

CHARTER

[HISTORY: Adopted as Chapter 548 of the Acts of 1937. Amendments noted where applicable. (Note: The Charter sections are numbered in accordance with the original numbering convention of Chapter 548 of the Acts of 1937, as restored by the Commissioners 6-4-2001 by Res. No. 2001-R-2.)]

Section 1. Incorporated; general powers.¹

The inhabitants of the Town of Ridgely, in Caroline County, are hereby created a body corporate, by the name of the Commissioners of Ridgely, with all the powers and privileges of a body politic and corporate, and by said corporate name shall have perpetual succession, may sue and be sued, shall have and use a common seal, which may be altered at pleasure, and shall have all the rights incident to or that may attach to a municipal corporation, and shall have and possess all the rights, powers, property and duties vested in and devolving upon the Commissioners of Ridgely, a body politic, and corporate, as the same now is constituted, except as the same may be changed by this Act.

Section 2. Boundaries.

- A. The limits of said town shall include all the land and territory contained and embraced within the following boundaries, to wit:

Beginning at a point where the center of Central Avenue intersects the center of Pennsylvania Railroad tracks and running with the center of said tracks in a northeasterly direction one-half mile to point in center of said tracks, which said point shall be the beginning for the outlines of said corporation; and from thence in a northerly direction on a line parallel with said Central Avenue one-half mile; thence in a southwesterly direction at right angles with line No. 1, and parallel with first mile of said railroad one and one-fourth miles; thence in a southerly direction at right angles with line No. 2 and parallel with Central Avenue forty-eight hundred and seventy-five feet; thence in a northeasterly direction at right angles with line No. 3 and parallel with line No. 2 one and one-fourth miles; thence in a northerly direction at right angles with line No. 4 and parallel with said Central Avenue twenty-two hundred and thirty-five feet; to center of said railroad, the place of beginning for the outlines.

- B. 1987 Annexation. All that piece or parcel of land, situate, lying and being in the Seventh Election District of Caroline County, Maryland, and more fully described as follows:

Beginning for the same at a Point where the center of Central Avenue intersects the southern boundary line of the Town of Ridgely, said Point bears South 17 degrees 20 minutes 50 seconds East 2235.00 feet from a Point where the center of Central Avenue

¹ Note: Chapter 211 of the Acts of 1933 authorized Ridgely to borrow \$25,000 for refunding bonds. Chapter 464 of the Acts of 1937 repealed the Act of 1933 and authorized the town to borrow \$35,000 for refunding bonds. Chapter 88 of the Acts of 1947 repealed the Act of 1937 and authorized the town to borrow \$50,000 for refunding bonds. Chapter 519 of the Acts of 1943 concerned the collection of personal property taxes on motor vehicles in Ridgely.

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intersects the center of the now or formerly Pennsylvania Railroad Tracks; and from said Place of Beginning running by and with the Town of Ridgely boundary (1) North 72 degrees 39 minutes 10 seconds East 1343.13 feet to a concrete Monument set and the land of the Ridgely Cemetery Association, Inc., (Liber 201, folio 663); thence by and with the said Ridgely Cemetery Association, Inc., land the following two courses and distances (2) South 34 degrees 29 minutes 50 seconds East 1006.16 feet to a concrete Monument found; thence (3) continuing South 34 degrees 29 minutes 50 seconds East 20.57 feet to a Point; thence by and with the land of Ridgely Cemetery Association, Inc., and the land of Herman Callahan, Jr., et al., (Liber 160, folio 15) (4) North 55 degrees 30 minutes 10 seconds East 736.01 feet to a Concrete Monument set and the land of J. Thomas Ober and Joyce K. Ober (Liber 151, folio 558); thence generally with a ditch and generally with the aforementioned Ober land the following six courses and distances (5) North 88 degrees 55 minutes 05 seconds East 172.88 feet; thence (6) South 24 degrees 29 minutes 15 seconds East 53.59 feet; thence (7) South 76 degrees 09 minutes 08 seconds East 201.24 feet; thence (8) North 81 degrees 02 minutes 43 seconds 125.89 feet; thence (9) South 69 degrees 56 minutes 03 seconds East 124.81 feet; thence (10) South 23 degrees 09 minutes 10 seconds East 147.25 feet to a point and the land of J. Thomas Ober, Jr. and Dianne W. Ober (Liber 216, folio 658); thence by and with the said Ober land the following two courses and distances (11) South 54 degrees 17 minutes 15 seconds West 3.00 feet to a Stone found; thence (12) continuing South 54 degrees 17 minutes 15 seconds West 1336.51 feet to a Stone found and the land of Jesse Stanford and Beatrice Stanford (Liber 119, folio 81); thence by and with the said Stanford land (13) North 35 degrees 27 minutes 45 seconds West 452.24 feet to a Concrete Monument set; thence continuing to run by and with the said Stanford land and the land of the Ridgely Colored Camp Ground (14) South 60 degrees 43 minutes 30 seconds West 1572.09 feet to a Concrete Monument set on the west side of Central Avenue Extended; thence by and with the west side of Central Avenue Extended (15) North 17 degrees 31 minutes 30 seconds West 1527.53 feet to a Point on the south boundary of the Town of Ridgely; thence by and with the south boundary of the Town of Ridgely (16) North 72 degrees 39 minutes 10 seconds East 22.29 feet to the Place of Beginning, containing 64.567 Acres of land more or less.

The above-described property being land described in a deed to Howard Strannahan, et ux, dated 7-30-86 and recorded in Liber 227, folio 69, a Land Record Book for Caroline County, and land described in a deed by the Commissioners of Ridgely dated 3-30-67 and recorded in Liber 147, folio 448, a Land Record Book for Caroline County, the properties being commonly known as the Royadon Strannahan Farm and the old Ridgely landfill. (Res. 5-4-1987.)

Section 3. Commissioners; members in 1937.

The government, corporate authority, rights, powers and privileges of the said town shall be vested in and exercised by a board composed of three members, which board shall be known as Commissioners of Ridgely, who shall be elected as hereinafter provided; provided, however, that the present Commissioners or Members of the Commissioners of Ridgely, to wit, Ronald R. Lane, Roger R. Ringgold and J. Mulford Swing shall each be and remain members of the said board, or be and remain Commissioners of Ridgely, for the duration of their respective

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terms of office for which they have already been elected, in the same manner and to the same extent as though this Act had not been passed.

