

# CHARTER OF THE TOWN OF WASHINGTON GROVE MARYLAND

## GENERAL PROVISIONS

### 1. Corporate Name

This Charter is the municipal corporation charter of the town of Washington Grove, Maryland, the corporate name of which is Town of Washington Grove.

### 2. Definitions

The terms "town", "city," "municipality," or "municipal corporation" in this charter are to be construed as synonymous. The term "Town" in this charter means the Town of Washington Grove. The term "County" in this charter means Montgomery County, Maryland. The term "County law" in this charter means the law of Montgomery County, Maryland, as amended from time to time. The term "State" in this charter means the State of Maryland. The term "State law" in this charter means the law of the State of Maryland, as amended from time to time. The term "Annotated Code of Maryland" in this charter means the Code of the State of Maryland, annotated, as amended from time to time.

### 3. General Powers

The municipal corporation here continued under its corporate name has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

### 4. Description of Corporate Boundaries

(a) The boundaries and limits of the Town are as follows:

As shown on a copy of the boundary survey of the corporate limits and zoning map of the Town of Washington Grove, dated the 14th day of May, 1964, originally recorded June 10, 1964, in Plat Book 75 on Plat numbered 7435, and rerecorded the 5th day of June, 1981, in Plat Book Number 114 on Plat numbered 13470, among the Land Records of Montgomery County, Maryland;

And also the following area in Montgomery County -- (Tabler and Stewart) Beginning at an iron pipe at the beginning of the first line of the description as recorded in a deed of conveyance from the Washington Grove Association of the District of Columbia and Maryland to Melvin F. Dove by deed dated the 13th day of April, 1923, and recorded in Liber 332 at Folio 312 among the Land Records of Montgomery County, Maryland, and running thence with the prolongation of the line of the western corporate boundary of the Town of Washington Grove as shown on the aforementioned boundary survey plat dated the 14th day of May, 1964, South 9E56' West 90.00 feet, thence South 70E09'40" East 261.02 feet to the northerly right-of-way line of Washington Grove Lane, thence with the said right-of-way line North 30E46' East 175.012 feet, thence North 65E42' West 124.15 feet, thence South 30E46' West 89.00 feet, thence North 72E00'30" West 169.12 feet to the point of beginning; such area

including all of that parcel of land conveyed unto Vincent Murray Tabler and Mary Marguerite Tabler, by deed from Edward H. Barber, Jr. and Catherine A. Barber, dated the 13th day of March, 1936, and recorded in Liber 618 at Folio 416 among said Land Records; and also all of that parcel of land containing 24,352 square feet, more or less, described in Liber 1381 at Folio 165 among said Land Records;

And also the following area in Montgomery County -- (Stewart's Addition) As shown on a copy of the subdivision plat of "Stewart's Addition to Washington Grove", approved and adopted the 4th day of June, 1987, and recorded the 8th day of June, 1987, in Plat Book 144 on Plat Number 16516, among the Land Records of Montgomery County, Maryland;

And also the following area in Montgomery County -- (B&O Railroad Park) Beginning at a survey monument set at the end of 75.0 feet of the third or North 48E West line of that certain deed dated November 20, 1895, recorded among the land records of Montgomery County in Deed Book EBP No. 31, Folio 457; thence with the third line of said deed North 48E00'00" West 26.2 feet to a survey monument; thence North 48E30'00" West 112.06 feet to a survey monument; thence South 13E30'00" West 22.58 feet to a survey monument; thence approximately concentric with the tracks of the Chesapeake and Ohio Railway Company on a curve to the right having a radius of 4,462.96 feet and an arc distance of 160.22 feet, the same having a chord bearing South 48E38'55" East and chord distance 160.21 feet, to a survey monument; thence North 52E35'03" East 21.75 feet to a survey monument; thence North 48E00'00" West to the point of beginning of this description;

And also the following area in Montgomery County -- (WSSC Parcel 360) Beginning at a point at the end of the third line or North 32E West, 112 perch line of a deed from Mary Regan, et vir, to William Henry Brake, dated November 12, 1902, and recorded in Liber T.D.24 at Folio 137 among said Land Records; thence South 34E49'25" West, true, 437.86 feet with and along the East side of Ridge Road (30 feet wide) and with and along a part of the fourth or South 38E West, 106.36 perch line of the afore-mentioned deed, to a point thereon; thence South 55E10'35" East, true, 170 feet to a point; thence North 34E49'25" East, true, 371.17 feet to a point on the said third or North 32E West, 112 perch line; thence North 33E45'09" West, true, 182.62 feet, with and along the said third line to the point of beginning; containing 68,767.55 square feet or 1.5787 acres of land; such area being all of the property acquired by the Washington Suburban Sanitary Commission from Grover S. Brake, et al., by deed dated May 21, 1949, and recorded in Liber 1264 at Folio 563 among said Land Records.

