

PROPOSED
CHARTER
OF
THE VILLAGES OF
BELTSVILLE

REVISED: AUGUST 13, 2003

NOTICE

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THE VILLAGES OF BELTSVILLE

CHARTER (DRAFT)

Article 100. General Provisions

Section 101. Incorporated; General Powers.

The citizens of The Villages of Beltsville, in Prince George's County, are a body corporate by the name of the Mayor and Council of The Villages of Beltsville, and by that name may have perpetual succession, sue and be sued, have and use a common seal, and may purchase or hold real estate or dispose of the same for the benefit of the said municipality

Article 200. Corporate Limits.

Section 201. Boundaries.

The boundaries of said municipality shall be those shown by the Map of The Villages of Beltsville, Maryland, made in _____, by _____ Engineer, which are as follows:

Article 300. Government.

Section 301. Mayor and Council.

The government of said municipality shall be vested in a Mayor and seven Councilmembers, to be elected and appointed as hereinafter provided.

Section 310. Council.

The six elected Councilmembers shall be persons of known integrity, experience and sound judgment, not less than twenty-one years of age, citizens of the United States, shall be registered to vote in municipal elections and residents of The Villages of Beltsville for the two years immediately preceding the date of their election. The seventh Councilmember, known as the Business Representative, shall be selected by the Mayor, with confirmation from the Council, and shall be otherwise qualified as the elected councilmembers and be an owner, principal or manager of a business located within the municipal boundaries. Each Councilmember shall hold his or her office for two years from the third Tuesday in April of the year of his or her election and until the qualification of his or her successor. An elected councilmember shall remain a resident of

the municipality while holding office. The Business Representative shall maintain his or her business presence in the Villages of Beltsville while sitting on the council.

Section 311. Salary of Councilmembers.

- (a) Each elected councilmember shall receive an annual salary payable as designated by the Council, which shall be equal for all councilmembers and shall be in an amount as specified from time to time by ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected. The ordinance making any change in the salary paid to the councilmembers, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council, and provided further that such ordinance shall take effect only upon approval by the majority of the qualified voters voting therein at the next regular or special election.
- (b) A Salary Review Committee, comprised of five (5) citizens of the municipality, shall conduct an annual review of the salary and expenses of councilmembers. They shall submit any recommendations they may have for adjustments thereto to the mayor in time for his or her preparation of an annual budget proposal to the Villages council. The Salary Review Committee established herein shall be the same committee as that established for a similar review of the salary and expenses of the Mayor.
- (c) The Council shall meet upon the second Tuesday succeeding its election and after qualifying by taking the same oath required to be taken by the Mayor, which oath shall be administered by the mayor, it shall proceed to organize by electing one of its members President of the Council, however, the Business Representative shall not hold the position of President. The Council shall meet at such time as may be prescribed by resolution of the Council on the second and fourth Tuesdays of each month for the transaction of general business, however, if any such Tuesday is an official municipal holiday, then a meeting may be rescheduled to a date approved by the council.
- (d) Special meetings shall be called by the Clerk to the Council at the direction of the Mayor or the President of the Council and shall be called by the President of the Council upon the request of a majority of the members of the Villages Council.

Section 313. Quorum.

Four members present and voting shall constitute a quorum of the Council for the transaction of business, but a majority vote of all the members of the Council, elected and appointed, shall be necessary for the passage of any ordinance, resolution, order or appropriation. All ordinances, resolutions, orders and appropriations shall take effect from the date of their approval by the Mayor unless otherwise provided therein.

Section 314. Style of ordinances.

The style of all ordinances shall be: "Be it enacted and ordained by the Mayor and Council of The Villages of Beltsville."

Section 315. Judge of qualifications of members.

The Council of the Villages of Beltsville shall be the judge of the election and qualification of its members.

Section 316. General Powers.

The council shall have the power:

- (1) To pass all such ordinances, resolutions or regulations 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 municipality; for the protection and preservation of its 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 municipality.
- (2) To pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.
- (3) Advertising. -- To provide for advertising for the purposes of the municipality, for printing and publishing statements as to the business of The Villages of Beltsville.
- (4) 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.
- (5) Amusements. -- To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
- (6) Animals. -- To regulate and provide the conditions under which live animals may be kept within the limits of the municipality, and to prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, disposition, and redemption of such animals when found in violation of the ordinance in such cases provided.
- (7) Appropriations. -- To appropriate municipal moneys for any purpose within the powers of the Council.
- (8) Auctioneers. -- To regulate the sale of all kinds of property at auction within the municipality and to license auctioneers.
- (9) Band. -- To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.
- (10) Billboards -- To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the municipality, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within The Villages of Beltsville.

- (11) Bridges. -- To erect and maintain bridges.
- (12) Buildings. -- To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the municipality, 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 inspectors; 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.
- (13) Care of the infirm. -- It is further empowered to take care of all persons suffering from accident, sickness or physical or mental infirmity, who are unable to take care of themselves.
- (14) Cemeteries. -- To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- (15) Codification of Ordinances. -- To provide for the codification of all ordinances.
- (16) 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 municipality.
- (17) Condemnation; Conveyances. -- To acquire by purchase or by condemnation under the provisions of Title 12 (Eminent Domain) of the Real Property Article of the Annotated Code of Maryland, as amended from time-to-time, any private property that in the council's judgment may be needed for municipal purposes, whether the same lies within the limits of The Villages of Beltsville or outside thereof, and the council shall have full power to authorize the sale or disposition of any property owned or acquired by the municipality whenever in its judgment it is advisable and for the best interest of the citizens of the Villages of Beltsville that the same shall be disposed of.
- (18) 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.
- (19) Curfew. -- To prohibit the youth of the municipality from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
- (20) Bonds for Improvements. -- To compel persons about to undertake improvements to execute bonds, letters of credit, or other security satisfactory to the municipality 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.
- (21) 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.
- (22) Elevators. -- To require the inspection and licensing of elevators and to

prohibit their use when unsafe or dangerous or without a license.

- (23) 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.
- (24) Filth. -- To compel the occupant of any premises, building, or outbuilding situated in the municipality, 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 and a lien against the said property or against the occupants.
- (25) Finances. -- To levy, assess, and collect ad valorem property taxes, and any other tax authorized by State law; to expend municipal funds for any public purpose; to have general management and control of the finances of the municipality.
- (26) 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 Villages of Beltsville; 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 fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the municipality. The council may establish, by ordinance, a fire code, fire inspection, and for the appointment of one or more fire marshalls.
- (27) Food. -- To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.
- (28) Franchises. -- To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, cable television companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the citizens of The Villages of Beltsville, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland, as amended from time to time. No franchise shall be granted for a longer period than fifty years.
- (29) 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.
- (30) Grants-In-Aid. -- To accept gifts and grants of federal or state funds from the federal or state governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.
- (31) 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 municipality, and to revoke such licenses for any

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

- (32) Health. -- To protect and preserve the health of The Villages of Beltsville and its inhabitants; to appoint a public health officer, and to define and regulate his or her powers and duties; to prevent the introduction of contagious diseases into the municipality; 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 shall be construed to affect in any manner any of the powers and duties of the Maryland Secretary of Health and Mental Hygiene, the County Department of Health, or any public general or local law relating to the subject of health.
- (33) 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 municipality at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.
- (34) Jail. -- To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of The Villages of Beltsville or to use the county jail for such purpose.
- (35) Licenses. -- Subject to any restrictions imposed by the Public General Laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the municipality 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.
- (36) Liens. -- To provide that any valid charges, taxes, or assessments made against any real property within the municipal boundaries shall be liens upon the property, to be collected as municipal taxes are collected.
- (37) Lights. -- To provide for the lighting of the municipality.
- (38) Markets. -- To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the municipality.
- (39) 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.
- (40) Noise. -- To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns or other noises that disturb the peace and order of the Villages of Beltsville.
- (41) Nuisances. -- To prevent or abate by appropriate ordinance all nuisances in The Villages of Beltsville which are so defined at 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 municipality of all trading in, handling 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 municipality may regulate, prohibit, control the location of, or require the removal from the municipality of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration not limitation.

