

CHARTER
OF THE
Town of Thurmont

FREDERICK COUNTY, MARYLAND

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[HISTORY; Adopted by the Board of Commissioners of the Town of Thurmont 6-4-86 by Res. No. 86-3. Amendments noted where applicable.]

THURMONT

ARTICLE I Incorporation and Boundaries

Section C-1. Incorporation.

The citizens of the village formerly known as "Mechanicstown" are created a body politic by the name of "The Town of Thurmont," with all the privileges of a body corporate and as such shall have succession, by their corporate name may sue and be sued, plead and be impleaded, grant, receive and do all other acts as natural persons, purchase and hold real, personal and mixed property or dispose of the same for the benefit of the town and have and use a common Seal, which they may change at pleasure.

Section C-2. Boundaries.

The corporate bounds of the Town of Thurmont for all purposes shall be as follows: beginning at a concrete monument at the junction of the east side of State Road No. 550 leading from Thurmont to Creagerstown and on the south side of State Road No. 77 leading to Rocky Ridge; thence, by true bearing, across the lands of Albaugh and Powell south 73° 30' west a distance of 1,972.36 feet; thence south 28° 8' 47" east a distance of 364.17 feet to an eighteen-inch walnut tree; thence south 21° 41' 48" east a distance of 445.20 feet to a five-eighths-inch rebar found on a fence-line intersection on the northwest corner of the S.N. Lawyer property as recorded in Liber No. 452, Folio No. 33; thence with said property 2 courses south 21° 48' 25" east a distance of 571.07 feet to a planted stone found on a fenceline intersection referred by an SBC; thence south 70° 48' 24" west a distance of 676.98 feet to a planted stone found referenced by an SBC on the north corner of the K.M. Angleberger property as recorded in Liber No. 766, Folio No. 490; thence with said property 2 courses south 70° 56' 13" west a distance of 701.83 feet to a fencepost on the north side of Moser Road; thence south 70° 56' 13" west a distance of 26.39 feet to a point in the center of Moser Road; thence with the center of said road north 31° 23' 46" west a distance of 1,790.31 feet; thence south 82° 55' 13" west a distance of 310.03 feet to a monument placed along the west edge of the H. and F. Railroad right-of-way about 200 feet from the south side of Moser Road; thence across the lands of Robert Humerick north 73° 28' west a distance of 1,321.80 feet to intersect the line of division between Robert Craft and Nicholas Divados and Robert Humerick properties; thence, along and with the line of division with the aforesaid properties, south 50° 48' 26" west 190.00 feet; thence south 52° 36' 21" west a distance of 524.16 feet; thence south 56° 38' 33" west a distance of 889.78 feet; thence north 71° 59' 51" west a distance of 302.58 feet to the eastern State Highway Administration right-of-way line along Route No. 806; thence, along aforesaid right-of-way line, north 2° 6' 23" east a distance of 61.24 feet; thence north 1° 31' 45" east a distance of 287.76 feet; thence north 82° 1' 13" west a distance of 50.00 feet to a T-bar on the west side of Maryland Route No. 806; thence north 82° 1' 13" west a distance of 199.62 feet to a T-bar; thence, running with property conveyed from Lester L. Moser and wife Virginia L. Moser to the vestry of Catoclin Parish of Frederick County by deed dated January 13, 1975, recorded in Liber No. 954, Folio No. 582, north 66° 42' 59" west a distance of 262.55 feet to the State Highway Administration right-of-way, Plat No. 13732 and Plat No. 46850 to an iron pipe; thence north