(b) The courses and distance showing the exact corporate limits of the Town must be filed at all times with the Clerk of the Circuit Court of Montgomery County, and the Director of the Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporate boundaries must be on file in the office of the Town. All of the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection.

## 5. Town Meeting

(a) The government of the Town is vested in the qualified voters of the Town. The will and decision of the qualified voters is expressed in actions taken in regular and special Town Meetings, and in the annual election of Town officials. There must be one regular Town Meeting each year held on the second Saturday in May. Special Town Meetings may be called by the Mayor or by a majority of the Council, and must be called by the Mayor within 30 days following receipt of a petition signed by 25 qualified voters requesting a Special Town Meeting on a specified subject. The election of Town officials must take place in conjunction with the regular Town Meeting. Fifty qualified voters constitute a quorum at any regular or special Town Meeting.

(b) Written notice as to time, date, and place of each Town Meeting and, in the case of Special Town Meetings, the subject(s) thereof, must be sent by mail to all persons on the list of qualified voters at least 14 days and not more than 21 days prior to such meeting.

(c) The Parliamentary Authority of the Town Meeting is Robert's Rules of Order, latest edition. This authority governs all procedure in all Town Meetings except where it conflicts with this Charter or any special Rules of Order. The Mayor presides at all Town Meetings. In the absence of the Mayor, or the Mayor Pro Tempore, the Town Meeting must select a temporary Chairman from the qualified voters present.

## THE COUNCIL

### 6. Number of Councilors; Selection; Term

The Council consists of six Councilors, each elected as hereinafter provided and holding office for a term of three years or until the succeeding Councilor takes office. The regular terms of Councilors expire on the second Monday following the election of their successors. Councilors holding office at the time this Charter becomes effective continue to hold office for the terms for which they were elected and until the succeeding Councilors take office under the provisions of this Charter.

### 7. Qualifications of Councilors

Councilors must have resided in the Town for at least one year immediately preceding their election and must be qualified voters of the Town.

### 8. Salary of Councilors

Councilors must not receive compensation for their service on the Council.

### 9. Council Meetings

The Council must meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings may be called by the Mayor or a majority of the members of the Council. All meetings of the Council must be open to the public unless closed by the Council as authorized by State law. Residents of the Town must be given reasonable notice of Council meetings and an opportunity to be heard.

10. Council to be Judge of Qualification of Its Members

The Council is the judge of the election and qualification of its members.

11. Mayor Presides

The Mayor presides at all meetings of the Council. The Mayor may take part in all discussions, but has no vote except in case of a tie. The Council must elect a Mayor Pro Tempore from among its members, who must exercise the powers of the Mayor in the absence of the Mayor. In the absence of both the Mayor and the Mayor Pro Tempore, the Council must select a presiding officer from among its members. The Mayor Pro Tempore and the presiding officer retain the power to vote as a Councilor.

12. Quorum

A majority of the members of the Council constitutes a quorum for the transaction of business, but no ordinance may be approved without the favorable votes of a majority of the whole number of members elected to the Council.

13. Rules and Order of Business; Journal

The Council must determine its own rules and order of business. It must keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one of its members. Once approved by the Council, the journal must be open to public inspection during normal business hours.

14. Vacancies in Council

Vacancies in the Council must be filled as provided in Section 35 of this Charter.

15. Legislative Powers

(a) The legislative powers of the Town are vested in the Council, subject to the provisions of Sections 5 and 21 and subsections (b) and (c) of this section.

