

CHARTER
OF THE
Town of Rising Sun

CECIL COUNTY, MARYLAND

*As adopted by Resolution No. 88-1
Effective June 1, 1988*

(Reprinted November 2014)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

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RISING SUN

Section C-1. Incorporated; general powers.

(a) This is the municipal corporation charter of the Town of Rising Sun, the corporate name of which is The Commissioners of Rising Sun.

(b) The citizens of the Town of Rising Sun are a body politic, by the name of “The Town of Rising Sun,” with all the privileges of a body corporate, and as such shall have succession, and by their corporate name may sue, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and have and use a common seal, which they may change at pleasure.

Section C-2. Definitions.

The terms “town”, “city”, “village”, “municipality” or “municipal corporation” in this charter shall be construed as synonymous.

Words importing the masculine gender shall include the feminine and neuter.

The terms “council”, “town council”, “Board of Commissioners”, “Mayor and Commissioners” shall be construed as synonymous.

Section C-3. Description of corporate boundaries. (See Note (1))

The corporate limits of said Town shall be filed at all times with the Town Hall of Rising Sun and with such other State and County departments or agencies as required by law.

Section C-4. Voter Qualifications, Registration and Public Notification.

(A) *Qualified Voters.* Every person who is (1) a citizen of the United States, (2) at least eighteen years of age, (3) a bona fide resident of the town for at least thirty days preceding any election at which he shall offer to vote is eligible to register to vote in the Town elections.

(B) *Voter Registration.* All qualified persons wishing to register to vote shall do so at the Cecil County Election Board and as provided for by State Law. Any qualified persons registered and listed on the statewide voter registration list at an address within the incorporated limits of Rising Sun, shall be considered registered Town Voters and shall be eligible to vote in Town elections. Hours of voter registration shall be in accordance to Cecil County Election Board Policy and State Law, however the final list of qualified registered voters for Town elections, as established by the Cecil County Election Board, shall be closed and final thirty (30) days prior to any upcoming Town election.

(C) *Absentee Ballots.* Any qualified voter of the Town is entitled to vote in all Town elections by absentee ballot, as provided for in the charter.

(D) *Notice of Voter Registration.* At least two (2) successive weeks prior to the expiration of time in which qualified voters may register to vote in the upcoming election, the Election Clerk shall publish a notice of such deadline, in a newspaper of general circulation, at the Town Hall and on the Town's website.

(E) *Appeals.* If any person shall feel aggrieved by an action in refusing to be registered to vote or in striking the name of any person from the voter list or by any other action, such person may appeal such decision to the Board of Election Judges. The decision of the Board of Election Judges upon such appeal may be further reviewed by filing a petition for appeal in the Circuit Court for Cecil County within ten (10) days of the decision of the Board of Election Judges, but in no event may such petition be filed less than twenty (20) days prior to the election. (Res. 92-1, 4-29-92; Res. 2013-04, 4-18-2013.)

Section C-5. Elected Positions; Qualifications, Nominations, and Terms of Office.

All legislative powers of the Town are vested in a council consisting of the Mayor and four (4) Commissioners who shall be elected as hereinafter provided.

(A) *Qualifications.* The Mayor and four Commissioners, shall be citizens of the United States, at least twenty-five (25) years of age at the time of their election to office, qualified voters of the Town and bona fide residents of said Town for at least one year preceding the date of their election and shall be free of any record of criminal violations other than minor traffic violations and other such minor misdemeanors punishable by fine only. Council members must maintain principal residence in the Town during his/her term of office. If there is a change in principal residence from the Town, the term of the elected office shall be immediately terminated and the vacancy shall be filled as provided in Section C-8 below.

(B) *Nomination.* Any citizen of the Town, being otherwise qualified as indicated herein, desiring to be a candidate for the office of Mayor or for the office of Commissioner, must file in person and submit the necessary disclosure forms under the Town's ethics code and complete a written certificate of candidacy for nomination form, as provided by the election clerk, no less than thirty (30) days prior to the scheduled election. The election clerk shall post a notice of the filing deadline at least 7 days in advance of the final day for filing, in a newspaper of general circulation, at the Town Hall and on the Town's website. The hours for filing on the final date are 8:30 am till 6:00 PM. If candidacy is verified the candidates name will appear on the ballot as submitted on the certificate. The use of nicknames, titles, degrees, or other professional designations on the certificate of candidacy is prohibited. Candidates may withdraw from election prior to the filing deadline only.

(C) *Election and term of office.* The members of the Board of Commissioners shall be elected to serve four (4) year terms with the elections staggered, as per the transitional period described below, so that approximately one-half of the board is elected every two years. The Mayors shall also be elected to serve a 4 year term as per the transitional period described below. All members of the Board shall serve until their successors are duly sworn in.

1. *Transition.* The following provisions shall be effective to facilitate an orderly transition from language contained in prior Charter provisions, to language related to the timing of annual elections and terms of office contained in this section and section C-6 (D)(1) below.

(a) Starting with the 2014 June election, the two (2) sitting commissioner positions and the Mayor’s position, whose terms are set to expire in July of 2014, shall be filled by the voters of the Town. Each of whom shall serve a term of (3) three years to begin at the first meeting in July 2014 and shall serve until the first meeting in November 2017. (see section C-11 below) In October of 2017, prior to the conclusion of those (3) three year terms, and in accordance to section C-6(D) (1) below, the voters of the Town shall elect the two (2) commissioners positions and the Mayor to serve a four (4) year term. Elections for these two (2) commissioners positions and Mayor shall occur every four (4) years thereafter, and in accordance to this charter.

(c) The remaining two commissioners, whose terms are set to expire in July of 2015, shall have their terms extended until November 2015 in accordance to section C-11 below.

(d) At the 2015 October election, and in accordance to section C-6(D) (1) below the two current remaining commissioners positions whose terms are set to expire in November of 2015 (see subsection (c) above), shall be filled by the voters of the Town. Each of whom shall serve a term of four (4) years to begin at the first meeting in November 2015. Elections for these two (2) commissioners’ positions shall occur every four (4) years thereafter, and in accordance to this charter.

2. All Commissioners and the Mayor shall serve until their successors are duly sworn in.

(C) *Mayor or Commissioners Running for other Council Positions.* a citizen holding one elected office such as Commissioner or Mayor, may become a candidate for another elected office such as Commissioner or Mayor as follows:

1. A Mayor or Commissioner, whose term is set to expire after the upcoming election, who desires to run for another position such as, the Mayor running for Commissioner, or a Commissioner running for Mayor, may do so. Other candidates shall be permitted to file for the pending expiring terms, but in no case shall an individual be permitted to run for more than one position. The result of all elections shall be determined as per section C-7 of this Charter.