29° 34' 38" east a distance of 659.02 feet with said right-of-way through highway to a point 100.00 feet right of station 112+52.00 and passing over an iron pipe at the end of 456.51 feet; thence north 73° 47' 17" east a distance of 206.49 feet to a point on the west side of Maryland Route No. 806 as shown on the State Highway Administration of Maryland Plat No. 13732 and Plat No. 46850; thence north 88° 55' 33" east a distance of 58.03 feet to the northerlymost corner of Lot No. 1, Thurmont Business Park, as shown on plat recorded in Plat Book 23, page 38; thence across Maryland State Highway Administration right-of-way Plat No. 47699 and Plat No. 46851 north 19° 30' west to lands of Thomas J. and Cleta D. Toomey for a distance of 897.68 feet to a concrete marker; thence running with and binding on said west right-of-way line as shown on said Maryland State Highway Administration Plat Nos. 46850, 46851 and 47699, the following 6 courses and distances: south 52° 48' 10" west a distance of 129.76 feet to a point; thence south 28° 7' 7" west a distance of 101.30 feet to a point; thence 44° 46' 5" west a distance of 176.49 feet to a point; thence 44° 45' 41" west a distance of 25.21 feet to a point; thence south 39° 21' 24" west a distance of 134.94 feet to a point; thence south 38° 45' 3" west a distance of 349.58 feet to a point; thence leaving said west right-of-way line of United States Route No. 15 and running with and binding on the outlines of said plat recorded in plat book 19, page 168, the following 6 courses and distances: north 66° 51' 57" west a distance of 48.23 feet to a point; thence south 44° 6' 42" west a distance of 316.72 feet to a point; thence north 63° 13' 19" west a distance of 596.64 feet to a point; thence north 14° 31' 9" each [east] a distance of 462.00 feet to a point; thence north 74° 52' 19" west a distance of 570.90 feet to a point; thence north 8° 48' 30" east a distance of 997.83 feet to the northwesterly corner of Lot No. 3, as shown on plat of Altogether, and running by and with the easterly and northerly outline of said Lot No. 3 north 85° 57' 49" east a distance of 286.50 feet; thence, with the easterly and northerly outlines of said Lot No. 3, north 9° 38' 7" east a distance of 160.00 feet; thence south 85° 57' 49" west for a distance of 254.62 feet; thence south 47° 47' 58" west a distance of 30.90 feet to a point on the easterly line of Pryor Road and at the end of the north 90° 38' 7" east a distance of 140.35 feet a line as shown on a plat of subdivision for Section 1, Lot Nos. 1, 2 and 3 of the Altogether, as recorded among the land records, Liber No. 11, Folio No. 104; thence, running with the continuation of the last said line and with the aforesaid easterly and northerly outlines of said Lot No. 3 north 9° 38' 7" east a distance of 52.92 feet; thence leaving Pryor Road and running south 42° 12' 7" east a distance of 39.31 feet; thence north 85° 57' 49" east a distance of 242.46 feet; thence north 90° 38' 7" east a distance of 298.06 feet; thence with a line of division between the lot owner [owned] by Gary L. Seiss in Yellow Hills Subdivision, Section 1, Lot No. 3, and a lot owned by Gary L. Clabaugh in Altogether Subdivision, Section 1, Lot No. 1, and running with a line of division south 84° 44' 42" west for a distance of 75.54 feet; thence with a line of division between a lot owned by Strafford H. Lawyer in Yellow Hills Subdivision, Section 1, Lot No. 1, and a lot owned by Gary L. Clabaugh in Altogether Subdivision, Section 1, Lot No. 1, and running with aforesaid line of division north 80° 8' 41" west a distance of 193.48 feet to a concrete marker located along the east side of Pryor Road; thence running along the east side of Pryor Road north 15° east to a concrete marker located along Maryland Route No. 77; thence and with the existing State Highway Administration right-of-way line on the south side of Maryland Route No. 77, north 77° 13' 11" east a distance of 585.00 feet to a concrete marker; thence and with the state right-of-way line north 88° 44' east a distance of 330.06 feet to a concrete marker; thence with the state right-of-way line along the south side of Maryland Route No. 77, north 69° 14' 7" east a distance of 308.33 feet to a concrete marker; thence crossing Maryland Route No. 77, north 10° 45' 31" west a distance of 1,313.64 feet to a concrete marker located near an old

