

Charter
of the
Town of Riverdale Park
Prince George's County
Maryland

**Charter of the Town of Riverdale Park
Prince George's County, Maryland**

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**Article I
Incorporation**

§ 101: Corporate Name

The citizens of Riverdale Park within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of the Town of Riverdale Park. This charter is the municipal corporation charter of the Town of Riverdale Park, Maryland. [Amended 5-4-98, Approved at referendum 8-8-98, effective 9-7-98]

§ 102: Definitions

"Council" means the Town Council of the Town of Riverdale Park, which is synonymous with the formerly used term of "Common Council of Riverdale."

Gender. Words importing the masculine gender shall include the feminine gender.

"Municipality," "municipal corporation," and "town" in this charter shall be construed as synonymous, referring to the Town of Riverdale Park.

"Newspaper of general circulation in the town" shall include, but is not limited to, the town's official Town Crier.

§ 103: Municipal Status

The municipal corporation here continued, under its corporate name, has all the privileges of a body corporate, by that name may have perpetual succession, sue and be sued, have a common seal, purchase and hold real and personal property or dispose of the same for the benefit of said town, and may pass and adopt all ordinances, resolutions, or by-laws necessary or proper to exercise the power granted herein or elsewhere.

§ 104: Description of Corporate Boundaries

The limits of said town shall be as they existed immediately prior to the effective date of this section, subject to all rights, reservations, limitations, and conditions as may be set forth in all prior resolutions of annexation and in the charter of the town in effect immediately prior to the effective date of this section, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be filed at all times with the Clerk of the Circuit Court for Prince George's County, the Director of the Department of Legislative Reference, and in the town office.

Article II
The Town Council

§ 201: Number, Selection, and Term

The legislative powers of the town are vested in the town council consisting of seven (7) council members (six as described in this Article, and the mayor as described in Article IV) who shall be elected as hereinafter provided and each of whom shall hold office for a term of two (2) years until either his or her successor takes office or 60 days following declaration of his or her successor's election, whichever occurs first. [Amended 5-2-16, effective 6-21-16]

§ 202: Qualifications of Council Member

A council member shall be at least twenty-one (21) years of age and a citizen of the United States. He shall have resided within the corporate limits of the town for at least six (6) months immediately preceding election and shall be a qualified voter of the ward from which elected. A council member shall retain throughout his term of office all the qualifications necessary for his election and failure to retain all such qualifications shall cause a forfeiture of his office. [Amended 1-4-16, effective 2-23-16]

§ 203: Compensation of Council Members

Each council member shall receive an annual salary that shall be equal for all council members and shall be as specified from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the term for which that council was elected. The ordinance making any change in the salary paid to the council members, either by way of increase or decrease, shall be passed prior to a regular biennial town election and shall become effective on the first Monday in June following that town election.

§ 204: Meetings of the Council

The council shall meet at least once a month, excluding the month of August; at which time the council shall be in recess. Special meetings may be called for a specific purpose upon request of the mayor or a majority of the council members. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent the council from holding an executive session or acting as a special hearing body from which the public is excluded, but no ordinance, rule, or regulation shall be finally adopted at such an executive session or hearing. [Amended 12-1-08]

§ 205: Chairman and Vice-Chairman of the Council

The mayor shall serve as chairman of the council. The mayor may take part in all discussions and shall be a voting member of the council. Immediately after being sworn into office, the mayor with confirmation by the affirmative vote of a majority of the entire council shall appoint from among the council members a vice-chairman, who shall discharge any and all duties of the mayor during the mayor's absence or temporary disability. In the event that both the mayor and vice-chairman are unable to discharge the duties of the mayor, these duties shall be discharged by other individuals as may be specified by ordinance. [Amended 5-2-16, effective 6-21-16]

§ 206: Judge of Qualifications of its Members

The council shall be the judge of the election and qualifications of its members.

§ 207: Quorum

A majority of the council shall constitute a quorum and a quorum is necessary for the transaction of business, but no authorization for expenditure of unbudgeted items or ordinance shall be approved without four (4) affirmative votes. Except for the purposes of §209, the mayor for all purposes shall constitute one of the council. [Amended 5-2-16, effective 6-21-16]

§ 208: Procedure of the Council

The council shall determine its own rules and order of business. The council shall keep or have kept a journal or minutes of its proceedings and enter therein the affirmative and negative votes upon final action on any question, resolution, or ordinance, or at any other time if required by any member. The journal or minutes shall be open to public inspection.

§ 209: Vacancy

(a) A vacancy shall be declared to exist if a council member resigns, is deceased, is recalled, is convicted of a felony, fails to retain all the qualifications necessary for his election, fails to attend three (3) consecutive regular council meetings without being excused by the council, or if no one is elected in an election.

(b) In the event a vacancy is declared within the first fifteen (15) months of a term, a special election in accordance with § 510 of this charter shall be held no sooner than 30 days and within forty-five (45) days after the declaration of the vacancy to fill the vacancy for the balance of the unexpired term.

If no valid candidates file a petition as set forth in §506: “Candidates for Office to File Petition” then the special election shall be cancelled.

(c) In the event a vacancy is declared during the last nine (9) months of a term or if a special election is cancelled due to a lack of valid candidates, the mayor shall appoint, within forty-five (45) days after the declaration of the vacancy and with confirmation by a majority of the remaining council members, a qualified person from the ward for which the vacancy exists to fill the vacancy for the balance of the unexpired term. If no qualified person from the ward is available, after due notice in a publication or newspaper having general circulation in the town, the mayor shall appoint, with confirmation by a majority of the remaining council members, a qualified person from the town at large.

§ 210: Ordinances

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special council meeting held not fewer than six (6) days nor more than sixty (60) days after the meeting at which an ordinance is introduced, it shall be passed, or passed as amended, or rejected, or have its consideration deferred. 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 four (4) affirmative votes.

(b) Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following passage by the council. Any emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until it has been passed by four (4) affirmative votes.

(c) The ordinance or a fair summary shall be published at least once in a newspaper having general circulation in the town before it is acted upon by the council. In the case of an emergency ordinance, it shall be published after it is passed.