2. A Mayor or Commissioner, who still has time on their term, beyond the upcoming election year, who desires to run for another position such as, the Mayor running for Commissioner, or a Commissioner running for Mayor, may do so without giving up their current position. Any vacancies created by the results of the election shall be filled as per section C-8 subsection (B) of this charter. (Res. 93-1, 3-31-93; Res. 2013-05, 4-18-2013; Res. 2013-15, 1-29-2014.)

Section C-6. Board of Election Judges & Election Process.

(A) *Creation of Board of Election Judges.* The Commissioners shall appoint three (3) registered voters in the Town to act as Board of Election Judges, to serve two (2) year terms starting on the second Tuesday in March. The Town Board of Commissioners shall appoint one alternate member who may be empowered to act in the absence of a regular member on Election Day. Election Judges shall not hold or be candidates for any elective office during the term of their appointment. Any judge may be removed for good cause by the Mayor and Commissioners upon majority vote of the Town Board of Commissioners. The Board of Election Judges shall appoint one (1) of its members as Chief Election Judge. Vacancies on the Board shall be filled by the Town Board of Commissioner for the remainder of the unexpired term. The compensation of Board of Election Judges shall be determined by Resolution of the Mayor and Commissioners.

(B) *Judge of Elections Responsibility.* The Board of Election Judges shall be in charge of all Town elections, ballot preparation, counting of ballots and election verification. The Board of Election Judges shall decide all questions of registration of voters, and the verification of candidate qualifications. The Town shall provide legal counsel and an employee to serve as an election clerk, who shall provide administration, clerical, and other such duties to assist the board in the performance of their duties.

(C) *Board of Election Judges Authority.* The Board of Election Judges shall be authorized to promulgate rules and regulations to implement the provision of the Charter and Town Code for the proper conduct of Town elections. The Board of Election Judges may request the Town Board of Commissioners to appoint poll workers to assist the Election Judges on the day of the election. All poll workers must be approved by the Town Board of Commissioners and shall meet the eligibility requirement of Election Judges and shall receive compensation as determined by resolution of the Town Board of Commissioners.

(D) *Election Day Process.*

(1) *Date of Election.* The 2014 Regular Town Elections will be held the second Monday in June of each year. Starting in 2015 and every Town Election year thereafter, the Regular Town Elections will be held the (3rd) third Monday in October.

(2) *Notice of Election.* The election Clerk shall provide thirty (30) days' notice of the time and place of all elections. Notice shall be in a newspaper of general circulation, at the Town Hall and on the Town's website.

(3) *Location and time of Elections.* It shall be the responsibility of the Election Clerk 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. The polls shall be open from 8:00 am till 8:00 pm.

(4) *Sample Ballots.* Twenty (20) days before an election, the Board of Election Judges, through the election Clerk, shall prepare a sample ballot listing the names of all persons who are qualified as candidates for office. Candidates will be listed in alphabetical order according

to their surnames. Also upon said ballot shall appear a condensed statement in understandable language of every referendum or other question to be submitted to the vote of the people at said election. Ballots shall follow the titling order for referendum or other questions designated by the Town Board of Commissioners and shall always place the proposed referendum and other questions, if any, in numerical order as indicated.

(5) *Campaigning and politicking zone.* On the day of the election, there shall be no Campaigning, canvassing, electioneering, politicking or posting of any campaign material, or other handouts of any kind in the public way or private property open to the public within three hundred (300) feet of the polling location. No person shall impede the orderly passage of voters along the public way to and from the polling location.

(6) *Policing.* The Board of Election Judges has the authority to keep the peace and to cause any person to be removed from the polling place for any breach of the peace or for any breach of the Election Code or for any interference with the progress of an election or canvass of ballots or the ascertainment and transcription of the votes.

(E) *Poll Watchers.* In order to ensure open and transparent elections, poll watchers will be permitted in all elections. Poll watchers shall complete a Poll Watchers certificate as provided for by the Election Clerk. Poll watchers for recall elections shall also comply with section C-8 of his charter.

(1) *General Rules and Rights.* Poll watchers should be respectful of the responsibilities of the election judges. Poll Watchers have certain rights, and election judges are required to protect those rights. The requirement that the election judges protect those rights, is not absolute. An election judge may remove a poll watcher if they are exercising those rights in a manner that interferes with the work of the election judges in conducting the election and carrying out their assigned tasks.

(2) *Permitted activities of a Poll Watcher.* Poll Watchers have the right to:

- a. Arrive at the polling place thirty (30) minutes before voting starts, if late, they will not be permitted in the polling place until after voting starts;
- b. Enter or be present at the polling place at any time during voting hours;
- c. Remain in the polling place until all post-voting tasks have been completed and the election judges leave the polling place;
- d. Maintain a list of registered voters who have voted or individuals who have cast provisional ballots; and

e. Enter and leave a polling place to take out information identifying who has voted.]; and]

f. Bring pen, paper, food and folding chair, if one is not provided.

(3) *Who can have a Poll Watcher.* Poll watchers are permitted for elections of candidates to elected positions. Each candidate to office is permitted to have no more than one (1) poll watcher in the polling room at one (1) time.

(4) *Before the Polls Open.* Poll Watchers may arrive at the polls prior to the opening of polls. Poll watchers may observe the activities of setting up the voting stations, posting of polling places signs, accounting for provisional ballots, and opening and preparing any voting units for voting. Poll watchers may verify that no votes have been checked in or have been registered. While poll watchers are permitted to observe the opening of the polls, it is important not to interfere with the work of the election judges. Poll watchers may be removed if a majority of the election judges in the polling place agree that their presence will prevent the timely opening of the polls.

(5) *Positioning of Poll Watchers.* Poll watchers will be positioned near the check in judges and inside the voting room so that each voter is seen and heard as they check in. The Chief Judge will determine where this position will be. If a poll watcher feels that a voter is not who he or she claims to be, the poll watcher may challenge the voter’s identity. Except as described above, Poll watchers are prohibited from moving around the polling place during voting hours.

(6) *Prohibited activities of Poll Watchers.* Poll watchers are also prohibited from:

a. Determining how a voter voted or intends to vote;

b. Talking to any voters in the polling place or with any voters heading to vote that are within any area designated as a “No Campaigning or Politicking Zone”. If a voter initiates contact with a poll watcher inside the polling place or within the “No Campaigning or Politicking Zone”, the poll watcher will advise the voter that they are prohibited from talking to him or her until they have voted and will refer the voter to an election judge if they have any questions;

c. Assist any voter in voting; or [.]

d. Physically handle [handling] original election document or election equipment.

e. Using any cameras, recording or other electronic devices, such as cell recorders, phones, pagers laptops, tablets, PDA’s or smart phones. Poll watchers must be outside the polling place and beyond the no electioneering zone to use any electronic device.

f. Poll Watchers cannot act as voter advocates or attempt to exercise political influence while in the polling place.

g. Poll Watchers are not permitted to have any political materials, newspapers, or news magazines in the polling place or wear anything with a political message, this includes buttons, shirts, hats, stickers and the like.

h. Poll Watchers should not challenge the act of an election judge, however if a poll watcher feels that an election judge has improperly performed a task or neglected to perform a required task, they should notify the Chief election judge and notify the candidate they represent, who then can seek whatever remedies are provided for by law.

