

1 **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**

2 **CHARTER AMENDMENT RESOLUTION NO. 2022-05**

3 **A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF**
4 **PERRYVILLE, MARYLAND, TO AMEND CERTAIN PROVISIONS OF THE CHARTER OF**
5 **THE TOWN OF PERRYVILLE TO ALTER CERTAIN TERMINOLOGY RELATING TO**
6 **THE MAYOR AND COMMISSIONERS OF THE TOWN; AND GENERALLY RELATING**
7 **TO AMENDMENTS TO THE CHARTER OF THE TOWN OF PERRYVILLE.**

8 **BY** repealing and reenacting, with amendments
9 Charter of the Town of Perryville
10 (as published in the Perryville Town Code)
11 Article IV, Ordinances
12 Sections C4-1, C4-2, C4-3 and C4-5

13
14 **BY** repealing and reenacting, with amendments
15 Charter of the Town of Perryville
16 (as published in the Perryville Town Code)
17 Article IX, Waters, Sewers and Storm Drainage
18 Section C9-6

19
20 **BY** repealing and reenacting, with amendments
21 Charter of the Town of Perryville
22 (as published in the Perryville Town Code)
23 Article X, Special Assessment
24 Section C10-2

25
26 **BY** repealing and reenacting, with amendments
27 Charter of the Town of Perryville
28 (as published in the Perryville Town Code)
29 Article X1, Town Property
30 Section C11-2

31
32 **BY** repealing and reenacting, with amendments
33 Charter of the Town of Perryville
34 (as published in the Perryville Town Code)
35 Article XI, General Provisions
36 Sections C12-1 and C12-2
37

<p>EXPLANATION:</p> <p>CAPITALS INDICATE MATTER ADDED TO EXISTING LAW ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment. *** indicates matter not affected by this Ordinance and omitted</p>

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40

41 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN**
 42 **OF PERRYVILLE** that Sections C4-1, C4-2, C4-3 and C4-5 of Article IV, Ordinances, of the Charter
 43 of the Town of Perryville (as published in the Perryville Town Code), are repealed and reenacted,
 44 with amendments, to read as follows:

45

ARTICLE IV
Ordinances

46

47

48 **§ C4-1. Deferral of adoption.**

49

50 No ordinance shall be passed at the meeting at which it is introduced. At any regular or special
 51 meeting of the MAYOR AND Commissioners, held not less than six (6) nor more than sixty (60) days
 52 after the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected
 53 or its consideration deferred to some specific future date. Any of the limitations and requirements of
 54 this section may be waived by affirmative votes of at least three (3) MEMBERS OF THE MAYOR
 55 AND Commissioners for any ordinance.

56

57 **§ C4-2. Effective dates.**

58

59 A. Except as provided in subsections B., C. and D. of this section, an ordinance shall become
 60 effective at the expiration of twenty (20) calendar days following approval by the MAYOR
 61 AND Commissioners.

62

63 B. An ordinance declared to be an emergency ordinance shall become effective on the date
 64 specified in the ordinance, but not until it has been approved by the MAYOR AND
 65 Commissioners.

66

67 C. An ordinance that adopts the Town’s annual budget shall become effective on the first day of
 68 the fiscal year to which the budget applies.

69

70 D. An ordinance that adopts an amendment to the Town’s annual budget shall become effective on
 71 the date specified in the ordinance, or at the expiration of 20 calendar days following approval
 72 by the MAYOR AND Commissioners if the ordinance does not specify a date.

73

74

75 § C4-3. **Public Notice.**
76

77 The MAYOR AND Commissioners, by resolution, shall provide for the giving of Public Notice of a
78 summary of ordinances adopted by the MAYOR AND Commissioners. The resolution shall specify
79 that Public Notice may be given in one or more media including, but not limited to, publication in a
80 newspaper of general circulation in the town or in other print media distributed in the town, posting on
81 the Town's internet website, and distribution by other electronic social media. The MAYOR AND
82 Commissioners may specify different types and amounts of public notice for different types of
83 ordinances.
84

85 § C4-5. **Enforcement.**
86

87 A. Misdemeanors. To ensure the observance of the ordinances of the Town, the MAYOR AND
88 Commissioners shall have the power to provide that violation thereof shall be a misdemeanor,
89 and shall have the power to affix hereto penalties of a fine not exceeding one thousand dollars
90 (\$1,000.) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.
91