§ 211: Referendum

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the council, a petition is filed with the town manager, or the mayor in the town manager’s absence, or the vice-chairman of the council in the mayor's absence, containing the signatures of not less than twenty percent (20%) of the total number of qualified voters of the town as reflected in the universal voter registration totals for the town on the date of the approval of the ordinance and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election.

No ordinance, or part thereof requested for referendum, shall become effective following the receipt of such petition unless and until approved at the election by a majority of the qualified voters of the town voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters of the town within sixty (60) days following receipt of the petition, the effect of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters of the town voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed.

The provisions of this section shall not apply to any ordinance or part thereof levying special assessment charges or special tax revenues for payment of indebtedness as outlined in this charter.

The provisions of this section shall not apply to any ordinance or part thereof levying special assessment charges for payment of indebtedness as outlined in this charter.

[Amended 5-2-16, effective 6-21-16]

§ 212: File of Ordinances

Ordinances shall be codified and permanently filed in the town office and shall be kept available for public inspection.

§213: Interference by Council with Town Manager [Amended 5-2-16, effective 6-21-16]

Neither the council nor any individual council member may issue orders or directions to any subordinate of the town manager. Because maintaining a clear chain of command is important to the smooth and orderly functioning of government, the council and council members may only direct communications with any subordinate of the town manager through the town manager except when seeking information from or sharing information with heads of offices, departments, and agencies of the town.

**Article III
General Powers**

§ 301: General Powers

The council shall have the general power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town. All legislative powers that may be exercised by the town under the laws and the Constitution of the State of Maryland are vested in the council.

§ 302: Specific Powers

The council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of the State of Maryland for the specific purposes provided in but not limited to the following subsections of this section:

Administration. To provide for the general administration of the town.

Admissions and Amusement Tax. To levy, assess, and collect admissions and amusement taxes.

Advertising. To provide for advertising for the purposes of presenting and publishing statements as to the business of the town.

Agreements and Contracts with Other Agencies. To enter into agreements and contracts with other agencies where such agreements are necessary to secure benefits not obtainable by the town alone.

Air Pollution. To limit, control, or prevent air pollution.

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

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

Annexation. To annex property and territory in accordance with Article 23A of the Annotated Code of Maryland.

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

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

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

Bonds. To borrow money for any proper public purpose and to evidence such borrowing, if the town chooses, by the issue and sale of its general obligation bonds or any other bonds or agreements securing such debt, subject only to the limitations of federal law, the Constitution and laws of the State of Maryland, and this charter.

Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, to require building permits for them, and to appoint a building inspector; to require reasonable charges for permits and inspections; and to authorize and require the inspection of all buildings and structures, to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

Codification of Ordinances. To provide for the codification of all ordinances.

Community Services. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the residents of the town.

Cooperative Activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

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

Dangerous Conditions. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work that may be sustained by any persons or property.

Departments and Offices. To create, change, and abolish offices, departments, or agencies, including appeal boards and advisory groups, other than the offices, departments, and agencies established by this charter; to assign additional functions to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

Dogs and Other Animals. To regulate the keeping of dogs and other animals and fowl and to provide for penalties and fines when found in violation of the ordinance in such cases provided.

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

Environmental Protection. To provide for the protection, promotion, and preservation of the natural environment, including, but not limited to, trees, plants, animals, rivers and streams, watersheds, and air.

Erosion and Sediment Control. To regulate grading and construction to control erosion and sediment.

Explosives and Combustibles. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible material; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things that may endanger persons or property.

Filth. To compel the occupant of any premises, building, or outhouse situated in the town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owner or occupant, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

Finances. To levy, assess, and collect ad valorem property taxes; to expend town funds for any public purpose; to have general management and control of the finances of the town and to designate by ordinance or resolution the banks or trust companies of this state in which shall be deposited all funds belonging to the town.

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

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

Franchises. To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge; to impose franchise fees; and to establish rates, rules, and regulations for franchises granted under this section.

Garbage. To regulate or prevent by penalties and fines the throwing or depositing of any dirt, garbage, trash, refuse, waste, offal, or liquids on any private or public property; to provide for the proper disposal of such material; and to levy such fees as may be necessary for the municipal collection of such material.

Grants-in-Aid. To accept gifts or grants of federal, state, or county funds, or funds from any other available sources, and to expend the funds for any lawful purpose agreeable to the conditions under which the gifts or grants were made.

Hawkers. To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, and all other persons selling any articles on the streets of the town, including solicitors for charitable causes, and to revoke such licenses for cause.

Health. To protect and preserve the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations in the interests of the public health; to inspect, regulate, and abate any buildings, structures, or places that cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Department of Health and Hygiene of the State of Maryland, the county health department, or any public general or local law relating to the subject of health.

Historic Preservation. To provide for the preservation, maintenance, restoration, rehabilitation, and promotion of historic districts, sites, and structures.

House Numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same, or in default thereof to authorize and require the work to be done by the town at the owner's expense and such expense to constitute a lien upon the property collectible as taxes.

Housing. To establish a housing or habitability code and provide for the enforcement thereof.

Jail. To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

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

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

Lights. To provide for the lighting of the town, unless provided for by other agencies.

Livestock. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or any animals and to authorize fines and penalties and impounding of such animals when found in violation of the ordinances in such cases provided.

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

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

Noise. To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles or horns or other noise or sound-making devices, machinery or mechanical contrivance, or any unnecessary and unreasonable noise in any vicinity where such noise affects the public health, welfare, and happiness of the citizens.

Nuisances. To prevent or abate by appropriate ordinance all nuisances that are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not.

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

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

Parking Meters. To install parking meters on the streets and public places of the town in such places as by ordinance are determined and by ordinance to prescribe rates and provision for the use thereof.

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

Pensions. To provide for a retirement or pension system or a group insurance plan for the town's officers and employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the state, on such terms and conditions as state law may prescribe.

Police Force. To establish, operate, and maintain a police force; to enter into contract with state, county, or any other agencies available and qualified to render such police service to the town; and to provide for additional police and equipment in cases of emergency.