(b) Prior to the enactment of any ordinance by the Council, the Council must hold a public hearing to provide an opportunity for the qualified voters of the Town to comment on the proposed legislation. Notice of the public hearing must be given to the qualified voters of the Town by mailing a summary of the proposed ordinance to each dwelling unit in the Town at least 10 days prior to the public hearing. Within 10 days of the enactment of any ordinance by the Council, notice must be given to the qualified voters of the Town and to the public by mailing a summary of such ordinance to each dwelling unit in Town. If, within the 30 days after enactment, a petition signed by 25 qualified voters is submitted to the Mayor and Council, requesting a referendum on such ordinance, the Mayor must call a special Town Meeting. If at such meeting the majority of the qualified voters present and voting vote to disapprove such ordinance, it is null and void. If no such petition is submitted, the ordinance becomes effective on the date set forth in the ordinance, but in no event less than 30 days after its enactment; or if such petition be submitted and the qualified voters fail to disapprove the proposed ordinance, the ordinance becomes effective 10 days after the action at the Town Meeting.

(c) If a petition signed by 25 qualified voters is submitted to the Mayor and Town Council requesting an ordinance be enacted or other action taken, the Council must consider such request at the next regular Council meeting or at a special Council meeting. Notice must be given as to the time, date and place of said meeting.

Should the Council fail to act favorably upon the petition, the Mayor must call a special Town Meeting for the purpose of considering the petition. If at such meeting the majority of the qualified voters present and voting vote to approve the petition, the Mayor and Council must promptly take whatever action is necessary to implement the approved petition.

16. File of Ordinances

Ordinances must be permanently filed and kept available for reasonable public inspection.

## THE MAYOR

17. Selection and Term of Mayor

The Mayor must be elected as hereinafter provided and holds office for a term of one year or until a successor is elected and qualified. The newly elected Mayor takes office on the second Monday following the election. The Mayor holding office at the time this amended Charter becomes effective continues to hold office for the term for which elected and until a successor takes office under the provisions of this Charter.

18. Qualifications of Mayor

The Mayor must have resided in the Town for at least two years immediately preceding election and must be a qualified voter of the Town.

19. Salary of the Mayor

The Mayor may receive such annual salary as may be set from time to time by an ordinance adopted by the Town Meeting; provided, however, no change may be made in the salary for any Mayor during the term for which elected.

20. Powers and Duties of Mayor

(a) The Mayor must see that the ordinances of the Town are faithfully executed and is the chief executive officer and the head of the administrative branch of the Town government.

(b) The Mayor, with the approval of the Council, must appoint a Planning Commission and a Board of Appeals with the powers and duties set forth in the ordinances establishing the Commission and Board. The heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance are appointed by and serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government are appointed and removed by the Mayor, in accordance with the rules and regulations of any merit system which may be adopted by the Council.

(c) The Mayor each year must report to the Town Meeting the condition of municipal affairs and make recommendations proper for the public good and the welfare of the Town.

(d) The Mayor has complete supervision over the financial administration of the Town government. The Mayor must prepare or have prepared annually a budget and submit it to the Council and the Town Meeting. The Mayor must supervise the administration of the budget as adopted by the Council and the Town Meeting. The Mayor must supervise the disbursement of all monies and have control over all expenditures to assure that the budget appropriations are not exceeded.

(e) The Mayor has such other powers and performs such other duties as may be prescribed by this Charter or as may be required by the Council, not inconsistent with this Charter.

## POWERS

### 21. Powers of Council

(a) Subject to the provisions of Sections 5 and 15 of this Charter, the Council has 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 or property from violence or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors to the Town.

(b) Subject to the provisions of Section 5 and 15, the Council has the power to pass ordinances not contrary to the laws and Constitution of the State of Maryland for any or all of the specific purposes provided in the remaining subparts of this subsection, or set forth in Article 23A of the Annotated Code of Maryland; as amended from time to time; it being the intention of this charter to empower the Council to utilize all the powers granted to municipalities from time to time by State law. These specific powers include:

#### (1) Advertising

To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

#### (2) Aisles and Doors

To regulate and prevent the obstruction of aisles in public halls, churches, and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

#### (3) Amusements

To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

#### (4) Appropriations

To appropriate municipal monies for any purpose within the powers of the Council.

#### (5) Auctioneers

To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

(6) Band

To establish a Town band, symphony orchestra or other musical organizations, and to regulate by ordinance the conduct and policies thereof.

(7) Billboards

To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town, the placing of signs, and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

(8) Boards, Commissions and Committees

To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed must be prescribed in the ordinance or resolution which creates it.

(9) Bridges

To erect and maintain bridges.

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

(11) Cemeteries

To regulate or prohibit the interment of bodies within the Town and to regulate cemeteries.

(12) Codification of ordinances

To provide for the codification of all ordinances.

(13) Community services

To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(14) 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.

(15) Curfew

To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(16) 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.