- (42) Obstructions. -- To remove all public nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of The Villages of Beltsville.
- (43) 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.
- (44) Parking Meters. -- To install parking meters on the streets and public places of the municipality in such places as by ordinance the council determines, 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 of Maryland must first be approved by the Administration.
- (45) 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 Villages of Beltsville.
- (46) Pensions. -- To provide by ordinance for a retirement or pension system or a group insurance plan for the officers and employees of the Mayor and Council of The Villages of Beltsville or to provide for including the officers and employees of the Mayor and Council of The Villages of Beltsville in any retirement or pension system and/or a group health insurance plan operated by or in conjunction with the State, or on such terms and conditions as State laws may prescribe.
- (47) Police Force. -- To establish, operate, and maintain a police force.
- (48) Police Powers. -- To enforce all ordinances and laws of the municipality, county, and State within the limits of the municipality and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of other municipal corporations.
- (49) Property. -- To acquire by conveyance, purchase, or gift, real or leaseable property for any public purposes; to erect buildings and structures thereon for the benefit of the municipality and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the municipality.
- (50) Quarantine. -- To establish quarantine regulations in the interests of the public health.
- (51) Regulations. -- To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.
- (52) Sidewalks. -- To require the owners and/or occupants of any property

abutting on a sidewalk to keep the sidewalk free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

- (53) Storm drainage. -- To regulate, provide for, construct, and maintain stormwater structures and facilities to control storm drainage, subject to any regulation, restriction or limitation of any state law.
- (54) 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 any public or private property in the municipality.
- (55) Vehicles. -- To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.
- (56) Voting Machines. -- To purchase, lease, borrow, install, and maintain voting machines for use in municipal elections.
- (57) Weapons. -- To forbid the carrying of concealed weapons in The Villages of Beltsville, subject to the preemption set forth in Article 27, Section 36H of the Annotated Code of Maryland, as amended from time to time, or of any other applicable statute.
- (58) Saving Clause. -- The enumeration of powers in this section is not to be construed as limiting the powers of The Villages of Beltsville to the several subjects mentioned.

Section 317. Exercise of Powers.

For the purpose of carrying out the powers granted in this Charter, the Council may pass all necessary ordinances. All the powers of The Villages of Beltsville shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 318. Municipal Infractions.

The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or by County ordinance, subject to any exceptions authorized by Maryland law. For purposes of this section, a municipal infraction is a civil offense.

Section 319. Vacancies: Villages of Beltsville Council.

If, during the term of said Councilmembers more than two vacancies occur in the Council, the said Board of Election Supervisors shall call a special election to fill such vacancies, in accordance with the provisions of this Charter, without regard to whether said vacancies be caused by removal from the Council or from any other cause; but in the event that not more than two vacancies occur in the Council at any one time the remaining members of the Council shall fill the same by election of a duly qualified person or persons, and in the event of such vacancy or vacancies being ward councilmembers a resident of such ward or wards in which such vacancy or vacancies exist shall be elected.

Section 320. Clerk to Council; Deputy Clerk.

(a) The Villages Administrator shall appoint the Clerk to the Council, which appointment shall be subject to confirmation of the Council. He or she shall attend every meeting of the Council and shall be responsible for a full account of all meetings of the mayor and council. He or she shall keep such other records and perform such other duties as may be required. He or she shall work under the general direction of the President of the Council or in the absence of the President under the President Pro Tem. The position of the clerk to the Council shall be a management position, equal in rank to other municipal department heads. The clerk to the Council shall serve at the pleasure of the Council and may be removed only by a vote of the majority of the entire Council. All benefits, including but not limited to leave, insurance, retirement, and other such benefits which are provided to department heads shall be provided to the clerk to the Council.

(b) The Villages Administrator may also appoint a deputy clerk to the Council, which appointment shall be subject to confirmation of the Council. During the absence or unavailability of the clerk to the Council, the deputy clerk shall assume all responsibilities and perform all duties of the clerk, including the signing and certifying of all documents, correspondence, ordinances and resolutions as may be required. Such signature and certification by the deputy clerk shall have the same force and effect as that of the clerk. He or she shall be under the direct supervision of the clerk to the Council, subject to the general direction of the president of the Council, or in the absence of the President, of the President Pro Tem. The deputy clerk to the Council shall serve at the pleasure of the Council and may be removed only by a vote of the majority of the entire Council.

Section 350. Mayor.

The Mayor of The Villages of Beltsville shall be a person of known integrity, experience and sound judgment, not less than twenty-five years of age, not less than ten years a citizen of the United States, shall be registered to vote in municipal elections and a resident of The Villages of Beltsville for the four years immediately preceding the date of his or her election. The Mayor shall hold office for four years from the second Tuesday in April of the year of his or her election and until the qualification of his or her successor. The Mayor shall remain a resident of the municipality while holding office.

Section 351. Salary of the Mayor.

(a) The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business. No change shall be made in the salary for any Mayor during the term for which he was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor.

(b) A Salary Review Committee, comprised of five (5) citizens of The Villages of Beltsville, shall conduct an annual review of the salary and expenses of the mayor. They shall submit any recommendations they may have for adjustments thereto to the mayor in

time for his or her preparation of an annual budget proposal to the council. The Salary Review Committee established herein shall be the same committee as that established for a similar review of the salary and expenses of the Council.

Section 352. Oath of Office.

The Mayor elected hereunder shall qualify upon the next Tuesday night succeeding his or her election by taking an oath before the Clerk of the Circuit Court for Prince George's County or before one of the sworn deputies of the Clerk, to the effect that he or she will obey the Constitution of the United States and the Constitution and laws of the State of Maryland, and will fairly, honestly and impartially administer the duties of his or her office.

Section 353. General Powers.

The Mayor shall be the executive officer of the Mayor and Council of The Villages of Beltsville, clothed with all the powers necessary to secure the enforcement of all ordinances and resolutions passed by the Council. He or she may convene the Council whenever in his or her opinion the public good may require it, and shall from time to time lay before it in writing such proposed alterations in the laws or ordinances of the municipality as he or she may deem necessary and proper. He or she may call upon any person in the service of the municipality entrusted with the receipt or expenditure of money for a statement of his or her accounts as often as he or she may deem necessary.

Section 354. Veto.

He or she shall have the power to veto any ordinance, resolution, regulation or order passed by the Council, and unless said veto is overruled by a five-sevenths vote of all members of the Council, said veto shall stand, and such ordinance, resolution, regulation or order shall be null and void. He or she shall also have power to veto any one or more items of appropriation, no matter in what manner the same may be made. He or she shall return every ordinance, resolution, regulation or order passed to the Council, or the Clerk thereof, within thirty calendar days from the time of the passage of the same whether he or she approves the same or not, and if he or she vetoes the same he or she shall give his or her reasons therefore in writing. If he fails to return the same within such time such ordinance, resolution, regulation or order or appropriation shall become in all respects valid without his or her approval.