Police Powers. To prohibit and suppress within the town all vice, gambling, and games of chance not operated under the provisions of the laws and Constitution of the State of Maryland; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill repute; tramps and vagrants; all disorders; disturbances, annoyances, disorderly conduct, obscenity, public profanity, drunkenness, drug addiction, and impersonation of a police officer.

Property. To acquire by conveyance, purchase, gift, or condemnation real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the town; and to sell at public or private sale after twenty (20) days' public notice and to convey to the purchaser or purchasers thereof any real or leasehold property

belonging to the town when the council determines that the same is no longer needed for the public use.

To take by gift, grant, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor and accepted by the town; to provide for the proper administration of the same; and to convey the same when the council determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

Regulations. To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, traffic, parking, and other similar regulations not in conflict with the laws of the State of Maryland or this charter.

Salaries. To fix the salary or compensation of all elected and appointed municipal officials and employees of the town.

Sidewalks. To regulate the use of sidewalks; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions, including but not limited to overhanging hedges, weeds, and brush.

Special Assessments. To provide for the levying and collection of taxes in the form of special assessments on property for special benefits conferred upon the property by the construction of municipal improvements or parts thereof and to provide for procedures in connection therewith in accordance with the provisions of state law.

Special Taxing Districts. To create special taxing districts to the extent permitted by state law.

Street and Sidewalk Improvement. To regulate and improve curbs, streets, gutters, sidewalks, driveways, and assess the property owners for any necessary costs of construction and/or require bond for property owners or the construction agents to meet specified standards.

Streets. To regulate, control, open, close, and maintain all dedicated public streets and bridges.

Sweepings. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, oils, grease, and volatile liquids or other automobile refuse, or any unwholesome materials whatsoever into any public way or on any public or private property in the town, including gutters, sewers, catch basins, ditches,

and streams.

Tax Exemptions. To allow certain tax exemptions from the town property tax to certain senior and disabled citizens.

Trees. To provide for the protection of trees, as well as their setting out, trimming, spraying, and removal on or along any street, sidewalk, alley, or lane.

Urban Renewal/Redevelopment. To condemn any single family or multiple family dwelling unit, or other structure or property provided that such property: (a) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare of the residents of Riverdale Park; (b) is likely to continue to deteriorate unless corrected; (c) if allowed to continue deteriorating will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and (d) has an owner who has failed to correct the deterioration of said property, dwelling or structure. In order for the Town to utilize this condemnation procedure, the Town Council must adopt an individual ordinance pursuant to Chapter 69 of the Ordinance Code of the Town of Riverdale Park for each acquisition of land or property made under this subsection.

Voting Machines. To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

Walls, Fences, Hedges, Vines, and Shrubbery. To regulate the height of walls, fences, and hedges on or along any street, sidewalk, alley, or lane and to provide for their trimming, removal, or setback.

Ward Redistricting. By ordinance to establish, change, or relocate the boundaries of existing wards and to establish, change, and relocate boundaries of new or additional wards created either by annexation of territory to the town or by the division of a ward or wards.

Water, Sewer, and Drainage Systems. To construct and maintain water, sewerage, and storm drainage systems not provided by the Washington Suburban Sanitary Commission or other state or county agencies.

Weeds and Other Refuse. To provide for removal of weeds, overgrown foliage, and refuse from improved or unimproved lots and assess the costs against the owner of the property.

Enumeration not Exclusive. The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.
[Amended 11-6-95, effective 12-21-95]

§ 303: Exercise of Powers

For the purposes of carrying out the power granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance. The failure to mention a particular power or to enumerate similar powers in this charter shall not be construed to exclude such powers or to restrict the authority that the town would have if the particular power were mentioned or similar powers enumerated. The charter shall be liberally construed to the end that, within the limits imposed by the charter and the laws and Constitution of the State of Maryland, as may be amended from time to time, the town shall have all powers necessary for the conduct of its affairs.

§ 304: Enforcement of Ordinances

(a) To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the Circuit Court of Prince George's County. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to conviction for a continuation of the offense subsequent to the first or any succeeding conviction. [Amended ??????-03.]

(b) Violations and Penalties.

(1) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(2) A fine not to exceed two hundred dollars (\$200) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed four hundred dollars (\$400) for each repeat offense

and each day a violation continues may, unless otherwise provided, constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in additional fines or adjudication by the court.

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

**Article IV
The Mayor**

§ 401: Selection and Term

The mayor shall be elected from within the corporate limits of the town at large as hereinafter provided and shall hold office for a term of two years or until the succeeding mayor takes office. The regular term of the mayor shall expire on the first Monday in June following the election and qualification of his successor.

§ 402: Qualifications

The mayor must be at least 25 years of age, a citizen of the United States and a qualified voter in the town, and shall have resided within the corporate limits of the town for at least one (1) year immediately preceding election.

§ 403: Compensation of Mayor

The mayor shall receive an annual salary as set from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time the mayor takes office shall not be changed during the term for which the mayor was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be passed prior to a regular biennial town election and shall become effective on the first Monday in June following that election.

§ 404: Powers and Duties

(a) The mayor shall be recognized as the head of the town government for all ceremonial purposes, by the court for serving civil process, and by the Governor for the purpose of military and emergency law. The mayor shall have such other powers and perform such other duties as may be prescribed in this charter or required of him or her by the town council, if not inconsistent with this charter. [Amended 5-2-16, effective 6-21-16]

(b) Except as may be provided by ordinance or by resolution, the mayor shall have the authority to appoint the chair of any citizen advisory committee or board that may be established from time to time. [Amended 04/30/2003] [Amended 5-2-16, effective 6-21-16]

§ 405: Vacancy

(a) A vacancy in the office of mayor shall be declared to exist in the event of the mayor's death, recall, disqualification, permanent incapacitation, conviction of a felony, failure to attend three (3) consecutive regular council meetings without being excused by the council, or resignation from office. [Amended 5-2-16, effective 6-21-16]

(b) In the event a vacancy is declared within the first fifteen (15) months of a term, a special election in accordance with § 510 of this charter shall be held within forty-five (45) days after the declaration of the vacancy to fill the vacancy for the balance of the unexpired term.