(17) Departments

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

(18) Dogs

To regulate the keeping of dogs in the Town and to provide, wherever Montgomery 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.

(19) Elevators

To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(20) Explosives 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 lives or property.

(21) Fees and Charges

Subject to the limitations imposed by State law, to establish and collect reasonable fees and charges:

- a) For franchises, licenses or permits authorized by law to be granted by a municipal corporation; or
- b) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

(22) 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 against the occupant or occupants.



(23) Finances

To impose, assess, and collect all lawful municipal taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town.

(24) Fire

To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and regulate their use; and to take all other measures to control and prevent fires in the Town.

(25) Food

To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(26) Franchises

To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the Town, subject to the limitation and provisions of State law; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge, to impose franchise fees, and to establish rates, rules and regulations for franchises granted under this section.

No franchise may be granted for a longer period than 50 years.

(27) Garbage

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

(28) Grants-in-aid

To accept gifts and grants of Federal or State of Maryland funds from the Federal or State of Maryland 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.

(29) Hawkers

To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the Town, and to revoke such licenses for any

action or threat of action by such a licensee in the course of his occupations which causes or threatens harm or injury to inhabitants of the Town or to their welfare or happiness.

(30) Health

To protect and preserve the health of the Town and its inhabitants; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein may be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the Montgomery County board of health, or any public general or local law relating to the subject of health.

(31) House numbers

To regulate the numbering of houses and lots 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 monies.

(32) Jail

To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the Town or to use the Montgomery County jail for such purposes.

(33) Licenses

Subject to any restrictions imposed by State law, to license and regulate all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(34) Liens

To provide that any valid charges, fees, taxes, or assessments made against any real property within the Town are to be liens upon the property, to be collected as municipal taxes are collected.

(35) Lights

To provide for the lighting of the Town.

(36) Livestock

To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

(37) Markets

To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

(38) Minor Privileges

To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(39) Noise

To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or other noise.

(40) Nuisances

To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by State law, whether they be herein specifically named or not; to regulate, or prohibit, to control the location of, or to require the removal from the Town of all trading in, handlings of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renders. This listing is by way of enumeration, not limitation.

(41) Obstructions

To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

(42) Parking facilities

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

(43) Parking meters

To install parking meters on the streets and public places of the Town in such places as by ordinance are determined, 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 Maryland State Highway Administration must first be approved by the Administration.

(44) Parks and Recreation

To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(45) Police Force

To establish, operate, and maintain a police force. All Town police officers within the municipality have the powers and authority of constables in the State of Maryland.

(46) Police Powers

To enforce all laws of the Town and the State of Maryland equally within the Town limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the Town and beyond those limits for one half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.

(47) Property

To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or lease-hold property when no longer needed for the public use, after having given at least 20 days public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the Town.

(48) Quarantine

To establish quarantine regulations in the interest of the public health.

(49) Regulations

To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, buildings, plumbing, traffic, speed, parking, and other similar regulations not in conflict with State law or with this Charter.

(50) Sidewalks

To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstruction; to prescribe hours for cleaning sidewalks.

(51) Sweepings

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

(52) Taxicabs

To license, tax, and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

(53) Vehicles

To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(54) Voting Machines

To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(55) Zoning

To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

(c) In addition to all the powers granted to the Council by this Charter or any other provisions of law, the Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere must not be deemed to limit the power and authority granted by this section.

(d) To the extent permitted by law, the Town may exempt itself from County law.

(e) The Council has the power to obtain such insurance for the Town as it deems necessary and appropriate, including insurance indemnifying the Mayor, Councilors, and other Town officials against all claims and charges, including attorneys' fees, arising out of the performance of their official duties, and to provide for the payment of the premiums. The Council may approve the expenditure of public funds to reimburse the Mayor, Councilors, or other Town officials for all claims and charges, including attorney's fees, arising out of the performance of their official duties.

22. Exercise of Powers

For the purpose of carrying out the powers granted in this Charter, the Council may pass all necessary ordinances, subject to the provisions of Sections 5, 15 and 21 of this Charter. All powers of the Town must be exercised in the manner prescribed by this Charter.