Any action to overrule the Mayor's veto must be taken within thirty-five (35) calendar days from the time the ordinance is returned by the Mayor.

Section 355. Appointments.

- (a) Appointments. Except as otherwise provided in subsection (b) hereof, the Mayor shall appoint the heads of all offices, departments, and agencies of the municipal

government as established by this Charter or by ordinance, unless the ordinance defines another method of naming the head of the office, department, or agency. The Mayor shall make the appointments necessary to fill any vacancy or newly created position within a reasonable amount of time. All appointments to any municipal Board, Commission, or Committee shall be made as soon as practicable prior to the expiration of the member's term, but no less than 30 calendar days from the expiration of the term of the member of any board, commission or committee or the commencement of any vacancy in such position. In the event that the Mayor fails to make such appointment to a board, commission, or committee within that 30-day period, pursuant to this subsection, the President of the Council shall have the authority to make such appointment, and shall send the name of a board, commission, or committee nominee to the Council for confirmation within 30 calendar days of the expiration of the aforesaid 30-day period allowed to the Mayor to make such appointment. If the Council President shall fail to make such appointment within the aforesaid 30-day time period allowed to the president, such authority to appoint shall revert to the mayor who shall promptly send a name to the council for confirmation. Notwithstanding anything herein to the contrary, in no event shall the President of the Council have authority to nominate a head of any administrative department, nor any other board or commission or any other appointment which Maryland law specifies shall be made by the Mayor. The Mayor's appointments are subject to confirmation by a majority vote of all the members of the Council, which confirmation shall not be later than at the next regular meeting after the presentation of such appointment or appointments. If the Council fails to take such action within said time, then the person or persons so nominated shall be to all intents and purposes such officer or officers as if they had been confirmed by the Council. All office, department, or agency heads appointed by the Mayor shall serve at the pleasure of the Mayor.

- (b) Refusal to confirm. If the Council shall by the required vote and in the prescribed time, refuse to confirm such nomination or nominations or choose to take no action, the Mayor shall, at the next regular meeting of the Council or a reasonable time thereafter, but not to exceed 30 calendar days, send to it another name or names, for such office or offices, and the duties of the Council and the Mayor shall continue to be as above prescribed until a confirmation is had or a failure to act as aforesaid by the Council. In the event that the Mayor fails to send another name of a board, commission, or committee nominee to the Council pursuant to this subsection, the President of the Council shall have the authority to make such appointment, and shall send the name of a board, commission, or committee nominee to the Council for confirmation within 30 days of the expiration of the aforesaid 30-day period allowed to the Mayor to make such nomination. If the Council President shall fail to make such nomination within the aforesaid 30-day time period allowed to the president, such authority to appoint shall revert to the Mayor who shall promptly send a name to the Council for confirmation. Notwithstanding anything herein to the contrary, in no event shall the President of the Council have authority to nominate a head of any administrative department, nor any other board or commission or any other appointment which Maryland law

specifies shall be made by the Mayor. All vacancies occurring in the offices which the Mayor has the power to fill, subject to the ratification or confirmation of the Council, during the recess of the Council, shall be filled by the Mayor until the next regular meeting of the Council at which an appointment is required, at which meeting the Mayor shall present the name of a person for each office in which such vacancy has occurred for the confirmation by the Council, and the mode and manner of procedure in such case shall be the same as provided in this section for other appointments by the Mayor and confirmation by the Council. In times of public danger when it is impossible to convene the Council, the Mayor shall have power to appoint temporary officers of the peace for the municipality, charged with the duty of preserving peace and order therein, and authorized to make necessary arrests in so doing.

Section 356. Vacancy: Office of Mayor.

- (a) The mayor may, at his or her sole discretion, designate the President of the Council, or the President Pro Tem of the Council, should the president not be available, to act as Mayor for such periods of time specified by the mayor during which the mayor is unavailable to perform his or her duties as Mayor. Such designation shall be by letter to the President (or President Pro Tem, as appropriate), which shall specify the time period during which the Mayor shall be unavailable, and shall include any limitations of authority the Mayor deems advisable. In the event that the Mayor shall become incapacitated from performing his or her duties and shall also be incapacitated from designating the Acting Mayor as herein provided, the President of the Council, or in the event that the President is incapacitated, the President Pro Tem, shall act as Mayor until the cessation of the incapacity of the Mayor, subject however to the provisions of subsections (b) and (c) of this section.
- (b) In the event the Mayor has been absent from office for 120 calendar days by reason of physical or mental disability, the Municipal Health Officer shall, within 30 calendar days therefrom, upon request of the President of the Council, provide to the Municipal Retirement Committee a written report rendering his or her opinion as to the likelihood of a sufficient recovery by the Mayor to resume the duties of his or her office. This report would be due to the Retirement Committee by the end of the 150th day of the Mayor's absence from office. This committee will then have 10 calendar days in which to provide the Council with a non-binding recommendation. On the basis of this recommendation, the Council then may, between the 160th and 180th day of the Mayor's absence from office, by an affirmative vote of no less than four (4) of its members, adopt a resolution declaring that the Mayor is unable by reason of physical or mental disability to perform the duties of his or her office.
- (c) If, before the last 180 days of the term to which the Mayor is elected, the Office of Mayor becomes vacant due to death, resignation, or any other incapacity, a special election shall be held no more than sixty (60) days after the office is vacated to elect a successor to serve the remainder of the present term. The time within which a special election shall be held may be extended from sixty (60)

days to ninety (90) days at the discretion of the Board of Election Supervisors. If such vacancy occurs during the last 180 days of the Mayor's term, the President of the Council shall serve as Mayor until the next regularly scheduled election, and the Council shall, within thirty-five days after the vacancy occurs, appoint a new member to serve out the term of the Council President and elect a new president from among its members.

Article 400. Administration.

Section 401. Villages Administrator.

There shall be a Villages Administrator appointed by the Mayor subject to the confirmation of the Council. His or her compensation shall be determined by the Council. The Villages Administrator shall be the chief administrative officer of the municipality, and shall devote his or her full time and attention to his or her duties and responsibilities as such. The administrative powers of the municipality, except as otherwise provided by this Charter, shall be exercised by the Villages Administrator under the direct supervision of the Mayor. The Villages Administrator shall serve at the pleasure of the Mayor.

Section 402. Powers and Duties.

Under the authority and supervision of the Mayor, the Villages Administrator shall have the authority and shall be required to:

- (a) Budget - Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.
- (b) Employees - Exercise direction over and have charge of all municipal employees, and all working forces.
- (c) Same; employment - Hire and discharge, subject to the approval of the Mayor, all employees and all municipal working forces.
- (d) Public Works - Have and exercise direct charge of all public work of the municipality.
- (e) Contract Work - Oversee and inspect all work performed under contract.
- (f) Property - Be custodian of the general property, of all kinds, of the municipality, and be responsible for its care and use and upkeep.
- (g) Other Duties - Do such other things in relation to the administrative affairs of The Villages of Beltsville as the Mayor may require.
- (h) Supervision - Supervise all department heads who shall report to and shall be under the direct supervision of the Villages Administrator.

Section 403. Deputy Villages Administrator.

(a) The Mayor shall be authorized to appoint a Deputy Villages Administrator, subject to the confirmation of the Council. His or her compensation shall be determined by the Council. The Deputy Villages Administrator shall serve at the pleasure of the Mayor, and

shall devote full time and attention to his or her duties and responsibilities.

