notification of Tax Due**

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

**Section 718. Date of Payment and Overdue Payments of Taxes [Amended 5-28-1988 by Res. No. 88-5]**

The taxes provided for in Section 717 of this Charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of 1% for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 719 of this Charter.

**Section 719. The Sale of Tax-Delinquent Property**

A list of all properties on which the town taxes have not been paid and which are in arrears as provided in Section 718 of this Charter shall be turned over by the Clerk-Treasurer to the officials of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by state law.

**FISCAL ACCOUNTABILITY****Section 720. Collectors of Fees**

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

**Section 721. Municipal Audit**

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland (1957 Edition), as amended.

**Section 722. Tax Anticipation Borrowing**

- A. During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed 50% of the property tax levy for the fiscal year in which the 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 Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.
- B. Borrowing on notes. At the time, the town shall have the power to borrow and to evidence such indebtedness by signing promissory notes. Such promissory notes shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the giving of promissory notes and shall not be required to solicit competitive bids upon the same, but shall be authorized to negotiate the best rate of interest available, privately, if the Council deems the same advisable.

ARTICLE VIII  
MUNICIPAL EMPLOYEES

GENERAL AUTHORIZATION

**Section 801. The Authority to Employ Personnel**

The town may 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 802. Compensation of Employees [Amended 4-26-1991 by Res. No. 91-4]**

The compensation of all officers and employees of the town shall be set from time to time as passed by the Council, subject to the restrictions imposed upon establishing the salaries of the Councilmembers and Mayor.

**Section 803. Employee Benefit Programs [Amended 4-26-1991 by Res. No. 91-4]**

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

**Section 804. Retirement [Amended 4-26-1991 by Res. No. 91-4]**

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

**Section 805. The Authority to Establish a Merit System [Amended 4-26-1991 by Res. No. 91-4]**

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the Council shall have the power to 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. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in state law.

**Section 806. Definition of Unclassified and Classified Service [Amended 4-26-1991 by Res. No. 91-4]**

The civil service of the town shall be divided into the unclassified and classified service:

A. Unclassified Service. The unclassified service shall comprise the following offices

and positions, which shall not be included within the merit system.

1. The Mayor, the Councilmembers and persons appointed to fill vacancies in these positions.
  2. The Town Attorney, Town Manager and Clerk/Treasurer.
  3. The heads of all offices, departments and agencies and members of town boards and commissions.
  4. Part-time, temporary and unpaid offices and positions.
- B. Classified Service. The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

### **Section 807. Prohibitions and Penalties**

- A. Prohibitions. If a merit system is adopted.
1. If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work.
  2. No person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder.
  3. No officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office.
  4. No person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service or other valuable things to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion.
  5. No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town.
  6. No person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take part in the management, affairs or political campaign of any political party or candidate for public office further than in the exercise of his right as a citizen to express his opinion and to cast his vote.
- B. Penalties. Any person who by himself or with others willfully or corruptly violates



any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment. Any person who is convicted under this section for a period of five years shall be ineligible for appointment to or employment in a position in the town service and shall, if he is an officer or employee of the town, immediately forfeit the office or position he holds.

#### MUNICIPAL OFFICERS

**Section 808. Clerk to the Council [Amended 12-1-2014 by Charter Res. No. 2014-01]**

The Clerk-Treasurer shall serve as Clerk to the Council. He shall attend meetings as required by the Council and keep a full and accurate account of the proceedings of the Council. He shall keep such other records and perform such other duties as may be required by this Charter or the Council. In the absence of the Clerk-Treasurer, the Assistant Clerk-Treasurer shall perform the duties of the Clerk-Treasurer.

**Section 809. Town Attorney [Amended 4-26-1991 by Res. No. 91-4; 12-1-2014 by Charter Res. No. 2014-01]**

The Mayor with the approval of the Council may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney is the legal advisor of the town and shall perform such duties in this connection as may be required by the Mayor and Council. His compensation shall be determined by the Mayor and Council. The Mayor and Council has the power to employ such legal consultants as it deems necessary from time to time.

**Section 810. Town Manager. [Added 5-23-1986 by Res. 86-1; amended 4-26-1991 by Res. No. 91-4]**

- A. Creation of Office. The Office of Town Manager is hereby created.
- B. Appointment of Town Manager. The Town Manager shall be appointed by majority vote of the Mayor and Council for an indefinite term. He shall be chosen by the Mayor and Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office hereinafter set forth. At the time of his appointment, he need not be a resident of the town or state, but during his tenure of office he shall reside within the Fifth Election District preferably within the town limits. No Councilmember shall receive such appointment during the term for which he shall have been elected nor shall he receive such appointment within one year after the term for which he shall have been elected.
- C. The Town Manager shall be the Chief Administrative Officer of the town.
- D. Powers and Duties of the Town Manager.
  - 1. The Town Manager shall be responsible for the day-to-day operation of the town and the enforcement of ordinances, under the direct supervision of the Mayor and Council. He shall perform whatever other duties are specified by

the Mayor and Council. He shall be the administrative head of all departments.  
**[Amended 12-1-2014 by Charter Res. No. 2014-01]**

2. The Council may remove one or more departments from the powers and duties of the Town Manager and require the department head to report directly to the Mayor and Council. Such responsibility may be conferred upon the department head as determined by the Mayor and Council.
3. The Mayor and Council shall deal with the administrative services solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinate employee, either publicly or privately.  
**[Amended 12-1-2014 by Charter Res. No. 2014-01]**
4. The Town Manager may be removed by a majority vote of the Mayor and Council, but in no case is a vote on removal to be made unless 15 days' prior notice is given in writing to all members of the Council and the Town Manager.
5. Should the office of Town Manager become vacant, the Mayor shall temporarily assume or delegate his powers and duties.