(7) *Arriving at the Polling Place after voting starts.* Poll Watchers are required to introduce themselves to the Chief Election Judge, show proof of identification and submit for record keeping, an approved copy of a Poll Watchers Certificate from the Election Clerk. Poll Watchers will be recorded in by the Chief Judge. Poll watchers are to take their assigned seats. A poll watcher for a candidate must leave the polling place before being replaced by another poll watcher of that candidate.

(8) *After the Polls Close.* Poll Watchers wishing to observe the poll closing activities must be in the polling place before the polls close. The election judge reserves the right to deny access to any poll watcher after the polls have closed, until after the votes have been counted and the results posted. Poll watchers shall not be involved in any counting of votes, handling of any ballots or part of any questions or discussions. Poll watchers may ask to see any ballots that are in question, but are prohibited from touching.

(9) *Removal of Poll Watchers.* Poll Watchers may be removed for violating any of the provisions of this section.

(F) *General Provisions for Voting and Ballots.*

(1) *Types of Voting Systems.* The Board of Town Commissioners shall by majority vote, select from one of the following types of voting systems:

a. Paper Ballots, with ballots created by the Town Election Clerk and approved by the Board of Election Judges; or

b. Electronic Voting Systems. The Board of Commissioners may rent, purchase or enter into a contract for the use of either a State Approved Electronic Voting System or Non-State Approved Electronic Voting System, however such systems must have a voter-certified paper audit trail (VVPAT).

(2) *State Approved Electronic Voting Systems.* In accordance with Title 9 of the Election Law, Annotated Code of Maryland, the State Board of Elections has certified a uniform voting system for use in polling places throughout the state and a uniform voting system for absentee voting.

(3) *Use of Non–State Approved Electronic Voting Systems.* If the voting system to be used in the scheduled election is not the voting system approved by the State of Maryland, the Town Board of Commissioners will indicate to the Board of Election Judges 120 days before any Town election the type of voting system to be used in the election.

(4) *Guidelines of Use of Non–State Approved Electronic Voting Systems.* If the Town Commissioners elects not to use the State of Maryland’s approved electronic election system, the use of another electronically tabulated ballot voting system shall be governed by general rules and regulations authorized by resolution of the Board of Town Commissioners of Rising Sun and as stated in this chapter. The rules, regulations and conditions shall include a description of the voting system, specifications for equipment required to implement the system, procedures for the use of the system in the polling places on election day and for the canvass of votes following the election, and provisions to ensure the following:

a. The secrecy of the ballot, in both the voting and tabulation processes.

b. A process whereby each voter is permitted to vote at any election for all persons for which he is entitled to vote; to vote for as many persons for an office as he is entitled to vote for; and to vote for or against any question upon which he is entitled to vote.

c. Rejection of all votes for any office or measure when the number of votes cast by a voter exceeds the number that voter is entitled to cast.

d. Correct counting of votes on ballots on which the proper number of votes has been indicated.

e. A process whereby each voter is permitted to vote by one punch or mark for more than one candidate, if this method of election is required by law.

f. The casting and counting of write–in votes, if this method of voting is permitted by law.

g. The tabulating and recording of votes for or against any candidate, candidates, or question.

(5) *Design of Ballots.* The ballots and or voting machines shall show the name of each candidate nominated for elected office in accordance with the provision of this Charter, arranged in alphabetical order according to their surnames, by office with no party designation of any kind.

(6) *Write in Ballots.* In order to comply with state and local ethics requirements and to ensure that all candidates are qualified to serve in office, write in ballots will not be accepted at any election.

(7) *Absentee Ballots.* Absentee voting shall be permitted in accordance with the provisions of Title 9, Subtitle 3 of the Election Law, Annotated Code of Maryland, or with such other laws of the State of Maryland which may supersede Title 9, Subtitle 3 in the future. Persons unable to come in person to pick up an application for an absentee ballot may select an agent, who must first fill out an Absentee Ballot: Designation of Agent Form and submit to the Town Election Clerk for approval. Absentee ballots must be received and date stamped prior to the closing of the polls. If an absentee vote is received after the closing of the polls, it shall remain sealed in the envelope and filed with the Election Clerk for a minimum period of one year after the election date.

(8) *Provisional Ballots.* Provisional Ballots will be provided at all elections of the Town and will be in accordance to the Maryland State Board of Elections or as set forth by ordinance passed by the Town Board of Commissioners.

(G) *Time allowed for voting.* No voter shall remain within the voting booth or unit longer than five (5) minutes if there are other voters awaiting an opportunity to register their vote, except that an additional three minutes shall be allowed if there are referendums or other questions to be voted on.

(H) *Instructions and assistance in voting.*

(1) *Instructions.* With the aid of the diagrams or other electronic equipment authorized by the Cecil County Board of Elections, the Board of Election Judges, if requested by a voter, shall instruct each voter before he enters the voting unit or booth.

(2) *Assisting disabled persons in voting.* No assistance in marking ballots or operating the voting unit in use shall be given except to voters who request assistance because of a physical disability or an inability to read or write English. The voter has the option to:

a. Select anyone to assist the voter, except a Town employee or a candidate for Town Office [; or]

b. Select no less than two Election Judges to assist.

(3) *Voter assistance record.* The Election Judges shall enter the voter's name and address on a voter assistance record, in the form prescribed by the State of Maryland. If the voter has selected someone to assist the voter, the individual selection by the voter shall:

a. Enter his/her name and address on the voter assistance record.

b. Sign the record to affirm that she or he has been asked by the voter to assist in casting the voter's ballot or in filling out the application for a ballot.

c. Assist the voter only by reading instructions, reading the content of the ballot or applications form to the voter, operating the voting machine, or completing an application form as directed by the voter.

d. Not attempt to influence the voter or suggest in any way for the voter should vote in any contest or question.

(4) *Voter requesting assistance after entering the voting booth (unit).* Two of the Election Judges shall give him/her instructions concerning the manner of voting. No such Election Judge shall, in any manner, request or suggest or speak or persuade or induce any such voter to vote for any particular candidate or for or against any particular question. After such instructions, the Election Judges shall retire and the voter shall forthwith vote.

(I) *Special Election or Referendum Process.* All special elections and referendums shall be conducted by the Board of Election Judges in the same manner and with the same personnel, as far as practicable, as regular Town elections.

(J) *Control of Elections.* The Board of 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, citizenship, residency, nomination, and Town elections; and the prevention of fraud in connection therewith; and for a recount of ballots in case of doubt or fraud. (Res. 2013–06, 4–18–2013; Res. 2013–17, 1–29–2014).

