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**[HISTORY: The provisions of this Charter were enacted by resolution of the Town Commissioners 5-5-1981. Sections C1-1, C3-1 through C3-9, C4-1, C4-2, C40-5, C5-2, C5-3, C5-6, C5-7, C5-9, C5-10C, C5-12, C5-14, C6-2 through C6-5, C6-8, C6-11, C6-15, C6-16, C6-18, C6-20, C7-1 through C7-3, C7-5, C9-6, C10-1, C10-2A and C, C11-2, C12-1 and C12-2 amended and § C12-3B added during codification; see Ch. 1, General Provisions, Art. III. Other amendments noted where applicable.]**

### **ARTICLE I**

#### **General Corporate Powers**

- § C1-1. Incorporation and general powers. [Amended 12-6-1983 by Res. No. 83-1]

The inhabitants of Cecil County within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of “Town of Perryville” with all the privileges of a body corporate and with the power to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

**§ C1-2. Powers of the Mayor and Commissioners enumerated. [Added 12-6-22 by Res. 2022-01]**

- A. General powers. The Mayor and Commissioners shall have the power to pass all such ordinances not contrary to the constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town’s property, rights and privileges; for the preservation of peace and good order, for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of and visitors in the Town.
- B. Specific powers. The Mayor and Commissioners shall have, in addition, the power to pass ordinances not contrary to the laws and constitution of the State of Maryland, 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 and Doors. To regulate and prevent the obstruction of aisles in public halls, churches, and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.
  - (3) Amusements. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public or private amusements, functions, or assemblies.
  - (4) Appropriations. To appropriate municipal monies for any purpose within the powers of the Mayor and Commissioners.
  - (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 municipal 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

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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 them; to adopt a building code, a plumbing code, an electrical code and other codes of a similar nature, and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.
- (10) Cemeteries. To regulate cemeteries.
- (11) To provide for the codification of ordinances.
- (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 government 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 work. To compel persons about to undertake dangerous work to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from any such work which may be sustained by any person or property.
- (16) Departments. To create, change and abolish offices, departments or agencies, other than the offices, department 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) Domestic animals. To regulate the keeping of domestic animals in the Town and to provide, wherever the county does not license or tax dogs, for the



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licensing and taxing of them; to provide for the disposition of homeless domestic animals and of dogs on which no license fees or taxes are paid.

- (18) Explosives and combustibles. 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.
- (19) Filth. To compel the occupant of any premises, building or outhouse situated in the Town, if it has become filthy or unwholesome, to abate or cleanse the condition, and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expenses thereof against the property, making it collectible by taxes or against the occupant or occupants.
- (20) Finances. To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose not prohibited by this Charter or by law; and to have general management and control of the finances of the Town.
- (21) 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 fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.
- (22) Franchises. To grant and/or regulate franchises for water, sewer, electric, gas, telephone, cable network, taxicab, and other transportation, utilities and business organizations not prohibited by Federal or State law, or otherwise regulated by the Maryland Public Service Commission, the Federal Communications Commission, or other Federal or State agency.
- (23) Trash and solid waste management. To regulate trash and waste products on private and public property; to provide for the collection and disposition of solid waste within the Town.
- (24) Grants-in-aid. To accept grants from individuals, business entities, and/or government agencies for the purposes intended and in compliance with all requisites thereto.
- (25) Peddlers and transient vendors. To regulate peddlers and transient vendors within the Town; to regulate the provision of services by individuals or

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businesses within the Town that are not licensed and/or regulated by the State of Maryland.

- (26) House numbers. To regulate the numbering of houses and lots and to compel owners to number or renumber them in accordance with Town regulations.
- (27) Jail. To establish and maintain, in conjunction with the operation and maintenance of law enforcement facilities, and in accordance with Federal and State regulations, temporary confinement facilities for adult and juvenile offenders charged with criminal offenses.
- (28) Licenses. Subject to any restrictions imposed by the 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; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (29) Liens. To provide that any valid charges, taxes, or assessments made against any real or personal property, within the Town shall be liens upon the property to be collected as municipal taxes are collected.
- (30) Lights. To provide for the lighting of the Town.
- (31) 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.
- (32) Markets. To obtain by lease or rent, and to own, construct, purchase, operate and maintain, public markets within the Town.
- (33) 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.
- (34) Noise. To regulate and/or prohibit by ordinance unreasonable noise within the Town.
- (35) Nuisances. To prevent or abate by appropriate ordinances, all nuisances in the Town that are not otherwise prohibited by the Town's Charter, or by Federal or State law or regulation.

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- (36) 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.
- (37) Parking. To regulate parking, parking lots, and parking facilities on private property within the Town; to establish and maintain public parking lots within the Town.
- (38) Parking meters. To install parking meters on the streets and public places of the Town in such places as by ordinance the Mayor and Commissioners may determine, and by ordinance to prescribe rates and provisions for the use thereof.
- (39) 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.
- (40) Police Force. To establish, operate and maintain a police force. All police officers of the Town shall be trained and certified in accordance with laws and regulations of the State of Maryland and shall exercise such powers as provided by law.
- (41) Police Powers. To enforce all Town ordinances and laws of the State of Maryland.
- (42) Property. To acquire by conveyance, purchase or gift real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.
- (43) Quarantine. To establish quarantine regulations in the interest of the public health.

## **ARTICLE II**

### **Corporate Limits**

#### **§ C2-1. Filing of corporate limit descriptions. [Amended 2-6-1990 by Res. No. 90-2]**

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Town Hall of Perryville and with those county and/or state agencies as required by Maryland law.