cherry tree; thence along the lands of the recreational demonstration projects, Catoctin area, Frederick County, Maryland Tract No. 80Am Option No. 2, as shown on Drawing No. 3L D-MD4 dated June 11, 1936; Drawing No. AC-42, the following 11 courses and distances: north 59° 28' west a distance of 290.4 feet; thence north 72° 13' west a distance of 115.5 feet; thence north 18° 17' east a distance of 198.0 feet; thence north 74° 28' west a distance of 356.4 feet; thence north 3° 47' east a distance of 825.0 feet; thence south 78° 13' east a distance of 655.4 feet; thence north 3° 47' east a distance of 363.0 feet; thence south 78° 13' east a distance of 412.5 feet; thence north 35° 47' east a distance of 1,008.1 feet; thence south 76° 43' east a distance of 115.5 feet; thence north 23° 32' east a distance of 544.5 feet to a corner of the recreational demonstration projects land heretofore mentioned, such corner being marked by a concrete monument; thence north 34° 37' east a distance of 1,570.67 feet, such line crossing the tracks of the Western Maryland Railway Company and ending where said line intersects the eastern right-of-way of the above railroad; thence with said right-of-way, north 15° 15' 53" west a distance of 1,308.53 feet; thence with the northern boundary of the Elmer D. Bollinger property, the following 2 courses and distances: north 67° 7' 19" east a distance of 604.43 feet; thence north 55° 52' 22" east a distance of 287.26 feet to the land of Edgar Robinson; thence with the Robinson land south 14° 50' 14" east a distance of 439.00 feet to the southwest corner of said land; thence north 77° 7' 44" east a distance of 494.62 feet to the northwest corner of the Philip L. Zentz lot; thence with the western boundary of the Zentz lot and others south 11° 15' 31" east a distance of 674.65 feet; thence south 1° 17' 44" west a distance of 474.71 feet to a point on the western boundary of the Frank P. Gaither lot; thence south 70° 13' 13" east a distance of 340.00 feet, which line crosses State Road No. 550 leading to Sabillasville to a concrete monument; thence north 0° 34' 58" east a distance of 395.0 feet; thence north 89° 25' west a distance of 150.00 feet to a point along State Road No. 550; thence north 0° 34' 58" east a distance of 60 feet parallel along State Road No. 550 to a concrete monument; thence south 89° 25' 2" east a distance of 150.00 feet to a concrete monument also being the southeast corner of C. Myers lot; thence north 0° 34' 58" east a distance of 46.00 feet to the Board of Education property; thence with a line of division with the Board of Education property south 46° 4' 56" east a distance of 373.00 feet to the lands of the Maryland State Highway Administration; thence with a line of division with the Maryland State Highway Administration lands south 63° 5' 25" west a distance of 114.14 feet; thence south 65° 32' 51" west a distance of 47.99 feet; thence north 85° 25' west a distance of 104.01 feet to a concrete monument; thence south 0° 34' 58" east a distance of 165.00 feet; thence south 70° 13' east a distance of 1,034.36 feet and terminating at a concrete monument on the west side of Route No. 806 leading from Thurmont to Emmitsburg; thence south 45° 17' east a distance of 111.14 feet, such a line being roughly parallel to and north of an old county road; thence north 20° 14" east a distance of 77.20 feet; thence north 68° 37' 25" west a distance of 69.04 feet to the right-of-way line on Route No. 806; thence north 25° 20' 53" east a distance of 100.00 feet, said line being parallel with the western right-of-way line of Route No. 806; thence with a line of division of the Albert L. Staub property south 68° 37' 25" east a distance of 677.80 feet to a concrete monument; thence north 43° 3' 5" east a distance of 887.97 feet; thence with a line of division of the J.D. Lawler property south 56° 15' 3" east a distance of 819.05 feet; thence with a line of division of the J. J. Simmers property south 33° 22' 56" west a distance of 494.89 feet; thence north 59° 17' west a distance of 298.41 feet; thence south 50° 51' 34" west a distance of 685.66 feet; thence south 21° 45' east a distance of 691.88 feet; thence south 70° 25' 48" west a distance of 107.32 feet to a concrete monument; thence south 80° 26' east a distance of 1,592.50 feet to a monument placed at a distance of 185.60 feet from the east