ARTICLE IX  
**MUNICIPAL HOLDINGS**

**PUBLIC WAYS AND SIDEWALKS**

**Section 901. The Definition of Public Ways**

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

**Section 902. The Control of Public Ways**

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

**Section 903. Powers of Town With Respect to Public Ways**

The town shall have the power to:

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

**Section 904. Powers of Town With Respect to Sidewalks**

The town shall have the power to:

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

thereof.

- C. Pay the cost of the work described in Subsection B above and to recover all or a part of said cost from special assessment charges imposed on abutting property owners pursuant to Section 1101 of this Charter unless the Council shall elect to require abutting property owners to perform such work at their own expense pursuant to Subsection E hereof.
- D. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.
- E. Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

**ARTICLE X  
WATER AND SEWERS**

**WATER AND SEWERAGE SYSTEM**

**Section 1001. The Authorization of a Municipal System**

The town shall have the power to:

- A. Construct, operate and maintain a sanitary and water plant.
- B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve and dispose of all parts, installations and structures of the above plants and systems.
- E. Have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

**Section 1002. 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 such limitations as may be imposed by the town. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the town may order it removed.

**Section 1003. Obstructions**

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

**Section 1004. Entering on County Public Ways**

The town may enter upon or do construction in, on or over any county public way for

the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or stormwater sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

#### **Section 1005. Connections**

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

#### **Section 1006. Charge for Connections**

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

#### **Section 1007. Improper Use**

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

#### **Section 1008. Private Systems**

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

#### **Section 1009. Extension Beyond Boundaries [Amended 2-26-1988 by Res. No. 88-1]**

The town may extend its water or sewerage systems beyond the town limits.

**Section 1010. Right of Entry**

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

**Section 1011. Pollution of Water Supply Prohibited**

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section may be made a misdemeanor and/or a municipal infraction.

**Section 1012. Contracts for Water**

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

**Section 1013. Charges**

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

**Section 1014. Exception**

The provisions of this article shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this article as to the particular powers included in the authorization.





ARTICLE XI  
**SPECIAL ASSESSMENTS**

**AUTHORITY AND PROCEDURES**

**Section 1101. Power of Town to Levy Special Assessments**

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special 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 1102. Procedures for Assessment and Collection**

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

- A. Cost. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.
- B. Maximum. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed 25% of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- C. Classes. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.
- D. Levy. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person

in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The Clerk-Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least 10 and not more than 30 days after the Clerk-Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

- E. 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 the county within 10 days after the levying of any assessment by the Council.
- F. Installments. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 10 years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.
- G. Due date. All special assessments 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.
- H. Billing. All special assessments shall be billed and collected by the Clerk-Treasurer.

## ARTICLE XII TOWN PROPERTY

### GENERAL

#### **Section 1201. Acquisition, Possession and Disposal**

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

#### **Section 1202. 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 state law applicable to the town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A (the Real Property Article) of the Annotated Code of the Public General Laws of Maryland (1957 Edition), as amended, entitled "Eminent Domain."<sup>2</sup>

#### **Section 1203. Town Buildings**

The town may acquire, obtain by lease or rent, construct, operate and maintain all buildings and structures it deems necessary for the operation of the town government.

#### **Section 1204. Protection of Town Property**

The town may do whatever is necessary to protect town property and to keep all town property in good condition.

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2. Editor's Note: Said Article 33A, Eminent Domain, was repealed by Acts 1972, c. 349, Section 1. See now Real Property Article of the Annotated Code of Maryland, Section 12-101 et seq.



ARTICLE XIII  
**GENERAL PROVISIONS**

AFFIRMATION AND ASSURANCE OF PUBLIC INTEREST

**Section 1301. Oath of Office Required**

- A. Oath required. Before entering upon the duties of their offices, the Mayor, the Councilmembers, the Town Manager, 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: **[Amended 4-26-1991 by Res. No. 91-4]**

"I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will support and comply with the Charter, laws, and ordinances of the Town of Rock Hall; 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 of and the laws of this state."

- B. Before whom taken and subscribed. The Mayor shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court for the county or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath shall do so before the Mayor.

**Section 1302. Official Bonds of Town Officials and Employees**

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

APPLICABILITY OF PREVIOUS AND SUBSEQUENT CHARTERS

**Section 1303. Rights and Obligations**

All right, title and interest held by this town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatsoever 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 1304. 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.

#### DEFINITIONS/CLARIFICATIONS

##### **Section 1305. Misdemeanors**

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction by the District Court or in the Circuit Court for the county within which the offense is committed by a fine not exceeding \$500 or imprisonment for 90 days in the county jail, or both, in the discretion of either of said courts. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

##### **Section 1306. Municipal Infraction**

Certain ordinances are considered infractions as defined in Section 3(b)(1) of Article 23A of the Annotated Code of Maryland and shall be punishable per Section 3(b)(1) of Article 23A of the Annotated Code of Maryland (1957 Edition).

##### **Section 1307. Severability**

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

##### **Section 1308. "Town" Construed to Mean "City"**

Wherever in this article the word "town" shall appear, it shall be taken and construed to mean also the word "city."