(b) The duties of the Deputy Villages Administrator shall be as directed by the Mayor and Council. The Deputy Villages Administrator, in the absence of the Villages Administrator, shall have such powers and duties of the Villages Administrator as may be directed by the Mayor.

Section 410. Director of Finance -- Appointment; Chief Financial Officer.

There shall be a Director of Finance appointed by the Mayor subject to the confirmation of the Council. His or her compensation shall be determined by the Council. The Director of Finance shall be the chief financial officer of The Villages of Beltsville and shall devote his or her full time and attention to his or her duties and responsibilities as such. The financial powers of the municipality, except as otherwise provided by this Charter, shall be exercised by the Director of Finance under the direct supervision of the Villages Administrator.

Section 411. Same -- Powers and Duties.

- (a) Listed. - Under the authority and supervision of the Villages Administrator, the Director of Finance shall have authority and shall be required to:
- (b) Expenditures. - Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Accounting System. - Maintain a general accounting system for the municipality in such form as the Council may require, not contrary to State law.
- (d) Reports. - 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) Assessments. - Ascertain that all taxable property within The Villages of Beltsville is assessed for taxation.
- (f) Revenues. - Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the municipality and all other revenues for which collection he or she is responsible and receive any funds receivable by the municipality.
- (g) Public Funds - Have custody of all public moneys, belonging to or under the control of the municipality, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of The Villages of Beltsville.
- (h) Other Duties. - Do such other things in relation to the fiscal or financial affairs of the municipality as the Villages Administrator may require.

Section 412. Same - Surety Bond.

The Director of Finance shall provide a bond with such corporate surety and in such amount as the Council may require.

Section 420. Villages Solicitor: Appointment; Compensation; Duties.

The Mayor shall appoint a Villages Solicitor, subject to the confirmation of the Council, who shall be the legal representative of the Mayor and Council of The Villages of Beltsville. He or she shall attend all regular meetings of the Council and such special meetings as he or she may be requested to attend, shall prepare all ordinances, and shall, in general, give such advice to the Mayor and Council as may be requested by them. His or her compensation shall be determined by the Council. The Villages Solicitor shall serve at the pleasure of the Mayor.

Section 430. Health Officer; Appointment; Qualifications.

There shall be a health officer appointed in the same manner as other appointments are made, who shall be a reputable practicing physician, whose duty it shall be to have charge of and supervision over all matters of health and health regulations, within the municipality, and he or she shall receive such salary or compensation as the Mayor and Council shall fix.

Section 440. Police Chief.

- (a) Appointment. - There shall be appointed by the Mayor, subject to confirmation of the Council, one person as Chief of Police.
- (b) Reports. - The Chief of Police shall make such periodic reports to the Mayor and Council as may from time to time be required by Mayor and Council. The chief of police shall serve at the pleasure of the Mayor.

Section 450. Director of the Department of Public Works.

- (a) There shall be a Director of the Department of Public Works appointed by the Mayor, subject to the confirmation of the Council. His or her compensation shall be determined by the Council. The Director of Public Works shall serve at the pleasure of the Mayor, and shall devote full time and attention to his or her duties and responsibilities as such.
- (b) The Director of the Department of Public Works shall be responsible, under the direction of the Villages Administrator, for organizing, supervising and administering that department, including any specific duties and responsibilities as directed by the Mayor and Council.

Section 460. Director of the Department of Parks and Recreation.

- (a) There shall be a Director of the Department of Parks and Recreation appointed by the Mayor, subject to the confirmation of the Council. His or her compensation shall be determined by the Council. The Director of the Department of Parks and Recreation shall serve at the pleasure of the Mayor, and shall devote full time and attention to his or her duties and responsibilities as such.

- (b) The Director of the Department of Parks and Recreation shall be responsible, under the direction of the Villages Administrator, for organizing, supervising and administering that Department, including any specific duties and responsibilities as directed by the Mayor and Council.

Article 500. Finances.

Section 501. Fiscal Year.

The Villages of Beltsville shall operate on an annual budget. The fiscal year of the municipality shall begin on the first day of July and shall end on the last day of June in the following calendar year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 502. Budget -- Preparation.

The Mayor shall, by May 1st preceding the start of the fiscal year, submit a balanced budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming fiscal year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record of and shall be maintained in the Office of the Director of Finance, and shall be open to public inspection during normal business hours.

Section 503. Same -- Adoption.

Before adopting a budget, the Council shall hold at least two public hearings thereon. Notice of said hearings shall appear in a newspaper or newspapers having general circulation in the municipality two weeks before the hearings are to take place. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such proposed total expenditures. The Mayor shall have the power to veto any one or more items or appropriation in the budget. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected and selected membership of the Council shall be necessary for adoption. A failure by the Council to pass a budget by June thirtieth shall be deemed, and shall have the same effect as, a passage of the Mayor's proposed budget by the Council as if passed by a majority of the total elected and selected membership of the Council.

Section 504. 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 expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 505. Transfer of Funds.

Any transfer of funds between major appropriations for different purposes by the Mayor shall be approved by the Council before becoming effective.

Section 506. Over-expenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed by the issuance of bonds (in whole or in part), nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is otherwise permitted by law

Section 507. Appropriations Lapse.

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

Section 508. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Director of Finance or such other person as may be set from time to time by resolution of the Council and countersigned by the Mayor. The Mayor's signature may be a facsimile signature.

Section 509. Fees.

All fees received by an officer or employee of the municipal in his or her official capacity shall belong to The Villages of Beltsville and be accounted for to the municipality.

Section 510. Diversion of Funds: Prohibited – Municipal Officers and Employees; Penalty.

Any officer or employee of the Mayor and Council of the Villages of Beltsville who shall in any way divert or assist in diverting any of the moneys or funds of said municipality from the purpose to which the same are dedicated, or for which they have been directed to be used by any act of the Legislature, provision of this Charter, or any amendments thereto, or any ordinance passed in pursuance of the authority given in the

Charter shall be guilty of a _____, and upon conviction shall be subject to fine and/or imprisonment as may be specified in the Annotated Code of Maryland.

Section 511. Same -- Mayor and Council; Penalty.

It shall be unlawful for the Mayor and Council to divert or use, or assist in diverting or using any of the moneys of said municipality in any other way than that provided by law, and such Mayor or member of the Council found guilty thereof shall be subject to removal from office and in addition a fine and/or imprisonment as may be specified in the Annotated Code of Maryland.

Section 512. Taxable Property.

All real property and all tangible personal property within the corporate limits of the municipality or which may have a situs therein by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be 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 any act of the General Assembly.

Section 513. Annual Levy; Purposes.

The said Mayor and Council shall levy annually upon the assessable property of the municipality, by direct tax, with full power to provide for collection of the same, such sum of money as may be necessary, in its judgment, for the purpose of defraying the expenses of the municipal government and for other municipal purposes, and shall also levy and collect the taxes required to meet the interest on and redeem all bonds and other evidences of indebtedness legally issued.

Section 514. Budget Authorizes Levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

Section 515. Levy for Fire Company.

The said Mayor and Council shall have power to levy a tax of not over five cents on each one hundred dollars' worth of assessable property each year for the support of any volunteer fire department which may be in existence in The Villages of Beltsville. The proceeds thereof shall either be delivered to the said fire company to be expended as deemed necessary by its board of directors or trustees, or expended by the Mayor and Council in its discretion. Such proceeds may be used only for valid operational purposes which may include the purchase of equipment and debt service related to such purposes.

Section 516. Notice of Tax Levy.