**ARTICLE III**  
**Mayor and Commissioners**

**§ C3-1. Composition; terms; elections. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-1, 1-7-2020 by Res 2020-01, 12-6-2022 by Res. 2022-01, 8-1-2023 by Res. 2023-01]**

- A. All legislative powers of the Town shall be vested in the Mayor and Commissioners of the Town of Perryville, consisting of a Mayor and four (4) Commissioners, who shall be elected as hereinafter provided and who shall hold office for a term of three (3) years or until their successors are elected and qualified. Newly elected Commissioners, including the Mayor, having taken their oaths of office as prescribed herein, shall take office on or before the second Monday following their election. For the purposes of the Charter and the Code of Perryville, the terms “Mayor and Council,” “Mayor and Commissioners,” “Commissioners” and “Board of Commissioners” shall all be interchangeable and shall all be defined as the Mayor and Commissioners of the Town of Perryville, as provided for in this Article III.
- B. Except as provided in subsection C. of this section Town Commissioners and the Mayor shall be elected at large by a majority vote of all registered voters of the Town of Perryville casting a ballot in said election.
- C. A qualified candidate shall be deemed elected without the necessity of the conduct of an Election under Article V of this Charter when:
  - (1) In the case of the office of the Mayor, only one qualified candidate files a certificate of nomination under § C5-8, and that candidate is the elected incumbent Mayor; and
  - (2) In the case of the office of Commissioner the number of qualified candidates who file certificates of nomination under § C5-8 equals or is less than the number of Commissioners to be elected to office at the election, and all candidates are elected incumbent Commissioners.

**§ C3-2. Qualifications. [Amended 12-6-1983 by Res. No. 83-1, 12-6-22 by Res. 2022-01]**

The Mayor and Commissioners shall have resided in the Town for at least one (1) year immediately preceding their election and shall be registered voters of the Town. The Mayor and Commissioners shall maintain a permanent residence in the Town during their term of office.

**§ C3-3. Compensation. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-1, 12-6-22 by Res. 2022-01]**

Neither the Mayor nor any Commissioner shall receive any compensation for his services as such unless an ordinance is adopted providing for compensation. Prior to the adoption of such an ordinance, a public hearing shall be conducted. Prior to said hearing, public notice of the time and location of the hearing, as well as the purpose of the hearing, shall be advertised in a newspaper having general circulation within the Town of Perryville at least twice, in two (2) separate weeks, with the first such publication being not less than fifteen (15) days prior to the hearing and not more than twenty (20) days prior to the hearing and the second publication being not more than ten (10) days before the hearing and not less than three (3) days before the hearing. Any such compensation approved shall not take affect during the current term of any existing Commissioner. The Mayor and Commissioners may be paid such necessary bona fide expenses incurred in service on behalf of the Town as authorized by the Mayor and Commissioners.

**§ C3-4. Meetings. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-1, 12-2-2008 by Res. No. 2008-18, 1-7-2020 by Res. 2020-01, 12-6-22 by Res. 2022-01]**

Within thirty (30) days following election of a Mayor or Commissioner, the Mayor and Commissioners shall meet for the purpose of organization, after which the Mayor and Commissioners shall meet regularly to transact business and conduct Work Sessions at such times as may be prescribed by its rules, but not less frequently than once each month. At least once each month the Mayor and Commissioners shall conduct a “Town Meeting” for the transaction of business. Special meetings may be called by the Town Administrator upon the request of the Mayor or two (2) Commissioners. Any special meeting shall be preceded by three (3) days’ notice to the Mayor and all of the Commissioners except in cases of emergency involving a potential threat to life, health or property. All meetings of the Mayor and Commissioners 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 Mayor and Commissioners shall provide that residents of the Town shall have a reasonable opportunity to be heard during any open meeting in regard to any municipal question.

**§ C3-5. Judgment of qualifications. [Amended 12-6-1983 by Res. No. 83-1 12-6-22 by Res. 2022-01]**

The Mayor and Commissioners shall be the judge of the election and qualifications, as contained in Article V, of its members.

**§ C3-6. Duties of Mayor and Commissioners. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-1; 8-7-1990 by Res. No. 90-8, 12-6-22, Res. 2022-01]**

The Mayor shall preside at all meetings of the Mayor and Commissioners when the Mayor is present and shall serve as head of the town government. In the absence of the Mayor, a majority of the remaining four (4) Commissioners shall appoint one (1) of the Commissioners as acting Mayor to act in the Mayor's stead.

- A. The Mayor and Commissioners shall see that the ordinances of the Town are faithfully executed and are the head of the Town Government.
- B. Appointments. The Mayor and Commissioners shall create any boards and Commissions deemed necessary and appoint the individuals to serve on the boards and commissions.
- C. Reports. The Mayor and Commissioners shall report monthly on the condition of the municipal affairs and make such recommendations as deemed proper for the public good and the welfare of the Town.
- D. The Mayor or any Commissioner may sign checks for the Town. At least two (2) signatures shall be required for each check.

**§ C3-7. Quorum. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-1, 12-6-2022 by Res. 2022-01]**

A majority of the Mayor and Commissioners shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of at least three (3) members of the Mayor and Commissioners. The Mayor shall have the right to vote on all matters.

**§ C3-8. Rules of procedure. [Amended 12-6-1983 by Res. No. 83-1, 12-6-22 by Res. 2022-01]**

The Mayor and Commissioners shall conduct meetings in accordance with Robert's Rules of Order as modified by the Mayor and Commissioners. It shall keep minutes of its proceedings and enter therein the yeas, nays or abstentions upon final action of any question, resolution or ordinance or at any other time if required by any one (1) member. The minutes shall be open to public inspection.