92 B. Municipal infractions.
93

94 (1) **Definitions.**
95

96 INFRACTION – An infraction is any violation of this Code, which violation has been
97 specifically declared to be an infraction. For purposes of the Code, an infraction is a civil
98 offense.
99

100 MISDEMEANOR – A misdemeanor is:
101

102 (a) A criminal offense, not amounting to a felony, arising from a violation of a law of
103 the state, which violation is defined as a misdemeanor; or
104

105 (b) Unless otherwise specified, a violation of any law of this Town. All violations of
106 this Code shall be treated as misdemeanors unless specifically declared to be
107 infractions.
108

109 (2) **Declaration as infraction; fine.** The MAYOR AND Commissioners shall by official
110 act declare the violation of which ordinance or ordinances shall be an infraction or
111 infractions, and for each such violation, specific fine shall be set. The amount of each
112 specific fine shall be included within the Chapter, Article or Section of this code that
113 sets forth the infraction for which the fine is to be imposed. The fine shall be expressed
114 as a discrete amount rather than being expressed in terms of a maximum or minimum
115 amount. The authority to declare infractions and set fines shall not be delegated by the
116 MAYOR AND Commissioners to any other administrative or legislative body.
117

118 (3) **No formal hearing by Town.** The Town shall not conduct any formal hearing for
119 those persons in receipt of a citation of infraction. Any offender so cited may pay the
120 fine as indicated in the citation or elect to stand trial for the offense as provided by State

121 Law. This provision shall not prevent an offender from requesting, either personally or
122 through an attorney, additional information from the town concerning the infraction.
123

124 (4) The issuance, service, administration, processing and adjudication of Municipal
125 Infractions shall be as provided and regulated by State Law.
126

127 **SECTION 2: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
128 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that Section C9-6 of Article IX, Waters,
129 Sewers and Storm Drainage, of the Charter of the Town of Perryville (as published in the Perryville
130 Town Code), is repealed and reenacted, with amendments, to read as follows:
131

132 **ARTICLE IX**
133 **Water, Sewers and Storm Drainage**
134

135 **§ C9-6. Charge for connections.**
136

137 The Town may make a charge, the amount to be determined by the MAYOR AND Commissioners,
138 for each connection made to the Town's water and sewer mains. This charge shall be uniform
139 throughout the Town, but may be changed from year to year. Arrangements for the payment of this
140 charge shall be made before the connection is made.
141

142 **SECTION 3: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
143 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that Section C10-2 of Article X, Special
144 Assessments, of the Charter of the Town of Perryville (as published in the Perryville Town Code), is
145 repealed and reenacted, with amendments, to read as follows:
146

147 **ARTICLE X**
148 **Special Assessment**
149

150 **§ C10-2. Procedure.**
151

152 The procedure for special assessments, wherever authorized in this Charter, shall be as follows:
153

- 154 A. The cost of the project being charged for shall be assessed according to the front-foot rule of
155 apportionment or some other equitable basis determined by the MAYOR AND Commissioners.
156
- 157 B. The amount assessed against any property for any project or improvement shall not exceed the
158 value of the benefits accruing to the property therefrom.
159
- 160 C. Special assessments may be made payable in annual or more frequent installments over such
161 period of time, not to exceed forty (40) years, and in such manner as the MAYOR AND
162 Commissioners may determine. The MAYOR AND Commissioners shall determine on what
163 date installments shall be due and payable. Interest may be charged on installments at the rate
164 to be determined by the MAYOR AND Commissioners.
165

166 D. All special assessment installments shall be overdue six (6) months after the date on which they
167 become due and payable. All special assessments shall be liens on the property and all overdue
168 special assessments shall be collected in the same manner as Town taxes or by suit at law.
169

170 **SECTION 4: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
171 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that Section C11-2 of Article XI, Town
172 Property, of the Charter of the Town of Perryville (as published in the Perryville Town Code), is
173 repealed and reenacted, with amendments, to read as follows:
174

175 **ARTICLE XI**
176 **Town Property**

177 **§ C11-2. Eminent domain.**

178 Notwithstanding the provisions of § C11-3, below, where, in the judgment of and upon a finding by
179 the MAYOR AND Commissioners ((of Perryville)), there is immediate need for certain property for
180 right-of-way for municipal roads, streets or extension of municipal water and sewage facilities, such
181 property may be taken immediately upon payment therefore to the owner or owners thereof, or into
182 court, such amount as a licensed real estate broker appointed by the MAYOR AND Commissioners
183 ((of Perryville)) shall estimate to be a fair market value of such property, provided that the Town of
184 Perryville shall secure the payment of any further sum that subsequently may be awarded by a jury, as
185 provided for and in accordance with Article III, Section 40A of the Maryland Constitution. This
186 section shall not apply if the property actually to be taken includes a building or buildings.
187
188
189