23. Enforcement

(a) To ensure the observance of the ordinances of the Town, the Council has the power to provide that a violation thereof is a misdemeanor and has the power to affix thereto a penalty of a fine not exceeding one thousand dollars (\$1000) or imprisonment not exceeding 180 days or both such fine and imprisonment, or such other penalty limits as may be authorized by State law, whichever is higher. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) (1) The council may provide that violation of any municipal ordinance is a municipal infraction unless that violation is declared to be a felony

or misdemeanor by State law or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(2) A fine not to exceed such penalty limit as may be authorized by State law may be imposed for each conviction of a municipal infraction.

The fine is payable by the offender to the municipality. Repeat offenders may be assessed a fine not to exceed such penalty limit as may be authorized by State law. Each day a violation continues constitutes a separate offense.

(3) The Council must set out by ordinance the procedures to follow in the issuance of a citation for a municipal infraction and the rights of any person receiving such a citation, provided said procedures and rights are consistent with State law.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

## REGISTRATION, NOMINATION, AND ELECTIONS

### 24. Voters

A qualified voter entitled to vote at all Town elections and Town meetings is a Town resident who is included on a certified copy of a Montgomery County voter registration list furnished to the Town by the Montgomery County Board of Supervisors of Elections.

### 25. Board of Supervisors of Elections

There is a Board of Supervisors of Elections, consisting of three members who are appointed by the Mayor with the approval of the Council on or before the first Monday in March in every odd-numbered year. The terms of members of the Board of Supervisors of Elections begin on the first Monday in March in the year in which they are appointed and run for two years or until their successors are qualified. Members of the Board of Supervisors of Elections must be qualified voters of the Town and may not hold or be candidates for any elective office during their term of office. The Board must appoint one of its members as Chairperson. Vacancies on the Board must be filled by the Mayor with the approval of the Council for the remainder of the unexpired term.

### 26. Removal

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

### 27. Duties

The Board of Supervisors of Elections is in charge of nominations and all Town elections. The Board must obtain from the Montgomery County Board of Supervisors of Elections a certified list of qualified voters not more than 10 days before the Town election or Town meeting. Prior to any Town meeting or

Town election, the Board may strike from the list of qualified voters persons known to have died or to have moved out of Town. The Board may appoint election clerks or other employees to assist it in any of its duties.

#### 28. Notice

The Board of Supervisors of Elections must give at least two weeks notice of every election by giving notice thereof reasonably calculated to inform the residents of the Town.

#### 29. Appeal

If any person feels aggrieved by the action of the Board of Supervisors of Elections in striking off the name of any person, or by any other action, such persons may appeal to the Council. Any decision or action of the Council upon such appeal may be appealed to the Circuit Court for Montgomery County within the time allowed for administrative appeals.

#### 30. Nominations

Persons may be nominated for elective office in the Town by filing a certificate of nomination with the Board of Supervisors of Elections on or before the second Monday in April next preceding the Town election. The certificate of nomination must be in writing and must be signed by at least two qualified voters of the Town. A certificate of nomination for Councilor must indicate whether the person is being nominated for a regular three-year Council term or for the balance of the term of a vacated Council position, if any vacancies exist. No person may file for nomination to more than one elective Town public office or hold more than one elective Town public office at any one time. A person accepting nomination for the office of Mayor who is at the time a member of the Council must resign office as a member of the Council upon accepting the nomination for the office of Mayor, the resignation to be effective on the date on which the newly elected Mayor assumes office. A vacancy in the Council must be considered a separate elective office.

#### 31. Election of Town Officials

All regular elections must be conducted on the second Saturday of May of each year. The qualified voters of the Town must elect one person as Mayor, two persons as Councilors for terms of three years, and such number of persons to fill vacancies on the Council as there are vacancies, for the number of years remaining in the respective terms.

#### 32. Conduct of Elections

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines. Space shall be provided on the ballots and/or voting machines for write-in votes to be recorded. The ballots and/or voting machines must show the name of each candidate nominated to elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designations of any kind. The Board must keep the polls open from 4:00 p.m. to 7:00 p.m. on Election Day or for longer hours if the Council requires it. The Board must supply an absentee ballot to any qualified voter of the Town requesting one who certifies in writing that he or she will not be able to be present to vote

during the time designated for the polls to be open. Such absentee ballots, if delivered to the Board prior to the end of the time designated for the polls to be closed, must be counted as though cast at the polls. Within two hours of the closing of the polls, the Board of Supervisors of Elections must determine the vote cast for each candidate or question and must certify the results of the election to the Clerk of the Town, and thereafter must announce the results at the Town Meeting. The Clerk must record the results in the minutes of the Town Meeting. The candidate for Mayor with the highest number of votes must be declared elected as Mayor. The candidates for Councilor with the highest number of votes for each Council position must be declared elected as Councilors.