**§ C3-9. Vacancies. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-1; Amended 8-2-2016 by Ch. Res. No. 2016-02, 12-6-2022 by Res. 2022-01]**

- A. If, during the term for which a Commissioner is elected, the Commissioner's office shall be vacated for any of the reasons listed in § C3-9B, the vacancy so created shall be filled by appointment of the Mayor for the remainder of the unexpired term, subject to approval and confirmation by a majority of the remaining Commissioners. In the event that a vacancy should arise in the office of

Mayor, the remaining Commissioners shall elect a new Mayor from among said Commissioners to serve the remainder of the Mayor's term, said election to require approval of the remaining Commissioners, excluding the Commissioner so elected. The vacancy on the Mayor and Commissioners created by the election of a Commissioner as the new Mayor as aforesaid shall be filled pursuant to the procedure for appointing a new Commissioner set forth at the beginning of this subsection.

B. A vacancy shall occur for the following reasons:

- (1) Resignation.
- (2) Criminal conduct, including a violation of Chapter 8 of the Code of the Town of Perryville.
- (3) Death.
- (4) Ceasing to reside in the Town of Perryville.
- (5) Removal from offices the result of a recall vote as provided in § C3-11.
- (6) Failing to attend three consecutive Town Meetings or three consecutive Work Sessions, in person or by authorized remote participation.

**§ C3-10. Code of conduct for Mayor and Commissioners. [Added 12-6-2022 by Res. 2022-01]**

- A. This section supplements but does not supplant other laws and rules that prescribe the legal duties and responsibilities of the Town's Mayor and Commissioners.
- B. The Mayor and Commissioners shall respect the chain of command, and act and behave within the bounds of their authority. The Mayor and Commissioners shall treat each other, Town employees, residents and businesspeople with courtesy and respect, and in a manner that reflects well on the Town of Perryville.
- C. The Mayor and Commissioners, by ordinance, may provide for the enforcement of this section by reprimand, censure and fine, and promulgate policies, rules, explanations and interpretive guidance for implementing this section.

**§ C3-11. Removal from office. [Added 12-6-2022 by Res. 2022-01]**

- A. The Mayor or a commissioner shall be deemed to be removed from office, and a vacancy shall exist, if the Mayor or Commissioner fails to attend three consecutive Town Meetings or three consecutive Work Sessions. Such a vacancy shall be filled as provided in § C3-9.

B. The Mayor or a Commissioner may be petitioned for recall and removed from office by a majority vote of the qualified voters of the Town in a recall election, in accordance with the following:

- (1) A recall petition must be signed by not less than twenty percent (20%) of the registered voters of the Town on a recall petition form prescribed by the Town Clerk.
- (2) A recall petition may not seek the recall of more than one elected official.
- (3) A recall petition may not be filed against any person until that person shall have been in office for at least three (3) months or if that person shall have fewer than four (4) months remaining in the person's term of office.
- (4) The Mayor and Commissioners, by ordinance, shall prescribe rules and procedures for the processing of a recall petition, a public hearing on the petition, and the scheduling and conduct of a recall election.

#### **ARTICLE IV Ordinances**

**§ C4-1.       Deferral of adoption. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-3, repealed and reenacted with amendments 07/01/14 by Res. 2014-02, 12-6-2022 by Res. 2022-05]**

No ordinance shall be passed at the meeting at which it is introduced. At any regular or Special Meeting of the Mayor and Commissioners, held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected or its consideration deferred to some specific future date. Any of the limitations and requirements of this section may be waived by affirmative votes of at least three (3) members of the Mayor and Commissioners for any ordinance.

**§ C4-2.       Effective dates. [Amended 12-6-1983 by Res. No. 83-1, 07/01/14 by Res. 2014-02, 12-6-2022 by Res. 2022-05]**

- A. Except as provided in subsections B., C. and D. of this section, an ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor and Commissioners.
- B. An ordinance declared to be an emergency ordinance shall become effective on the date specified in the ordinance, but not until it has been approved by the Mayor and Commissioners.
- C. An ordinance that adopts the Town's annual budget shall become effective on the



first day of the fiscal year to which the budget applies.

- D. An ordinance that adopts an amendment to the Town's annual budget shall become effective on the date specified in the ordinance, or at the expiration of 20 calendar days following approval by the Mayor and Commissioners if the ordinance does not specify a date.

**§ C4-3. Public Notice. [Amended 6-5-12 by Charter Amendment Res. No 2012-01, 07/01/14 by Res. 2014-02, 12-06-2022 by Res. 2022-05]**

The Mayor and Commissioners, by resolution, shall provide for the giving of Public Notice of a summary of ordinances adopted by the Mayor and Commissioners. The resolution shall specify that Public Notice may be given in one or more media including, but not limited to, publication in a newspaper of general circulation in the town or in other print media distributed in the town, posting on the Town's internet website, and distribution by other electronic social media. The Mayor and Commissioners may specify different types and amounts of public notice for different types of ordinances.

**§ C4-4. Filing.**

Ordinances shall be permanently filed by the Town Clerk and shall be kept available for public inspection. A copy shall also be filed with the State Department of Legislative Reference and the Clerk of the Circuit Court for Cecil County.

**§ C4-5. Enforcement. [Amended 6-5-12 by Res. No 12-01 12-06-2022 by Res. 2022-05]**

- A. Misdemeanors. To ensure the observance of the ordinances of the Town, the Mayor and Commissioners shall have the power to provide that violation thereof shall be a misdemeanor, and shall have the power to affix hereto penalties of a fine not exceeding one thousand dollars (\$1,000.) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.

- B. Municipal infractions.

**(1) Definitions.**

INFRACTION – An infraction is any violation of this Code, which violation has been specifically declared to be an infraction. For purposes of the Code, an infraction is a civil offense.

