

COMMISSIONERS OF RIDGELY
COMMISSIONERS WORKSHOP AGENDA
SEPTEMBER 17, 2025
6:00 – 8:00 PM

To update and revise the Ridgely Town Code,

Chapter C: Town Charter

1. Section 4. Elections; tenure; vacancies; President; qualifications
2. Section 7. Elections; tie votes.
3. Section 8. Vacancies in office.
4. Section 23. Police.
5. Sections 24, 25, 26.
6. Section 27. Police; complaints against
7. Section 28. Police; vacancy

Town Code:

1. Chapter 64: Animals; (Permit Domestic Poultry: Implementing Ordinance)
 - a. Definitions
 - b. Where permitted
 - c. Registration & Permit
 - d. Flock Size & Roosters
 - e. Coop & Setback Standards
 - f. Nuisance / Sanitation / Waste
 - g. Noise & Complaints
 - h. Prohibitions
 - i. Enforcement & Penalties
 - j. Effective Date

The public is invited to make suggestions for consideration. All suggestions must be submitted to sberkey@ridgelymd.org no later than 4 pm on Wednesday September 17, 2025.

Chapter C

CHARTER

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| Section 1. Incorporated; general powers. | Section 23. Police; appointment, powers and duties, bond. |
| Section 2. Boundaries. | Section 24. Same; special. |
| Section 3. Commissioners; members in 1937. | Section 25. Same; fees. |
| Section 4. Elections; tenure; vacancies; President; qualifications. | Section 26. Officers and employees. |
| Section 5. Same; notice, voters' qualifications, procedure. | Section 27. Same; complaints against. |
| Section 6. Same; no certificates of candidacy. | Section 28. Same; vacancy. |
| Section 7. Same; tie votes. | Section 29. Reserved. |
| Section 8. Vacancies in office. | Section 30. Fines. |
| Section 9. Oath of office. | Section 31. Sewerage, drainage, water systems. |
| Section 10. Meetings of Commissioners. | Section 32. Sewerage and drainage systems. |
| Section 11. Clerk; appointment, compensation. | Section 33. Regulations for sewerage, drainage, water systems. |
| Section 12. Same; duties. | Section 34. Powers. |
| Section 13. Same; surety bond. | Section 35. Condemnation. |
| Section 14. Taxable property. | Section 36. Acting President. |
| Section 15. Budget authorizes levy. | Section 37. Ordinances; powers. |
| Section 16. Notice of tax levy. | Section 38. Subdivisions. |
| Section 17. When taxes are overdue. | Section 39. Borrowing Power. |
| Section 18. Sale of tax-delinquent property. | Section 40. Audits. |
| Section 19. Passage of ordinances; effective date. | Section 41. |
| Section 20. Referendum. | Section 42. Property; powers. |
| Section 21. RECALL. | Section 43. Prior rights preserved. |
| Section 22. (Reserved) | Section 44. Existing laws and ordinances. |
| | Section 45. Prior officers. |
| | Section 46. Separability provisions. |

[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:

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.

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 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 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.

- (A) Elections. On the fourth Monday of April in every year, beginning 1937, an election under this Charter shall be held between such hours as the Commissioners shall provide by ordinance, for the purpose of electing one Commissioner at each such annual election, who shall hold office for a term of three years or until his/her successor takes office.
- (B) Vacancies. 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. If there is one vacancy, then 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. If there are two vacancies, then the person receiving the highest number of votes shall be elected for the term of three years, 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 made vacant which has the next longest duration from the date of such election.
- (C) President of the Commissioners. The Commissioner who is in the third year of his/her current term shall become the President of the Commissioners at the Commissioners' meeting on the first Monday in May and shall serve as the President until the Commissioners' meeting on the first Monday in May in the next upcoming year. In the event no Commissioner is in the third year of his/her current term at such meeting, then the Commissioner who is in the second year of his/her current term shall become President of the Commissioners as aforesaid. In the event no Commissioner is in the second or third year of his/her current term at such meeting, then the Commissioners shall appoint the President of the Commissioners by majority vote at such meeting.
- (D) Qualifications for Commissioner. No person shall be eligible to become a candidate for election as a Commissioner of Ridgely unless he/she shall have attained the age of 25 years, and shall have resided within the said Town at least one year prior to the date of his or her election, and shall be qualified to vote in accordance with the provisions of this Charter. (12-6-2010 by Res. No. 2010-1; 2-5-2018 by Res. No. 2018-01)