side of Apples Church Road and 357.4 feet from the north side of the county road leading from the Thurmont and Emmitsburg Pike (Route No. 15); thence across the lands of Zentz and Simmers south 1° 42' west a distance of 2,178.28 feet; thence south 76° 2' east a distance of 526.75 feet to a corner fencepost; thence south 3° 26' 58" east a distance of 133.72 feet to a T-bar bearing Cap No. 7541; thence south 29° 28' 59" east a distance of 695.62 feet to a T-bar; thence leaving the last said line of division and continuing with said plat outlines; thence south 54° 31' 1" west a distance of 91.01 feet to a T-bar found in the aforesaid railroad line; thence running with the same for the next 2 lines 359.70 feet along the arc of a curve deflecting to the left, said curve having a radius of 1,461.63 feet; said arc subtended by a chord bearing north 78° 47' 18" west a distance of 358.79 feet long and north 85° 50' 18" west a distance of 460.95 feet; thence along the south side of Western Maryland Railway right-of-way 4 courses and distances; south 85° 52' 4" east a distance of 274.17 feet to a point; thence by chord bearing south 71° 51' 30" east with a chord of 1,022.88 feet and an arc distance of 1,033.23 feet to a point; thence south 58° 23' 2" east a distance of 626.84 feet to a point; thence south 61° 2" east a distance of 353.61 feet to a concrete monument; thence south 50° 25' 58" west a distance of 188.00 feet to a concrete monument; thence south 21° 40' 58" west for a distance of 371.25 feet to a concrete monument; thence south 1° 32' 2" east a distance of 151.45 feet to a concrete monument; thence south 84° 53' 58" west a distance of 482 feet to a concrete monument; thence south 13° 31' 36" west for a distance of 463.70 feet to a planted stone; thence south 22° 35' 26" east to a stone; thence south 65° 36' 32" west a distance of 1,146.22 feet to a center line of Route No. 77; thence with the center line of Route No. 77 north 82° 17' 31" west a distance of 448.86 feet; thence north 7° 49' 28" west a distance of 14.85 feet to an iron pipe; thence north 78° 19' 28" west a distance of 83.90 feet to the place of beginning. See note 5.

Section C-3. Police limits.

The police limits of the Town of Thurmont shall extend one-half (1/2) mile in all directions beyond the corporate limits of the town or as requested by appropriate law enforcement officials for emergencies.

ARTICLE II

Powers of Board of Commissioners

Section C-4. Meetings.

The Commissioners of the Town of Thurmont may meet together at such times as occasion may seem to require, upon the business of the town, not less than once in every three (3) months.

Section C-5. Promulgation of laws.

A. The Commissioners of the Town of Thurmont shall have the power to make bylaws, regulations and ordinances not in conflict with the Constitution and laws of the state. All ordinances shall be entered by the Town Clerk-Treasurer in a book kept by him for that purpose

and shall at all times be open for the inspection of any person interested. Copies of all ordinances shall be put up in the most public places of the town.

B. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners of the Town of Thurmont held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all members of the legislative body present at that meeting, provided that a quorum exists.

C. Every ordinance shall become effective with its passage.

Section C-6. Enforcement; general penalty; disposition of moneys.

A. To ensure the observance of the ordinances of the town, the Commissioners shall have the power to provide that violation thereof shall be a misdemeanor or an infraction and shall have the power to affix thereto penalties as provided in and pursuant to Subsection B. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance or resolution passed under authority of the Town Charter shall have the right of appeal within ten (10) days after the conviction thereof to the County Circuit Court. The Commissioners may provide that where the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. *General penalty.*

(1) *Misdemeanors.* Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable, upon conviction thereof before any Trial Magistrate sitting in Thurmont or in the County Circuit Court, by a fine not to exceed one thousand dollars (\$1,000.) or by imprisonment for ninety (90) days in the county jail in the discretion of the court or Trial Magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(2) *Municipal infractions.* The Town Commissioners may provide that violations of any municipal ordinance shall be a municipal infraction within the terms of Article 23A, § 3(b), of the Annotated Code of Maryland, as the same may be amended from time to time, and is further empowered to provide for same by ordinance.

C. *Disposition of moneys.*

(1) The Commissioners of Thurmont may impose and appropriate fines, penalties and forfeitures for the breach of their ordinances.

(2) All fines, fees and costs shall go to the town and shall be appropriated as directed by ordinance.

D. The county sheriff shall receive and keep safe in the county adult detention center all persons who shall be committed thereto for a breach of any of the laws or ordinances of the town, according to the tenor of the commitment, and in the same manner and under the same regulations as persons committed for a violation of laws of the state.

Section C-7. Ordinances.