Section C–7. Counting Votes, Election Certification, Recounts & Procedure in Case of Tie Votes.

The following general procedures shall be in place and used for the conduct of all Town Elections.

(A) *Closing of polls.* The polls shall be officially closed at 8:00 p.m., except that all qualified voters who are then waiting in line to vote shall be permitted to do so by the Board of Election Judges.

(B) *Persons Permitted in Polls after closing.* After the last voter has left the polling room, the voting area will be closed to all persons with the exception of the Board of Election Judges, approved alternate judges and poll workers, the Town Election Clerk, Media, Chief of Police or law enforcement designee; and poll watchers still in the room at the time of the closing of the polls.

(C) *Paper Ballot tabulation of votes.* If paper ballots are used, all ballots in the ballot box will be collected processed as follows: (skip to item D below if electronic voting is used)

(1) *Total Ballots cast.* All ballots collected from the ballot box will be counted separately by each of the election judges and verified by the Town Election Clerk. If all tallies are in agreement, the total votes cast in the ballot box will be recorded on a Paper Ballot Master Tally Sheet Form by the Election Clerk and signed by all three (3) election judges. If the tallies do not agree then the total will be recounted by each individual until the total number of votes cast is in agreement.

(2) *Reconciliation of Poll Book & Ballots Collected.* The Board of Election Judges shall compare the total number of ballots cast with the number of those who have signed into vote as shown on the Poll Book. Any differences found will be noted on the Paper Ballot Master Tally Sheet.

(3) *Inspection and tallying of votes.* Once the total number of votes cast is agreed and verified, the Town Election Clerk will divide the total number of ballots cast into individual stacks of twenty five (25) votes, and will place the remaining ballots in a final stack and record and announce the number in the final stack. Each stack will be recounted by the Chief Election judge to verify twenty five (25) in each stack and the number of ballots in the last stack. Each Election Judge will then be provided with an individual tally sheet to use for tallying the ballots in each stack. Using the individual tally sheet, each ballot will be inspected one at a time by each of the election judges and the results tallied on the form as indicated.

a. *Spoiled Ballots.* If a judge feels that a ballot is defective or spoiled they shall slide the ballot out in front of them and announce that they have a spoiled ballot. The spoiled ballot will be collected by the Town Election Clerk and kept separate and with other spoiled ballots that are collected. These spoiled ballots will be inspected closer by the three (3) judges at the conclusion of the counting of all stacks of ballots and their disposition agreed upon by all three (3) judges.

Before moving to the next stack of ballots, each judge will announce their findings aloud. If all three judges concur with the breakdown and total votes cast for each candidate, then the election clerk will record these findings on the line provided on the Paper Ballot Master Tally Sheet Form. If the judges do not agree, the stack will be recounted, using the same process until there is concurrence by all three (3) judges. If concurrence has been achieved, the next stack of ballots will then be inspected and tallied in the same manner until all the stacks have been inspected, tallied and results concurred by all three (3) election judges. The judges will then sign the Paper Ballot Master Tally Sheet where [where] indicated for results of Ballot Box Votes for each candidate.

D. *Electronic Voting Machines; tabulation of votes.*

(1) Where voting units are authorized for an election, when the last such voter in the polling place has voted, the Board of Election Judges shall prompt each voting unit for the voting results. A tape will print showing the election results and the number of ballots cast for that unit.

(2) After the total for each unit has been printed, the number of votes as shown on each unit's public counter will be recorded and certified by an Election Judge who shall sign the certification. After the certifications have been completed, the personal computer (PC) memory cards of all voting units are to be removed and reinserted into a single voting unit where all the individual totals will be accumulated; PC memory cards shall be removed, sealed in a locked container and transported back to the Cecil County Board of Elections.

(3) In the event of a mechanical failure in a voting unit before prompting election results, the PC memory card for that unit shall be inserted into a spare voting unit provided by the Cecil County Board of Elections.

(4) The Board of Election Judges shall compare the total number of voters (combination of all voting unit totals) with the number of those who have voted as shown by the voting authority cards (poll book).

(E) *Counting of absentee ballots.* After the ballot boxes votes are counted and verified as outlined above, the Board of Election Judges shall open the absentee ballot envelopes that were received prior to the closing of the polls. These ballots will be divided, inspected, tallied and verified as outlined in (C) above.

(F) *Declaration of Winners.* The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The required number of candidates for Commissioner with the highest number of votes shall be declared elected as Commissioners.

(G) *Preparation of the general return sheet.*

(1) *If using a Paper Ballot Voting System.* When inspection and tallying of all paper ballots and absentee ballots in the polling place has been completed, the Board of Election Judges shall then prepare in ink a general return sheet reporting the results listed on the paper ballot master tally sheet, the votes registered by absentee ballots, the votes cast for each candidate, the votes cast for and against each question, the total number of votes and voters who have voted, as shown by the list of voters, and then all members of the Board of Election Judges shall sign the general return sheet.

(2) *If using an electronic Voting System.* When the canvass of all voting units in the polling place has been completed, the Board of Election Judges shall then prepare in ink a general return sheet reporting the votes registered on each unit, the votes registered by absentee ballots, the votes cast for each candidate, the votes cast for and against each question, the total number of votes and voters who have voted, as shown by the list of voters, and the number who have voted on each unit as shown by the public counters, and also the number registered on the protective counter or device on each unit immediately prior to the opening of the polls and immediately after the closing thereof, and the sealing of the units. The number or other designation for each unit used shall also be entered thereon and then all members of the Board of Election Judges shall sign the general return sheet.

(3) If any Judge shall decline to sign a general return sheet, he shall state his reason therefor in writing, and a copy thereof signed by himself shall be enclosed with the general return sheet.

(4) A duplicate of the general return sheet shall be directed to the Circuit Court of Cecil County and to the Town of Rising Sun Board of Town Commissioners. The general return sheet shall be kept by the Board of Election Judges. The registering counters of the voting unit shall remain exposed to view until said returns and all other reports have been fully completed.

(H) *If using electronic voting system; each voting unit is to be sealed.* The number of the seal which has been placed upon each voting unit is to be recorded and certified by the Board of Election Judges. The seal number is to be kept in the Town Election Clerk's office. The Board of Election Judges shall promptly deliver the key of the voting unit or voting units, as the case may be, enclosed in a sealed envelope to the Cecil County Board of Elections. Said envelope shall have endorsed thereon a certificate of the Board of Election Judges. The voting units are to be returned to the Cecil County Board of Elections warehouse. The units are to remain sealed until the final counts have been duly recorded with the Clerk of the Cecil County Circuit Court office and verification of that recording has been received by the Town Election Clerk's office.