### 33. Special Elections

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

### 34. Preservation of Ballots

All ballots used in any Town election must be preserved for at least 6 months from the date of the election.

### 35. Vacancies

In case of a vacancy on the Council for any reason, the Council may select a qualified person to fill such vacancy until the next regular Town election. At such election, a qualified person must be chosen for each vacant unexpired term. In case of a vacancy in the office of Mayor for any reason, the Council may elect a qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Council or in the office of Mayor may be filled by the favorable votes of a majority of the remaining members of the Council. The results of any such vote must be recorded in the minutes of the Council. However, the Council may order a special election to fill any such vacancy.

### 36. Other Provisions

The Council has the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of nominations and Town elections, for the prevention of fraud in connection therewith, for a recount of ballots in case of doubt or fraud, for special elections in case a regular or special election is not held as announced, and for resolving tie votes.

### 37. Penalties

Any person who (a) willfully and corruptly fails to perform any duty required of said person under any provisions of Sections 24 through 36 of this Charter or any ordinance passed thereunder, (b) in any manner willfully and corruptly violates any of the provisions of Sections 24 through 36 of this Charter or any ordinances passed thereunder, or (c) willfully and corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or Town election, is guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this section must immediately upon conviction thereof cease to hold such office or employment.



## CLERK AND TREASURER

### 38. Appointment, Powers and Duties of the Clerk

The Clerk is appointed by the Mayor with the approval of the Council. Under the direct supervision of the Mayor, the Clerk shall perform those duties required by this Charter, the Town Code, and as otherwise assigned by the Mayor or Council. The Mayor may, with the approval of the Council, assign all or part of the duties of the Clerk to the Treasurer or to one or more employees of the Town. The Clerk serves at the pleasure of the Mayor and receives such compensation as determined by the Council.

### 39. Powers and Duties of the Treasurer

The Treasurer is appointed by the Mayor with the approval of the Council. However, the Mayor may, with the approval of the Council, assign all or part of the duties of the Treasurer to the Clerk or to one or more employees of the Town. The Treasurer serves at the pleasure of the Mayor and receives such compensation as determined by the Council.

Under the supervision of the Mayor, Treasurer has authority and is required to:

- (a) Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the Council may require, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the Mayor.
- (e) Ascertain that all taxable property within the Town is assessed for taxation.
- (f) Collect all taxes, special assessments, license fees, liens, and all other revenues, including utility revenues of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
- (g) Have custody of all public monies belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- (h) Do such other things in relation to the affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in the Charter.

### 40. Bond of Treasurer

The Treasurer, or the employee assigned to exercise the financial powers of the Town, must provide a bond with corporate surety and in such amount as the Council by ordinance may require.

## BUDGET, TAXATION, AND INDEBTEDNESS

### 41. Fiscal Year

The Town operates on an annual budget. The fiscal year of the Town begins on the first day of July in any year and ends on the last day of June the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

### 42. Budget

The Mayor, on such date as the Council may determine, but at least 32 days before the beginning of any fiscal year, must submit a budget to the Council. The budget must provide a complete financial plan for the budget year and must contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues must equal or exceed the total of the proposed expenditures. The Council may insert new items or increase or decrease the items in the budget. Where the Council or the Town Meeting increases the total proposed expenditures it must also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget is a public record, open to reasonable public inspection. A summary of the proposed budget must be circulated to all residences of the Town at least two weeks prior to the regular Town Meeting to be held in May. The Mayor must then present to the Town Meeting for adoption the budget as recommended by the Council. The budget as finally approved by a majority vote of the qualified voters present and voting becomes the limitation of the total expenditures for the ensuing fiscal year, subject to modification by a Special Town Meeting. The Council may, however, increase or decrease items in the budget subject to the aforesaid limitation on total expenditures.

### 43. Appropriations

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditure become thereby appropriated to the several objects and purposes named therein, subject to the provisions of Section 42.

### 44. Over-Expenditures Forbidden

No officer or employee may, during any budget year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure by subsequent action pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter is null and void. Nothing in this section, however, prevents the making of contracts or the spending of money for bonds, nor the making of contracts or the spending of money for capital improvements to be financed in whole or in part by issuance of bonds. A contract for a period exceeding the budget year in which such contract is made is permitted if the contract is subject to termination by the Town because sufficient funds are not appropriated for a subsequent budget year.

