

COMMISSIONERS OF BARNESVILLE, MARYLAND

SECTION 74- 1. Town Incorporated; General Powers.

The citizens of the Town of Barnesville, in Montgomery County, are hereby created a body corporate by the name of "The Commissioners of Barnesville", with all the powers and privileges of a body politic and corporate, and by such corporate name may have perpetual succession, sue and be sued, plead and be impleaded in a court of law or equity, and may have and use a corporate seal.

SECTION 74- 2. Boundaries Prescribed.

The corporate boundaries of Barnesville, Maryland shall be as set forth in the official legal description and as set forth on the official town map to be adopted by the Commissioners of Barnesville and maintained by the two clerk. (Res. No. 90-001, 2-5-91)

SECTION 74-2a. 1987 Annexation:

SECTION 74- 3. Commissioners- Election: Qualifications.

The qualified voters of said town having resided therein for six months previous to any town election and being eighteen years of age shall, on the first Monday in May, 1912, and annually thereafter on the first Monday in May, elect three commissioners of Barnesville to serve for one year, or until their successors shall be duly elected and qualified; except, that beginning with the election to be held in May 1959, and each election thereafter, said elections shall be held every two years to elect said commissioners to serve for two years. The commissioners must be substantial citizens, resident within said corporate limits; must continue to reside within said corporate limits during their term of office, and must serve without pay.

SECTION 74- 4. Same—Taking Office; Vacancies.

The three commissioners shall, within ten days after their election, choose one of their number president, and all vacancies occurring in said board of commissioners shall be filled by an election held after ten days notice given by the remaining commissioners.

SECTION 74- 5. Same—Meetings.

The commissioners shall meet in some convenient place in said town on or before the first Monday in June following their election and as often thereafter as may be necessary to the discharge of their duties.

SECTION 74- 6. Town Elections Generally.

Said commissioners, every two years, on or before the first Monday in May, shall appoint three judges of election, who shall conduct the elections according to the election laws of the state; except, that the hours of election shall be from 5 o'clock to 8 o'clock P.M.; except further, that one of the judges may act as clerk of said election; and except further, that ballots used may be such as were used at elections prior to the adoption of the "Australian System." The said judges of election shall certify to the commissioners the result of said election and declare the three candidates receiving the greatest number of votes duly elected, and said judges shall receive such compensation for their services as the commissioners shall determine.

SECTION 74- 7. Clerk-Treasurer; Bond; Duties.

Said commissioners shall appoint a clerk, who may also be treasurer, and .who shall keep the minutes of their proceedings in a well-bound book, which shall be open to the inspection of anyone interested. If said commissioners appoint the clerk-treasurer, the said clerk shall give a bond in such sum as the commissioners shall deem proper, and shall pay out the money that shall come into his or her hands only on the orders of the commissioners, which order shall plainly appear in the minutes.

SECTION 74-8. Clerk; Compensation.

The commissioners shall allow their clerk such compensation as they think proper.

SECTION 74- 9. Oath Of Office.

The commissioners and all officers of the corporation, including judges of election, shall, before entering upon the duties of their respective offices, make oath that they will diligently and faithfully, to the best of their abilities, skill and judgment, perform their duties of office, and shall file a certificate of the same among the records of the corporation.

SECTION 74-10. Clerk; Bond.

The clerk shall give bond in such sums as may be deemed proper by the commissioners

for the faithful performance of his or her duties.

SECTION 74-11. Appeals From Decisions Of Commissioners On Matters Relating To Elections.

The commissioners shall receive all returns of elections and shall determine all questions arising therefrom, but any person feeling aggrieved by such decision may appeal therefrom to the circuit court for Montgomery County, which court shall hear and determine such appeal and who shall pay the cost thereof.

SECTION 74 12 General Powers.

The commissioners may pass such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as they may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town. Said power shall include, but shall not be limited to:

- (1) Advertising. - To provide for advertising for the purposes of the town, for printing and publishing and statements as to the business of the town.
- (2) Amusements. - To provide in the interests of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
- (3) Animals. - To regulate the keeping of animals in the town.
- (4) Appropriations. - To appropriate municipal monies for any purpose within the powers of the Commissioners.
- (5) Billboards. - To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, the placing of signs, bills, and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.
- (6) Buildings. - To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code, to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous

or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

(9) Community services. – To provide, maintain and operate community services for the preservation and promotions of health, recreation, welfare, and enlightenment of the inhabitants of the town.

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

(11) Explosives and combustibles. – To regulate or prevent the storage of 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.

(12) Filth. – To compel the occupant or owner of any premises, building or structure situated in the town, if it has become filthy or unwholesome, to abet 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 asses the expense thereof against the property, making it collectable by taxes or against the occupant or occupants.