Section 4. Elections; tenure; vacancies; President; qualifications.

On the fourth Monday of April, in the year 1937, and on the fourth Monday of April in every year thereafter, an election shall be held between the hours of one and five o'clock p.m., under this Charter, for the purpose of electing one Commissioner at each such annual election, who shall hold office for a period of 3 years; provided, however, that if a vacancy should occur in the office of any of the three Commissioners between the annual elections therefor, then and in that event, at the next annual election following the occurrence of such vacancy or vacancies, there shall be one Commissioner elected for three years, as well as Commissioners elected to the unexpired portion of the term of any Commissioner or Commissioners in whose office such aforesaid vacancy has occurred. That is to say, at any annual election, immediately following the occurrence of such vacancy of [or] vacancies, the person receiving the highest number of votes shall be elected for the term of three years, and the person receiving the next highest number of votes shall be elected to fill the unexpired portion of the term of the office made vacant, as aforesaid. Should, however, more than one office of the Commissioners become vacant between the dates of the annual elections, there shall be sufficient persons elected at the next annual election, following the occurrence of such vacancies, to fill all of such vacancies, in addition to the person regularly elected for the three-year term; in which event the person receiving the highest number of votes at such election shall be elected for a term of three years, and the person receiving the next highest number of votes shall be elected to fill the unexpired portion of the term of the office made vacant which has the longest duration from the date of such election, and the person receiving the next highest number of votes shall be elected to fill the unexpired portion of the term of the office of the Commissioner made vacant which has the next longest duration from the date of such election. Provided further, that the Commissioners of Ridgely shall at all times be three in number and that the member of the said Commissioners of Ridgely who has, during the term for which he has been last elected, served in such capacity the longest period of time, shall automatically become the President of the said Commissioners of Ridgely, and, provided further that if all of the said Commissioners have held office for the same length of time during the term for which they have been last elected, that the President of the Commissioners of Ridgely shall be elected by a majority vote of the said Commissioners. And provided further, that no persons shall be eligible to become a candidate for election as a Commissioner of Ridgely unless he shall have attained the age of twenty-five years, and is a payer of taxes within the corporate limits of said town on property with an assessed value of at least \$500.00, subject to municipal taxation, and shall have resided at least two years, prior to the date of his election, within the said town, and be qualified to vote for Delegates to the General Assembly of Maryland.

Section 5. Same; notice, voters' qualifications, procedure.²

- (a) Notice. The Commissioners of Ridgely shall cause a notice of each annual election for a Commissioner or Commissioners of Ridgely to be given by publication, of the time

² Note: Constitution of Maryland, Article I, Section 9; see Article 23A, § 46, Corporations-Municipal, Annotated Code of Maryland; Article 33, §§ 3 and 4, Annotated Code of Maryland.

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and place of such election, in some newspaper of general circulation, printed and published in Caroline County, or posted in three (3) conspicuous places in the Town of Ridgely for at least seven (7) days before any election.

- (b) Voters Qualifications. Inhabitants residing within the corporate limits of the Town, qualified to vote for Delegate to the General Assembly of Maryland, who have been residents of said Town for at least thirty (30) days prior to registration and who are:
 - (1) citizen of the United States and
 - (2) 18 years old on or before the next Town election;
 - (3) not convicted of a disqualifying crime;
 - (4) not under guardianship for mental disability shall be qualified to vote for the office of Commissioners of Ridgely.

Applications for registration to vote for Commissioner of Ridgely at the annual election held therefore on the fourth Monday of April, 1937, and all subsequent annual elections held under this Charter may be received by the Town Office, Monday through Friday, 9:00 a.m. to 4:00 p.m. during the year.

- (c) Statement of Candidacy. Any person desiring to become a candidate for a Commissioner of Ridgely shall, at least ten (10) days prior to the election, file with the Clerk of Ridgely, a written statement of such candidacy. The written statement of candidacy shall be substantially in the form:

CANDIDATE FOR ELECTION FOR COMMISSIONER OF RIDGELY

State of Maryland, Caroline County, to wit:

I, _____, hereby certify that I am now and have been for more than two years immediately preceding the fourth Monday of April, 19___, a resident of the Town of Ridgely, Caroline County, Maryland, and that I am qualified to vote for Delegates to the General Assembly of Maryland and that I have attained the age of twenty-five years, and that I own property within the corporate limits of said town which is assessed at a value of \$500.00 or more and is subject to municipal taxation; that I am a candidate for the office of Commissioner of Ridgely, to be voted upon on the fourth Monday of April, 19___, and I hereby request my name to be printed upon the official ballot at said election as a candidate for said office.

(Signed) _____

Subscribed and sworn to before me this _____ day of 19___

Notary Public

- (d) Ballots; procedure. Immediately upon the expiration of the time for filing certificates of candidacy by the respective candidates, the Clerk of Ridgely shall cause to be published in one or more newspapers published in Caroline County, or posted in three conspicuous places in the Town of Ridgely, the names of all candidates as they are to appear upon the official ballot. The Clerk shall cause the official ballots to be printed on plain white paper of uniform size and to be delivered to the Judges of Election, and

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to no other person. On the ballots shall appear the name or names of all the candidates for Commissioner or Commissioners of Ridgely arranged alphabetically and, immediately following, the words "For Commissioner of Ridgely,;" shall be printed on the ballot. Preceding the names of the candidates shall be plainly printed in black ink a direction to the voters: "Vote for one (or two or three as the case may be) by making a cross (X) mark in that square which is opposite the name of the candidate to be voted for," and a black line shall be printed immediately under the name of each candidate extending to a square opposite the name of each candidate.