(I) *Proclamation of results.* Before the general return sheet has been signed, in the presence of any candidates and any person appointed by an absent candidate to represent him in his absence, the Board of Election Judges shall, after closing of the polls as provided in section (A) herein, proceed as follows to proclaim the voting results:

(1) A member of the Board of Election Judges or the Town Election Clerk, if designated by the Board of Election Judges, shall read and announce in distinct tones the results of the election in the presence of the general public and all candidates assembled at the Town Hall to hear the results.

(2) The vote count for each question or referendum on the ballot shall be read.

(J) *Right to verify announcement.* After such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the paper ballot master tally sheet, counter dials of any electronic voting units, or the printed or photographic record thereof in the case of the units so constructed as to furnish a printed or photographic record of the setting of the counters and the numbers registered thereon and with the absentee ballots, and any necessary corrections shall then and there be made by the Board of Election Judges, after which the door or other cover of any electronic voting unit shall be closed and locked.

(K) *Contested elections.*

(1) *Elections using electronic voting system.* If, within 10 days after an election, the Board of Election Judges shall receive notice in writing from a candidate, who contest the result of an election using electronic voting machines, then such Board of Election Judges, within five days from the receipt of such notice and in the presence of the principals involved in any such contest or their authorized representative, shall proceed to inspect and examine the voting units containing the votes cast for such contested office and shall make a record of the votes for such office upon each such unit. After such inspection, examination and recording of the results thereof, the results shall be documented and announced and any changes in the declaration of declared winners will be binding; and the voting units shall be released and made available for use in any succeeding election.

(2) *Elections using paper ballot system.* If, within 10 days after an election, Board of Election Judges shall receive notice in writing from a candidate, who contest the result

of an election using Paper Ballots, then such Board of Election Judges, within ten (10) days from the receipt of such notice and in the presence of the principals involved in any such contest or their authorized representative, shall proceed to perform a recount and inspection of all ballots and absentee ballots cast in the election. The process of the recount will be the same process outline in section (C) above. After such inspection, examination and recording of the results thereof, the results shall be documented and announced and any changes in the declaration of declared winners will be binding.

(3) Each party shall have the right to appeal the results of a contested election to the Circuit Court, said appeal to be taken within 30 days from the date of the final decision. The appeal should be heard and decided by the Circuit Court, on the record and not the de novo.

(L) *Provisions in case of a tie vote.* If any number of candidates for Mayor and Commissioner receive an equal number of votes in the highest amount, the Mayor and Commissioners shall assemble immediately and shall set a date for a Special Election for only those positions in which there is a tie. This election shall be held within fourteen (14) days of the declared tie and public notice will be provided at least five (5) days in advance of the special election. Previously collected absentee ballots received prior to the close of the polls will still hold standing, but no new absentee ballots will be accepted. If the Special Election results in another tie vote, the Board of Commissioners shall vote to decide the election, which vote shall be the final vote. (Res. 2013-07, 4-17-2013.)

Section C-8. Filling vacancy in office of Commissioner or Mayor/Cause for Removal from Office.

(a) If during the term for which they are elected, any of said Commissioners shall die, resign, move from said Town or for any cause be disqualified or removed from office, the vacancy so created shall be filled by appointment for the remainder of the unexpired term by the Mayor, subject to approval of the majority of the remaining members of the Board of Commissioners. In the event that a vacancy should arise in the office of Mayor, the remaining Commissioners shall elect a new Mayor from among the remaining members of the Board of Commissioners, said election to be approved by a majority of the remaining Commissioners. The vacancy created on the Board of Commissioners by appointment of one [(1)] of the members of the said Board to the office of Mayor shall be filled pursuant to the procedure set forth in this section.

(b) In the event that a vacancy be created by an incumbent official running for and winning election to another position, such as the Mayor running for Commissioner or a Commissioner running for Mayor, the Mayor and Commissioners shall assemble immediately and shall set a date for a Special Election for the vacant position. This election shall be held no less than 50 days or more than 60 days after the results of the regular election. The process for voter registration and candidacy of interested residents and the election process shall be in accordance to section C-4 thru C-7 of this charter. Except that the date of the election as set forth above and the Notice of Voter registration as outlined in C-4(D) shall be reduced to only (1) one week before close of voter registration books. The winner or winners of such special elections shall be sworn in at the next Regular Town Meeting after the special election.

(c) The Mayor and or Commissioners maybe removed from office upon the Board of Commissioners issuing written charges expressing just cause and a public hearing on the matter, as follows:

1. By super-majority vote of the Board of Commissioners, an elected official can be removed from office for failure to attend three (3) consecutive meetings;
2. By super-majority vote of the Board of Commissioners, an elected official, after receiving a censure from the Board of Commissioners, may be removed from office for just cause, upon which an immediate vacancy will be declared and filled as described in section (a) above.

(d) *Cause for Recall.* Any elected official of the Town of Rising Sun, who has been Censured by an act of the Mayor and Board of Commissioners, may be petitioned for recall and removed from office by the qualified voters of the Town, in accordance with the following provisions.

1. *Recall Petition.*
 - a. No Recall Petition shall be filed against any person until that person shall have been in office for at least three (3) months, nor shall any Recall Petition address more than one elected official.
 - b. A Recall Petition shall set forth the Act of Censure taken by the Mayor and Commissioner be signed by not less than twenty (20) percent of the qualified registered voters of the Town; and request a Recall Election be held for said office holder.
 - c. The petition shall be addressed to the Mayor and Commissioners of Rising Sun and filed with the Town Clerk.
 - d. Upon receiving a Recall Petition, the Town Clerk shall immediately notify the Mayor and Commissioners of Rising Sun that a Recall Petition has been filed. Within fifteen (15) days of the filing of the Recall Petition, the Clerk shall ascertain whether the Recall Petition is signed by the requisite number of qualified registered voters of the Town, and shall attach a dated certificate stating the results of the examination and whether the Recall Petition meets the requirements of this Section. This certification shall be forwarded to the Mayor and Commissioners of Rising Sun.
 - d. 1 If the certificate shows the Recall Petition does not meet the requirement of this Section, the Clerk shall send written notice of this fact to the individual who filed the Recall Petition.
 - d. 2 If the certificate shows the Recall Petition meets the requirements of this Section, the matter shall be placed on the agenda for action by the Mayor and Commissioners at the next regularly scheduled meeting, if such a meeting is scheduled to occur within fifteen (15) days of the date of certification. If the next regularly scheduled meeting is

scheduled for sixteen (16) or more days from the date of certification a special meeting shall be scheduled within fifteen (15) days of the date of certification, to take action on the Recall Petition.