MISDEMEANOR – A misdemeanor is:

- (a) A criminal offense, not amounting to a felony, arising from a violation of a law of the state, which violation is defined as a misdemeanor; or

- (b) Unless otherwise specified, a violation of any law of this Town. All violations of this Code shall be treated as misdemeanors unless specifically declared to be infractions.
- (2) **Declaration as infraction; fine.** The Mayor and Commissioners shall by official act declare the violation of which ordinance or ordinances shall be an infraction or infractions, and for each such violation, specific fine shall be set. The amount of each specific fine shall be included within the Chapter, Article or Section of this code that sets forth the infraction for which the fine is to be imposed. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by the Mayor and Commissioners to any other administrative or legislative body. **[Amended 6-5-12 by Res. No 12-01, 12-06-2022 by Res. 2022-05].**
- (3) **No formal hearing by Town.** The Town shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense as provided by State Law. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information from the town concerning the infraction. **[Amended 6-5-12 by Charter Amendment Res. No 12-01].**
- (4) The issuance, service, administration, processing and adjudication of Municipal Infractions shall be as provided and regulated by State Law. **[Added 6-5-12 by Charter Amendment Res. No 12-01].**

## **ARTICLE V**

### **Registration, Nominations and Elections**

**§ C5-1. Qualifications of voters; right to vote.**

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

**§ C5-2. Board of Supervisors of Elections. [Amended 12-6-2022 by Res. 2022-02].**

There shall be a board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Mayor and Commissioners on or before the first Tuesday

in March for a term of one (1) year. The terms of members of the Board of Supervisors of Elections shall begin on the first Tuesday in March in the year in which they are appointed and shall run for one (1) year. Members of the Board of Supervisors of Elections shall be registered voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor and Commissioners for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Mayor and Commissioners.

**§ C5-3. Removal of Board members. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022 by Res. 2022-02]**

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

**§ C5-4. Duties of 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.

**§ C5-5. Notices of elections.**

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every registration day and every election by an advertisement published in at least one (1) newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town.

**§ C5-6. Registration of voters. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-4, 12-6-2022 by Res. 2022-02]**

The Mayor and Commissioners are hereby authorized to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a reregistration when necessary. Such action shall be by ordinance or resolution; in addition, the Mayor and Commissioners shall also provide for a system, in cooperation with the Cecil County Board of Elections that shall permit a voter who resides within the Town of Perryville municipal limits and who is registered with the County Board of Elections to vote in all municipal elections held within the Town of Perryville.

**§ C5-7. Appeals. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022 by Res. 2022-02]**

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 Mayor and Commissioners. Any decision or action of the Mayor and Commissioners upon such appeals may be appealed to the Circuit Court for Cecil County within thirty (30) days of the decision or action of the Commissioners.

**§ C5-8. Nominations. [Amended 12-6-2022 by Res. 2022-02]**

- A. Persons shall be nominated for elected office in the Town by filing a certificate of nomination with the Board of Supervisors of Elections on or after February 1 and on or before the second Monday in April next preceding the Town election, during normal operating hours of the Town Hall. If February 1 falls on a day on which Town Hall is not open for business, the first day for filing a certificate of nomination shall be extended to the first day after February 1 that Town Hall is open for business.
- B. Such certificate shall state the following:
  - (1) The office which the candidate is seeking.
  - (2) The name, address and signature of the candidate.
- C. No persons shall file for nomination to more than one (1) elective Town office or hold more than one (1) elective Town office at any one time.

**§ C5-9. Conduct of elections. [Amended 12-6-1983 by Res. No. 83-1; 2-6-1990 by Res. No. 90-4, Res. 2019-01, 12-3-19]**

- A. Elections shall be on a nonpartisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office, with no party designation of any kind.
- B. It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines.
- C. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 7:00 p.m. on election days or such hours as modified by the Mayor and Commissioners. **[Amended 3-6-2007 by Res. No. 2007-4]**
- D. The Board shall permit one (1) Poll Watcher for each candidate at each election. The board also shall allow poll watchers at a recall election as prescribed in section C3-11 of this Charter. The Mayor and Commissioners, by ordinance, shall prescribe additional rules and regulations to govern the conduct, rights and responsibilities of poll watchers. **Amended 12-6-2022 by Res. 2022-02]**

- E. Two (2) members of the Board of Supervisors of Elections must certify the ballots.
- F. It shall be the duty of the Board of Supervisors of Elections to provide for the absentee ballots at all municipal elections of the Town of Perryville.
- G. A person may not write in or otherwise cast a vote at a Town Election for any individual whose name does not appear on the ballot or voting machine.

**§ C5-10. Election not to be conducted. [Added 8-1-23 by Res 2023-01]**

- A. The Board of Supervisors of Elections shall not conduct an Election under this Article for Mayor or Commissioners under certain circumstances described in § 3-1. C. of this Charter.
- B. When there are an insufficient number of qualified candidates for the Office of Mayor or Commissioners to necessitate the conduct of an election for that office, on the day of the Town Election the Board of Supervisors of Election shall declare and certify the qualified candidate or candidates to be elected to the office or offices for which they filed certificates of nomination.

**§ C5-11. 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.

**§ C5-12. Vote count. [Amended 12-6-1983 by Res. No. 83-1, Amended 9-6-16 by Chart. Res. No. 2016-03, Res. 2019-01, 12-3-19]**

- A. Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town Clerk who shall record the result in the minutes of the Mayor and Commissioners. Notwithstanding the foregoing sentence, the Board of Supervisors of Elections shall not count and certify any votes cast for any individual whose name does not appear on the ballot or voting machine.[Amended 12-6-2022 by Res. 2022-02]
- B. If two candidates for Mayor receive the same and highest number of votes cast for Mayor, the person elected as Mayor shall be determined by a flip of a coin as provided in subsection D. of this section.
- C. If two candidates for Commissioner receive the same number of votes, and, as a result of the tie vote neither candidate receives a sufficient number of votes to be elected, the person elected as Commissioner as between the two candidates with

the equal number of votes shall be determined by a flip of a coin as provided in subsection D. of this section.

