

ORDINANCE NO. 2013-01

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 2, TITLED ADMINISTRATION & GOVERNMENT OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO CREATE A NEW ARTICLE 9 TITLED VERIFICATION OF AGE, CITIZENSHIP AND RESIDENCY WITH THE TOWN OF RISING SUN; FOR THE PURPOSES OF DEVELOPING GUIDELINES, STANDARDS AND POLICIES FOR VERIFYING THE STATUS OF AN INDIVIDUAL'S AGE, CITIZENSHIP AND RESIDENCY WITH THE TOWN OF RISING SUN; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

WHEREAS, the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, the Code of Ordinances of the Town of Rising Sun, contains Chapter 2, titled ADMINISTRATION & GOVERNMENT, which establishes the general guidelines associated with the proper administration of affairs and business for the Town of Rising Sun, Maryland, in accordance with the Town Charter and other applicable Federal and State Laws; and

WHEREAS, the Town desires to add additional language to this Chapter, in order to develop various guidelines, standards and policies for verifying the age of an individual and the status of their citizenship and residency with the Town of Rising Sun, as it relates to certain privileges, discounts and other benefits, that are extended to individuals based upon citizenship and or residency with the Town of Rising Sun, such as but not limited to, general government services, waste collection, and access to sewer and water infrastructure. Furthermore, there may be park & recreation programs and community based events and activities that are age restricted as permitted by federal or state laws. Therefore it is important to ensure integrity and consistency in applying uniform standards and criteria to verify compliance with this article.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 2 of the Town Code shall be modified as follows:

**** Note:** New language shall be shown in italics.

SECTION 1

A new Article 9 shall be created and shall read as follows:

- (A) The title for this article shall read:

ARTICLE 9. VERIFICATION OF AGE, CITIZENSHIP AND RESIDENCY WITH
THE TOWN OF RISING SUN

- (B) The following sections shall be listed under this title to read as follows:

Section 2-901. Scope and Purpose.

The Town of Rising Sun is a Municipal Corporation organized under and governed by Article 23A of the Annotated Code of Maryland. As such there are many obligations, benefits and privileges associated with being a citizen and a resident of the Town of Rising Sun. As per the Town Charter and Codes, a Town resident that is a US Citizen and of a certain age is permitted to vote, have the opportunity to hold an elected office, or serve on an appointed board with the Town. There may also be certain privileges, discounts and other benefits that are extended to individuals based upon citizenship and or residency with the Town of Rising Sun, which are associated with, but not limited to, general government services, waste collection, and access to sewer and water infrastructure. There may also be park & recreation programs and community based events and activities that are age restricted as permitted by federal or state laws. As such, it is important to ensure integrity and consistency in applying uniform standards and criteria to verify compliance and therefore this article is designed to identify similar guidelines, standards and policies, used by other state and local agencies.

Section 2-902. Responsible for Verification.

Verification and compliance with the scope as outlined above shall be the responsibility of the respective Town staff and departments. However, the following entities shall have final responsibility for verifications as follows:

- A) Ethics: *The Town Ethics Board shall be responsible for final verification and compliance with this article as it relates to matters involving the Town's Ethics Provisions or any investigations into ethics code violations.*
- B) Elections: *The Town Board of Election Judges shall be responsible for final verification and compliance with this article as it relates to matters involving any Town Elections. The Election clerk shall have the authority to act on behalf of the Board of Elections Judges during the registration of voters and verification of candidate qualifications.*

Section 2-903. Standards and Guidelines.

In order to provide consistency and cohesiveness in the process of verifying Age, Citizenship, and Residency with the Town of Rising Sun, the following methods,

standards of proof and examples of verification, as used by other State Agencies shall be used. In all cases the Town reserves the right, not to accept photocopies and or documents that appear to be altered, contain erasures, are torn, damaged or overly worn to the degree that it cannot be authenticated. The Town reserves the right to require a replacement document.

A) Legal Name. Any applications, forms or documents that require a full legal name will require proof of such name. Such proof can be provided by one of the following:

1. Current Valid driver's license.
2. Marriage certificate, that is a certified official marriage certificate signed by a clerk of the court and contains an embossed seal. Certificates signed by a Pastor/Minister/Clergy received after the ceremony was performed will not be accepted.
3. Divorce decree
4. Certified court order of name change.
5. Original or certified copy of a U.S birth certificate filed with a State Office of Vital Statistics (OVS) or equivalent agency in the applicant's state of birth (U.S or territorial)* Note: Birth documents issued by a hospital, notifications of birth registration, birth registration cards, and foreign birth certificates are not accepted.
6. Valid, unexpired U.S passport*
7. Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State (DOS), Form FS-240, DS-1350 or FS-545*
8. Valid, unexpired Permanent Resident Card, Form I-551, issued by the U.S. Department of Homeland Security (DHS)*
9. Certificate of Naturalization, form N-550 or N-570 issued by the U. S.
10. Certificate of Citizenship, Form N-560 or N-561 issued by the U.S. DHS*
11. Unexpired employment authorization documents (EAD). Form I-776 or I-688B issued by the U. S. DHS*