The Commissioners of the Town of Thurmont may pass all ordinances necessary to:

- A. Preserve the health of the town.
- B. Prevent the introduction of contagious diseases.
- C. Prevent and remove nuisances.
- D. Preserve the peace, order and quiet of the town.
- E. Prevent drunkenness.
- F. Promote the good order and welfare of the town, provided that such ordinances are not contrary to the laws or Constitution of the state.
- G. Open, close and widen or narrow and to grade, regrade, pave and keep in repair the streets, lanes, roads, alleys and bridges within the limits of the town.
- H. Prevent horses, wheelbarrows and other vehicles from passing on or over the footwalk or pavements within the taxable limits of the town.
- I. Tax any particular part or district of the town for improvements which may appear for the particular benefit of such part or district.

Section C-8. Building standards.

The Commissioners of the Town of Thurmont shall have the power, by ordinance, to adopt a Building Code to govern and control the erection and repair of buildings within the corporate limits of the town and to prescribe penalties for the violation of such code.

Section C-9. Zoning.

The Commissioners of the Town of Thurmont shall have the power, by ordinance, to adopt a Zoning Code to govern the use of buildings for residential, commercial and industrial purposes and to prescribe penalties for the violation thereof. The Commissioners shall also have

and exercise the powers as to zoning granted by Article 66B of the Annotated Code of Maryland, and amendments thereto. (See note (1))

Section C-10. Water supply.

The Commissioners shall provide for the adequate supply of safe water. Fireplugs shall be erected and kept in repair as the Commissioners deem necessary. (See note (2))

Section C-11. Sidewalks, curbs and gutters.

The Commissioners of the Town of Thurmont shall have full power and authority to designate the line, width and location of all sidewalks and gutters within the town and to grade and pave the same and compel parties on streets already graded within the town to pave such sidewalks or gutters and shall have full authority to designate the material with which such sidewalks or gutters, including curbing, are to be constructed or require the owner to reconstruct the same, out of such material as the Commissioners may designate. (See note (3))

Section C-12. Parks.

A. The Commissioners of the Town of Thurmont are authorized and empowered to own in their name, for the benefit of the town, and to acquire such real estate, either by gift or donation, for the purpose of creating and maintaining a memorial park, dedicated to those residents of the Thurmont District who gave their services to the nation. When such real estate has been so acquired by the town, the real estate shall be deeded to the town in fee.

B. The Commissioners of the Town of Thurmont are authorized and empowered to own in their name, for the benefit of the town, and to acquire real estate, either by purchase, gift or donation for the purpose of establishing and maintaining public parks, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of its citizens.

Section C-13. Railroad franchises.

The Commissioners of the Town of Thurmont shall have the power and authority to authorize, permit and by ordinance to grant to any railroad company whose road enters or is intended to enter the corporate limits of the town the right and privilege of laying down and constructing its tracks and of building and grading its road along, through and over any of the streets, lanes or alleys of the town, subject to such regulations as may be prescribed in the ordinances granting such right and privileges of laying down and constructing such track and building and grading such road along, over and through any street, lane or alley of the town.

Section C-14. Parking and parking meters.

The Commissioners of the Town of Thurmont are authorized to install parking meters on the streets of the town at such places as they shall determine and to prescribe by ordinance regulations for the use thereof. The Commissioners shall have power, by ordinance, to prescribe penalties for the violation of any ordinance relating to parking on the streets of the town or for

violating any regulation which the Commissioners are authorized to ordain as to the use of such parking meters. All fines imposed for the violation of such ordinances shall be paid to the Town Clerk and be used for such purposes as the Commissioners shall determine. (See note (4))

Section C–15. Thurmont Municipal Light Company.

A. The Commissioners of Thurmont are hereby granted full power and authority to own, operate and maintain the Thurmont Municipal Light Company and to make all such contracts as may be necessary to light streets, lanes, alleys and public properties of the town and furnish light and power to its citizens.

B. *Extension of service.* The Commissioners of Thurmont are hereby authorized to extend the use and operation of the electric light plant owned by the town on the same terms and conditions the plant is operated in the town. Nothing in this section is intended or shall be taken or construed as relieving the Commissioners from any and all provisions of Chapter 180 of the Acts of the General Assembly of Maryland of 1910, known as the “Public Service Commission Law,” or any amendment thereto.