At least three days prior to the holding of the election, the President of the Commissioners of Ridgely shall appoint three qualified voters of the Town of Ridgely to act as Judges. Before the Judges of election open an election, the Judges shall appear before a notary public for Caroline County and take an oath "that each will faithfully and impartially permit every person to vote at such election who shall be duly qualified, and that each will not suffer any person to vote at such election who shall not be legally qualified to vote". In a case of failure of any person or persons so appointed to appear and qualify, the President shall issue a certificate to one or more persons to act as a Judge or Judges. These persons shall qualify as above. Immediately after such election the Judges shall return to the Clerk of Ridgely under their hands the number of votes cast and for whom cast. The Clerk shall file the same at once and issue certificates of election to the person or persons receiving the largest number of votes for their respective offices, in accordance with the aforesaid provisions of this Charter. (Res. 3-25-1986)

Section 6. Same; no certificates of candidacy.

In the event that no person shall file any certificate for candidacy for Commissioner to be elected hereunder within the time limited for the filing of certificates of candidacy, as aforesaid, then and in that event it shall be lawful for any person or persons to file a written statement of candidacy, as the case may be, for such office or offices at any time prior to the holding of the election therefor.

Section 7. Same; tie votes.

If at any election for Commissioners of Ridgely there shall be a tie vote between any candidates for the same office, such tie vote shall be determined by lot to be drawn by the two or more tying candidates, which shall be conducted under the auspices and authority of the Judges of Election at which such tie vote was cast, and provided further that such drawing shall be held by the said Judges publicly immediately or as soon as practical after the said election at which such tie vote was cast.

Section 8. Vacancies in office.

If any vacancy shall occur in any of the offices of Commissioners of Ridgely by death, resignation, failure to qualify, removal of the residence of the elected Commissioner from the corporate limits of said town, or for any other reason or reasons, the remaining Commissioners at their next regular meeting shall elect a suitable person or persons, as the case may be, to serve in the place of the Commissioner or Commissioners, whose office or offices have become

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so vacated, until the next annual election, and the person or persons so appointed shall subscribe to the oath the same as a regularly elected Commissioner, and such oath shall be certified to and recorded as provided in the following section and provided further that if the Commissioners shall be unable to agree on a suitable person to fill such vacancy, the appointment shall be made by the President of the Commissioners.

Section 9. Oath of office.³

Any person elected as Commissioner of Ridgely shall, before he enters upon the discharge of his office, make oath before a justice of the peace or a notary public of Caroline County “that he will diligently and faithfully, without favor, partiality or prejudice, perform the duties of such Commissioner of Ridgely”, and a certificate showing the taking of the said oath shall be returned by the said justice of peace or notary public and filed and recorded among the proceedings of the said Commissioners of Ridgely.

Section 10. Meetings of Commissioners.

The Commissioners of Ridgely shall meet the first Monday of May following each annual election and the tenure and duration of their office shall be for a term of three years from the said first Monday of May following their election, unless such term of office shall be the filling of an unexpired term, in which event it shall be for the time heretofore provided for. The said Commissioners of Ridgely shall hold regular meetings on the first Monday of each and every month thereafter, and may meet as much oftener as the Commissioners of Ridgely may deem necessary to the proper discharge of their official duties. The President of the Commissioners of Ridgely shall preside at its meetings and every ordinance passed by the Commissioners of Ridgely must be signed by the President, or by two Commissioners, and be recorded in the ordinance record book kept by the Clerk of the Commissioners before the same shall be in force. The Commissioners may elect one of their number as President pro tempore, who shall in the absence or inability of the President preside at the sessions, who for the time being shall be acting President and have all the authority in law of the President. Special meetings of the Commissioners of Ridgely may be at any time convened by the President, or at the request of two members of that body. The President of the Commissioners of Ridgely shall be the executive officer thereof, clothed with all the powers necessary to secure the enforcement of all ordinances of said town under this Charter. At all meetings of the Commissioners of Ridgely two of the Commissioners of Ridgely present and voting shall constitute a quorum for the transaction of business, and two affirmative votes shall be necessary for the passage of an ordinance, law or resolution at all times. Upon every vote the ayes and nays shall be called and recorded.

Section 11. Clerk; appointment, compensation.

At the first regular meeting of the Commissioners of Ridgely on the first Monday of May in each year, the Commissioners of Ridgely shall appoint one person who shall not be a member of the Commissioners of Ridgely, to act as Clerk to the Commissioners of Ridgely, Collector of Town Taxes and Treasurer, who shall be the same person, and whose term of office shall be for

³ Note: See Constitution of Maryland, Article I, Section 9.

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one year and until A successor is duly qualified. The Clerk shall receive such salary and compensation as may be fixed by the Commissioners of Ridgely, and shall perform all the duties imposed on the Clerk by ordinance of the Commissioners of Ridgely and by law, and shall be called "Clerk-Treasurer of Ridgely". (4-3-2000 by Res. No. 2000-R-2)

Section 12. Same; duties.

The said Clerk of Ridgely shall keep a full and accurate account of the proceedings of the Commissioners of Ridgely in suitable book of [or] books, and he shall keep the assessment books of said town with the names of the owners of property arranged alphabetically, and he shall keep a full and fair account of all money received by him and of all money paid out showing from whom or what source it was received and for what and to whom it was paid out, and he shall keep on deposit in some bank or banks of Caroline County to be designated by the Commissioners of Ridgely to the credit of the Commissioners of Ridgely all money received or collected by him for taxes or from any other source belonging to the said corporation, and said money to be paid out on checks signed by the Clerk and countersigned by the President of the Commissioners of Ridgely, or in the absence of such President of the Commissioners of Ridgely to be countersigned by the President pro tempore of the Commissioners of Ridgely, and shall be drawn only for such debts or purposes as may have been authorized or designated by the Commissioners, and the said Clerk of Ridgely shall make a full and complete report to the Commissioners of Ridgely at the regular meeting on the first Monday of each and every month containing a full and complete statement of the financial condition of said town.

Section 13. Same; surety bond.

The Clerk of Ridgely, if required to do so by an affirmative vote of a majority of the Commissioners of Ridgely, shall before entering upon the duties of his office execute and deliver to the Commissioners of Ridgely a bond with corporate or personal surety to approved⁴ by the said Commissioners of Ridgely, and in such penalty as the Commissioners of Ridgely shall prescribe, conditioned for the faithful performances of the duties of the Clerk of the town of Ridgely, and that he will well and faithfully receive, account for and disburse all moneys placed in his hands or received by him for the use of the said town, and shall well and truly pay over to his successor in office or to the order of the Commissioners of Ridgely all said moneys and shall perform all other duties of his office according to law and the ordinances of the Commissioners of Ridgely.