- D. The chairman of the Board of Supervisors of Elections shall conduct the flip of a coin required to decide an Election. The person conducting the flip shall display the coin to the candidates, shall announce which face of the coin is “heads” and which face is “tails,” and shall determine which candidate shall be “heads” and which candidate shall be “tails.” The coin flip shall be conducted in a public location, and in the presence of the candidates, immediately following the determination of the votes cast for each candidate and before the Board of Supervisors of Elections certifies the results of the election to the Town Clerk. Upon completion of the coin flip the Board of Supervisors of Elections shall certify to the Town Clerk that the winner of the coin flip is elected as Mayor or Commissioner.

**§ C5-13. Preservation of ballots.**

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

**§ C5-14. Power of regulation and control. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022 by Res. 2022-02]**

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

**§ C5-15. Campaign finance and campaign materials. [ Added 12-6-2022 by Res. 2022-02]**

This section applies to each election conducted in accordance with this article. Unless otherwise provided in this article, and to the extent practicable, the laws, rules, regulations, and procedures governing campaign finance and campaign materials of the Town of Perryville shall be as provided in title 13, Md. Election law code annotated, section 13-101 through section 13-605 and may be amended from time to time.

**§ C5-16. Violations and penalties. Amended 12-6-2022 by Res. 2022-02]**

Any person who fails to perform any duty required of that person under the provisions of this Article or any ordinances passed thereunder or in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nominations or election shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a

misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

## **ARTICLE VI**

### **Finance**

#### **§ C6-1. 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.

#### **§ C6-2. Preparation of budget. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022 by Res. 2022-03]**

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

#### **§ C6-3. Adoption of budget. [Amended 12-6-1983 by Res. No. 83-1, amended 07/01/14 by Charter Amendment Res. 2014-01, 12-6-2022 by Res. 2022-03]**

Before adopting the budget, the Mayor and Commissioners shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the Town. The Mayor and Commissioners may insert new items or may increase or decrease the items of the proposed budget up to the time the budget is adopted. Where the Mayor and Commissioners shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an Ordinance. A favorable vote of a quorum of the Mayor and Commissioners shall be necessary for adoption.

#### **§ C6-4. Appropriations. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022 by Res. 2022-03]**

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

#### **§ C6-5. Transfer of funds. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022**

**by Res. 2022-03]**

Any transfer of funds between appropriations for different purposes proposed by the Mayor or a Commissioner must be approved by the Mayor and Commissioners by ordinance before becoming effective. Transfers of funds between general categories of expenditures must be approved by budget amendment ordinance. Transfers of funds between line items within the same general category of expenditure shall not be deemed a transfer of funds between appropriations for different purposes. Budget “changes” allowed within department general expenditure categories such as, but not limited to, “salaries,” employment taxes, benefits,” “other expenditures” and “capital outlay,” may be made without a budget amendment ordinance if the changes are approved by the Mayor and Commissioners.

**§ C6-6. Overexpenditures prohibited. [Amended 12-6-2022 by Res. 2022-03]**

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 section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, for repayment of other debt service, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

**§ C6-7. Lapse of appropriations. [Amended 12-6-2022 by Res. 2022-03]**

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

**§ C6-8. Issuance and signing of checks. [Amended 12-6-1983 by Res. No. 83-1; 8-7-1990 by Res. No. 90-8, 12-6-2022 by Res. 2022-03]**

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by either the Mayor or the Commissioners. At least two (2) signatures shall be required for each check. Notwithstanding the foregoing, the Town may process payroll salaries and associated deductions, and make payment for other Town obligations, through the use of direct deposits/ach or other electronic technology.

**§ C6-9. Taxable property. Amended 12-6-2022 by Res. 2022-03]**



All real property and all 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; provided, however, that household furniture and effects held for household use of the owners or members of the owner's family and not held or employed for the purposes of profit or in connection with any business, profession or occupation shall not be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for state and county taxes.

**§ C6-10. Budget to authorize 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.

**§ C6-11. Notice of tax levy; assessment. [Amended 12-6-1983 by Res. No. 83-1, 12-6-2022 by Res. 2022-03]**

- A. Immediately after the levy is made by the Mayor and Commissioners in each year, the Town Clerk shall give notice of the making of the levy by posting a notice thereof and the adopted budget on the Town's website and at Town Hall. The Town shall provide for the preparation, the mailing or delivering in person to each taxpayer or the taxpayer's agent at the taxpayer's or agent's last known address a bill or account of the taxes due from the taxpayer. 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.
- B. All real and personal property taxes shall be levied by the Mayor and Commissioners in accordance with the laws of the State of Maryland and appropriate public hearings shall be conducted, with prior notice being given thereof, when required by law as a result of a proposal to increase the tax rate or the constant yield tax rate within the Town. No public hearings shall be required by this Charter other than those required by the applicable laws of the State of Maryland or the United States government.

**§ C6-12. Overdue taxes. [Amended 8-7-1990 by Res. No. 90-9]**

The taxes provided for in this Charter shall be due and payable on the first day of July in the year from which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at a percentage not to exceed that of state law for each month or fraction of a month until paid. All taxes and water and sewer charges not paid and in arrears shall be collected pursuant to state and county laws and regulations.

**§ C6-13. Sale of tax delinquent property. Amended 12-6-2022 by Res. 2022-03]**

A list of all property on which the Town taxes have not been paid and water and sewage charges which have not been paid and which are in arrears as provided by § C6-12 of this Charter shall be turned over by the Town to the official of the county responsible for the sale of tax delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by state law.