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

- (A) Notice. The Commissioners of Ridgely shall cause a notice of the time and place of each annual election to be given by publication in at least one newspaper of general circulation in Caroline County and posted in two conspicuous places in the Town of Ridgely for at least seven days before any election.
- (B) Voter Qualifications. Every person who (1) is a citizen of the United States of America; (2) is at least eighteen years of age; (3) has resided within the corporate limits of the Town for at least six months prior to the next Town election; (4) has resided within the State of Maryland for at least one year prior to the next Town election; and (5) has registered to vote in accordance with the provisions of this Charter at least thirty days prior to the next Town election shall be entitled to vote at all Town elections.
- (C) Certificate of Candidacy. Any person desiring to become a candidate for the office of Commissioner of Ridgely shall file with the Clerk-Treasurer a written certificate of such candidacy on a form which the Commissioners shall prescribe by ordinance. The certificate of candidacy must be filed with the Clerk-Treasurer no later than the close of business on the first Monday in April.
- (D) Ballots; procedure. Immediately upon the expiration of the time for filing certificates of candidacy by the respective candidates, the Clerk-Treasurer shall cause to be published in at least one newspaper of general circulation in Caroline County, and posted in two conspicuous places in the Town of Ridgely, the names of all candidates as they are to appear upon the official ballot. The Clerk-Treasurer 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 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. Following the names of the candidates, the following words shall be printed on the ballot: "Write-in candidates will not be considered."

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.

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-Treasurer under their hands the number of votes cast and for whom cast. The Clerk-Treasurer 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.

- (E) Registration. Provided that persons meet the voter qualifications enumerated in this Charter, registration to vote by the Caroline County Board of Elections and/or the State Board of Elections shall be deemed registration for Town elections and the Clerk-Treasurer shall accept the list of registered voters provided by the Caroline County Board of Elections and/or the State Board of Elections as a valid registration list for the Town. ~~County voter registration forms shall be made available at the Town Office during normal business hours. The Town shall maintain a supplemental registration list for voters who choose not to register with the County. The Commissioners, by ordinance, shall enact and enforce any provisions necessary to establish and maintain a system of permanent supplemental registration and provide for re-registration when necessary. The Clerk-Treasurer shall keep the supplemental registration lists up to date by striking from the lists any persons who have died, moved out of the Town, or not voted in a Town election within the preceding five calendar years.~~
- (F) Absentee ballots. Any qualified voter of the Town is entitled to vote in any Town election by absentee ballot. Requests to vote by absentee ballot must be qualified in accordance with State law and must be received by the Clerk-Treasurer at least fifteen days prior to any Town election. The Clerk-Treasurer shall mail absentee ballots to qualified voters, at the request of those voters, not less than ten days prior to the election. Completed absentee ballots must be returned to the Clerk-Treasurer no later than the close of the polls on election day. (Res. 3-25-1986; 12/6/2010 by Res. No. 2010-2; 2-5-2018 by Res. No. 2018-01)

Section 6. Same; no certificates of candidacy.

- (A) Uncontested elections. If only one person files a certificate of candidacy for an election in which there is only one vacancy, then the Clerk-Treasurer shall certify that the election is uncontested, in which case the election shall be canceled and that person shall assume the office of Commissioner upon taking the oath of office on the first Monday in May in accordance with the provisions of this Charter.
- (B) 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 no election shall be held, and the Commissioner whose term is expiring shall automatically retain his/her office for another term;

provided, however, that if such Commissioner shall refuse to serve for another term, that, then his/her office shall be deemed vacated and the remaining Commissioners shall fill the vacancy in accordance with the provisions of this Charter. (2-5-2018 by Res. No. 2018-01)

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 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/she enters upon the discharge of his/her office, make oath before a justice of the peace or a notary public of Caroline County "that he/she 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. (2-5-2018 by Res. No. 2018-01)

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

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

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 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. Taxable property.

All real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly. (Res. 2-4-1980; 12-6-2010 by Res. No. 2010-3)

4. Note: So in original.

Section 15. 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. (12-6-2010 by Res. No. 2010-3)

Section 16. Notice of tax levy.

Immediately after the levy is made by the Commissioners of Ridgely in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. He (or she, as the case may be) shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property. The Commissioners may enter into an arrangement with Caroline County Maryland by which the County will prepare and mail the tax bill. (12-6-2010 by Res. No. 2010-3)

Section 17. When taxes are overdue.