Section 14. Taxes.

The Commissioners of Ridgely shall have power to levy annually a tax on the assessable property of said town for the general purposes of said corporation, not exceeding in any one year two dollars and fifty cents (\$2.50) on each one hundred dollars (\$100.00) worth of said assessable property, which shall be a lien on all of the said real property within said town until paid, said taxes shall be due and payable on or before the first day of July and interest shall be chargeable on such taxes after the first day of September immediately following the date when the same become due and payable. (Res. 2-4-1980.)

⁴ Note: So in original.

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Section 15. Assessments; procedure.

Whenever the Commissioners of Ridgely think the public interest requires it, they may cause an assessment to be made of all property in the town, real, personal or mixed, which is subject to assessment for County and State taxes under the general laws of this State, whether the owners thereof reside within or without the town, and they may prescribe the manner in which such assessment may be made and provide for the hearing of appeals of adjusting all differences and valuation and disputes in relation to such assessments, make transfers and abatements, and do all other acts and things necessary for making and completing such assessment, and may provide for the annual assessment of property not included in the last general assessment, and the Commissioners of Ridgely may provide by ordinance for an increase or abatement of any erroneous assessment, and for the encouragement of a new industry they may exempt in whole or in part the assessment upon any property, machinery or tools belonging to a manufacturing corporation, partnership or individual for such a period of time as they may determine not exceeding ten years.

Section 16. Same; State and County assessments.

The Commissioners of Ridgely shall in their discretion have the power in causing an assessment to be made of all the property, real, personal and mixed, within the corporate limits of said town, to accept, the value placed by the State and County assessment upon the said respective classes of property within the corporate limits of said town.

Section 17. List of taxpayers.

As soon as the Commissioners of Ridgely shall proceed to ascertain the amount to be levied for the use of said corporation and shall fix the annual rate of taxation the Clerk of Ridgely shall cause to be made a book containing an alphabetical list of the taxpayers in said town, together with the aggregate assessment of each and the amount of taxes due and owing from each taxpayer under said levy and assessment.

Section 18. Tax collections; tax sales.⁵

Immediately after said taxes are due and payable as herein provided, the Clerk of Ridgely shall proceed to collect all taxes levied by the Commissioners of Ridgely, as aforesaid, and if any person shall neglect or refuse to pay said taxes on or before the first day of March next after the same shall become due and payable, then the Clerk of Ridgely shall furnish to such person an account showing the aggregate amount of his taxes, together with accrued interest thereon, due and in arrears, or if said delinquent be absent the Clerk of Ridgely may mail such account to the last known post-office address of said delinquent or attach the aforesaid bill or account on a conspicuous part of the real estate of said delinquent, and unless the same be paid to the Clerk of Ridgely within thirty (30) days after such account shall be delivered, mailed or posted as aforesaid, the Clerk of Ridgely may seize, levy upon, and sell the property assessed or any other of the goods, chattels, lands and tenements located within the limits of said town of the

⁵ Note: See the Tax-Property Article, Title 14, Subtitle 8, Collections, Part III, Tax Sales, of the Annotated Code of Maryland.

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person or persons so refusing or neglecting to pay after giving at least twenty (20) days notice of the time and place of sale by typewritten or printed hand bills set up in three public places in said town, or by advertisement in some newspaper published in Caroline County, and the Clerk of Ridgely shall retain out of the proceeds of such sales the amount of taxes due from such delinquent with interest thereon, together with the costs incurred in making the sale, and pay the surplus, if any there be, to the person entitled thereto. Whenever real estate is sold as aforesaid, it shall be the duty of the Clerk of Ridgely to report the said sale, together with all proceedings had in relation thereto, to the Circuit Court for Caroline County, and the said Court shall take and exercise jurisdiction over said sale and shall examine the proceedings, and if the same appear to be regular and the provisions of law in relation thereto have been substantially complied with, shall order notice to be given by advertisement published in some newspaper or newspapers of general circulation printed in Caroline County as the Court shall direct, warning all persons interested in the property sold to be and appear by a certain day, in said notice to be named, to show cause, if any they have, why said sale shall not be ratified and confirmed, and if no cause or an insufficient cause be shown against the said ratification, then said sale shall by order of said Court be ratified and confirmed, and the purchaser shall on payment of the purchase money have a good title to the property sold.

Section 19. Tax sales; redemptions.

Whenever real estate shall be sold by a Clerk of Ridgely the owner thereof prior to the sale may redeem the same by paying into Court, to be paid to the purchaser thereof within the period of twelve calendar months from the date of such sale, the amount of the purchase money with interest thereon at the rate of ten percentum per annum from the day of sale.

Section 20. Same; heirs as owners.

Any sale of lands by the Clerk of Ridgely for taxes due and in arrears where the owners are described as the heirs of a named person shall pass the title as fully as if such heirs were each named in the proceedings by his other proper name.

Section 21. Same; tax sale deed.

If the purchaser of any real estate sold for taxes hereunder shall die without having procured a deed from the Clerk of Ridgely, the Clerk of Ridgely may convey the said real estate to the devisees or heirs of the purchaser. If lands shall be sold by the Clerk of Ridgely for taxes and the said Clerk shall die, remove or refuse to make a deed therefor, the Court ratifying such sale may appoint a special trustee to execute such deed upon application by the said purchaser, and may order said special trustee to execute said deed. Whenever property in the town of Ridgely has been sold for taxes pursuant to law by one Clerk and such sale has been reported and the deed executed by the successor in the office of the Clerk of Ridgely who made the sale as aforesaid, such report and such conveyance shall be as valid to all intents and purposes as they would have been if made by the Clerk who made the sale, and whenever property has been sold for taxes pursuant to law by one Clerk and such sale has been duly reported by the Clerk who made the sale but the deed for such property has been executed and delivered by the successor in office of the Clerk of Ridgely who made such sale and report as aforesaid, such conveyance

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shall be as valid to all intents and purposes as it would have been if made by the Clerk of Ridgely who made and reported the sale.