(c) In the event a vacancy is declared during the last nine (9) months of a term, the council, within forty-five (45) days after the declaration of the vacancy and with the affirmative votes of a majority of its members, shall appoint a qualified person to fill the vacancy for the balance of the unexpired term.

Article V
Nominations and Elections

§ 501: Qualifications of Voters

(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any non-runoff town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this charter shall be a qualified voter of the Town. Every qualified voter shall be entitled to vote in all town elections; provided, however, that in the election of council members, only those qualified voters who reside within the limits of the ward from which a council member is elected shall be qualified to vote for that council member. For runoff elections, only those residents who were registered for the initial election are qualified to vote in the runoff election. [Amended 5-7-18; effective 6-26-18]

(b) The Town of Riverdale Park shall be divided into six (6) wards for municipal voting purposes. The ward boundaries shall be established by ordinance and shall be reviewed in the fall of the year following the decennial year in which the federal census is taken to ensure substantial equality of representation as nearly as practicable. The boundary descriptions of the wards shall be filed at all times in the town office for public inspection.

§ 502: Supervision of Town Elections

The mayor and council shall biennially appoint election judges and clerks to supervise voter registration, candidate nominations, and all town elections.

§ 503: Registration [Amended 9-8-94, effective 10-28-94.] [Amended 5-7-18; effective 6-26-18.]

(a) In accordance with §3-403 of the Election Law Article of the Annotated Code of Maryland, persons registered to vote in Prince George's County for county, state, and federal elections who meet the residency requirement of § 501(a)(3) of this charter shall be qualified to vote in Town elections. Any resident qualified to vote pursuant to the Election Law Article of the Annotated Code of Maryland may register to vote with the Board of Supervisors of Elections of Prince George's County by any means that the Board administers for such registration.

(b) The Town Clerk shall maintain a supplemental voter registry, separate from the list of registered voters maintained by the Prince George's County Board of Elections. The supplemental voter registry shall consist of the names of those individuals who are not on

the list of registered voters maintained by the Prince George's County Board of Elections but are registered to vote in Town elections pursuant to subsection (c) of this section.

(c) An individual who is not registered to vote with the Prince George's County Board of Elections and who otherwise is eligible to vote in Town elections may register to vote in Town elections and inclusion on the Town's supplemental voter registry by submitting a signed registration form with the Town Clerk in a form prescribed by the Clerk. Voter registration for the supplemental voter registry shall be effective upon the Town Clerk's acceptance of a completed and signed registration application and verification that the individual is eligible to vote in Town elections.

(d) On or before March 1, 2019, the Town shall institute a same-day registration program so that Town residents who are eligible to vote in Town elections may complete and submit a signed registration form on the day of a Town election and then have the opportunity to vote at the election. Same-day registration shall occur at a minimum when the polls are open in the Town.

§ 504: Notice of Elections

Notices of designated dates and places and registration deadlines for all town elections shall be published in at least one newspaper of general circulation in the town and posted in at least one (1) prominent public place in each ward, as may apply, by the chief election judge at least twenty (20) days before an election.

§ 505: Appeals

If any person is aggrieved by the action of the election judges or clerks, that person may appeal to the council. Any decision or action of the council upon such appeal may be appealed in turn to the District Court of Prince George's County within thirty (30) days of the decision or action of the council.

§ 506: Candidates for Office to File Petition

Any person desiring to be a candidate for any elective office in the town shall on or before the twenty-fifth (25th) day preceding the election file with the judges of election a petition to have his name printed on the ballot or placed on the voting machines. The petition shall set forth the office to which he desires to be elected and shall contain a statement that the candidate is qualified to hold the office if elected. In the case of any candidate seeking election as mayor, the petition shall be signed by not less than twenty-five (25) qualified voters from the town at large; in the case of a candidate for the council, the petition shall be signed by not less than fifteen (15) qualified voters from the ward in which the candidate resides. No appointed official of the town shall continue in such position after becoming a candidate for nomination or election to any town elective office. Filing fee for each office shall be set by ordinance. This section applies only to regular

elections; printing of names on the ballot or placement of names on the voting machine for runoff elections is detailed in §511.

§ 507: Election of the Mayor and Council

The Town of Riverdale Park shall hold a non-partisan election for all elected offices biennially in odd-numbered years on the first Monday in May at a place or places to be designated by the mayor and council. The qualified voters of the town shall elect one qualified person as mayor and six (6) qualified persons, one from each ward, as council members to serve for terms of two years. The terms of all elective offices shall begin on the first Monday in June following the election.

§ 508: Conduct of Elections

The council by ordinance shall provide for all elections; shall designate in said ordinance a convenient polling place or places, provided, however, that such polling place or places shall remain open for a minimum of twelve (12) consecutive hours; shall appoint judges and clerks of election; shall designate whether voting machines or paper ballots shall be used; shall provide the voting machines or paper ballots as the case may be; and shall conduct said elections in accordance with the provisions of this article.

§ 509: Absentee Ballots

The council by ordinance shall arrange for voting by absentee ballot in accordance with § 27 of the Election Code, Article 33 of the Annotated Code of Maryland, and shall notify the voters of this intention.

§ 510: Special Elections

All non-partisan special town elections shall be conducted by the council in the same manner and with the same personnel, as far as practicable, as set forth in § 508 of this charter. If the results of a special election require the Town to Hold a runoff election, the runoff election shall be in accordance with the procedures of §511 with the following exception: the council shall schedule the runoff election to be held no earlier than the twenty- first day, nor later than the thirtieth following the date of the special election (Amended 1-24-06).

§ 511: Vote Count, Declaration of Persons Elected, and Determination of Candidates for Runoff Election [Amended 2-4-01.] [Amended 5-7-18; effective 6-26-18.]

Within five (5) calendar days after the closing of the polls, the election judges shall determine and record the vote cast for each candidate and shall seal the ballots and/or machine tallies. Within five (5) calendar days after the closing of the polls, the judges shall present the record of votes cast to the mayor and council, who shall declare that person or

persons elected who received more than half of the votes for the respective office or offices. The results shall be recorded in the minutes of the council.