Immediately after the levy is made by the Mayor and Council in each year, the Director of Finance shall give notice of the making of the levy by posting a notice thereof in some public place or places in the municipality. He or she shall make out and mail or deliver in person to each taxpayer or his or her agent at his or her last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his or her property

Section 517. Tax Sales.

A list of all property in which the municipal taxes have not been paid and which are in arrears shall be turned over by the Director of Finance to the official of the county responsible for the sale of tax delinquent property as provided in State Law. All property listed thereon shall, if necessary, be sold for taxes or other lawful lien by said county official, in the manner prescribed by State Law

Section 518. Audits.

The financial books and accounts of The Villages of Beltsville shall be audited annually as required by Section 40, Article 19 of the Annotated Code of Maryland, 1957 Edition, as amended

Section 519. Tax-Anticipation Borrowing.

During the first six months of any Fiscal year, the municipality shall have the power to borrow in anticipation of the collection of the property taxes levied for that Fiscal year, and to issue tax-anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax-anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such taxes and shall mature and be paid not later than six months after the beginning of the Fiscal year in which they are issued. No tax-anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax-anticipation indebtedness of the municipality to exceed fifty per centum (50%) of the property tax levy for the Fiscal year in which such notes or other evidences of indebtedness are issued. All tax-anticipation notes or other evidences of like indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax-anticipation notes or other evidences of like indebtedness.

Section 520. Borrowing Power.

(a) Limitation. The said Mayor and Council is empowered, from time to time, to

borrow money on the faith and credit of the Mayor and Council of The Villages of Beltsville and to issue negotiable certificates of indebtedness for the purpose of paying for any repairs and/or replacements in any municipally owned utility, or for such other purpose or purposes as said Mayor and Council may deem advisable, in such sum or sums as it may deem necessary. Any and all indebtedness of said Mayor and Council of The Villages of Beltsville whether authorized under this paragraph or elsewhere shall at no time exceed five per centum of the assessed valuation of the real property of The Villages of Beltsville.

- (b) Taxes to service bonds. The said Mayor and Council of The Villages of Beltsville is hereby authorized and empowered to levy additional taxes to provide a sufficient fund to pay the interest and principal of said certificates as they mature.
- (c) Procedure. The procedure by which the said Mayor and Council shall borrow money pursuant to this section shall be according to the procedure as set out in Sections 31 through 39 of Article 23A of the Annotated Code of Maryland, 1957 Edition, as now or hereafter amended or supplemented; or said Mayor and Council may borrow money pursuant to this section without complying with the procedure as set out in the aforesaid Sections 31 through 39; provided, that the Mayor and Council may authorize a private negotiated sale when it is deemed to be in the best interests of The Villages of Beltsville

Section 521. Payment of Indebtedness.

The power and obligation of The Villages of Beltsville to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the municipality shall levy ad valorem taxes upon all the taxable property in the municipality or having a taxable situs therein for the payment of such bonds, notes, or other evidence of indebtedness and interest thereon, without limitation of rate or amount. The faith and credit of the municipality is hereby pledged for the payment of the principal of 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 or resolution authorizing their issuance.

Section 522. Prior Bond Issues.

All bonds, notes, or other evidences of indebtedness issued by the municipality prior to the effective date of these amendments to the Charter, and all ordinances and resolutions passed concerning them, are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth

Section 523. Purchases and Contracts.

All purchases and contracts for the municipal government shall be made by the Mayor and Council of The Villages of Beltsville. The Council may provide by ordinance or

resolution for rules and regulations regarding the use of competitive bidding and contracts for all municipal purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000) shall be made on written contract. The Council may, by resolution, raise this limit to ten thousand dollars (\$10,000). The Director of Finance shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance or resolution, for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods, materials, and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Mayor and Council, before becoming effective, and they shall have the right to reject all bids and readvertise. The Council at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for or receiving bids therefore. All written contracts may be protected by such bonds, penalties, and conditions as the municipality may require.

Article 600. Registration and Elections.

Section 601. Voters; Qualifications.

All citizens of the United States eighteen (18) years of age or older who shall have actually resided in The Villages of Beltsville not less than thirty (30) days preceding an election for Mayor and Council of said municipality, and whose names shall appear upon the records of registered voters as provided in The Villages of Beltsville Code and this Charter, shall be entitled to vote at any election held under the provisions of this Charter.

Section 602. Election Officials.

(a) Chairperson, Board of Election Supervisors. The Mayor shall, on the second Monday in December of odd-numbered years, by and with the advice and consent of the Council, appoint a qualified voter of said municipality, not holding any elective office under the government of said municipality, as Chairperson of the Board of Election Supervisors of The Villages of Beltsville, to serve for two years and until his or her successor shall have qualified.

(b) Chief Judges; Judges of Election. The Mayor shall, on the second Monday in December of odd-numbered years, by and with the advice and consent of the Council, appoint two (2) Chief Judges of Elections to serve for two years and until their successors shall have qualified. The appointees shall be qualified to vote in The Villages of Beltsville elections and shall not hold elective office in the municipal government. The Mayor may appoint such additional persons as judges of elections at each polling place as may be required for the proper conduct of each election. The appointees shall be qualified to vote in municipal and shall not hold elective office in the municipal government.

(c) Board of Election Supervisors. The Chairperson of the Board of Election Supervisors and each Chief Judge of Elections shall constitute the Board of Election Supervisors. The Board of Election Supervisors shall be in charge of the registration of

voters, nominations, and all municipal elections.

(d) Compensation and Oath of Supervisors and Judges. The said Board of Election Supervisors and judges of elections shall receive for their services such salary or compensation as the Mayor with approval of the Council shall fix, to be paid out of the general fund of said municipality. The said Board of Election Supervisors and all judges of elections before entering upon their duties as such, shall each take and subscribe an oath, which oath shall be administered by the Mayor, to faithfully, honestly, and without prejudice or partiality perform each and every duty required of them under the provisions of this Article, other applicable law, and all amendments thereto. Such oaths shall be filed with the clerk to the Council of The Villages of Beltsville. The Mayor shall have the power to remove the members of said Board of Election Supervisors, and any election officials herein provided for, at any time, upon written charges and after notice and a public hearing, and to fill any vacancies so created, or which may occur by removal from said municipality, death, resignation or failure to act, in the same manner as is provided for original appointments. No member of such Board of Election Supervisors nor any judge of elections shall hold an elective office in The Villages of Beltsville while so acting. No member of the Board of Election Supervisors nor any judge of elections shall be a candidate for any Villages of Beltsville office, nor serve on any committee for any candidate.

Section 603. Registration.

(a) Board of Registration. The Board of Registration shall consist of Board of Election Supervisors and such employees of The Villages of Beltsville as may be required to effect the registration of residents of The Villages of Beltsville. These employees of the municipality shall be designated by the Mayor and shall be identified as Registrars with full authority to register as voters, qualified residents of The Villages of Beltsville in the same manner as the Board of Election Supervisors.

(b) Time of Registration, General. Qualified residents of The Villages of Beltsville may register to vote at the central government building, wherever located within the municipality, or such other location as may be designated by the Mayor and Council on such days and during such hours as the government offices are normally open. No registration shall take place during the 30-day period immediately preceding the second Tuesday in April in an election year.

(c) Registration, Special. The board of registration may provide for a special voter registration at such times and locations as they deem necessary. They shall give notice no less than eight (8) days before the first day of said registration by publication in at least one newspaper of general circulation in the municipality, and by posting notices in the municipal government offices, in other public buildings in The Villages of Beltsville, and in such other locations in the municipality as may be necessary prior to the first day of said registration.