Section C–16. Police Department.

The Commissioners of the Town of Thurmont are hereby authorized to create and establish a Police Department, with such number of officers as they shall determine.

Section C–17. Retirement system.

The town may do all things necessary to include its officers and employees or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer’s share of the cost of any such retirement or pension system out of the general funds of the town.

Section C–18. Additional offices.

The Commissioners of the Town of Thurmont may, from time to time, under such conditions and terms as they may by ordinance direct, appoint such other offices as they may deem necessary to carry into effect the ordinances of the town and may fix the terms and conditions and compensation of each. They may remove, for cause, any of such appointees but not without due notice and a fair hearing of such causes before such action is taken.

ARTICLE III

Elections and Appointments

Section C–19. President and Commissioners.

A. *Terms of office.* All legislative powers of the town are vested in the President and four (4) Commissioners. The term in office of the President and Commissioners shall be four (4)

years. The terms shall be staggered. Elections shall be held every odd-numbered year; i.e., the next election for President and two (2) Commissioners shall be on the fourth Monday in October 1985, and the next election for the two (2) remaining Commissioners shall be on the fourth Monday in October 1987. All elected officials are to assume office on the first day of November. Each Commissioner shall hold office until his or her successor has been duly elected and qualified.

B. *Qualifications of Commissioners and voters.* The President and Commissioners of Thurmont shall have resided within the taxable limits of the town for one (1) year next preceding the election. All citizens of the United States, eighteen (18) years old and older, who reside within the taxable limits of the Town of Thurmont shall be entitled to vote after proper voter registration.

C. *Compensation.* The President and Commissioners shall receive as compensation for their respective services an annual salary which shall be as specified from time to time by a resolution passed in the regular course of business. Any salary increase will be passed upon the affirmative vote by the President and two (2) Commissioners whose terms are to expire and shall be effective for the full Board of Commissioners upon the election of the President and two (2) Commissioners. Any proposed salary increase will be accommodated in the budgetary process of the town.

Section C-20. President Pro Tempore.

The Board of Commissioners, at their first meeting after each municipal election, shall select one (1) of their own number as President Pro Tempore. The President Pro Tempore shall act as President in the case of the temporary absence or indisposition of the President and shall have and exercise all the powers of the President conferred by this Charter.

Section C-21. Removal from office.

The holder of any elected office in the Town of Thurmont may be removed after the date of his or her election by the electors qualified to vote for a successor of such incumbent. The procedure for the removal of an incumbent of an elected office shall be as follows:

A. A petition signed by not less than twenty percent (20%) of the qualified voters of the town must be filed with the Clerk-Treasurer no sooner than six (6) months after the election. The petition will name the elected official to be recalled and will request that the official's name be placed on the ballot of the next municipal election. The signatures on this petition must be in the same form as those on the voter registration records.

B. Within ten (10) days from the filing of such petition, the Clerk-Treasurer shall certify to the Board of Commissioners as to the validity of the petition. To determine validity, the Clerk-Treasurer shall compare the signatures on the petition against those signatures on the voter registration records. If the petition is certified as valid, the Board of Commissioners shall cause the name of the official to be recalled to be placed on the ballot of the next municipal election. If

the petition is found to be invalid, the Clerk–Treasurer will so certify and return the petition to the filer.

C. The successor of any official removed by recall shall hold office during the unexpired term of his or her predecessor.

Section C–22. Appointment of Judge.

The Commissioners of the Town of Thurmont shall annually appoint some person to act as Judge of each town election who shall open the polls at the corresponding times of federal, state and county elections. Said times of opening and closing shall be Eastern standard time or Eastern daylight saving time, as the same may be in effect in the Town of Thurmont. The candidates who shall have the plurality votes shall be declared elected.

Section C–23. Tie votes; new elections.

If, at any election for Commissioners of the Town of Thurmont, it shall appear by the certificate of the Judge of Election that any two (2) or more persons voted for as Commissioners have received the same number of votes, so that there is no choice for an entire Board but a vacancy in one (1) or more seats, if there shall be as many as three (3) duly elected, the incumbent Board of Commissioners, or any three (3) of them, shall assemble immediately and shall proclaim a new election to supply the vacancy occasioned by the failure to elect, giving at least five (5) days' notice of such election.