In the event no person receives more than half of the votes cast for all candidates for any office, a runoff election shall be held. To determine which persons' name shall be printed on the ballot or placed on the machines for a runoff election, the following procedure shall be followed:

a) Candidates' names shall be placed on a list in ranked order by the number of votes received, with highest rank for the candidate with the highest number of votes, and lowest rank for the candidate with the lowest number of votes. If two or more candidates received the same number of votes, they will appear on the list at the same rank.

b) If there is only one candidate at the highest rank, and there is only one candidate at the second highest rank, then these town candidates' names shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

c) If there are two candidates at the highest rank, then both of the candidates at this rank shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

d) If there are more than two candidates at the highest rank, then two of the candidates shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May. The two candidates shall be chosen from all of the candidates at highest rank by coin tosses, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief judge of election.

e) If there is only one candidate at the highest rank, and there is more than one candidate at the second highest rank, then one candidate shall be chosen from all the candidates at the second highest rank by coin tosses, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief judge of election. The name of the candidate at the highest rank and the name of the winner of the game of chance between the candidates at the second rank shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

The results of the runoff election shall be reported to the mayor and council, who shall declare that person or persons elected who shall have received the highest number of votes for the respective office or offices. In the event of a tie vote for any office, the person or persons elected shall be determined by a coin toss, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief judge of election.

§ 512: Preservation of Ballots

All ballots and records used in any town election shall be preserved for at least six (6)

months from the date of election.

§ 513: Regulation and Control

The council shall have the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of nominations and town elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud.

§ 514: Recall

(a) Recall of the mayor or any council member may be initiated at any time after the end of the sixth (6th) month of a term until the end of the eighteenth (18th) month of a term by the filing of a petition with the mayor and council, at a regular or special meeting, seeking the recall of the named elected official and containing the signatures of at least twenty-five percent (25%) of the total number of voters qualified to vote for the office from which recall of the named elected official is sought, but only for one or more of the following reasons, which shall be specified in the petition: failure to uphold the oath of office; malfeasance in office; misfeasance in office; or nonfeasance in office. Only one person may be named in a petition. A petition may contain several pages, but each page shall contain the name and office of the official sought to be removed and the reason(s). Each signer shall print and sign his name as it appears on the county or town voter registration records and shall add his residence address to his signature. At the bottom of each page of the petition, the person circulating the petition, who shall be a qualified voter for the office from which recall is sought, shall sign the page and make an affidavit before a notary public that he circulated the petition and saw each person whose name appears thereon sign his name in the circulator's presence. All pages composing such petition shall be assembled and filed as a single instrument, with the endorsements thereon of the names and addresses of at least three (3) persons designated as filing said petition, and once filed, may not be returned.

(b) Upon receipt of the petition, the council shall refer the petition to the board of election judges for verification of the validity and sufficiency of the signatures thereon and certification of the petition, and shall set a special meeting to be held within fifteen (15) days to receive the written report of the board and to consider the petition. If the board reports that the petition lacks the sufficient amount of valid signatures or cannot otherwise be certified, the council shall declare the petition as of no effect.

(c) Upon certification of the petition by the board of election judges, the council shall hold a special recall election within thirty (30) days in accordance with § 510 of this charter. The voting ballot shall contain the official's name and the office from which removal is sought and the choice of reaffirm or remove.

(d) The official whose recall is sought shall continue to serve pending the results of

the recall election, but shall excuse himself from all council actions in connection with his recall. If removal is voted by a majority of the qualified voters voting in the election, the official shall be recalled and the office declared vacant. Vacancies shall be filled in accordance with § 209 or § 405 of this charter, as may apply.

§ 515: Violations and Penalties

Any person who (i) fails to perform any duty required under the provisions of this article or any ordinances passed thereunder, (ii) in any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder, or (iii) willfully or corruptly does anything that will or will tend to affect fraudulently any registration, nomination, or election shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

**Article VI
Finance**

§ 601: 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.

§ 602: Budget

The town manager, on such date as the council determines but at least sixty (60) days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record, open to public inspection in the town office by anyone during normal business hours. [Amended 5-2-16, effective 6-21-16]

§ 603: Budget Adoption

Before adopting the budget, the council shall hold a public hearing thereon after two weeks' prior notice thereof in a newspaper or newspapers having general circulation in the town. The council may insert new items or may increase or decrease the items of the budget. If the council 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 adopted, by four (4) affirmative votes, not later than June 30th of each fiscal year. The total of anticipated revenues shall equal or exceed the total of proposed expenditures of the adopted budget.

§ 604: Appropriations and Expenditures

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein. Supplemental or emergency appropriations passed by four (4) affirmative votes may be made during the fiscal year provided such supplemental or emergency appropriations do not increase the total appropriations for the fiscal year beyond the total anticipated revenues for the fiscal year as estimated at the time such supplemental or emergency appropriations are made.

§ 605: Reserve Fund

A reserve fund may be established. This fund may be used from time to time for such purposes as (i) capital expenditures, *i.e.*, equipment, facilities, roads, etc., and (ii) to guarantee the temporary continuation of services directly affected by a loss of supporting budgeted revenues. Planning and budgeting each year shall reflect the policy of maintaining a reserve fund.

§ 606: Transfer of Funds

Any transfer of funds between major budget categories for different purposes must be approved by the council before becoming effective. [Amended 5-2-16, effective 6-21-16]

§ 607: Overexpenditures Forbidden

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract that by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditures pursuant to this charter, except as shall be approved by the mayor and council at a public meeting and that shall be appropriated from a contingency or reserve fund, or as a transfer of funds. Any contract, verbal or written, made in violation of this charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

§ 608: Appropriations Lapse After One Year

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

§ 609: Checks

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the town manager or, if the town manager is for any reason unavailable to issue and sign checks, other individuals recommended by the town manager and approved by the mayor and council shall be authorized to issue and sign such checks. If no individuals have been recommended by the town manager as described above, the mayor and council may authorize other non-elected town employees to issue and sign checks until the town manager

is available. The mayor and council may at any time revoke authorization to issue and sign checks from any individuals previously authorized. [Amended 5-2-16, effective 6-21-16]

§ 610: Taxable Property

All real property within the corporate limits of the town is subject to taxation for town purposes and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property that is exempt from taxation by any act of the Maryland General Assembly. Certain exemptions from the town tax shall be allowed for senior or disabled citizens by ordinance.