(d) Procedure. The Mayor and Council shall by ordinance establish procedures for registration of qualified residents, not inconsistent with Federal, State and local laws and regulations.

Section 604. Certificates for Nomination.

(a) The said Board of Election supervisors shall meet at the central government office building, wherever located within the municipality, on the second Tuesday in March of odd-numbered years from 8:00 P.M., to 10:00 P.M., for the purpose of receiving certificates for nomination for Councilmembers, and on the second Tuesday in March, 20__ and thereafter, quadrennially on the second Tuesday in March from 8:00 P.M., to 10:00 P.M., for the purpose of receiving certificates for nomination for Mayor. Said nominations shall be in writing, signed by not less than thirty duly qualified voters of said town, specifying the street address and ward in which they reside, and no signature shall be counted if it shall be upon more than one nomination paper of a candidate for Mayor, upon more than one nomination paper of a candidate for Councilmember at Large, or upon more than one nomination paper of a candidate for Councilmember from each of the wards.

(b) Vacancies. No certificates of nomination shall be received by the said Board of Election Supervisors after the said meeting of that board for the purpose of receiving such certificates of nomination, as hereinbefore provided, except that in the event of any vacancy occurring in nominations for Mayor and Councilmembers, either by declination, death, or from any other cause, nominations may be filed in the manner and form herein provided, at any time prior to the Wednesday before the day of any election, general or special, held hereunder. In the event of any such vacancy or vacancies occurring thereafter by death, the same shall be filled as herein provided for other vacancies. No names shall be printed on or affixed to the official ballot or placed upon any voting machine which were not presented to the said Board of Election Supervisors in the manner herein provided.

Section 605. Election of Mayor and Councilmembers.

The said qualified voters shall on the first Tuesday in April, 20_____, and every four years thereafter, at such centrally located place or places within The Villages of Beltsville, as the Mayor and Council may designate, vote for one person as Mayor of The Villages of Beltsville, to serve for four years from the third Tuesday in April, 20_____, and every two years thereafter, vote for six persons as members of the Council of The Villages of Beltsville, to serve for two years and until their successors have qualified, one of which shall be chosen from the said Villages at Large, and one from each of the five wards in said municipality, the representatives of the wards to be domiciled in the ward each shall be chosen to represent. Elections for the Mayor and Councilmembers shall be non-partisan.

Section 606. Ballots.

The said Board of Election Supervisors shall prepare the ballot to be voted at the elections for Mayor and Councilmembers, as well as any ballot to be voted at any general or special election submitting any question or proposition to the people, placing on the ballots only the names of all persons properly nominated for Mayor and Councilmembers, as provided in Section 604, arranging them alphabetically in columns and without emblems or other distinguishing marks or signs, after which shall be placed

any proposition to be submitted to vote of the people. Space shall be provided for the writing in of an additional name or names for office.

Section 607. Polling Places.

In case the Mayor and Council shall determine that for the convenience of the public it is advisable to have more than one polling place, then they may provide for more such polling places, designating the boundaries of the territory to be served by each of said polling places and within which the residents shall vote at such respective voting places. In such case, additional judges of election may be appointed in the same manner as hereinafter provided.

Section 608. Election Equipment.

(a) Sample Ballots. The said Board of Election Supervisors, shall at least eight days before any election for Mayor and Councilmembers, publish a facsimile of the ballot to be voted at all such elections in a newspaper of general circulation within The Villages of Beltsville, and also sample ballots of the size shall be printed on cardboard and tacked up about the polling place.

(b) Expenses. The expenses incident to all elections held under the provisions of this sub-title shall be paid by the Mayor and Council of The Villages of Beltsville out of the general fund of the said municipality upon a statement to be rendered by the said Board of Election Supervisors.

(c) Powers. Each of the said judges of election shall have the same power conferred upon judges of election, as provided in Article 33 of the Annotated Code of Maryland, 1993 Replacement Volume, as amended.

(d) Voting machines. The said Board of Election Supervisors shall provide for the use of voting machines, said use to be governed by the provisions of Article 33, Sections 16-8 through 16-12 of the Annotated Code of Maryland, 1993 Replacement Volume, as amended, where such provisions are applicable to municipal use.

Section 609. Voting Procedure.

The voting at said elections for Mayor and Councilmembers, or upon any proposition submitted to the qualified voters of said municipality, shall commence at seven o'clock A.M., and continue until eight o'clock P.M., as hereinbefore provided

Section 610. Counting Ballots.

(a) Tabulation of Voting Machines. The said Board of Election Supervisors shall count the machine votes as provided in and governed by Sec. 16-16, Article 33, of the Annotated Code of Maryland, 1993 Replacement Volume, as Amended.

(b) Tabulation of Paper Ballots. Immediately upon the closing of the polls the judges of election shall proceed to count the ballots, and the counting or canvass thereof shall not be adjourned or postponed until the count or canvass shall have been fully completed, nor until the returns have been announced publicly and the written returns herein

provided for fully completed and signed by the judges of elections. In counting the said ballots the judges of elections shall be governed by the manifest intent of the voter, where the same can be ascertained, and a cross (X) mark protruding slightly beyond any square in which the same should be made shall not be sufficient cause to reject any ballot; and no ballots shall be wholly rejected if more candidates under any one designation of office shall be voted for than there are offices to be filled, but shall be counted for all other candidates under other designations for whom the same may be properly marked.

Section 611. Returns.

(a) Preparation. The chief judges shall make duplicate statements or returns of the result of the canvass of said votes, each of which shall, if possible, be upon a single sheet of paper, and shall contain a caption containing the day on which said election was held and the hours thereof, and showing the whole number of votes given for each candidate, designating the office for which they were given. Such statements or returns shall be printed, or partly printed or written. In case a proposition of any kind has been submitted to the voters at any election, it shall also show in like manner the number of votes for and against such proposition. At the end of each such statement or return shall be printed or written a certificate that the same is correct in all respects; which certificate and each sheet of paper forming a part of the statement shall be signed by the judges of such election.

(b) Where Sent. If any judge shall decline to sign such return, he or she shall state his or her reasons therefor in writing, and a copy thereof, signed by himself or herself, shall be enclosed with each return; and each return or statement shall be enclosed in an envelope which shall then be securely sealed and each of the judges shall then write his or her name across the fold of the envelope. One of these envelopes shall be directed to the Mayor and the other to the Council of The Villages of Beltsville. The envelope addressed to the Mayor shall be delivered to him or her, and the one addressed to the Council shall be delivered to the President of the Council at the time hereinafter mentioned.

(c) Challenges. All challenges to elections or votes must be in writing to the chief judge within 24 hours after the public announcement of the results pursuant to Section 610(b) of this Charter.

(d) Preservation of ballots. All ballots or official voting tallies of any election shall be preserved for at least six (6) months from the date of the election, after which time they may be destroyed. Absentee ballot applications, certifications, ballot envelopes, and ballots shall be kept separate from ballots cast in the regular voting places and retained for six (6) months after the election

Section 612. Certificates of Election.

The Council shall meet on the Thursday after each election held under the provisions of this sub-title at eight o'clock P.M., at the central government office building, which shall be its regular place of meeting, at which meeting it shall be the duty of the Mayor to be present, to receive the election returns as provided in Section 611. It shall be the duty

of the clerk to the Council to issue certificates of election to the persons who have been certified as elected by the Judges of Elections. Certificates shall be issued by Monday after any such election, stating in each certificate the office to which the person therein named has been elected and his or her term of office.