Section 22. Same; fees.

The Clerk of Ridgely making such sale of property for the payment of taxes due and in arrears shall be entitled to the same fees as is allowed a Sheriff by law for selling property under execution.

Section 23. Police; appointment, powers and duties, bond.⁶

The Commissioners of Ridgely on the first Monday of May, 1937, and on the first Monday of each and every year thereafter, shall appoint as many police officers as they desire, and each such appointee shall hold office until a successor is appointed, confirmed and qualified, and the duties and compensation for each such appointee shall be such as are prescribed by law, ordinance or resolution of the Commissioners of Ridgely from time to time, and who shall within the town limits of said town, have all the police powers of constables of the State of Maryland, and it shall be their duty to enforce the by-laws and ordinances of the Commissioners of Ridgely and the laws of the State of Maryland in relation to crimes and misdemeanors committed within the limits of said town, and the regular police before entering upon the duties of office, as the case may be, shall each take and subscribe before the Town Clerk of Ridgely an oath to well and faithfully, without partiality or prejudice, perform the duties of office in all things according to the laws of the State and the ordinances of the Commissioners of Ridgely, and to enforce said laws and said ordinances to the best of his ability, and the police so appointed may, in the discretion of the Commissioners of Ridgely, be required to give bond with corporate or personal surety and in such penalty as shall be prescribed by ordinance, and said bond to be approved by the Commissioners of Ridgely. (Res. 2-3-1997)

Section 24. Same; special.

The Commissioners of Ridgely may appoint special policemen with all the powers of the regular policemen for a term of not exceeding sixty (60) days whenever the exigency of the occasion requires it, and their duties and powers shall be the same as those of the regular policemen.

Section 25. Same; fees.

The policemen who shall be duly appointed pursuant to the provisions of this Charter shall have the same fees for making arrests for the infractions of the laws of the State of Maryland and the ordinances of the Commissioners of Ridgely as are now or may hereafter be allowed by law to constables in criminal cases, said allowances of fees, however, to be subject to qualification by resolution by the Commissioners of Ridgely as they may from time to time deem proper.

⁶ Note: See Article 41, Title 4, Annotated Code of Maryland.

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Section 26. Officers and employees.

The Commissioners of Ridgely may appoint one person who must be a regular physician in good standing as a health officer; one person as a building inspector; one person as a town engineer; one person as a street commissioner and one person who shall be a member of the Bar of the Circuit Court for Caroline County as town attorney, and the duties, compensation and terms of all which officials so appointed hereunder shall be such as are prescribed by law and by ordinance or resolution of the Commissioners of Ridgely, and the Commissioners of Ridgely may also by ordinance provide for the appointments of such other officers or employees of said town as it may be deemed necessary for the interest of said town from time to time and to prescribe the terms, compensation and duties of such other additional officers and employees.

Section 27. Same; complaints against.⁷

Upon complaint in writing, filed with the Commissioners of Ridgely, after notice to the party complained of informing him of what he is charged and to appear and defend himself first having been given him in writing at least five days before the time appointed for the hearing, and if the Commissioners in their discretion find any of the officers or employees of said town to be guilty of misconduct unbecoming an officer, willful disobedience, neglect of duty, misfeasance or malfeasance in office, such officer or employee may in the discretion of the Commissioners of Ridgely be removed at once from his office by a majority vote of the Commissioners of Ridgely, and his office shall be declared vacant, and the Commissioners of Ridgely shall as soon as convenient thereafter appoint another person to fill such office so vacated for the unexpired term, and immediately after such appointment the new employee shall qualify in the same manner as heretofore provided, and the new officer or employee shall have the same powers and duties as if he had been appointed in the first place, and serve out the term of the removed officer.

Section 28. Same; vacancy.

In the event that a vacancy shall occur in any office created under this Charter or which shall be created by the Commissioners of Ridgely pursuant to the power conferred in this Charter by death, removal, resignation, failure to qualify or otherwise, the Commissioners of Ridgely shall as soon as convenient thereafter appoint another person to fill said office so vacated for the unexpired term, and [such person] shall have the same powers and duties as if he or she had been appointed in the first place and serve out the balance of said term.

Section 29. Reserved.

Section 30. Fines.

All fines imposed and collected for the violation of the ordinances of the Commissioners of Ridgely shall be paid to the Clerk of Ridgely after deducting therefrom the costs.

⁷ Note: See Article 23A, § 2(b)(25), Annotated Code of Maryland.

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Section 31. Sewerage, drainage, water systems.

The Commissioners of Ridgely shall have the power to pass ordinances and make by-laws providing for the construction, extension, maintenance and operation of sanitary sewerage, storm water, drainage and water systems, and to assess the costs and expense thereof in whole or in part upon the owner or owners of property abutting upon the pipe lines of any such sanitary sewerage, storm water, drainage or water systems which costs and expenses for said improvements shall be a lien upon the abutting property and shall be collectible in the same manner as other town taxes are now collectible in the town of Ridgely as prescribed by law.

Section 32. Sewerage and drainage systems.

The Commissioners of Ridgely shall have the power to pass ordinances and make by-laws providing for the construction of any system of sewers and sewage disposal works in accordance with any plan now or that may hereafter from time to time be adopted as may seem to them necessary to meet the requirements of the town and to protect the health of their citizens; and the said Commissioners of Ridgely are hereby authorized and empowered to enter upon and condemn all lands necessary for the installation, construction and operation of any system of sewers and sewage disposal works, sanitary sewage, storm water drainage of [or] water systems, which condemnation shall be had in the same manner as is now provided by law for the opening of the streets of the town of Ridgely.

Section 33. Regulations for sewerage, drainage, water systems.