§ 611: Budget Authorizes Levy

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year. The tax levy shall not exceed \$.75 per \$100 of the assessed valuation of property in the town. However, the mayor and council may provide for special tax levy revenues to generate funds sufficient for the retirement of obligations undertaken pursuant to § 618 of this article and such special tax levy revenues shall not be considered a part of the tax revenues subject to the tax levy limitation of this section.

[Amended 04-04-05.]

§ 612: Notice of Tax Levy

After the levy is made by the council in each year, the town manager shall give notice of the making of the levy by posting a notice in some public place or places in the town and in a newspaper having general circulation in the town and by such other means as may be specified by the council. Unless otherwise accomplished by arrangement or agreement with a state or county agency, the town shall have made out and mailed or delivered to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property. [Amended 5-2-16, effective 6-21-16]

§ 613: Overdue Taxes

The taxes provided for in the foregoing sections 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 established by state law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § 614.

§ 614: Sale of Tax Delinquent Property

A list of all property on which the town taxes have not been paid and are in arrears as provided for in the preceding section of this charter shall be turned over by the town manager to the official of the county responsible for the sale of tax delinquent property as provided by state law. All property listed thereon, if necessary, shall be sold for taxes by such county official in the manner prescribed by state law. [Amended 5-2-16, effective 6-21-16]

§ 615: Receipts

All monies 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.

§ 616: 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, or more frequently if so desired by the council.

§ 617: Tax Anticipation Borrowing

During the fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than the end of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued that will cause the total tax anticipation indebtedness of the town to exceed twenty-five percent (25%) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance or resolution before being issued. The council shall have any authority to regulate the issuance and sale of tax anticipation notes as shall be set forth in § 31 of Article 23A of the Annotated Code of Maryland.

§ 618: Authorization to Borrow Money [Amended 3-5-12, effective 5-7-12]

- (a) The town may borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in this section.
- (b) All general obligation bonds, notes or other evidences of indebtedness issued

under the provisions of this section shall be authorized by an ordinance that contains: (1) a statement of the maximum aggregate principal amount of such obligations to be issued; (2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (3) a pledge of the security for such obligations and, if applicable, a statement that such obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and (4) a requirement that, subject to the provisions of subsection (d) below, before the issuance of any such obligations, the town council shall adopt a resolution in accordance with the provisions of subsection (c) below.

- (c) Prior to issuing any such obligations identified in subsection (b) above, the town council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for); (3) the date or dates and amount or amounts of maturity, which may be in any denomination and which may be in serial and/or term maturities; (4) the manner of selling such obligations, which may be either by solicitation of competitive bids at public sale after publication or dissemination of the notice of sale or a summary thereof or by private (negotiated) sale without advertisement or solicitation of competitive bids; (5) the price or prices of such obligations, which may be at, above or below par value; (6) any desired provisions relating to the redemption or put of such obligations prior to maturity (which may be at, above or below par value), and the manner of publishing or otherwise giving notice of such redemption or put; (7) the manner of executing and sealing such obligations, which may be by facsimile; (8) any documents pursuant to which such obligations are to be issued or secured, including, without limitation, agreements with banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for such obligations and for securing any tender option granted to the holders thereof; and (9) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the town council may determine necessary or desirable, including, without limitation, whether such obligations shall be sold for cash or other valuable consideration or further specifying the purposes for which such obligations are to be expended (within the limitations set forth in the applicable ordinance). By resolution the town council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (c). A resolution adopted pursuant to this subsection (c) may be introduced and adopted at a single session of the council and shall become effective immediately upon adoption or upon the date specified in such resolution.

- (d) The town council, at its option, may determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (c) above by ordinance instead of by resolution.
- (e) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the sale of municipal obligations at competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the town or in a generally recognized financial journal such as the bond buyer, or both, or any notice of sale may be disseminated, without publication, solely in electronic form or by any other then-commercially reasonable manner for the sale of municipal obligations, as determined by the town council in accordance with the provisions of subsection (c) or subsection (d) above, as applicable.
- (f) The powers conferred on the town under this section are additional and supplemental to any other borrowing authority granted to the town by maryland public general or public local law or this charter, and the town may authorize, issue and secure any such other debt in conformity with this charter and any other applicable law.

§ 619: Limit on General Obligation Indebtedness

- (a) The power of the town to borrow money by the issuance of its general obligation bonds, notes or other evidences of indebtedness shall be limited to a total principal amount of general obligation indebtedness outstanding at the time any such new general obligation debt is incurred equal to an amount not in excess of 2.0 percent of the assessed valuation of all real and personal property in the town.
- (b) The following shall not be deemed to be or be included as general obligation bonds, notes or other evidences of indebtedness for purposes of computing or applying the debt limitation set forth in subsection (a) of this § 619:
 - (1) Tax anticipation notes or other evidences of tax anticipation indebtedness issued in accordance with § 617 of this charter;
 - (2) Bonds, notes or other evidences of indebtedness which are:
 - i. Issued or guaranteed by the town payable primarily or exclusively from taxes levied in or on, or other revenues relating to, special taxing districts or areas or tax increment development districts heretofore or hereafter established by law, including tax increment financing bonds, notes or other evidences of indebtedness issued by another issuer to the payment

of which incremental tax are revenues of the town pledged pursuant to the authority of § 12-201, et seq., of the economic development article of the Annotated Code of Maryland, as replaced, supplemented or amended, and

- ii. Not backed by the full faith and credit and unlimited taxing power of the town;
 - (3) Revenue bonds, notes or other evidences of indebtedness which are not backed by the full faith and credit and unlimited taxing power of the town; and
 - (4) Refunded general obligation bonds, notes or evidences of indebtedness excluded from the application of this debt limitation pursuant to § 24 of Article 31 of the Annotated Code of Maryland, as replaced, supplemented or amended.
- (c) The town shall calculate the debt limitation set forth in subsection (a) of this § 619 using the assessed value of real and personal property, as of July 1 immediately preceding the issuance of the indebtedness, as determined by the state department of assessments and taxation or any department or agency that is subsequently charged with assessing property values for the town pursuant to Maryland law. [Amended 8-6-01.] [Amended 3-7-05 effective 4-4-05][Amended 6-3-13, effective 7-23-13]

§ 620: 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 may 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. The full faith and credit of the town are hereby pledged for the payment of the principal of and interest on all bonds, notes, or other evidences of indebtedness hereafter issued under the authority of this charter, unless otherwise provided in the bonds, notes, or other evidences of indebtedness, or in the ordinance or resolution authorizing their issuance.