Section 613. Failure to Elect.

(a) Except as provided in subsection 613(c), in case of a failure to elect an elected officer of the municipality, those presently serving in the affected offices shall continue to serve and perform the duties thereof pending a special runoff election, and the said Board of Election Supervisors shall give notice for a special runoff election to be held on the third Tuesday after the first Tuesday in April, in the same manner as provided for a regular election. Such special runoff election shall be held in all respects as is provided for a general election under the provisions hereof, and the returns thereof shall be made in the same manner. Those candidates for office duly elected shall not be required to be candidates for election in the special runoff election and shall be certified as having been elected as hereinbefore provided.

(b) In case of a failure to elect a mayor or an at-large councilmember due to a tie vote, then a municipal-wide runoff election will be held in accordance with subsection 613(a).

(c) In case of a failure to elect a councilmember from either of a ward in the municipality due to a tie vote between candidates in a ward who receive the highest vote in that ward, then a runoff election shall be held between such candidates in such ward in accordance with subsection 613(a).

Section 614. Absentee Ballot.

Any otherwise qualified voter registered to vote in the elections of The Villages of Beltsville is entitled to vote by Absentee Ballot. Except as otherwise provided herein, the procedures and provisions of Article 33, Sections 27-1, 27-2, and 27-4 through 27-11, inclusive, of the Annotated Code of Maryland 1993 Replacement Volume, as amended and supplemented, are hereby incorporated herein as procedures and provisions concerning Absentee Ballots in municipal elections, with the exception that those terms referring to "Baltimore City" or "County" or "State" or Agency, Board or Department thereof, shall be construed to refer to The Villages of Beltsville or its corresponding Agency, Board or Department, as the case may be. Applications for absentee ballots must be received not later than the Tuesday preceding the election, in accordance with the aforesaid provisions of Section 27-4 of the Maryland Code, except for applications for emergency absentee ballots pursuant to the aforesaid Section 27-2 of the Maryland Code. An absentee ballot shall be considered as received timely provided:

(a) It is received by the Board of Election Supervisors prior to the closing of the polls on election day; or

(b) (1) It was mailed before election day; and

(2) The United States Postal Service, an Army Post Office, a Fleet Post Office, or the postal service of any country, has provided verification of that fact by affixing a mark so indicating on the covering envelope; if the covering envelope contains no such mark, a determination as to date of mailing shall be made by the Board of Election Supervisors,

in the sole and absolute discretion of such Board, based upon such other evidence as may be available; and

(3) The Board receives the ballot from the United States Postal Service not later than 5:00 p.m. on the Tuesday following election day.

Section 615. Other Laws.

In so far as they are not inconsistent with the provisions of this sub-title sections 24-1 through 24-31 of Article 33 of the Annotated Code of Maryland (1957 Edition) as amended, delineating illegal conduct or interference with the election process and any amendments thereto, are hereby adopted and made a part of this sub-title as fully as if they had been herein specifically set out.

Section 616. Recall Procedures.

The mayor or a councilmember may be recalled and removed from office in accordance with the following procedure:

(a) A petition signed by at least twenty percent (20%) of the registered and qualified voters of the municipality must be presented to the Mayor and Council at a regular council meeting stating a desire to have the named elected official subjected to a reaffirmation by a vote of the qualified municipal electorate. A petition shall contain the name of only one elected municipal official. The qualified registered voters signing such petition shall sign the same as their names appear on the municipal election records and under each signature shall be typed or printed each petitioner's name, current address and approximate length of residence in the municipality. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose name appears thereon sign the same in his or her presence.

(b) The petition shall state specifically the justification for recall of the Mayor or, as the case may be, a Councilmember, for one or more of the reasons set forth in section 617.

(c) Upon receipt of a petition, the Mayor and Council shall forthwith refer the petition to the board of election supervisors for the municipality for verification of the appropriate number of qualified registered voters' signatures and addresses. The board of election supervisors shall return such petition with its written findings as to required voters' signatures and addresses by certification to the Mayor and Council at its next regular meeting; and at that meeting, if the petition is authenticated and certified by the board, the Mayor and Council shall announce that (1) within thirty calendar days from that council meeting, a public hearing will be held on the petition, and that (2) within forty-five calendar days from the council meeting at which the certification of the board of election supervisors was received, a special election shall be held in order to allow all qualified registered voters of the municipality to vote on the petition.

(d) The voting ballot will contain the official's name and the choice of "reaffirm" or "remove"; in order for the official to be removed, a majority of those voting must vote "remove".

(e) The voting shall be conducted in the same manner as prescribed herein for general municipal elections; and, if removal results, the vacancy will be filled as provided in

section 319 for a Councilmember or section 356 for the Mayor.

Section 617. Grounds for Recall.

The justification for the recall of the Mayor or, as the case may be, a Councilmember, shall be only for one or more of the following:

- (a) Failure to uphold the oath of office;
- (b) Conviction of a criminal offense of a felony category;
- (c) Engaging in illegal conduct involving moral turpitude, fraud, deceit or intentional material misrepresentation;
- (d) Engaging in conduct involving mismanagement or misappropriation of public funds, a gross abuse of public authority, or a substantial and specific danger to public health, safety or welfare;
- (e) The coercion of any Villages of Beltsville employee into taking an illegal or improper action or taking any retaliatory action against any city employee because of that employee's disclosure of information relating to illegal and improper action in city government;
- (f) The inability to properly perform public duties due to a permanent or chronic physical or mental ailment or other incapacitating defect;
- (g) Gross negligence or incompetence in the performance of public duties;
- (h) Engaging in personal conduct injurious to the reputation and well-being of the government of this municipality and its citizens; or
- (i) Failing or refusing to perform, or action contrary to, an official duty or obligation imposed by the Charter or duly enacted law or ordinance.

Section 620. Ward Boundaries.

(a) The Villages of Beltsville shall be, for election purposes, divided into five (5) wards as follows:

Ward No. 1. The first ward shall embrace all of the area lying _____

_____.

Ward No. 2. The second ward shall embrace all of the area lying _____

_____.

Ward No. 3. The third ward shall embrace all of the area lying _____

_____.

Ward No. 4. The fourth ward shall embrace all of the area lying _____

Ward No. 5. The fifth ward shall embrace all of the area lying _____

(b) The council shall, not less than once after the publication of each decennial census of the population of the United States, evaluate the wards of the municipality to insure that the representation is reasonably equal, and shall have the power to change boundaries thereof. The effective date of any change of boundaries shall be determined by the council.

Section 621. Referenda.

(a) Any ordinance adopted by Mayor and Council of The Villages of Beltsville may be petitioned to referendum, pursuant to the procedures contained in this section, except an ordinance: (1) imposing a tax; (2) appropriating funds for current expenses of the municipal government; (3) establishing or revising wards for election purposes; (4) amending a zoning map; or (5) which expressly provides that such ordinance shall not be subject to a referendum.

(b) Upon the adoption of the Capital Improvement Program, any new project not previously contained in the Capital Improvement Program, and any additions constituting an enlargement of a project shall be subject to referendum, pursuant to the procedures contained in this section. Once a project has been approved by referendum, that portion of a subsequent enabling act or bond issue authorization ordinance relating to the project shall not be subject to referendum, and if a bond enabling ordinance including the project and identifying it is approved by referendum, that portion of any subsequent bond issue authorization ordinance relating to the project shall not be subject to referendum.