**§ C6-14. Disposition of fees.**

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

**§ C6-15. Annual audit. [Amended 12-6-1983 by Res. No. 83-1]**

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

**§ C6-16. Authorization to borrow [Amended 7-22-1993 by Res. No. 93-1, 12-6-2022 by Res. 2022-03].**

The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue of its general obligation bonds, notes, or other certificates or evidence of indebtedness in a manner prescribed in this Charter or the Maryland Code. Notwithstanding any provisions in the Maryland Code to the contrary, bonds of the Town may be sold privately to a financial institution or other party after requesting and receiving a bid price for said bonds from at least three potential buyers, at least one of which must be a commercial bank authorized to conduct business in the State of Maryland. No public advertisement soliciting bids for said bonds shall be required. In addition to borrowing by issuance of bonds and tax anticipation notes, the Town may also borrow funds for a period of up to one year in an amount not to exceed one million dollars by executing a note or other certificate or evidence of indebtedness, after approval of a resolution adopted at a public hearing by the Mayor and Commissioners. Such additional form of borrowing shall not require adoption of an ordinance. Such borrowing by resolution may be renewed for additional periods not exceeding one year for each renewal. Each renewal shall require adoption of a new resolution by the Mayor and Commissioners at a public meeting. Nothing in the section shall prohibit or preclude the town from borrowing money for a public purpose as part of a local government borrowing program maintained by State or Federal agencies. Bonds may be part of a public offering through a State agency.

**§ C6-17. Payment of indebtedness.**

The power and obligation of the Town to pay any and all bonds, notes or other evidences of indebtedness issued by it shall be unlimited, and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences or indebtedness hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance. However, any note, bond or other evidence of an indebtedness of the Town of Perryville may be issued specifically, providing that said bond, note or other evidence of indebtedness is not secured by the full faith and credit of the Town of Perryville.

**§ C6-18. Validation of previous issues.**

All bonds, notes or other evidence 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 is herein fully set forth.

**§ C6-19. Purchasing procedures. [Amended 12-6-2022 by Res. 2022-03].**

The Mayor and Commissioners shall provide by ordinance for rules and regulations regarding purchasing procedures such as authority for the making of purchases and the use of competitive bids.

**ARTICLE VII  
Personnel**

**§ C7-1. Town Attorney. [Amended 12-6-2022 by Res. 2022-04].**

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

**§ C7-2. Authority to employ personnel. [Amended 12-6-2022 by Res. 2022-04].**

The Mayor and Commissioners shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the Town government. The Mayor and Commissioners shall appoint a Town Administrator, and the membership of all boards and Commissions of the Town. All employees subordinate to the Town Administrator

shall be employed and removed from employment consistent with law and in accordance with the rules and regulations of any personnel merit system which may be adopted by the Mayor and Commissioners.

**§ C7-3. Town Administrator, functions, powers, and duties. [Added 12-6-2022 by Res. 2022-04].**

The Town Administrator shall be responsible to the Mayor and Commissioners for the proper administration of all affairs of the Town placed in his or her charge and pursuant thereto the Administrator shall have the following functions, powers, and duties:

- A. To be responsible for the efficient administration of all administrative departments of the Town government.
- B. To be responsible for the enforcement of the ordinances, official directives, other laws of the Town, and those general laws of the State applicable to municipalities.
- C. To hire, suspend, transfer and discharge town employees except as otherwise provided by the Mayor and Commissioners.
- D. To hire and make appointments on the basis of administrative ability as well as training and experience in the work to be performed.
- E. To cause a proposed budget to be prepared annually and submitted to the Mayor and Commissioners and be responsible for the administration of the budget after its adoption, all in accordance with this Charter and under policies formulated by the Mayor and Commissioners.
- F. To keep the Mayor and Commissioners advised of the financial condition and future needs of the Town and make such recommendations to the Mayor and Commissioners for adoption as may deem necessary or expedient.
- G. To exercise control over the various town departments and recommend to the Mayor and Commissioners any proposal they think advisable to establish, consolidate or abolish departments.
- H. To be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or franchise, and upon knowledge of any violation thereof, report the same to the Mayor and Commissioners for such action and proceedings as may be necessary to enforce the same.
- I. To attend Mayor and Commissioners meetings with the privilege to participate in discussions with Mayor and Commissioners in an advisory capacity without the right to vote.

- J. To inform the public concerning plans and activities of the Mayor and Commissioners and of the Town Administration.
- K. To be responsible for a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted municipal accounting principles, the financial condition and financial operation of the Town.
- L. To be responsible for engineering, architectural maintenance and construction services as may be required by the Town, within the limitations of the Town budget.
- M. To submit to the Mayor and Commissioners for approval, appropriate rules and regulations governing purchases on behalf of the Town.
- N. To dispose of property of the town in accordance with procedures by the Mayor and Commissioners and subject to the provisions of this Charter and State law.
- O. To recommend for approval by the Mayor and Commissioners, appropriate personnel rules and regulations governing officers and employees of the Town, subject to the provisions of this Charter.
- P. To carry out all policies, duties, orders and other directives of the Mayor and Commissioners.

**§ C7-4. Merit system for appointments and promotions. [Amended 12-6-2022 by Res. 2022-04].**

The Town may provide by ordinance or resolution for appointment and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the Mayor and Commissioners 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 probation period, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations.

**§ C7-5. Retirement and pension systems. [Amended 12-6-2022 by Res. 2022-04]**

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 all or part of the cost of any such retirement or pension system out of the general funds of the Town.