### 45. Appropriations Lapse After One Year

All appropriations lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered. Any unexpended and unencumbered funds must be considered a surplus at the end of the budget year and must be reflected in the budget for the next succeeding year.

46. Checks

All checks issued in payment of municipal obligations must be issued and signed by the Treasurer or the Mayor or the Mayor Pro Tempore.

47. Taxable Property

(a) All real property, and all tangible personal property of any commercial enterprise taxable under State law within the corporate limits of the Town is subject to taxation for municipal purposes, and the assessment used is the same as that for State and County taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by State law.

(b) The Mayor and Town Council must annually prepare an estimate as to the amount of money required, over and above the tax authorized in paragraph (a), to provide for the cost of the public service, such as the collecting of trash and garbage, the clearing, cleaning and lighting of streets, and such other public service, insurance, repair and upkeep of the public buildings and parks and maintenance of the same, and other charges which may be necessary for the conduct of affairs of the Town and for the well-being and the health of the entire community. The Mayor and Council must present such estimate for the approval of the qualified voters in annual Town Meeting. Upon the approval of a majority of such qualified voters in meeting assembled, the Town Council may annually impose a uniform running front foot charge in the nature of an assessment against all improved and unimproved lots within the corporate limits of said Town, and/or a flat uniform and equal assessment against each dwelling upon lots within said Town, to provide the additional funds necessary over and above the tax provided in paragraph (a) as called for in the approved budget.

48. Budget Authorizes Property Taxes

From the effective date of the budget, the amount stated therein as the amount to be raised by the property taxes authorized in Section 47 constitutes a determination of the amount of the tax to be imposed in the corresponding tax year.

49. Notice of Property Taxes

Promptly after the property taxes are imposed by the Town, the Treasurer, or a designated agent, must make out and mail to each taxpayer or designated agent at the last known address a bill or account of the taxes due. This bill or account must contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will begin bearing interest and penalty. Failure to give or receive any bill required by this section does not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes imposed on the property.

50. When Taxes are Overdue; Liens

The taxes provided for in Sections 47 and 48 of this Charter are due and payable on the first day of July in the year for which they are imposed and are overdue and in arrears on the first day of the following October. They bear a penalty while in arrears at the rate fixed by resolution of the Council prior to the first day of the tax year for which the tax is imposed. All taxes not paid and in arrears after the first day of the following March may be collected as provided in Section 51. All taxes imposed on property are a lien on the property to the same extent as State and County property taxes.

51. Sale of Tax Delinquent Property

A list of all property on which Town taxes have not been paid and which are in arrears as provided in Section 50 above may be turned over by the Treasurer to the official of Montgomery County responsible for the sale of tax delinquent property, as provided in State law. All property listed thereon may, if necessary, be sold for taxes by this Montgomery County official or the Town, in the manner prescribed by State law.

52. Fees

All Town fees received by an officer or employee of the Town belong to the Town and must be accounted for to the Town.

53. Audit

The financial books and accounts of the Town must be audited annually as required by State law.

54. Creation of Municipal Debt

(a) During the first 6 months of any fiscal year, the Town has the power to borrow in anticipation of the collection of the property tax imposed for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing in conformance with State law. Such tax anticipation notes or other evidences of indebtedness are a first lien upon the proceeds of such tax and must mature and be paid not later than 6 months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness may be issued which cause the total tax anticipation indebtedness of the Town to exceed 50 percent of the property tax imposed for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness must be authorized by ordinance before being issued. The Council has the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

(b) The Town has the authority to incur bonded indebtedness, subject to the provisions of State law; however, such bonded indebtedness must at no time exceed 10 percent of the total assessed value of real property subject to tax, as provided in Section 47 of this Charter, within the corporate limits of the Town.

55. Payment of Indebtedness

The power and obligation of the Town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter are unlimited and the Town may impose ad valorem taxes upon all the taxable

property of the Town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitations of amount. The full faith and credit of the Town is hereby pledged for the payment of the principal and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

#### 56. Previous Issues

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

#### 57. Purchasing and Contracts

The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all or part of the Town's purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars (\$5,000.00) must be made on written contract. Except as otherwise provided in this section, The Clerk is required to ask for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts, provided however that the Council may authorize the bypassing of any or all bid procedure steps in cases in which the sealed bid process may not produce responsive bids, or the item or service is only available from one source, and in the Council's judgment, such action is warranted as being in the Town's best interest.