The Commissioners of Ridgely are hereby authorized and empowered to make all necessary rules and regulations, and to pass all ordinances and by-laws in their judgment necessary for governing the use of any sanitary sewage, storm water drainage and water systems or system of sewers and disposal works, and to provide rules and regulations regarding the plumbing within or without buildings to be connected with any of the said systems, and to license and have supervision over all persons undertaking to do plumbing work within the corporate limits of Ridgely, and, provided further, that the said Commissioners of Ridgely shall have the power to pass ordinances and make by-laws providing for the fees or rates, rents and charges for the use and service of sewerage, drainage and water supply systems, which rates, rents and charges are hereby declared to be and made liens upon the property used or served by such coverage, drainage and water supply systems until paid, and that the same shall be collectible as other municipal or town taxes are now collectible in the town of Ridgely as prescribed by law.

Section 34. Powers.

- (a) Enumerated. The Commissioners of Ridgely shall have the power to pass ordinances and to make by-laws, to establish grades for the streets, gutters and sidewalks of said town and the width thereof, and prescribe the material of which they shall be built; to cause the sidewalks along the said public streets and the road beds of all the public streets to be graded, curbed, paved and repaved or improved, and to assess the costs and expense thereof in whole or in part upon the owner or owners of the abutting property, which costs and expenses for said improvements shall be a lien upon the abutting property and shall be collectible in the same manner as other town taxes are

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now collectible in the town of Ridgely as prescribed by law, or compel by fines or otherwise the owner or owners of any such lot to grade, pave, repave and curb the sidewalks in front thereof; and may provide by ordinance for condemning, laying out, opening, extending and making new streets or alleys, and for altering, straightening, widening, grading, improving or closing up in whole or in part any existing street or alley, and for removing trees, posts and other obstructions therefrom, and for laying out public squares, parks, playgrounds, drains, sewer, water-courses; and all benefits or damages done, suffered or incurred by laying out, opening, and making of new streets or alleys, or by altering, straightening, widening, grading, improving or closing up in whole or in part any existing street or alley or laying out public squares, parks, playgrounds, drains, sewer and water-courses shall be determined and assessed by three disinterested persons, or a majority of them, residents of said town, appointed by the Commissioners of Ridgely, who shall within ten days after notification of their appointment, take an oath before a justice of the peace of Caroline County or any notary public, that they will faithfully and fairly and without partiality or prejudice, value and assess the loss and damage to be suffered and incurred by any person or persons interested in said property over, through and by which the said street or alley, square, park, playground, drain, sewer or water-course is to be opened, closed, extended, widened, graded or improved, and also to estimate the benefits that may accrue therefrom to any such property over, through and by which the said street or alley, square, park, playground, drain, sewer or water-course is to be opened, closed, extended, widened, graded, or improved or any property adjacent thereto, or any other property injured or benefited by said street, alley, square, park, playground, drain, sewer or water-course; they shall give at least ten days' notice in one or more newspapers published in Caroline County and also by written or printed notice mailed to the last known postoffice address of the owner or owners of said property, of their purposes to lay out, open, extend, close up, widen, straighten, grade or improve the street or alley, or square, park, playground, drain, sewer or water-course so directed to be laid out, opened, extended, closed up, widened, straightened, graded or improved, and the day, hour and place of the meeting for the said purposes; and they shall meet at the time and place mentioned in said notice given by them, and proceed to exercise the power to perform the duties assigned to and required of them, and to ascertain whether any and what amount in value of damages will be caused thereby, for which the owner or occupant of any right or interest in any ground or improvement ought to be compensated over and above the amount in value of benefit which will thereby accrue to such owner or occupant thereof, and ascertain what amount in value of benefit will thereby accrue to any lot or parcel of land by or through which the same may pass or improvements be made, or any other property, or to the owner or occupant thereof, which the said lot or parcel of land, or the owner or occupant thereof ought to pay.

- (b) Boundaries and maps; appeals. They shall locate boundaries and prepare an explanatory map, giving description of the street or alley opened, closed, extended, widened, straightened or improved, with each separate lot or parcel of land deemed to have sustained damages or received benefits, and they shall within twenty days return to the Commissioners of Ridgely such map, together with the amount of damages awarded to such owner or occupants and the amount of benefits assessed to any lot or parcel of ground, or the owners thereof together with a certificate of their

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qualifications, which may be ratified, or rejected or altered and amended, in whole or in part by said Commissioners of Ridgely; provided that the Commissioners of Ridgely shall give at least ten days' notice by publication in one of the newspapers published in said county and at least ten days' notice mailed to the last known postoffice address of the owner or owners of said property so interested of the time set for final action on the return of said assessors, and said Commissioners of Ridgely shall act on said return within twenty days after the expiration of said notice, and may issue a new commission as in their judgment may seem proper, and before actually proceeding to open, widen, extend, straighten or close any such street or alley the Commissioners of Ridgely shall pay or tender to the person, his agent, guardian or representative the amount of damages so awarded; and if any one shall feel aggrieved by the decision of the Commissioners of Ridgely, in any matter affected by their decision, he may appeal to the Circuit Court for Caroline County, by giving written notice within twenty days from said decision, filed with the Clerk of Ridgely, of his desire to appeal; and on the filing of the said notice it shall be the duty of the said Clerk to deliver the papers connected wherewith to the Clerk of said Court, and the same proceedings shall be had on appeal as in the case of appeals from judgments of Justices of the Peace; provided, nevertheless, that the Commissioners of Ridgely may decline to open, lay out, extend, wide[n], grade or straighten any street, alley, or highway, or any square, park, playground, waterway, sewer or drain, notwithstanding the decision of the said Court; but in case of refusal so to do they shall be liable for all costs incurred, and shall pay the same, [. A] all benefits assessed by virtue of the above provisions shall be liens of the respective lots or parcels of ground on which they are assessed from the time of the final ratification of the aforesaid return, and shall be collected as taxes are collected, or may be collected by action at law. On appeal the Court or the Jury may alter the award so returned, whether damages or benefits, and award costs in its discretion.

- (c) Final report. On final ratification of any report of the assessors appointed under the provisions of this section, the Clerk of Ridgely shall at once record in a book kept for that purpose the said [re]turn, plat and all proceedings connected therewith. And if, for any reason, the person to whom damages are awarded refused to receive the damages assessed, or from infancy or any other cause are prevented from receiving and receipting for same, the damages so assessed shall be deposited in some bank of Caroline County, paying interest on deposits, if any, to the credit of the person entitled to such damages, and thereupon the Commissioners of Ridgely may proceed in the same way as if said damages had been paid to the person or persons themselves.