(13) Finances. – To levy, asses, and collect *ad valorem* property taxes, subject to the restriction of Section 13 of the town charter; to expend municipal fns for any purpose; to have general management and control of the finances of the town.

(14) Fire. – To suppress fires and prevent the dangers thereof; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire hazardous buildings and structures permanently or until the conditions of town fire hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(15). Franchises. - To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland.

(16). Garbage. – To prevent the deposit of any unwholesome substance to either private

or public property and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

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

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

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

(20) 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 town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place or amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

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

(22) Lights. – To provide for the lighting of the town.

(23) Nuisances. - To prevent or abate by appropriate ordinance all nuisances in the town which are so defined in common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate. To prohibit, to

control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.

(24) Obstructions. – To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(25) Police powers. – To exercise generally all police powers 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, comforts, convenience, welfare, and happiness of the residents and visitors in the town.

(26) Property. - To acquire by conveyance, purchase, or gift, real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants, and to convey any real or leasehold property when no longer needed for the public use; to control, protect and maintain public buildings, grounds, and property of the town.

(27) Regulations. – To adopt by ordinance and enforce within the corporate limits of the town reasonable regulations for the promotion of the health, safety, comfort, convenience, welfare and security of the residents of and visitors in the town including, but not limited to, sanitary, fire, building, plumbing, traffic, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

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

(29) Saving clause. – The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Res. No. 90-002, 2-5-91)

SECTION 74 - 13. Assessments; Taxes.

The commissioners may, as often as they deem advisable, cause an assessment to be made of all the real and personal property within said town or the corporate limits thereof, by a person to be appointed and paid by them, and the commissioners may levy a tax thereon, not exceeding sixty cents on the hundred dollars' worth of assessable property in any one year.

SECTION 74-14. Appeals From Assessments.

Any person dissatisfied with the assessment may appeal to the commissioners at their first meeting after such an assessment is made, and said commissioners shall increase or abate such assessment as they deem fit.

SECTION 74 - 13. Tax Lists.

Whenever the commissioners shall levy a tax they shall cause to be made out a list of the persons charged therein, and shall cause to be affixed thereto the respective sums to be collected from such persons and a warrant to the clerk to collect the same.

SECTION 74 - 16. Tax Sales, Procedures, etc.

The clerk shall within ten days after the receipt of such list and warrant, make out and mail to each taxpayer a bill or account containing a statement of the amount of real and personal property for 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. The taxes provided for in this Charter are due and payable on the first day of July in the year in which they are levied and are overdue on the first day of the following October. They shall bear interest while unpaid at the rate of one percentum for each month or fraction of a month until paid. A list of all properties on which the town taxes are unpaid by the first day of the following January shall be turned over by the clerk 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 by this county official, in the manner prescribed by state law.

SECTION 74 - 17. Clerk Duty To Collect Tax Bills Within Six Months

The clerk shall make all collections required of him or her, and pay the same into the town treasury within six months from the time the tax bill is placed in his or her hands.

SECTION 74 -18, President Of Commissioners; Powers; Duties.

The president shall preside at all meetings of the commissioners, and shall have all the powers and authority of a justice of the peace in any matter wherein the commissioners are a party, and shall receive the same fees allowed justices of the peace in similar cases; and an appeal from his judgment wherein the fine or demand exceeds five dollars may be taken to the

circuit court for Montgomery County, which shall hear and determine the matter as upon appeals from justices of the peace.

SECTION 74 -19. Collection Of Fines And Penalties.

Any fines, penalties or forfeitures imposed by this Charter or by any ordinance of the commissioners may be collected by proceedings in the name of the commissioners or under warrant of a justice of the peace, and the said president or justice of the peace shall have power to commit the offender to the county jail on failure to pay such fines or forfeitures until the same shall be paid, with costs.

SECTION 74 -20. Deficit Spending Prohibited.

The commissioners shall not expend or contract to expend in any one year more money than the revenues for that year; except, should the need arise, funds may be borrowed or otherwise obtained after a referendum on the question, effective only on the affirmative votes of at least 51% of those voting.

SECTION 74 -21 Jurisdiction Of Various Officials; Annual Payments From County For Roads And Streets.

All state and county officers shall have, hold and exercise their offices and jurisdiction in said town as if this Charter had not been granted; and the county council of Montgomery County shall, on or before the first day in January, in each year pay over to the commissioners of said town of Barnesville that proportion of the entire county levy for the laying out and repairs of roads which the real property assessed within the limits of the Town of Barnesville bears to the whole amount of assessed property in Montgomery County, so that the commissioners of Barnesville may receive and disburse for the repair and maintenance of the streets of said town the amount levied upon the real property within the corporate limits of the Town of Barnesville for the construction and repair of roads by the said County Council of Montgomery County.

SECTION 74 -22. Severability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with or part of section to

which such holding shall directly apply.