Such written contracts must be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts must be approved by the Council before becoming effective. The Clerk, with the approval of the Mayor and Council, has the right to reject all bids and re-advertise.

In addition whenever a Federal, State of Maryland, or Maryland County or local government, or any agency or unit thereof, whose purchasing policies are comparable to those of the Town, has conducted a competitive bid and awarded a contract, the Treasurer may purchase the bid item at the bid price from the successful bidder, subject to the approval of a contract by the Mayor and Council.

The Town at any time in its discretion may employ its own forces for the construction and reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids.

### PERSONNEL

#### 58. Town Attorney

The Mayor, with the approval of the Council, may appoint a Town Attorney. The Town Attorney must be a member of the bar of the Maryland Court of Appeals. The Town Attorney is the legal advisor of the Town and performs such duties in this connection as may be required by the Council or by the Mayor. The Town

has the power to employ such legal consultants as it deems necessary from time to time and to provide such compensation as the Council determines.

59. Authority to Employ Personnel

The Town has the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government.

60. Merit System Authorized

The Town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligibility lists, a classification plan, a compensation plan, a probation period, appeal by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The Town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system as provided in State law.

61. Retirement System

The Town has the power to include its officers and employees, or any of them, within any retirement or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town.

62. Compensation of Employees

The compensation of all officers and employees of the Town may be set from time to time by the Council, subject to the provisions of this Charter.

63. Employee Benefit Programs

The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of employee benefits for its officers and employees, and to expend public monies of the Town for such programs.

## **PUBLIC WAYS, WALKWAYS AND SIDEWALKS**

64. Definition of Public Ways

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

65. Control of Public Ways

The Town has control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to State law, the Town may, by ordinance, where appropriate, do whatever is

necessary to establish, close up, modify, operate, and maintain in good condition the public ways of the Town.

66. Public Ways: Powers

The Town has the power by ordinance, where appropriate:

(a) To establish, regulate, and change from time to time the grade lines, widths, and construction materials of any Town public way or part thereof, including bridges, curbs, and gutters;

(b) To grade, lay out, construct, open, extend, and make new Town public ways;

(c) To grade, straighten, widen, alter, improve, or close up any existing Town public way or part thereof;

(d) To pave, surface, repave, or resurface any Town public way or part thereof; and

(e) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.

## TOWN PROPERTY

67. Acquisition, Possession, and Disposal

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

68. Condemnation

The Town has the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within and outside the corporate limits of the Town, for any public purpose or benefit. Any activity, project, or improvement authorized by the provisions of this Charter, Town ordinances, or State law applicable to the Town is deemed to be a public purpose or benefit. The manner of procedure in case of any condemnation proceeding must be that established by State law.

69. Town Buildings

The Town has the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain or to convey when deemed to be in the interests of the Town, all buildings and structures it deems necessary for the operation of the Town government.

70. Procedure for Acquisition or Sale of Real Property

The Town, by Ordinance, may establish a procedure for the acquisition or sale of real property as authorized by this Charter.

71. Protection of Town Property

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

## GENERAL PROVISIONS

72. Oath of Office

(a) Before entering upon the duties of their offices, the Mayor, the Councilors, and all other persons elected to any office of profit or trust in the Town government must take and subscribe the following:

"I, \_\_\_\_\_, do affirm that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgement, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_ according to the Constitution and Laws of this State and the Charter and ordinances of the Town of Washington Grove."

(b) The Mayor must take and subscribe this affirmation before the Clerk of the Circuit Court for Montgomery County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the affirmation must do so before the Mayor.

73. Official Bonds

Officers or employees of the Town as the Council or this Charter may require must give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds must be paid by the Town.

74. Prior Rights and Obligations

All right, title, and interest held by the Town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter does not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, may be instituted, proceeded with, and prosecuted to final determination and judgement as if this Charter had not become effective.

75. Effect of Charter on Existing Ordinances

(a) All ordinances, resolutions, rules, regulations, and taxes imposed or in effect in the Town of Washington Grove at the time this Charter becomes effective which are not in conflict with the Charter remain in effect until changed or repealed according to the provisions of this Charter.



(b) All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provision of this Charter be and the same are hereby repealed to the extent of such conflict.

76. Amendment of Charter

This Charter may be amended in accordance with the provisions for amendment of municipal charters set out in State law.

77. Separability

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