§ 621: Previous Issues

All bonds, notes, or other evidences of indebtedness validly issued by the town prior 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.

§ 622: Purchasing and Contracts

(a) All purchases, contracts, and expenditures for the town shall be made by the town manager or other individuals recommended by the town manager and approved by the mayor and council. All bills for purchases, contracts, and/or expenditures shall be

approved by the mayor and responsible council members, committees, and administrative personnel by whatever procedure established from time to time by the mayor and council by resolution. [Amended 5-2-16, effective 6-21-16]

(b) All sealed bids requested by the mayor and council shall be opened at a regular or special council meeting.

(c) All contracts are subject to appropriation by the council unless expressly exempted by four (4) affirmative votes.

(d) Any and all other rules and regulations pertaining to purchasing and contracts, competitive and negotiated bids, bond, penalties, and conditions therefore shall be prescribed by ordinance or resolution by the mayor and council at a regular or special public meeting.

§ 623: Competitive Bids

All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than twenty thousand dollars (\$ 20,000) shall be made on written contract. The town manager shall advertise for sealed bids for all such contracts by means including but not limited to publishing notice thereof twice in a newspaper of general circulation in the town. The town manager shall present the sealed bids to the council for approval and advise the council on the bids. Such written contracts shall be awarded by the council to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The town may reject all bids and re-advertise. The council may suspend these requirements for competitive bidding for purchases and contracts in excess of the stated amount by four (4) affirmative votes when, because of emergency or exigent circumstances, and in the opinion of the council, such suspension is reasonably necessary for public policy, health, safety, or well-being. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising or re-advertising for or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the council may require. [Amended 5-2-16, effective 6-21-16]

**Article VII
Administration and Personnel**

§ 701: Authority to Employ Personnel

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other state law and to operate the town government.

§ 702: Town Manager [Amended 5-2-16, effective 6-21-16]

(a) There shall be a town manager who shall have the powers and duties as set forth in §702(c) of this charter. The town manager shall be appointed by the council with an affirmative vote of a majority of the entire council. At the time of appointment, and during the town manager's term of office, the town manager shall be a full member in good standing of the International City/County Management Association.

(b) The town manager shall serve at the pleasure of the council and his or her compensation shall be determined by the council. The council may provide an employment contract for the town manager, provided that the contract provides that the town manager serves at the pleasure of the council. The council may remove the town manager from office in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of the entire council a preliminary resolution which must state the reasons for removal and may suspend the town manager from duty for a period not to exceed sixty (60) days. A copy of the resolution shall be delivered promptly to the town manager.

(2) Within five (5) days after a copy of the resolution is delivered to the town manager, the town manager may file with the council a written request for a private or a public hearing. This hearing shall be held at a council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The town manager may file with the council a written reply not later than five (5) days after the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of the entire council at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the town manager, if the town manager has not requested a private or a public hearing, or at any time after a hearing if the town manager has requested one. The town manager shall continue to receive his or her salary until the effective date of a final resolution unless specified otherwise in any employment contract.

(4) If the preliminary resolution for removal is adopted during the first ninety (90) days following a municipal election and does not include criminal activity among the reasons

for removal, the town manager shall receive his or her salary for at least ninety (90) days from the date of adoption of the preliminary resolution for removal unless greater compensation is specified in an employment agreement with the town manager.

(c) The town manager shall:

(1) Be the chief executive and operating officer of the town and see that its ordinances are faithfully executed, and be the head of the administrative operations of the town government.

(2) Appoint and remove all subordinate officers and employees of the town in accordance with the rules and regulations of any merit system adopted by the council.

(3) Appoint and remove department heads with approval by affirmative vote of a majority of the entire council, subject to the terms of any employment contract providing for severance benefits in the event of removal.

(4) Provide employment contracts to department heads subject to approval by the town council.

(5) Make an annual report to the council and to the public on the condition of municipal affairs.

(6) Make recommendations to the council as needed for the public good and welfare of the town.

(7) Prepare an annual budget to be submitted to the council.

(8) Be the chief financial officer of the town, unless the town manager appoints a chief financial officer subject to the supervision of the town manager. The financial powers of the town, except as otherwise provided for in this charter, shall be exercised by the town manager or by a chief financial officer that the town manager appoints. The chief financial officer shall have the following duties and responsibilities:

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

(b) Maintain a general accounting system for the town in the form as the council may require, but not contrary to state law.

(c) Submit at the end of each fiscal year and at such other times as the council may require a complete financial report to the council.

(d) Ascertain that all taxable property with the town is assessed for

taxation.

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

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

(9) Arrange for taking minutes of all town council legislative meetings and keeping a full and accurate account of the proceedings of the council.

(10) Be the town's personnel manager, unless the town manager appoints a personnel manager subject to the supervision of the town manager.

(11) Do such other things as the council may require or as may be required elsewhere in this charter.

(d) The council shall appoint or designate an acting town manager if the town manager position is temporarily vacant or if town manager is unable to serve.