Section C–24. Filing [Filling] vacancies.

If during this [the] year for which they are elected, any Commissioner shall die, resign, remove from the town or for any cause be disqualified, an election to fill the vacancy, on ten (10) days' notice being given by the Commissioners, shall be held at which all persons qualified as specified in this Charter shall be entitled to vote.

Section C–25. Failure to hold elections.

If the inhabitants of the Town of Thurmont at any time neglect to make an election as directed in this Article, the power of electing the Commissioners shall not thereupon cease but shall continue as though such election had been made, and the President and Commissioners for the time being shall remain in office until such annual election shall be needed.

ARTICLE IV Finance

Section C-26. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year and the accounting year.

Section C-27. Budget.

The President, on such date as the Board of Commissioners by ordinance determines, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Board of Commissioners. 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 year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, open to public inspection by anyone during normal business hours.

Section C-28. Adoption of budget.

Before adopting the budget the Board of Commissioners shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Board of Commissioners may insert new items or may increase or decrease the items of the budget. If the Board of Commissioners increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. 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 membership of the Board of Commissioners is necessary for adoption.

Section C-29. User charges.

The Commissioners of the Town of Thurmont are hereby authorized and empowered to impose and collect a charge for the use of water, sewer and electricity of the town. Such charges shall be collected on a regular basis and shall be liens on the property served by such.

Section C-30. Assessments for improvements.

The Commissioners of the Town of Thurmont shall have the power to provide for the payment of damages and expenses of opening, widening, laying out and grading the streets, lanes and alleys in the town by levying and assessing the same generally upon the whole of the assessable property or especially upon the assessable property of persons benefited thereby.

Section C-31. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town.

Section C-32. Audit.

The financial books and accounts of the town shall be audited annually as required by § 40 of Article 19 of the Annotated Code of Maryland (1957 Edition, as amended).

Section C-33. Levy of taxes.

The President and Commissioners of the Town of Thurmont are hereby authorized and empowered to levy, annually, with full power to provide by ordinance for the collection of the same, upon the taxable property of the town, such taxes as, in their judgment, may be necessary and proper to pay all expenses and debts of the town and all obligations lawfully incurred in pursuance of the power conferred by this Charter. Such levy shall not be in gross but shall designate the particular purposes for which the levy is made and the amount levied for each particular purpose. Such taxes, when levied, shall be a lien on the property on which they are levied, in the same manner as state and county taxes are liens on property on which such taxes are levied.

A. *Overdue taxes.* The taxes provided for in this section of this Charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of one-half of one per centum (1/2 of 1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in this section.

B. *Sale of tax-delinquent property.* A list of all property on which the town taxes have not been paid and which are in arrears as provided by this section of this Charter shall be turned over by the Clerk-Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by state law.

Section C-34. Abatement and exemption.

A. The Commissioners of the Town of Thurmont are authorized and empowered, whenever it shall seem to them expedient for the encouragement of the growth and development of manufacturers and manufacturing industry in the town, to provide by general ordinance for the abatement of any or all taxes levied by authority of the Commissioners.

B. In addition, the Commissioners may, by general ordinance, exempt from taxation for municipal purposes any mechanical tools or implements, whether worked by hand, steam or other motive power, machinery, manufacturing apparatus or engines owned by any person in the

town and properly subject to valuation and taxation which shall be actually employed and used in the business of manufacturing in the town.

C. Such abatement or exemption shall be extended to all persons engaged in the branch of manufacturing industry proposed to be benefited by ordinances under the provisions of this section.

Section C-35. Tax anticipation borrowing.

During the first six (6) months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year and may 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 tax and shall mature and be paid not later than six (6) 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 town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Board of Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section C-36. Municipal bonds and notes.

The Commissioners of the Town of Thurmont are authorized to levy upon the assessable property of Thurmont for such amount as shall be necessary, from time to time, to pay the interest and, as from time to time the same shall mature, to pay the principal of all municipal bonds and notes issued according to law and to provide a sinking fund thereof.

Section C-37. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness issued under the authority of this Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section C-38. Previous issues.