The taxes provided for in Section 706^s of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of 0.5% for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 18. (12-6-2010 by Res. No. 2010-3)

Section 18. Sale of tax-delinquent property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 17 of this charter shall be turned over by the Clerk-Treasurer to the official of the Caroline County responsible for the sale of tax-delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes in the manner prescribed by State law. (12-6-2010 by Res. No. 2010-3)

Section 19. Passage of ordinances; effective date.

(A) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners of Ridgely held not less than six nor more than 60 days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date.

5. Editor's Note: So in original.

- (B) In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of two members of the Commissioners of Ridgely.
- (C) Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of 20 calendar days following its passage, unless a petition for referendum shall have been filed prior to the expiration of such 20 days following its passage. An emergency ordinance shall become effective on the date specified in the ordinance and shall not be such⁶ to referendum. (12-6-2010 by Res. No. 2010-3; 12-6-2010 by Res. No. 2010-4)

Section 20. Referendum.

- (A) At any time within the twenty-day period following the date of final enactment of an ordinance, a number of people equal to 25% of the qualified voters of the Town, as determined in accordance with the provision of the Maryland Code relating to municipal registration, may petition, in writing, for a referendum on the ordinance. Upon presentation of the petition to the Clerk-Treasurer of the Town, the Clerk-Treasurer shall cause a written verification of the signatures thereon and shall ascertain that the persons signing the petition represent at least 20% of the qualified voters of the Town. Upon verifying that the requirements of this Section have been complied with, the Town Clerk-Treasurer shall by proclamation suspend the effectiveness of the ordinance, contingent upon the results of the referendum.
- (B) The Clerk-Treasurer shall set a date for the referendum on the ordinance, which shall be not less than 15 days and nor⁷ more than 90 days from the publication of notices therefor. Such notices shall be published twice at not less than weekly intervals in a newspaper or newspaper⁸ of general circulation in the Town of Ridgely. The notices shall specific⁹ the time and place or places at which the referendum will be held, such place or places to be within the corporate limits of the Town of Ridgely.
- (C) On the date and at the places specified, the ordinance for which a referendum shall have been petitioned shall be submitted to a referendum election of the qualified voters. The ballots or voting machines, as the case may be, shall contain a summary of the resolution, with suitable provisions for the vote to indicate a choice for or against it.
- (D) If a majority of the persons voting on the question in that reference¹⁰ shall vote in favor of the proposed ordinance, the ordinance shall become effective as proposed on the fourteenth day following the referendum vote, otherwise the ordinance shall be null, void and of no effect. (12-6-2010 by Res. No. 2010-3; 12-6-2010 by Res. No. 2010-5)

6. Editor's Note: So in original.

7. Editor's Note: So in original.

8. Editor's Note: So in original.

9. Editor's Note: So in original.

10. Editor's Note: So in original.

Section 21. RECALL.

- (A) The holder of the office of Commissioner may be removed by the qualified voters Ridgely¹¹ by recall petition in accordance with Paragraph (B) of this section subject to the following limitations:
- (1) The officer has held office for at least six months;
 - (2) Only one recall petition may be filed during such Commissioner's Term of Office;
 - (3) The recalled officer may not be a candidate to succeed himself at a special election held to fill the vacancy created by his or her recall, nor may he or she be appointed by the appointing authority to fill the vacancy.
- (B) A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 25% of the total number of registered voters of Ridgely who are qualified to vote in municipal elections under the Election Article of the Maryland Code, demanding the recall of a person from elective office shall be filed with the Clerk-Treasurer. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number and the date signed. Such petition for recall shall be filed with the appropriate county clerk or election authority within 60 days after the date of the earliest signature on the petition. One of the signers of each such paper shall make oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be. (12-6-2010 by Res. No. 2010-3; 12-6-2010 by Res. No. 2010-6)

Section 22. (Reserved) ¹²**Section 23. Police; appointment, powers and duties, bond. ¹³**

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

11. Editor's Note: So in original.

12. Editor's Note: Former Section 22, Same; fees, was repealed 12-6-2010 by Res. No. 2010-3.

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

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.

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.¹⁴

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

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

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.