B) Age. The Town of Rising Sun, consistent with all federal and state laws, does not discriminate on the basis of age. Any criteria associated with age, will be consistent with recognized parameters and guidelines as established by federal and state laws. Proof of age can be verified by one of the following:

1. Current Valid driver's license.
2. Original or certified copy of a U.S. birth certificate filed with a State Office of Vital Statistics (OVS) or equivalent agency in the applicant's state of birth (U.S. or territorial)* NOTE: Birth documents issued by a

hospital, notifications of birth registration, birth registration cards, and foreign birth certificates are not accepted.

3. *Documentation of Age can be waived if paper verification is not required to support any claims to age.*

C) US Citizenship. *Proof of US Citizenship may be provided as follows:*

1. *Original Social Security (SS) Card; or*
2. *The name(s) on the actual Social Security Card or other acceptable document used to provide proof of a valid, verifiable Social Security Number (SSN), MUST match the source document(s) used to provide proof of the applicants' Age and Identity and licensure if required.*

Notes:

- A) *The full social security number (all 9 digits) must be present on the document being used to prove Social Security. (Example of what is NOT acceptable: XXX-XX-1234)*
- B) *If the name on the social security card is different than the source documents, then the applicant must change the name with the Social Security Administration (SSA) for verification purposes. The new name(s) must match the name(s) that the SSA has on record.*
3. *Any items identified above with an "*" maybe used to verify US Citizenship*
4. *If the identity document does not also satisfy proof of lawful status, the applicant must present another document issued by the United States Department of Homeland Security or other federal agencies demonstrating lawful status and determined to be acceptable by the Administration.*
5. *The Town reserves the right to require all documents presented for proof of lawful status, to be verified by the Department of Homeland Security through their SAVE (Systematic Alien Verification for Entitlements) Program. This verification may not be able to be completed in one day and may require additional verification which can take up to 3 weeks to complete. Applicants are urged to plan accordingly when dealing with any time sensitive deadlines.*

D) Residency in the Incorporated limits of Rising Sun. *Unless specified elsewhere in the Charter or Town Code, an individual wishing to prove residency within the incorporated limits of Rising Sun, must provide no less than 4 of the following documents, which must show an address associated with residency within the incorporated limits of Rising Sun:*

1. *Valid and Current Maryland Driver's License.*
2. *Valid and Current Maryland vehicle registration card or title;*

3. *Valid Voter Registration Card.*
4. *Current Property Ownership from the Maryland Department of Assessments and Taxation, showing the property listed, as the primary residence for the individual in question.*
5. *Residential rental contract (apartment lease or other rental of real property) that shows the individual listed as the responsible person(s) residing at the property.*
6. *Listed as the resident on a Town of Rising Sun Utility Account.*
7. *Telephone or cable/satellite TV bill, showing individual in question as the responsible party for the account, with a current issue date of less than 60 days;*
8. *Checking or savings account statement, with a current issue date of less than 60 days;*
9. *Current Life insurance card or policy (over 3 years old), with a current issue date of less than 60 days;*
10. *Mortgage account or proof of home ownership, to include a deed that shows the property listed, as the primary residence for the individual in question.*
11. *Installment contract from a bank or other financial institution, showing the property listed, as the primary residence for the individual in question.*
12. *First class mail from a federal, state or local government agency (to include the contents and envelope).*
13. *Copy of federal or MD income tax return filing not more than 18 months old, with proof of filing;*
14. *Sales tax or business license;*
15. *Canceled check with imprinted name and address;*
16. *Major credit card bill, with a current issue date of less than 60 days;*
17. *Current Selective Service Card.*

Notes:

- a. *Any documents tied to requirements outlined in the Charter, Codes or policies of the Board of Commissioners, that are tied to a minimum duration of residency, must show dates that indicate such duration of residency.*
- b. *The existence of any work papers or tax/payroll documents related to employment; or any registrations, licenses, bills or property listings issued by another government jurisdiction or agency that is*

in conflict with any documents that are used to verify an individual's age, citizenship or residency in the Town of Rising Sun, shall be considered conflicting and the Town and or entity responsible for verification as listed in section 2-902, shall determine the question as unverifiable.