2. *Recall Election and Public Hearing Date.*

a. At the meeting described in paragraph 4(b) [1.d.2] above, the Mayor and Commissioners shall by resolution, passed as in its normal legislative procedure, take action to order a Recall Election be held and set a date for the Recall Election which is not less than thirty (30) days and not more than sixty (60) days from the date of the certification, unless:

a.1 The elected official, who is the subject of the Recall Petition, has resigned; or

a.2 The regular Town Election is scheduled to occur within sixty (60) days of the certification date, in which case the Mayor and Commissioners may vote to order the Recall Election be included on the General Election ballot;

b. At the meeting described in paragraph 1(d.2), the Mayor and Commissioners shall schedule a public hearing to take place no later than fourteen (14) days prior to the Recall Election at which time the persons petitioning for Recall, those opposed to Recall, and the elected official who is the subject of the Recall Petition may have an opportunity to speak on the matter.

c. The Mayor and Commissioners shall cause to be posted public notice of the Recall Election date and Public Hearing outlined in paragraph 2(b). Said notice shall be posted at Town Hall and advertised in a newspaper of general circulation in the Town of Rising Sun. The Mayor and Commissioners may undertake any such further measures to notify the Town residents of the Recall Election and Public Hearing as they may deem appropriate.

3. *Recall Election.*

a. The Recall Election shall be conducted in all respects not otherwise addressed by this Section, as other Town elections.

a.1 Campaigning and politicking shall be prohibited in the public way within three hundred (300) feet of the polling location. No one shall impede the orderly passage of voters to and from the polling location.

a.2 Those in favor of the recall of the individual elected official and those opposed to the recall of the individual elected official, shall have the right to have one (1) poll watcher in the polling room. The poll watcher shall not be an elected official or individual subject to the recall vote. Poll watchers shall register with the Town Election Board and shall not interfere with, or interact with the election judges, staff or voters, other than to ask procedural questions.

b. The elected official whose Recall is sought shall continue to serve in office pending the results of the Recall Election, but shall not participate in any discussions or actions related to the Recall.

c. The Recall Election ballot shall read: “Shall (name of official) continue in the office of (insert office name) of Rising Sun?” Following this question shall be the words “Yes” and “No” which the voter shall use to vote for or against Recall. The question of recall shall be decided by a simple majority of the votes cast.

d. Results of the election. The question of Recall, shall be decided by a simple majority of votes cast. If a majority of votes cast is in favor of Recall, the elected official’s term of office shall immediately terminate upon the certification of the election. If the majority of votes cast are not in favor of Recall, the elected official’s term shall continue unaffected.

e. The successor of any elected official removed by Recall shall be selected as provided by this Charter. A person so recalled from office shall not be appointed to fill the vacancy so created. (Res. 93–1, 3–31–93; Res. 2012–13, 1–31–2013; Res. 2013–08, 6–12–2013; Res. 2013–20, 1–29–2014.)

Section C–9. Failure to elect officers.

If the inhabitants of the town at any time neglect to make an election as herein directed, the power of elected commissioners shall not thereupon cease, but shall continue as though such election had been made; and the Mayor and Commissioners for the time being shall remain in office until such annual election shall be held.

Section C–10. Oath of office.

The Mayor and Commissioners and all other officers of the town, before they enter upon the duties of their respective offices, shall severally take the following oath: “I do solemnly swear that I will faithfully execute the office of _____ to the best of my knowledge and ability, without favor, affection or partiality.” This oath shall be subscribed or affirmed before the clerk of the circuit court of Cecil County.

Section C–11. Swearing in of new Officers & Meetings of the Mayor and Commissioners.

Following the results of the June 2014 Town Elections, the Mayor and (2) Commissioners will be sworn in at the (1st) first meeting in July. Starting in 2015 in every election year thereafter, newly elected officials will be sworn in at the (1st) first meeting in November. Regular meeting [meetings] will be held twice monthly or as otherwise determined by the Board of Commissioners, unless cancelled by majority vote of the Board of Commissioners, or canceled due to lack of quorum. Dates and times to be set by resolution by the Mayor and Commissioners. All meetings shall be conducted in accordance with Robert’s Rules of Order. (Res. 2013–18, 1–29–2014.)

Section C-12. Quorum.

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

Section C-13. Conduct and duties of the Mayor.

(A) The Mayor, by virtue of office, shall preside over all meetings of the Board of Commissioners and shall represent the Town at community functions and shall relay the message, intent and mission of the Board of Commissioners to the general community and other agencies. The Mayor shall support and uphold the letter and intent of the laws and policies of the Town of Rising Sun as well as other state and federal laws. The Mayor shall execute the office of Mayor for the common good of the community while refraining from actions or conduct that may harm other communities or the Town of Rising Sun. The Mayor shall be the face of the Town Government and shall exhibit good stewardship and carry forward the positive virtues of the Town of Rising Sun and represent the Town in a positive, professional and courteous manner at all times. The Mayor shall facilitate the efforts of the Board of Commissioners and their work within their respective departments. The Mayor may call on any officer of the town entrusted with the receipt and expenditure of public money, for a statement of his accounts as often as he shall see proper; he shall see that the ordinances are faithfully executed, and report to the Board of Commissioners, at their stated meetings, the general state of the town, and may call special meetings of the Commissioners whenever he may see proper. The Mayor shall facilitate the coordination and development of meeting agendas and programs at the discretion of the Board of Commissioners, and may bring forward for discussion and action any issues of concern facing the Town and introduce policy recommendations for consideration and program initiatives for the good of the Town. The Mayor may take part in all discussions, but shall have no vote, except in the event of a tie, then the Mayor may cast a tie-breaking vote, except for motions directly involving the Mayor.

(B) Appointment of the Vice Mayor. At the first meeting in July of 2014, the Board of Commissioners shall nominate and elected among their members a person to serve as Vice Mayor. This person shall be appointed on a yearly basis and at the first meeting in November of each year starting in 2015. The Vice Mayor shall assist the Mayor of the Commission in the performance of his duties and shall preside over the Town meetings in his absence or when a motion involving the Mayor is being discussed. The Vice Mayor shall serve at the discretion of the Board of Commissioners and may be removed as Vice Mayor of the Commission and returned to the status of Commissioner, upon a majority vote of the Board of Commissioners. The Vice Mayor shall have all the same legislative and voting powers as the other commissioners even when serving in the temporary absence of the Mayor. (Res. 2013-16, 1-29-2014.)

Section C-14. Clerk-Treasurer; ordinances.

The Mayor and Commissioners shall have power to appoint a Clerk-Treasurer and assign his duties, allowing him such compensation for his services as they shall think proper; and all ordinances passed by said Commissioners shall be entered by the clerk into a book kept for that

purpose and shall be at all times open for the inspection of any person interested, and copies of all ordinances shall be available in the Town Office.

Section C-15. Violations and penalties.

(a) *Misdemeanors.* Every act or omission which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before the Circuit Court for the county within which the offense is committed by a fine not exceeding one thousand dollars (\$1000.) or imprisonment for ninety (90) days in the county jail, or both, in the discretion of the court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section C-16. General powers of town.