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 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 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. ¹⁵

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,¹⁶ any private road or roads whatsoever, or right of drainage or sewerage or any 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. ¹⁷

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

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

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

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

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 provide financial assistance to a local volunteer 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 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 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.

- (A) Whenever in this Charter or in any resolution or ordinance adopted pursuant to this Charter or otherwise lawfully adopted, an act or omission to act is declared to be a misdemeanor, any person found guilty of such act or omission to act shall be subject to a fine or imprisonment, or both such fine and imprisonment, to the maximum extent permitted by Article 23A, § 3 of the Maryland Code, or corresponding future provision thereof.
- (B) Whenever in this Charter or in any resolution or ordinance adopted pursuant to this Charter, or otherwise lawfully adopted, an act or omission to act is declared to be a "municipal infraction", it shall be a civil offense, and any person found guilty of such act or omission to act shall be guilty of a municipal infraction and shall be subject to a fine to the maximum extent permitted by Article 23A, § 3 of the Maryland Code, or corresponding future provision thereof.
- (C) Whether an offense is declared to be a misdemeanor or a municipal infraction, in each such event each day that a violation shall continue shall constitute a separate offense. (10-5-2009 by Res. No. 2009-R-10; 12-6-2010 by Res. No. 2010-7)

Section 38. Subdivisions. ¹⁸

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 sub-section 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 § 19-301, et seq. 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 thirty (30) 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 for the purpose for which 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; 4-3-2017 by Res. No. 2017-01)

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. ¹⁹

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

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

Section 42. Property; powers. ²⁰

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.

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.

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

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.

Chapter 64

ANIMALS

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| <p>§ 64-1. Applicability of county provisions.</p> <p>§ 64-2. Definitions.</p> <p>§ 64-3. Humane treatment required.</p> <p>§ 64-4. Keeping of certain animals prohibited.</p> <p>§ 64-5. Animals running at large or unattended.</p> <p>§ 64-6. License required; rabies vaccination.</p> <p>§ 64-7. Impoundment.</p> | <p>§ 64-8. Female dogs in heat.</p> <p>§ 64-9. Dogs believed to have rabies.</p> <p>§ 64-10. Impounding fee.</p> <p>§ 64-11. Liability for fees and charges.</p> <p>§ 64-12. Interference with authorized personnel.</p> <p>§ 64-13. Kennels.</p> <p>§ 64-14. Fierce animals; violations and penalties.</p> <p>§ 64-15. Violations and penalties.</p> |
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[HISTORY: Adopted by the Commissioners of the Town of Ridgely 6-2-1997 by Ord. No. 141. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 119.

§ 64-1. Applicability of county provisions.

Section 32A, Article 6, Animal Control, of the Public Local Laws of Caroline County, Maryland, or corresponding future provision thereof, shall apply within the corporate limits of the Town of Ridgely. Whenever in this chapter the Town Animal Control Officer is directed to perform any act which the county ordinance requires to be performed by the County Animal Control Officer, the Town Animal Control Officer may refer the performance of such act to the County Animal Control Officer unless otherwise directed by the President of the Commissioners.

§ 64-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning indicated:

ANIMAL — Every species of animal except man.

AT LARGE — An animal shall be deemed at large whenever the animal is not on the owner's property or under the immediate physical control of a responsible person capable of physically restraining the animal, either by leash, cord, chain or similar means.

KEEPING or HARBORING — The act or sufferance either of feeding or sheltering an animal on the premises of the occupant or the owner thereof.

OWNER — Any person, firm or corporation having a property right in an animal or any person who keeps or harbors an animal or has or has had it in his or her care or acts as custodian or permits it to remain on or about any premises controlled or occupied by him or her for more than two weeks.

PUBLIC NUISANCE — Any animal found repeatedly making loud or objectionable sounds, damaging property, molesting passersby, chasing vehicles or acting in any manner which is deemed to be doing damage to property or to the public health and well-being or which is known to have bitten two or more persons or shall have been determined by the County Animal Control Officer, the County Public Health Officer or the Town police to be a detriment to public health, welfare or safety shall be deemed to be a public nuisance. If a dead animal is not properly disposed of and is deemed to be a public nuisance by reason of its appearance or odor or for public health reasons, its owner may be charged with maintaining a public nuisance by the County Animal Control Officer, the County Public Health Officer or the Town police.

TOWN ANIMAL CONTROL OFFICER — Any member of the Ridgely Town Police Department and any other person designated as such by the President of the Commissioners.