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

ARTICLE V Officers and Employees

Section C-39. Oath of office.

The President of the Commissioners of the Town of Thurmont and all other officers of the town, before they enter upon the duties of their respective offices, shall severally take the following oath or affirmation: "I do solemnly swear or affirm that I will faithfully execute the office of _____ to the best of my knowledge and ability, without favor, affection or partiality."

Section C-40. President of Commissioners.

A. The President shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

B. The President, with the approval of the Board of Commissioners, shall appoint the heads of all offices, departments and agencies of the town government as established by this Charter or by ordinance. All subordinate officers and employees of the offices, departments and agencies of the town government shall be appointed and removed by the Board of Commissioners in accordance with rules and regulations which may be adopted by the Board.

C. The President, each year, shall report to the Board of Commissioners the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

D. The President shall have supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Board. He shall supervise the administration of the budget as adopted by the Board. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

E. The President shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Board of Commissioners.

F. The President shall provide a bond with such corporate surety and in such amount as the Board of Commissioners may require.

G. It shall be the duty of the President and Commissioners, at least ten (10) days before each regular election, to have prepared a detailed statement of the financial condition of the town, including receipts and expenditures of all kinds whatsoever, for the preceding year. Additionally, there shall be a summary of the capital improvement programs presented at the primary meeting which will list the expenditures for the previous fiscal year and the current fiscal year to date.

H. The President can vote to break or create a tie vote. The President may not vote to create a tie and then cast the deciding vote.

Section C-41. Clerk-Treasurer.

A. There shall be a Clerk-Treasurer appointed by the President with the approval of the Board of Commissioners and he shall serve at their pleasure. His compensation shall be determined by the Board of Commissioners. The Clerk-Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the President.

B. *Powers and duties.* Under the supervision of the President, the Clerk-Treasurer shall have authority and shall be required to:

(1) Prepare at the request of the President an annual budget to be submitted by the President to the Board.

(2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(3) Maintain a general accounting system for the town in such form as the Board may require and in conformance with state law.

(4) Submit at the end of each fiscal year and at such other times as the Board may require a complete financial report to the Board through the President.

(5) Ascertain that all taxable property within the town is assessed for taxation.

(6) Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the town and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(7) Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the affairs of the town as the President or the Board may require or as may be required elsewhere in this Charter.

(9) The Clerk-Treasurer shall provide a bond with such corporate surety and in such amount as the Board, by ordinance, may require.

Section C-42. Town Attorney.

The President with the approval of the Board of Commissioners may appoint a Town Attorney. The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals.

The Town Attorney is the legal adviser of the town and shall perform such duties in this connection as may be required by the President or the Board of Commissioners. His compensation shall be determined by the Board of Commissioners. The town has the power to employ such legal consultants as it deems necessary from time to time.

NOTES

(1) Provisions of the zoning regulations, as adopted by the Board of Commissioners, are on file in the office of Town Clerk.

(2) See Ch. 130, Water.

(3) See also Ch. 109, Streets and Sidewalks.

(4) As to vehicles and traffic generally, see Ch. 126.

(5) Resolution an04–01, effective July 23, 2004, provided for the annexation of .5986 acres of land, more or less. Resolution an03–01, effective October 31, 2003, provided for the annexation of 12.7082 acres of land, more or less. Resolution an99–2, effective September 24, 1999, provided for the annexation of 1.7297 acres of land, more or less. Resolution an97–1, effective July 31, 1997, provided for the annexation of .876 acres of land, more or less. Resolution an97–2, effective July 31, 1997, provided for the annexation of .67 acres of land, more or less. Resolution an96–3, effective December 26, 1996, provided for the annexation of 3.042 acres of land, more or less. Resolution an94–2, effective February 23, 1995, provided for the annexation of 8.814 acres of land, more or less. Resolution an92–2, effective January 21, 1993, provided for the annexation of 1.003 acres of land, more or less. Resolution an91–1, effective February 20, 1992, provided for the annexation of 1.1687 acres of land, more or less. Resolution an92–1, effective May 7, 1992, provided for the annexation of .505 acres of land, more or less. These resolutions, however, failed to provide for the change in the boundary description that is contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this Charter.