Section 35. Condemnation.⁸

The Commissioners of Ridgely may acquire by condemnation proceedings as prescribed by Sections 331 to 337, inclusive, of Article 23 of the Annotated Code of Public General Laws of Maryland,⁹ any private road or roads whatsoever, or right of drainage or sewerage or any

⁸ Note: See the Real Property Article, Title 12, Annotated Code of Maryland and Maryland Rules of Procedure, Title 12, Chapter 200.

⁹ Note: These references evidently are to the 1924 Edition of the Code. In the 1957 Edition, see Art. 23, §§ 334 to 341.

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private property for public use, whether belonging to private individuals, partnerships or corporations, and including any avenues, roads, lanes, thoroughfares, rights or interests, piece or parcel of land, privileges or easements, that the Commissioners of Ridgely may deem desirable or necessary for public purposes.

Section 36. Acting President.

In the event the President is incapacitated from the performance of his duties at any time on account of illness or necessary absence from the town of Ridgely, the President pro tempore of the Council shall as acting President be clothed with and perform all of the duties incident to the office of President

Section 37. Ordinances; powers.¹⁰

The Commissioners of Ridgely shall have power to pass all by-laws and ordinances not contrary to law, as they may deem necessary for the good government of the town to preserve the health, peace and safety and well being of the inhabitants, and the protection of property thereof, to prevent, remove and abate all nuisances or obstructions in or upon the streets, highways, lanes or alleys, drains or watercourses, or in or upon any lot adjacent thereto or any other place within the limits of said town, and to provide for imposing a fine or imprisonment on any person causing or creating any such nuisances or obstructions; to restrain all disorder, disturbances, annoyances, disorderly conduct and drunkenness therein, to suppress street walkers and to prohibit or restrain the keeping of bawdy house or houses of ill fame within the limits of the town; to prevent firing of guns, cannons, pistols, rifles, sling-shots, fire-crackers or other fire works or other explosives therein; to suppress fires and prevent the dangers thereof; to establish and maintain a fire department; to make reasonable regulations in regard to buildings to be erected in said town, and to grant building permits for the same; to formulate a building code and to appoint a building inspector, and to require a reasonable fee for the issuance of building permits; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, and the location and use of buildings, structures and land for trade and industry, residence or tanks, pumps or other fixtures; to establish the distances buildings or any part thereof, fences or walls shall be erected from inner curb of street line; to direct in what part of the town wooden buildings shall not be erected or constructed; to prevent and regulate the storage of gunpowder, oil or other combustible matter in such quantities and in such places as they may deem proper; to prevent obstructions on the streets, lanes, alleys and highways of said town; to remove or cause to be removed houses or other structures that may be dangerous to persons passing along or over any of the highways of the town; to regulate, license and tax carts, wagons, carriages, automobiles and other vehicles used in said town for transporting goods or persons for hire; to regulate the parking of all vehicles upon the streets and alleys of said town; to regulate the speed of horses, wheeled vehicles, bicycles, motorcycles, automobiles, cars and locomotives in the town limits; to regulate the erection and maintenance of proper safety appliances by railroads at street crossings; to regulate and provide for the issuing of licenses or permits for hawking, peddling and vending of wares and merchandise of every description upon the streets or highways of the

¹⁰ Note: See Maryland Constitution, Article XI-E; *McRobie v. Mayor & Commissioners* 260 Md. 464, 272 A2d 655 (1971).

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town, and to issue licenses or permits to all itinerant peddlers who may go from house to house to vend or sell any wares or merchandise; to issue licenses to any and all persons entering into or beginning transient business in said town for the sale of any goods, wares or merchandise; to regulate and provide for the issuing of licenses to all traveling persons who dispense medicines or medical advice; to regulate and license all restaurants, barber shops, pawnbrokers, junk dealers, fire and slaughter sales and auction sales; to regulate and license all nine and ten pin alleys, bowling alleys, skating rinks, pool and billiard tables, theatres, moving picture shows, boxing and sparring matches and wrestling contests, and also exhibitions of every kind; to provide for the restraining of theatricals or other public amusements to [of] an immoral or indecent nature in said town; to regulate the construction and maintenance of exits from places of amusements and all public buildings; to prevent gambling and games of chance; to regulate the use of sidewalks and all structures in, under or above same, and to require the owner or occupant of the premises to keep the sidewalks in front of same and the gutters thereof free from snow and other obstructions, and to prescribe the hours for cleaning same; to regulate and prevent the throwing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other material into any street, alley or public place, or on any vacant lot in said town; to prevent the erection of bill boards and advertising signs on any vacant lot or premises in said town, to license all open waterclosets not connected with sewer and to prescribe rules and regulations for removing the excrement therefrom, to regulate or suppress slaughter houses and smoke houses in said town, and to regulate canning houses within the corporate limits, and to enforce the provisions of all such ordinances by appropriate penalties; to regulate, to restrain or prohibit the running at large of horses, bulls, cows, sheep, goats, ducks, geese and chickens on any of the streets, lanes, alleys, or highways of the said town; to regulate all stockyards, cattle pens, hog pens and slaughter houses within the said town, or provide for their removal from the corporate limits thereof; to regulate or prevent the use of streets, sidewalks and public places for signs, signposts, awnings, awning posts, posts, horse troughs, steps, railing, entrances, rocks, posting handbills and advertisements and display of goods, wares and merchandise; to grant franchises and regulate the putting of sewers or drains on or under its streets, alleys or highways and the charges for entering same; to grant and regulate franchise to electric light companies, power companies, gas companies, street railway companies, water companies, telephone companies, telegraph companies, sewer or drain companies, and any other which they deem advantageous and beneficial to said town or the inhabitants thereof; all such franchises shall be for a definite term of years not exceeding twenty-five years, and be renewable at the discretion of the Commissioners of Ridgely, and shall specifically set out the nature, right and duration of same, and no power or right not expressed in the franchise or grant shall pass thereunder; to establish and maintain public parks and playgrounds, to control and protect the public grounds and property of the town; to establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town; to punish and suppress tramps and vagrants; to regulate the keeping of dogs in said town; to provide for protection of all public property, cemeteries and property of all public service companies or corporations and for any franchise, easement or privilege hereafter granted the Commissioners of Ridgely may charge for such franchise, easements or privileges when granted, and may charge an annual rental upon any franchise, easement or privilege for using the streets, highways and sidewalks of said town that hitherto has been granted or may hereafter be granted; to regulate and license auctioneers who cry any public sales within the corporate limits of the town; to regulate and control all offensive trades, manufacture and traffic in offensive fertilizers or other commodities within the town limits; to provide for the codification