190 **SECTION 5: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
191 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that Sections C12-1 and C12-2 of
192 Article XII, General Provisions, of the Charter of the Town of Perryville (as published in the Perryville
193 Town Code), are repealed and reenacted, with amendments, to read as follows:
194

195 **ARTICLE XII**
196 **General Provisions**

197 **§ C12-1. Oaths of office.**

- 198 A. Before entering upon the duties of their offices, the MAYOR AND Commissioners, the
199 members of the Board of Supervisors of Elections and all other persons elected or appointed to
200 any office of profit or trust in the Town government shall take and subscribe the following oath
201 or affirmation: "I, _____, do swear (or affirm, as the case may be) that I will
202 support the Constitution of the United States; and that I will be faithful and bear true allegiance
203 to the State of Maryland and support the Constitution and Laws thereof; and that I will, to the
204 best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute
205 the office of _____ according to the Constitution and Laws of this State".
206
207
208 B. The MAYOR AND Commissioners shall take and subscribe this oath or affirmation before the
209 Clerk of the Circuit Court for Cecil County or before one of the sworn deputies of the Clerk.
210
211
212

213 § C12-2. Bonds.
214

215 The Town Clerk and Town Administrator and such other officers or employees of the Town as the
216 MAYOR AND Commissioners or this Charter may require shall give bond in such amount and with
217 such surety as may be required by the MAYOR AND Commissioners. The premiums on such bonds
218 shall be paid by the Town.
219

220 **SECTION 6: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
221 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that if any provision of this Resolution,
222 or the application thereof to any person or circumstance is held invalid for any reason, such invalidity
223 shall not affect the other provisions or any other application of this Resolution which can be given
224 effect without the invalid provisions or application, and to this end, all the provisions of this Resolution
225 are hereby declared to be severable.
226

227 **SECTION 7: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
228 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that the date of adoption of this
229 Resolution is _____, 202____, and the amendment to the Charter of the Town of
230 Perryville, hereby enacted shall become effective on _____, 2023, unless a proper
231 petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy
232 of this Resolution shall be continuously posted on the bulletin board in the Town Hall until
233 _____, 2023, and provided further that a copy of the title of this Resolution shall
234 be published in a newspaper of general circulation in the Town of Perryville, or in any other newspaper
235 of such general circulation, once in each of the weeks beginning _____, 202____,
236 _____, 202____, _____, 202____, and _____, 202____.
237

238 **SECTION 8: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
239 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that the Town Administrator is hereby
240 specifically commanded to carry out the provisions of Section 3 of this Resolution, and, as evidence of
241 such compliance, the Town Administrator shall cause to be maintained appropriate certificates of
242 publication of the newspaper or newspapers in which the title of the Resolution shall have been
243 published and if a favorable referendum is held on the Charter change, the Mayor shall declare the
244 Charter Amendment hereby enacted to be effective on the date provided by law.
245

246 **SECTION 9: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
247 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that as soon as the Charter Amendment
248 hereby enacted shall become effective, either as provided herein or following a referendum, the Town
249 Administrator shall send to the Department of Legislative Services of Maryland a copy of this
250 Resolution showing the number of members of the Council voting for and against it and a report on the
251 votes cast for or against the Charter Amendment hereby enacted at any referendum thereon and the
252 date of such referendum.
253

254 The above Amendment to the Charter of the Town of Perryville was enacted by the foregoing
255 Resolution which was passed at a _____ meeting of the Mayor and
256 Commissioners of the Town of Perryville on _____, 202____, _____
257 members voting in the affirmative, _____ members voting in the negative,
258 _____ members abstaining and _____ members absent and the
259 Resolution becomes effective in accordance with law on the _____ day of

260 _____, 2023, if a petition for referendum has not been filed in the time prescribed
261 by law.

262
263 READ AND PASSED THIS ____ day of _____, 202__.

264
265 ATTEST:

MAYOR
TOWN OF PERRYVILLE:

266
267
268
269 _____
270 Jackie Sample, Town Clerk

Matt Roath, Mayor

271
272