**§ C7-6. Compensation of employees. [Amended 12-6-2022 by Res. 2022-04]**

The compensation of all officers and employees of the Town (exclusive of the Mayor and Commissioners) shall be set from time to time by the Mayor and Commissioners.

**§ C7-7. Employee benefit programs. [Amended 12-6-2022 by Res. 2022-04]**

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.

**ARTICLE VIII**

**Public Ways**

**§ C8-1. Definitions.**

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

**§ C8-2. Authority to control.**

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Cecil County. 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.

**ARTICLE IX**

**Water, Sewers and Storm Drainage**

**§ C9-1. Powers of Town.**

The Town shall have the power:

- A. To construct, operate and maintain a water system and water plant.
- B. To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. To construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- E. To have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

- F. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

**§ C9-2. Authorization of work by Town.**

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.

**§ C9-3. Obstruction of public ways; notice and removal.**

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 impede the establishment, construction or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions 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 powers provided in § C11-3. Any violation of this section shall be a misdemeanor.

**§ C9-4. 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.

**§ C9-5. Connection with water and sewer systems.**

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, sink drains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health 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.

**§ C9-6. Charge for connections.**

The Town may make a charge, the amount to be determined by the Mayor and Commissioners, for each connection made to the Town's water and 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. [Amended 12-6-2022 by Res. 2022-05].

**§ C9-7. Prevention of improper use of systems.**

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.

**§ C9-8. 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, any may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

**§ C9-9. Extension of systems beyond boundaries.**

The Town shall have the power to extend its water or sewerage systems beyond the Town limits.

**§ C9-10. 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, upon proper identification, 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 or sewage disposal system. Any restraint or



hindrance offered to such entry by any owner, tenant or person in possession or the agent of any of them may, by ordinance, be made a misdemeanor.

**§ C9-11. Contracts with other parties.**

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.

**§ C9-12. Charge for use of water and sewer systems.**

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

**ARTICLE X  
Special Assessment**

**§ C10-1. Power to levy.**

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and/or 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.

**§ C10-2. Procedure.**

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

- A. 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 Mayor and Commissioners.

- B. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom.
- C. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty (40) years, and in such manner as the Mayor and Commissioners may determine. The Mayor and Commissioners shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Mayor and Commissioners.
- D. All special assessment installments shall be overdue six (6) months after the date on which they become 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.

## **ARTICLE XI**

### **Town Property**

#### **§ C11-1. Acquisition, possession and disposal.**

The Town may acquire real, personal or mixed property within or without the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

#### **§ C11-2. Eminent domain. [Amended 2-06-2022 by Res. 2022-05]**

Notwithstanding the provisions of § C11-3, below, where, in the judgment of and upon a finding by the Mayor and Commissioners, there is immediate need for certain property for right-of-way for municipal roads, streets or extension of municipal water and sewage facilities, such property may be taken immediately upon payment therefore to the owner or owners thereof, or into court, such amount as a licensed real estate broker appointed by the Mayor and Commissioners shall estimate to be a fair market value of such property, provided that the Town of Perryville shall secure the payment of any further sum that subsequently may be awarded by a jury, as provided for and in accordance with Article III, Section 40A of the Maryland Constitution. This section shall not apply if the property actually to be taken includes a building or buildings.

#### **§ C11-3. Condemnation of property.**

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 or without the corporate limits of the Town, for any public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Annotated Code of the Public General Laws of Maryland.

**§ C11-4. Acquisition and maintenance of buildings.**

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

**§ C11-5. Protection of Town property.**

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

**ARTICLE XII  
General Provisions**

**§ C12-1. Oaths of office. [Amended 2-06-2022 by Res. 2022-05]**

- A. Before entering upon the duties of their offices, the Mayor and Commissioners, the members of the Board of Supervisors of Elections and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: “I, \_\_\_\_\_, do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_ according to the Constitution and Laws of this State”.
- B. The Mayor and Commissioners shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Cecil County or before one of the sworn deputies of the Clerk.

**§ C12-2. Bonds. [Amended 2-06-2022 by Res. 2022-05]**

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

**§ C12-3. Violations and penalties.**

**[History: Repealed § C12-3 in its entirety on 8-4-2015 by Res. No. 2015-03, Amended § C12-3 subsection A. on 2-6-1990 by Res. No. 90-5, Added subsection B. to § C12-3 on 12-6-1983 by Res. No. 83-1]**

**§ C12-4. Effect of charter on existing legislation.**

- 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 shall be and the same hereby are repealed to the extent of such conflict.

**§ C12-5. Word usage.**

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

**§ C12-6. Severability.**

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

**ARTICLE XIII**  
**Redevelopment and Urban Renewal**  
**[Added 4-7-1992 by Res. No. 92-1]**

**§ C13-1. Definitions.**

- A. In this subheading, the following words have the meanings indicated:

“BLIGHTED AREA” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, catastrophe, neglect or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

“FEDERAL GOVERNMENT” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

“MUNICIPALITY” means the Town of Perryville, municipal corporation of this state.

“PERSON” means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic. It includes any trustee, receiver, assignee or other person acting in a similar representative capacity.

“SLUM AREA” means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to the public safety, health or morals.

“STATE GOVERNMENT” means the State of Maryland or any agency or instrumentality, corporate or otherwise, of the State of Maryland.

“URBAN RENEWAL AREA” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

“URBAN RENEWAL PLAN” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate whatever land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

“UBRAN RENEWAL PROJECT” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight and may involve slum or blighted area clearance and redevelopment in an urban renewal area or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:

- A. Acquisition of a slum area or a blighted area or portion of them.
- B. Demolition and removal of buildings and improvements.
- C. Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out the urban renewal objectives of this subheading in accordance with the urban renewal plan.
- D. Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan.

- E. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan.
- F. Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.
- G. The preservation, improvement or embellishment of historic structures or monuments.