(1) *General Powers.* The 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.

(2) *Specific Powers.* The Commissioners shall have, in addition to the power to pass ordinances not contrary to the laws and Constitution of this State, the specific purposes provided in the remaining subsections of this section.

(3) *Advertising.* To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(4) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(5) *Appropriation.* To appropriate municipal moneys for any purpose within the powers of the Council.

(6) *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 formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or part when dangerous, or insecure, and to require that such buildings and structures be made safe or be taken down.

(7) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(8) *Codification of ordinances.* To provide for the codification of all ordinances.

(9) *Community services.* To promote community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

(10) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(11) *Curfew.* To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(12) *Dangerous improvements.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(13) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(14) *Dogs.* To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

(15) *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.

(16) *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 expense thereof against the property, making it collectible by taxes or liens against the property owners.

(17) *Finances.* To levy, assess, and collect ad valorem property taxes, or any other type of tax allowed by law to levy such special assessments as may be required for public improvements; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(18) *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 or provide for the inspection of 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 violations 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.

(19) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(20) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require trash, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(21) *Grants-in-aid.* To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeable to the conditions under which the gifts or grants were made.

(22) *Hawkers.* To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(23) *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

(24) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(25) *Licenses.* Subject to any restriction imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(26) *Liens.* To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

(27) *Lights.* To provide for the lighting of the town.

(28) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, cats, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals.

(29) *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 advertisement, and display of goods, wares, and merchandise.

(30) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns, or other loud and disturbing noises.

(31) *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the town which are so defined by common law, by this Charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public health or welfare.

(32) *Obstruction.* 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.

(33) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease, or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

(34) *Parking meters.* To install parking meters on the streets and public places in the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

(35) *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.

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(36) *Police force.* To establish, operate and maintain a municipal police force. All town policemen within the municipality shall have the powers and authority of constables in this State and be certified by the Maryland Police Training Commission.

(37) *Police powers.* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance, prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(38) *Property.* To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; to convey any real or leasehold property; to control, protect, and maintain public buildings, grounds, and property of the town.

(39) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(40) *Sidewalks.* To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupants of premises to keep the sidewalk in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(41) *Sweeping.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or on any public or private property in the town.

(42) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland [the Land Use Article], subject to the limitations and provisions of said article.

(43) *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several mentioned.

Section C-17. General: sewers, grading, paving and lighting of streets; water.

The Commissioners of Rising Sun may provide for the construction of sewers, grading, paving and lighting the streets, sidewalks and alleys of said town, and also for supplying the inhabitants of said town with water; the regulation of the placing of water mains, sewer lines, fire hydrants and public fountains; for the planting of poles and stringing of wires or the installation of underground wire or cable thereon in any of the streets, lanes and alleys thereof, and to make and enter into contracts and pass ordinances in relation thereto.

(a) *Construction and Maintenance of new streets, etc.*

(1) The County Commissioners shall be relieved from the care of the roads, streets and alleys within the corporate limits of the Town of Rising Sun, and the care of the same

shall be transferred to the Mayor and Commissioners of said town, and in consideration of said transfer of all the roads, streets and alleys within the limits of said town shall be kept in good condition and repair by the said Mayor and Commissioners. State roads passing through the Town shall remain the responsibility of the State of Maryland.

(2) The Mayor and Commissioners shall have power to establish the limits and width of streets of said town, and to remove obstructions therefrom, and shall further have the power of condemnation to establish new streets and alleys according to provisions of the constitution and laws of the State of Maryland.

(3) They shall have power to provide for the payment of the damages and expenses of opening, widening, laying out and grading of streets, sidewalks and alleys in said town.

(b) *Construction of water supply and sewerage system.*

(1) They are hereby authorized and empowered to construct and establish a water supply and sewerage system to serve the Town of Rising Sun and its environs; to extend, alter, improve and modify the existing water supply and sewerage systems as from time to time may become necessary or advisable; and to maintain and operate the said water supply and sewerage systems so constituted, established, extended, altered and modified. The Commissioners of Rising Sun are further hereby authorized and empowered to do all work necessary in the establishment, extension, alteration, modification, maintenance and operation of said water supply and sewerage systems, including the appointment and fixing of compensation of and help that may be necessary in the operation of the same.

(2) They are further authorized and empowered, whenever they deem it necessary, to take and acquire any land, structures, buildings, watercourses, water rights or other property, either within or outside the municipality, either in fee or as in easement, for the construction, establishment, extension, alteration, maintenance or operation of any part or appurtenance of said water supply and sewerage system, by purchase of the same from the owner or owners, or upon the failure to agree, by the condemnation of the same by proceedings in the circuit court for Cecil County in accordance with provisions of the Constitution and Code of Public General Laws of Maryland for the condemnation of land by public service corporations and/or municipal corporations.

(3) They are further authorized and empowered to formulate and cause to be put into effect such rules and regulations as they may deem necessary for maintaining and operating said water supply system, and governing the installation and alteration of all water supply and plumbing arrangements on private property served or to be served by said water supply and sewerage system. For every property abutting upon a street or right-of-way in which a water main or sewer line is laid, a water service pipe shall be extended from the water main to the property line and a sewer service pipe shall be extended from the sewer line to the property line by and at the sole expense of the municipality. When any water main is declared by said authorities to be complete and ready for the delivery of water, every abutting property owner, after due notice, shall make connection of all spigots or hydrants and toilets with said water main within such

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reasonable time as may be prescribed by said authorities. When any sewer line is declared by said authorities to be complete and ready for service, every abutting property owner, after due notice, shall make the proper connection from his property to the same.

(c) *Financing.*

(1) They shall have the power to finance for the aforementioned improvements by levying and assessing the same generally upon the whole of the assessable property of said town, or specifically upon assessable property of persons benefited thereby.

(2) They are further authorized and empowered to borrow in the manner prescribed in the laws of Maryland on either its faith and credit or upon the security of the revenues of sewerage and water supply systems of the town (or both) from any banking or financial institution, state agency or instrumentality, or any agency, department or program of the United States, a sum or sums of money, to be used for the construction and establishment, extension, alteration, improvement and modification of the existing sewerage system or existing water supply system, or both; or for the construction, or repair of the streets, sidewalks, buildings, stormdrains, parks or other properties or responsibilities of the town, and to evidence such indebtedness by the issuance of its promissory notes, bonds, or other evidence of indebtedness, whichever in the judgment of the said Commissioners of Rising Sun shall best suit their interests and whichever may be acceptable by such banking or financial institution, state agency or instrumentality, or any agency, department or program of the United States from which said sum or sums of money may be borrowed, provided no notes or bonds shall be issued as evidence of such indebtedness which shall mature later than 40 years from their respective date of issue.