(c) Except as provided herein, an ordinance shall be submitted to a referendum of the voters upon petition of twenty percent (20%) of the qualified voters of the municipality. Such petition shall be filed with the Board of Election Supervisors of The Villages of Beltsville within thirty (30) calendar days from the date the ordinance becomes law. If such a petition is filed, the ordinance to be referred shall not take effect until thirty (30) calendar days after its approval by a majority of the qualified voters of the municipality voting thereon at the next ensuing regular election, or any special election for that purpose, the determination of whether a special election will be held to be the discretion of the council.

(d) An emergency ordinance shall remain in force from the date it becomes effective according to its terms, notwithstanding the filing of such petition, but shall stand repealed thirty (30) calendar days after having been rejected by a majority of the qualified voters of the municipality voting thereon.

(e) A petition for referendum may consist of several papers, but each paper shall

contain the text or a fair summary of the ordinance being petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that, to the best of his or her knowledge, information, and belief, the signers are qualified voters of The Villages of Beltsville, as set opposite their names. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the voter registration records shall not invalidate the signature. The invalidation of one signature on a referendum petition shall not serve to invalidate any other signature on the petition.

(f) Each petitioner shall include his or her address and the date of his or her signature opposite his or her printed or typed name. The Board of Election Supervisors shall verify the qualification of said petitioners.

Section 622. Advisory Referenda.

(a) The Mayor and Council, by resolution, may direct that an advisory referendum of The Villages of Beltsville voters be undertaken on the questions set forth in such resolution. Such questions shall be placed on the ballot at the next general election. The results of such referenda shall not be binding upon the Mayor and Council in any way, but shall be for advisory purposes only. Any such resolution shall be adopted at least 60 days prior to the next general election in order to allow time for the question to be placed on the ballot.

(b) Upon the passage of any such resolution, it shall be the duty of the Board of Elections Supervisors to place all questions contained in such resolution on all ballots and on any suitable place on all voting machines, and to certify the results of the voting on all such questions in the manner provided for in this Charter relating to certifications.

Article 700. Public Improvements.

Section 701. Program.

The Mayor and Council shall have prepared on or before February First of each year a proposed Capital Improvement Program. The program shall project capital improvements within The Villages of Beltsville for the six fiscal year period following immediately after the fiscal year in which the program is prepared, it being intended that planning for capital improvements be maintained six years in the future. The program shall include the following:

- (1) A description of each proposed project.
- (2) A priority for each project.
- (3) The total estimate of cost of each project.
- (4) The year-by-year estimate of cost for each project.
- (5) The estimated cost of amortizing indebtedness on each project.
- (6) The effect of amortizing anticipated indebtedness on the tax rate both on the basis of existing and anticipated assessable bases.

Section 702. Adoption Procedure.

Before adopting the Capital Improvement Program, the Council shall hold a public hearing thereon. The Council may, after said public hearings, modify the program by adding to, deleting, changing in scope or changing the order of projects included in the program. Each six year Capital Improvement Program shall be adopted in the form of an ordinance by February 28th of each year. A favorable vote of at least a majority of the total membership of the Council shall be necessary for adoption of the Capital Improvement Program. After adoption of the program no included project may be deleted, significantly modified in scope, or changed in priority except by ordinance of the Council after holding a public hearing

Section 710. Definition of Public Ways.

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

Section 711. Control of Public Ways.

The Villages of Beltsville has control of all public ways in the municipality except such as may be under the jurisdiction of the Maryland State Highway Administration or Prince George's County Government. Subject to laws of the State of Maryland and this Charter, the municipality may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the municipality.

Section 712. Powers of the Municipality as to Public Ways.

The Villages of Beltsville may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any municipal public way or part thereof, bridges, curbs, and gutters, and storm drainage.
- (2) Grade, lay out, construct, open, extend, and make new municipal public ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing municipal public way or part thereof.
- (4) Pave, surface, repave, or resurface any municipal public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any municipal public way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name municipal public ways.
- (8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof

Section 713. Powers of the Municipality as to Sidewalks.

The Villages of Beltsville may:

(1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on municipal property along any public way or part thereof.

(2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on municipal property along any public way or part thereof.

(3) Require that the owners or occupants of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(4) Require and order the owner of any property abutting on any public way in the municipality to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the municipality may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are municipal taxes or by suit at law.

Section 720. Sale of Bonds; Construction Work.

The Mayor and Council of The Villages of Beltsville is hereby empowered to do all acts and things necessary to issue and sell said bonds, and to do all acts and things necessary to be done in the building and construction of the improvements and additions herein provided for, including the right to condemn any land or premises needed for said purposes, and to pass such ordinances in relation to the same and for the protection of the same as may be deemed expedient and necessary

Section 721. Construction of General Public Improvements.

Should the said voters of The Villages of Beltsville vote in favor of bonding the said municipality for the purpose of constructing projects of general public improvement (as provided in section 720), the said Mayor and Council of The Villages of Beltsville shall build or construct, or cause to be built or constructed, said projects as may be from time to time determined to be in the best interest of the citizens of The Villages of Beltsville.

Article 800. Special Assessments.

Section 801. Power of Villages of Beltsville to Levy Special Assessments.

The municipality may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of specific public improvements projects,

storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The municipality may also levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the provision of any special municipal services. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the municipality, and any other item of cost which may reasonable be attributed to the project.

Section 802. Procedure.

(a) Provided. -- The procedure for special assessments, wherever authorized in this Charter, is as provided in this section.

(b) Assessment of Cost. -- The cost of the project being charged for shall be assessed according to the front footage rule of apportionment or some other equitable basis determined by the Council.

(c) Amount. -- The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom nor shall any special assessment be levied which causes the total amount of special assessments levied by the municipality and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) Uniformity of Rates. -- When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) Levy of Charges; Public Hearing, Notice. -- All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Director of Finance shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the municipality. The Director of Finance shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the Director of Finance shall have

completed publication and service of notice as provided in this section. Following the hearing the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) Right to Appeal. -- Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within thirty days after the levying of any assessment by the Council.

(g) Payments, Interest. -- Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(h) When Due; Lien on Property; Collection. -- All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as municipal taxes or by suit at law.

(i) Director of Finance. -- All special assessments shall be billed and collected by the Director of Finance.

(j) Petition for Work. -- Any person or persons desiring the construction of any work authorized under the provisions of these sections may petition the Mayor and Council in writing therefore; and if all the abutting property affected is represented in said petition and the petitioners agree therein to a waiver of legal requirements hereunder the Mayor and Council may direct the construction of said work without compliance with said legal requirements and may assess the cost thereof in accordance herewith as though all legal requirements had been complied with; and said construction and assessments are hereby declared to be legal and valid as in this section provided.

Article 1000. General Provisions.

Section 1001. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by The Villages of Beltsville 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.

Section 1002. Saving Clause: Provisions.

All ordinances and resolutions of the Mayor and Council of The Villages of Beltsville shall remain in force and have the same legal effect as when enacted, the intention being not to repeal by any provision hereof any of the said ordinances, unless they be in conflict herewith.

Section 1003. Enforcement of Ordinances.

To ensure the observance of the ordinances of The Villages of Beltsville, the Mayor

and Council shall have the power to provide that violation thereof shall be misdemeanors unless otherwise specified as municipal infractions. The Mayor and Council shall have the power to establish penalties as allowed by the Annotated Code of Maryland. The Mayor and Council may provide that, if the violation is of a continuing nature and is persisted in, each day that such violation continues shall constitute a separate offense, and a conviction for one violation shall not be a bar to a conviction for a continuation of the offense for each day subsequent to the first or any succeeding conviction.