(e) Ineligibility of elected officials. No elected official shall be appointed to the office of town manager during the term that the official is serving or within one year after the expiration of the term

§ 703: Town Attorney

The council by affirmative vote of a majority of the entire council shall appoint a town attorney. The town attorney shall be a member of the Bar of the State of Maryland and experienced in governmental law. The town attorney shall be the legal advisor of the town and shall perform such duties as may be required by the council. Compensation shall be determined by the council. The town attorney shall serve at the pleasure of the council and may be removed by affirmative vote of a majority of the entire council. The town may employ such legal assistants and to obtain such legal services as it deems necessary from time to time. [Amended 5-2-16, effective 6-21-16]

§ 704: Merit System

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the council may adopt such rules and regulations governing the operation of the merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive exams, the use of eligible lists, a classification plan, a compensation

plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the state for the administration of its merit system, as provided in state law.

§ 705: **Unclassified and Classified Service** [Amended 5-2-16, effective 6-21-16]

The civil service of the town shall be divided into the unclassified and classified services.

(a) The unclassified service shall comprise the following offices and positions that shall not be included within the merit system. Elected members of the unclassified service serve in accordance with the provisions of this charter. Except as may be provided by this charter or by ordinance or resolution, non-elected members of the unclassified service serve at the pleasure of the town manager, and shall have no rights of tenure. Unless otherwise specified in the town code, or by ordinance or resolution, members of boards, committees, and commissions, including election judges and clerks, which are appointed by the mayor or town council serve at the pleasure of the town council. The members of the unclassified service are:

(1) Elected members, including the mayor, council members, and persons appointed to fill vacancies in these positions.

(2) The town manager and the heads of offices, departments, and agencies of the town, including chief of police and director of public works.

(3) Members of town boards, committees and commissions, including election judges and clerks.

(4) Part-time, temporary, and unpaid offices and positions.

(b) The classified service shall comprise all positions not specifically included in this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

§ 706: **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.

§ 707: Compensation of Employees

The compensation of all non-elected officers and employees of the town shall be set from time to time by the town manager, subject to appropriations for that purpose in the town budget. [Amended 5-2-16, effective 6-21-16]

§ 708: Employee Benefit Programs

The town by ordinance or resolution may provide for or participate in hospitalization or other forms of welfare benefit programs for its employees and may expend public monies of the town for such programs.

Article VIII
Public Ways and Sidewalks

§ 801: Definition of Public Ways

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

§ 802: Control of Public Ways

The town has control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Highway Commission. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town.

§ 803: Town Powers as to Public Ways

(a) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.

(b) Grade, lay out, construct, open, extend, and make new town public ways.

(c) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.

(d) Pave, surface, repave, or resurface any town public way or part thereof.

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

(f) Construct, reconstruct, maintain, and repair bridges.

(g) Name town public ways, except as covered by other agencies of the state.

(h) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

(i) Close, abandon, or restrict access to any town public way or part thereof.

§ 804: Powers of Town as to Sidewalks

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

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

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

(d) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized to this section at the owner's expense according to reasonable plans and specifications. If after due notice the owner fails to comply with the order within a reasonable time, the town may impose such fines and penalties as may be necessary or the town may employ its own forces or a contractor to do the work and the expense shall be a lien on the property and shall be collected in the same manner as are town taxes or by suit at law.

**Article IX
Town Property**

§ 901: Acquisition, Possession, and Disposal

The town may acquire real, personal, or mixed property within the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town of Riverdale Park at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof.

§ 902: Condemnation

The town may condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12, Eminent Domain, of the Real Property Article of the Annotated Code of Maryland.

§ 903: Town Buildings

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government.

§ 904: Protection of Town Property

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

**Article X
General Provisions**

§ 1001: Oath of Office

(a) Before entering upon the duties of their offices, the mayor, council members, town manager, judges and clerks of election, chief of police, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the oath or affirmation as set forth in § 9 of Article 1 of the Constitution of the State of Maryland. [Amended 5-2-16, effective 6-21-16]

(b) The oath of office for the mayor and the council members shall be administered as the first order of business following the call to order of the regular meeting held on the first Monday in June following the election. The mayor shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court of Prince George's County or before one of the sworn deputies of the Clerk. The council members taking or subscribing to the oath shall either do so before the Clerk, or a deputy as aforesaid, or before the mayor. All other persons taking and subscribing to the oath shall do so before the mayor or one of the election judges, as the case may be.

§ 1002: Official Bonds

The town manager and such other officers or employees of the town as the council or this charter may require shall give bond in such surety as may be required by the council. The premiums on such bonds shall be paid by the town. [Amended 5-2-16, effective 6-21-16]

§ 1003: Seal

The mayor, council and town manager shall have the power to use a common seal. Only the mayor and council have the right to establish the common seal. [Amended 5-2-16, effective 6-21-16]

§ 1004: Prior Rights and Obligations

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

final determination and judgment as if this charter had not become effective.

§ 1005: Effect of Charter Revisions on Existing Ordinances

(a) Ordinances, etc., not in conflict with revised charter remain in effect. All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective that are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of the this charter.

(b) Ordinances, etc., in conflict with charter repealed. All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective that are in conflict with the provisions of this charter are repealed to the extent of such conflict.

§ 1006: Separability

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

§ 1007: Nonforfeiture

Neglect or nonuse shall not work a forfeiture on any provision of this charter.

§ 1008: Charter Amendment

This charter may be amended in accordance with the provisions of Article 23A of the Annotated Code of Maryland, provided, however, that no amendment to this charter shall be passed at the meeting at which it is introduced. At any regular or special meeting held not fewer than six (6) nor more than sixty (60) days after the meeting at which an amendment to this charter is introduced, it shall be passed, or passed as amended, or rejected, or have its consideration deferred. The amendment or a fair summary thereof shall be published at least once in a newspaper having general circulation in the town before it is acted upon by the council.

§ 1009: Transitional Provisions

(a) The mayor and council members holding office at the time this charter becomes effective shall continue to hold their respective offices for the terms for which they were elected until the succeeding mayor and council members take office under the provisions of this charter, provided, however, that no vested rights exist under this charter except as expressly provided herein.

(b) Any prior existing municipal corporation charter of the town shall be and hereby is expressly repealed upon the effective date of this charter.

(c) The effective date of this charter is July 10, 1991.

[END]