Section 2-904. Forms, Waivers, Releases and Appeals.

A) Forms, Waivers & Releases. The Town shall provide forms and applications in order to identify track and detail the submittal of any and all documents related to the services, programs, activities or events associated with this article. Such forms and applications will provide waivers or permissions where needed for the applicant to grant the Town and its entities as listed in section 2-902, to speak to any persons agencies, institutions etc., and to further verify any information or request additional documentation as needed.

B) Appeals & Reconsideration.

1. Compliance with Town Ethics Code. As specified in section 2-902 of this Article, the Town Ethics Board shall interpret all questions regarding compliance with this Article as it relates to the Town Ethics Provisions. Process and procedure shall be in accordance to the Town Ethics Provisions. The Ethics Board shall not have the authority to waive any requirements of the ethics provisions. As provided in the Town's Ethics Provisions, the appellant may further appeal decisions of the Ethics Board to the circuit court under the applicable Maryland Rules of Procedure governing administrative appeals. An appeal does not stay the effect of the board's decision unless the court hearing the appeal orders a stay.

2. Compliance with Town Election Laws. As specified in section 2-902 of this Article, the Town's Board of Election Judges shall interpret all questions regarding Voter Registration, Voting and Candidate Qualifications, as it relates to this Article. Any person, who has a direct, material or definitive interest in a decision regarding compliance with this article, shall have the right to appeal to the Board of Election Judges, provided that a written request for appeal is filed with the board within 10 days after the day the decision or notice was issued. The request for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code does not fully apply, or the requirements of this code are adequately satisfied by other means.

a. Hearing Procedures. The Board shall meet upon notice from the Town, within 10 days of the filing of an appeal. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the election clerk and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than a majority of the board of election judges appointed. The board shall adopt and make available to the public,

the procedures in which a hearing will be conducted. The procedures shall require compliance with strict rules of evidence and the submittal of only relevant information.

- b. Board decision. The Board shall concur with the original decision or modify or reverse such decision by majority vote of the board members present. The Board shall not have the authority to waive any requirements of the Town Election Laws. The appellant may further appeal decisions of the Board of Election Judges to the circuit court under the applicable Maryland Rules of Procedure governing administrative appeals. An appeal does not stay the effect of the board's decision unless the court hearing the appeal orders a stay.*
 - c. Records and copies. The decision of the board shall be recorded in the meeting minutes. A formal notice of the decision shall be furnished to the appellant, and reported on at the next Town Meeting of the Mayor and Commissioners.*
- 3. General Town Administration and Services. Any person or entity, who has a direct, material or definitive interest in a decision regarding compliance with this article, as it relates to any matters not listed in items 1 & 2 above, may file a written appeal to the Board of Town Commissioners, provided that the written request for appeals is filed with the Board within 20 days after the day the decision or notice was issued. The request for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of this code do not fully apply, or the requirements of this code are adequately satisfied by other means*
- a. Procedures. The Board shall place the question on the agenda for the next Town Meeting. The board shall review documentation, hear a report from the Town staff and the appellant.*
 - b. Board decision. The Board shall concur with the original decision or modify or reverse such decision by majority vote of the board members present.*
 - c. Records and copies. The decision of the board shall be recorded in the meeting minutes. A formal notice of the decision shall be furnished to the appellant.*

SECTION 2.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 3.

Should any provision, section, paragraph or subparagraph of this Ordinance, including

any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 4.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 6.

NOW THEREFORE BE IT FURTHER RESOLVED that this ordinance was introduced on this 9 day of April, 2013, as provided for in the Town Code.

SECTION 7.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 23rd day of April, 2013

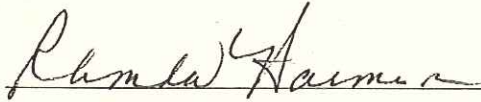
AYES: Commissioner Marion, Commissioner Osborne, Commissioner Naughton,

NAYS: _____

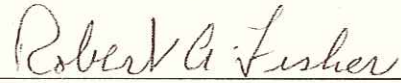
ABSTAINED: _____

ATTEST:

THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN



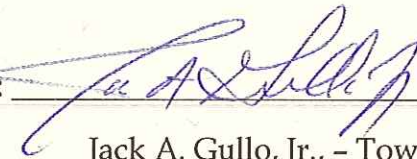
Rhonda Harmison,
Town Clerk

BY: 

Robert A Fisher- Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 23 DAY OF APRIL, 2013

BY: 
Jack A. Gullo, Jr., - Town Attorney