§ 64-3. Humane treatment required.

- A. Owners of animals shall provide each animal with sufficient food and water and provide shelter from sunlight, rain, snow and cold. Veterinary care shall be provided as needed in order to prevent suffering and to give humane care and treatment.
- B. No person shall poison or attempt to poison any animal other than rodents.
- C. Any person who strikes an animal with an automobile or who injures an animal in any way, accidentally or otherwise, shall notify the Town Clerk/Treasurer.
- D. No person shall mistreat or abandon any animal.
- E. Owners shall exercise care and control of all animals so as to prevent the same from becoming a public nuisance.
- F. Any Maryland-licensed veterinarian is hereby authorized to immediately and humanely euthanize a suffering animal without liability whenever the owner cannot be promptly identified or contacted.
- G. The owner of an animal shall be responsible for the removal of any excretion deposited by the animal on public walks or roads, recreation areas or private property.
- H. While in heat, every female dog shall be kept confined in a building or secured enclosure by the owner in such a manner that she will not be in contact (except for intentional breeding purposes) with another dog or create a public nuisance by attracting other dogs.

§ 64-4. Keeping of certain animals prohibited.

The breeding, feeding, pasturing and/or penning of horses, hogs, pigs, poultry, pigeons, rabbits, hares or guinea pigs and the maintenance of stables, chicken or pigeon coops, piggeries, pig pens or pig runs within the limits of the Town is hereby prohibited.

§ 64-5. Animals running at large or unattended.

It shall be unlawful for any person to permit an animal to be turned loose or to be allowed to run at large within the Town limits or to leave a draft animal, whether hitched to a vehicle or not, to stand upon any street or alley without being securely tied or fastened or in the immediate custody of the owner, driver or some competent person.

§ 64-6. License required; rabies vaccination.

No person shall own or have custody of any dog over four months of age unless the dog is licensed by Caroline County in accordance with Caroline County public local laws and has been vaccinated against rabies in a procedure approved by the Maryland Department of Health and Mental Hygiene. This provision shall not apply to dogs in the Town owned by a nonresident, provided that the dogs are duly licensed in their home city, county or state and provided that the owner sends a valid rabies vaccination certificate for the dog while the dog is in Town.

§ 64-7. Impoundment.

- A. It shall be unlawful for the owner to permit his or her dog to run at large or to permit his or her animal to constitute a public nuisance.
- B. Whenever any person finds a dog running at large with or without a license tag or believes an animal constitutes a public nuisance, he or she may notify any Town Animal Control Officer, who may cause the animal to be taken and impounded. Upon the capture of any dog, the Animal Control Officer shall make a genuine effort to notify the owner of its capture, if his or her identity can be ascertained through license records, if any, or otherwise. The dog may be confined and disposed of either by being destroyed or being offered for adoption if not identified and claimed within five days after its capture. No owner may claim his or her dog unless and until all charges incident to the confinement of the dog shall be paid. A dog found at large and unlicensed which during the episode has bitten a human shall not be released from impoundment, except as authorized by a court order, but shall become the property of the Town and shall be humanely destroyed after 72 hours and its brain tested for rabies.

§ 64-8. Female dogs in heat.

Female dogs in heat found running at large shall be taken and impounded. Any female dog so captured may be redeemed by the owner thereof upon payment of the impoundment service fee as provided in § 64-10. If the same dog belonging to the owner shall be impounded for a

second time within 12 months, the dog cannot be reclaimed by the owner thereof unless the owner shall pay for the spaying of the dog within one week after notice.

§ 64-9. Dogs believed to have rabies.

- A. If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, the dog or dogs shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Animal Control Officer of the fact that his or her dog has been exposed to rabies, and, at his or her discretion, the Animal Control Officer is empowered to have the dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner. **[Amended 5-3-1999 by Ord. No. 187]**
- B. It shall be unlawful for any person knowing or suspecting a dog to have rabies to allow the dog to be taken off his or her premises or beyond the limits of the Town without the written permission of the Animal Control Officer. Every owner or other person, upon ascertaining that a dog is rabid, shall immediately notify the Animal Control Officer, who shall either remove the dog to the pound or, if required under the circumstances, summarily destroy it.

§ 64-10. Impounding fee.