**§ C13-2. Powers.**

- A. The municipality may undertake and carry out urban renewal projects.
- B. These projects may include:
  - (1) Slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas.
  - (2) Acquisition, in connection with those projects, within the corporate limits of the municipality, of land and property of every kind and any right, interest, franchise, easement or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation or any other legal means.
  - (3) The power to sell, lease, convey, transfer or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity.
- C. Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this subheading to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to the compensation.
- D. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of these purposes or in connection with the exercise of any of the powers granted by this subheading is declared to be needed or taken for public uses and purposes.

- E. Any or all of the activities authorized pursuant to this subheading constitute governmental functions undertaken for public uses and purposes, and the power of taxation may be exercised, public funds expended and public credit extended in furtherance of them.

**§ C13-3. Additional powers.**

The municipality has the following additional powers; these powers are declared to be necessary and proper to carry into full force and affect the specific powers granted in this subheading and to fully accomplish the purposes and objects contemplated by the provisions of this section:

- A. To make or have made all surveys and plans necessary to the carrying out of the purposes of this subheading and to adopt or approve, modify and amend those plans. These plans may include but are not limited to:
  - (1) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
  - (2) Plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements.
  - (3) Appraisals, title searches, surveys, studies and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the federal and state government or other governmental entity for those purposes.
- B. To prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to those persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal or state government.
- C. To appropriate whatever funds and make whatever expenditures as may be necessary to carry out the purposes of this subheading, including but not limited:
  - (1) To the payment of any and all costs and expenses incurred in connection with or incidental to the acquisition of land or property, and for the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities or service, in connection with urban renewal projects.

- (2) To levy taxes and assessments for those purposes.
- (3) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county or other public bodies, or from any sources, public or private, for the purposes of this subheading, and to give whatever security as may be required for this financial assistance.
- (4) To invest any urban renewal funds held in reserves or sinking funds or any of these funds not required for immediate disbursement in property or securities which are legal investments for other municipal funds.

D. Property.

- (1) To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects.
- (2) To mortgage, pledge, hypothecate or otherwise encumber that property.
- (3) To insure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance.

E. To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this subheading, including the power to enter into agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal or state government for or with respect to an urban renewal project and related activities whatever conditions imposed pursuant to federal or state laws as the municipality considers reasonable and appropriate.

F. To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the circuit court for the county in which the municipality is situated in the event entry is denied or resisted.

G. To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations.

H. To generally organize, coordinate and direct the administration of the provisions of this subheading as they apply to the municipality in order that the objective of remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively.



- I. To exercise all or any part or combination of the powers granted in this subheading.

**§ C13-4. Initiation of project.**

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

- A. Finds that one (1) or more slum or blighted areas exist in the municipality.
- B. Locates and defines the slum or blighted area.
- C. Finds that the rehabilitation, redevelopment or a combination of them of the area or areas is necessary and in the interest of the public health, safety, morals or welfare of the residents of the municipality.

**§ C13-5. Preparation and approval of plan for urban renewal project.**

- A. In order to carry out the purposes of this subheading, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality and shall approve the plan formally prior to its approval of an urban renewal project; the municipality shall submit the plan to the planning body of the municipality for review and recommendations as to its conformity with the Master Plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within the sixty (60) days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice of the hearing by publication in a newspaper having a general circulation within the corporate limits of the municipality at least one (1) week but not more than four (4) weeks before the hearing. The notice shall describe the time, date, place and purpose of the hearing; shall generally identify the urban renewal area covered by the plan; and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefore if it finds that:

- (1) A feasible method exists for the location of any families or natural persons who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to the families or natural persons.
- (2) The urban renewal plan conforms substantially to the master plan of the municipality as a whole.

- (3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.
- B. An urban renewal plan may be modified at any time. If modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon whatever approval of the owner, lessee or successor in interest as the municipality considers advisable. In any event, it shall be subject to whatever rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will change substantially the urban renewal plan as approved previously by the municipality, the modification shall be approved formally by the municipality, as in the case of an original plan.
- C. Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

**§ C13-6. Disposal of property in urban renewal area.**

- A. The municipality may sell, lease or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this subheading. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. In any instrument of conveyance to a private purchaser or lessee may not sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct on the property. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for the transfer of any property located within the urban renewal project and the urban renewal plan (or whatever part or parts of the contract or plan as the municipality determines) may be recorded in the land

records of the county in which the municipality is situated in a manner so as to afford actual or constructive notice of it.

- B. The municipality may operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this subheading, without regard to the provisions of Subsection A, for uses and purposes considered desirable even though not in conformity with the urban renewal plan.
- C. Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this subheading shall be presumed conclusively to have been executed in compliance with the provisions of this subheading insofar as title or other interests of any bona fide purchasers, lessees or transferees of the property is concerned.

**§ C13-7. Eminent domain.**

Condemnation of land or property under the provisions of this subheading shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

**§ C13-8. Encouragement of private enterprise.**

The municipality, to the extent it determines it to be feasible in carrying out the provisions of this subheading, shall afford maximum opportunity to the rehabilitation or redevelopment of any urban renewal area by private enterprise consistent with the sound needs of the municipality as a whole. The municipality shall give consideration to this objective in exercising its powers under this subheading.

**SPECIAL EDITOR'S NOTE**

**[Charter Amendment Resolution No. 90-1, adopted 2-6-1990, provided for a reorganization of the Town government from six (6) elected Commissioners (two (2) elected from each election district) to a Mayor and four (4) Commissioners (all elected at large). For the text of the Charter amendment, see §§ C3-1, C3-3, C3-4, C3-6, C3-7 and C3-9 of this Code.]**