In addition to the provisions of Sections 31 through 39 of Article 23A of the Annotated Code of Maryland [Title 19, Subtitle 3 of the Local Government Article] and any other laws of Maryland, a resolution or ordinance authorizing any borrowing pursuant to Sections 31 through 39 of Article 23A of the Annotated Code of Maryland and any other laws of Maryland may (1) contain a statement of the public purpose upon which the proceeds of said bonds, notes or other evidences of indebtedness are to be expended, (2) prescribe an alternate manner in which to determine and specify the forms and provisions of bonds, notes or other evidences of indebtedness evidencing such borrowing, (3) determine and specify the manner in which such bonds, notes or other evidences of indebtedness shall be sold, including at a public or private (negotiated) sale for a price at, above or below par value, (4) set forth specific provisions for the appropriation and disposal of the proceeds of the bonds, notes or other evidences of indebtedness, the payment of the principal of and interest on such bonds, notes or other evidences of indebtedness, and the source or sources of payment therefor, including, without limitation, any specific revenues of one or more revenue-producing projects of the town or any specific revenues which may be derived [from] the facilities or property financed with the proceeds of the bonds, notes or other evidences of indebtedness, (5) determine and specify any collateral or security for said borrowing, including a mortgage, deed of trust or lien on property or a pledge of specific revenues of one or more revenue-producing projects of the town or the proceeds of the bonds, notes or other evidences of indebtedness, and (6) determine and specify any other matters concerning such borrowing or [of] the bonds, notes or other evidences of indebtedness, all as the Board of Commissioners shall determine to be in the best interests of the town.

(3) For the purpose of paying off said indebtedness occasioned by the cost of construction, extension, alteration or modification of the present water or sewerage system, the Commissioners of Rising Sun are hereby further authorized and empowered to levy annually against all the assessable property within the municipality so served, so long as said indebtedness is outstanding, a tax of sufficient amount to meet the interest as it may become due and such sums on account of principal as the Commissioners of Rising Sun shall be obligated to pay, the said tax to be determined, levied and collected in the same manner as other municipal taxes. Said taxes thus levied shall have the same priority right, bear the same interest and penalties, and in every respect be treated the same as other municipal taxes.

(4) For the purpose of providing funds to pay the principal and interest, in whole or in part, on the indebtedness incurred by the construction, extension, alteration or modification of said present water supply and sewerage system, in lieu of or in addition to the methods provided in section (3) above and for the purpose of maintaining, repairing and operating the said water supply and sewerage systems, including overhead expense and proper depreciation allowance, the Commissioners of Rising Sun shall have full power and authority to make such service rates as they may deem necessary to charge against all properties served by said water supply and sewerage systems. Service rates shall be subject to change from time to time as said authorities may deem necessary. Said rates shall be payable at such time, and shall be subject to such penalties for nonpayment as said authorities may determine, and they shall be collectible against the owner of the property served, in the same manner as other debts are collectible at law. (Res. 2010-08, 4-13-10.)

Section C-18. Taxes.

(a) The Mayor and Commissioners shall have power to levy and collect taxes in said town based on the assessment established by the State Department of Assessment [Assessments] and Taxation.

(b) The tax rate will be established by the Board of Commissioners by a resolution of that board.

(c) Taxes are due at the beginning of the fiscal year and if unpaid within three (3) months they shall bear interest at a rate established by the Commissioners or their successors.

Section C-19. Transfer of property.

(a) *Transfer on assessment records.* Before any deed for the conveyance of real estate or chattels real within the limits of the Town of Rising Sun shall be received for record by the clerk of the Circuit Court of Cecil County, the person offering said deed for record shall submit the same to the treasurer of the Town of Rising Sun, who shall thereupon make transfer upon the town assessment books of said property to the name of the new owner or owners thereof, and as evidence of said transfer shall stamp the said deed showing said transfer and the payment of all taxes, special assessments, sewer and water connection charges, water rents and any and all liens against the property to be conveyed in said deed and due the said town.

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(b) *Taxes to be paid.* No property shall be transferred on said town assessment books and no deed shall be stamped unless and until all taxes, paving assessments, sewer and water connection charges, water rents and any and all other liens against the property to be conveyed in said deed and due the said town have been paid to the said treasurer.

(c) *Penalty for nonpayment.* In addition to the provisions of subsections (a) and (b) of this section, whenever any taxes, assessments, sewer and water connection or service charges or any and all liens against the property to be conveyed shall have gone unpaid for longer than three (3) months beyond their due date, then a penalty shall be added to such debt in an amount or rate determined by the Board of Commissioners by a resolution of that board.

Section C-20. Disorderly conduct.

The Mayor and Commissioners may provide by ordinance for the arrest of any person violating any town ordinance by riotous or disorderly conduct or driving or riding through the streets, and when it shall appear that the offender is intoxicated so as to render it unsafe to permit him to drive through the streets they shall provide for the removal of the vehicle within the limits of the said town, or for the deposit thereof in some place of safety until the offender shall be sober, and may subject the property so taken and deposited to the payment of the costs of the proceedings and of the keeper of said property until the same shall be released according to law.

Section C-21. Appointment of officers generally.

The Mayor and Commissioners may, from time to time and under such conditions as they may by their ordinances direct, appoint such officer or officers as may be deemed necessary to carry into effect their ordinances.

Section C-22. Additional notary public.

An additional notary public shall be appointed by the governor of this state in the manner provided by law for the appointment of notaries public in this state, in and for the said Town of Rising Sun, whose term of office shall begin on the same day as that of other notaries public of Cecil County.

Section C-23. Compensation of employees.

A. The compensation of all officers and employees of the town shall be set from time to time by the Board of Commissioners. The Mayor and Commissioners may do all things necessary to include its officers and employees or any of them within any retirement system, medical insurance system or other employee benefit system as they deem necessary from time to time.

B. An individual who serves in the position of Mayor or Commissioner of the Town of Rising Sun shall be prohibited from serving as an employee of the Town, or carrying out the duties of an employee position, even if it is without compensation, during the term of that

individuals [individual's] office, and for a period of one (1) year following that individual leaving the elected office. With the exception of the Town Clerk, nothing in this Section shall prohibit a current Town employee, who is otherwise qualified to hold elected office in the Town, from being a candidate for such office, provided however that said individual must resign their employment with the Town of Rising Sun if successfully elected, prior to being sworn into office. (Res. 2013-03, 4-18-2013.)

Section C-24. Separability.

Should any section or part of section of this charter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the charter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

NOTES

(1) Resolution 2006–01, effective April 28, 2006, provides for the annexation of 42.2 acres of land, more or less. Resolution 2006–02, effective January 12, 2007, provides for the annexation of 0.228 acres of land, more or less. Resolution 2006–03, effective March 31, 2006, provides for the annexation of 2.086 acres of land, more or less. These resolutions, however, failed to provide for a change in the boundary description contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers sections of this Charter.