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of all ordinances which may have been or may hereafter be passed; and for the purpose of carrying out the foregoing powers and for the preservation of the cleanliness, health, peace and good order of the community, and for the protection of the lives and property of the citizens, and to suppress, abate and discontinue, or cause to be suppressed, abated or discontinued all nuisances within the corporate and sanitary limits of said town, they may pass all ordinances or by-laws from time to time necessary, and to insure the observance of said ordinances in addition to the usual action of debt or such other civil remedies as may exist in such cases by law for the recovery of the penalties therein affixed, the Commissioners of Ridgely shall have the power to enforce the observation of all ordinances or by-laws by fine, penalty and forfeiture not exceeding one hundred dollars (\$100.00) for any one offense, or by imprisonment not exceeding sixty (60) days in the Caroline County jail, or both fine and imprisonment.

Section 38. Subdivisions.¹¹

The Commissioners of Ridgely shall have the power to regulate all subdivisions of land within the corporate limits of the town of Ridgely, and for the purpose of carrying into effect this subsection no plat or plan of any such subdivision upon which any street, alley, lane, avenue, thoroughfare or public highway shall have been laid out, shall be received by the Clerk of the Circuit Court for Caroline County for record among the Land Records of said Caroline County until the said plat or plan has been approved in writing by the Commissioners of Ridgely, and said approval stamped thereon. The Commissioners of Ridgely shall have power to prescribe rules and regulations governing the filing of plats or plans for such subdivision and requiring all properties so subdivided to have permanent markers or boundary stones placed at all street intersections, and to regulate and establish the width and grades for all streets, alleys, lanes, avenues, thoroughfares, public highways or sidewalks so laid out in any subdivision.

Section 39. Borrowing Power.

- A. The Commissioners of Ridgely may whenever they deem necessary borrow money on the faith and credit of said town by note or otherwise in any amount they may deem necessary, provided that the said indebtedness thus created shall not exceed at any one time the sum of five million dollars (\$5,000,000.).
- B. In addition, and without limitation by Sections 31 to 34, inclusive, of Article 23A of the Annotated Code of Maryland or any other provision of general law, the Commissioners may, by resolution, from time to time borrow money for any public purpose and may issue and deliver its notes or other evidences of the Commissioners' obligation (including renewal or refunding notes or bond anticipation notes) to mature not more than twenty (20) years from the date of issue and for the payment of which the Commissioners may designate such source or sources of funds, including tax or other revenues, as it deems appropriate to the purpose for the borrowing is to be made. The notes, or other evidences of the obligation, may be sold upon such terms, at public or private sale, and shall be executed and delivered in such manner and upon such conditions as the authorizing resolution shall provide. (Res. 2-4-1980; Res. 8-29-1983; 4-3-2000 by Res. No. 2000-R-1; 6-4-2001 by Res. No. 2001-R-1)

¹¹ Note: See Article 66B, § 3.01 et seq., Annotated Code of Maryland.

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Section 40. Audits.

The Commissioners of Ridgely shall annually, at the end of the fiscal year of said town, have all books and accounts of said corporation audited by some competent person or persons, and shall have said books and accounts of said corporation audited at such other time or times as they may deem proper and necessary.

Section 41.¹²

Section 42. Property; powers.¹³

The Commissioners of Ridgely shall have the power to hold real, personal and mixed property for the use and benefit of said corporation, and shall have the power to establish a public system of parks, public squares and playgrounds for the recreation, interest and amusement of its citizens, and may convey and dispose of the same or any part thereof, and to receive property by gift, devise or deed in trust for any municipal object.

Section 43. Prior rights preserved.

This Act shall not affect or impair any right vested or acquired and existing at the time of the passage of this Act, nor shall this Act in any manner affect the title to any real or personal property now held or owned by Commissioners of Ridgely, but title to such property shall continue in Commissioners of Ridgely, in the same manner and to the same intent as though this Act had not been passed, nor shall this Act impair, discharge or release any contract, obligation, duty, liability or penalty whatever now existing. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Act, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Act had not been passed. No tax levied or any proceeding taken for the collection of any such tax or the enforcement of the payment of the same before the passage of this Act shall in any manner be affected by the passage of this Act, and the mode of procedure in any matter shall be the same as if this Act had not been passed.

Section 44. Existing laws and ordinances.

All laws now in force relating or applicable to the Commissioners of Ridgely and not included in this Act and not inconsistent with this Act, and all ordinances of the Commissioners of Ridgely now in force and not inconsistent with this Act are hereby continued in as full force and virtue as if the Commissioners of Ridgely were named therein until changed or repealed, respectively, by the General Assembly of Maryland or by the Commissioners of Ridgely.

Section 45. Prior officers.

¹² Note: Section 41 was repealed by Chapter 230 of the Acts of 1965.

¹³ Note: See Article 23A, § 2(b)(20), Annotated Code of Maryland.

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All officers provided for or named in the Charter of Ridgely or any amendments thereto, as it stands before the passage of this Act, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their respective offices until their successors shall be duly qualified, and nothing contained in this Act shall be construed to interfere with the continuity of the terms of tenure of said officers; nor shall a reappointment or re-election of any of said officers be necessary in order to secure the said continuity of their said terms and tenures of office, unless otherwise provided in this Act.

Section 46. Separability provisions.

Each section of this Act and every part of said section are hereby declared to be individual sections, and the holding of any section or sections or part or parts thereof to be void, ineffective or unconstitutional for any cause shall not be deemed to affect any other section or part thereof.