Whenever a dog is impounded pursuant to this chapter or any other provision of the law, the owner thereof shall pay an impounding fee of \$50 for a dog with a valid license and \$100 for a dog subject to license and without a current valid license and costs of any required veterinary services and furnish satisfactory evidence that the dog is licensed before release.

§ 64-11. Liability for fees and charges.

Where the owner of an impounded dog can be ascertained, the owner shall be liable for the impounding fee and other proper charges even in cases where the dog is disposed of pursuant to this chapter.

§ 64-12. Interference with authorized personnel.

No person shall attempt to interfere with the Animal Control Officer, Animal Warden or any other authorized person in the performance of his or her duties, nor shall any person attempt to or release without authority any animal impounded pursuant to the animal control laws of the Town.

§ 64-13. Kennels.

- A. Any structure or place used for the housing, maintaining or breeding of two or more dogs (or other animals) for which a fee is charged, or five or more dogs whether or not a fee is charged, shall be deemed a commercial kennel.

- B. It shall be unlawful to maintain any kennel, commercial or otherwise, within the corporate limits of the Town that becomes a nuisance. If upon an investigation by the Town or County Animal Control Officer a kennel is found to be a nuisance, it shall be the owner's duty to close the kennel and remove the dogs or bitches from the corporate limits of the Town within 24 hours. Upon failure of the owner to comply, the Animal Control Officer shall have the dogs or bitches impounded. However, nothing in this subsection is intended to interfere with the proper operations of animal hospitals.

§ 64-14. Fierce animals; violations and penalties. [Amended by Ord. No. 234, effective 9-9-2002]

- A. Purpose and intent. The purpose of this section is to promote the public health, safety, and general welfare of the citizens of the Town of Ridgely. It is intended to be applicable to "dangerous" dogs, as defined herein, and to regulate dogs that are commonly referred to as "pit bulls," as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance. The Town of Ridgely Police Department (Town Police Department) is designated as the lead agency charged with the administration and enforcement of this section.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BOARD OF ANIMAL CONTROL — Consists of the Chief of Police, the Chairman of the Board of Zoning Appeals, and one member of the public who has demonstrated an interest in the matter of animal control.

DANGEROUS DOG — A "pit bull dog," as defined in this subsection, or any dog that, because of its aggressive nature, training, or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "dangerous dog" includes any dog that according to the records of Caroline County Animal Control or any law enforcement agency:

- (1) Has aggressively bitten, attacked, endangered, or inflicted serious injury on a human being on public or private property;
- (2) Has severely injured or killed a domestic animal while off the owner's property; or
- (3) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

DIRECTOR — The executive officer of the Board of Animal Control. Until a Director has been appointed by the Mayor, the Chief of Police shall act as Director. [Amended 2-3-2003 by Ord. No. 239]

MUZZLE — A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

PIT BULL DOG — Includes any of the following dogs:

- (1) The Staffordshire Bull Terrier breed of dogs.

- (2) The American Staffordshire Terrier breed of dogs.
- (3) The American Pit Bull Terrier breed of dogs.
- (4) Dogs that have the appearance and characteristics of being predominantly of the breeds of dogs known as "Staffordshire Bull Terrier," "American Pit Bull Terrier," or "American Staffordshire Terrier."

C. Procedure for declaring a dog dangerous.

- (1) An animal control officer or any adult person may request under oath that a dog be classified as dangerous by submitting a sworn, written complaint on a form approved by the Commissioners of Ridgely to the Board of Animal Control. Upon receipt of such complaint, the Board of Animal Control shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
- (2) At the conclusion of an investigation, the Board of Animal Control may:
 - (a) Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or
 - (b) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in § 64-14G, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within 10 business days after a final determination that a dog is dangerous, the Board of Animal Control may cause the dog to be humanely destroyed.

D. Notification of dangerous dog declaration.

- (1) Within five business days after the Board of Animal Control has declared a dog dangerous, the Town Clerk-Treasurer shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in § 64-14G of this section. The Town Clerk-Treasurer also shall notify the Town Police Department of the designation of any dog as a dangerous dog. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog owner.
- (2) The notice shall inform the dog owner that he may request, in writing, a hearing to contest the Board's finding and designation within five business days after delivery of the dangerous dog declaration notice.
- (3) If the Town Clerk-Treasurer cannot with due diligence locate the owner of a dog that has been seized pursuant to this section, the Board of Animal Control shall cause the dog to be impounded for not less than five business days. If, after five days, the owner fails to claim the dog, the Board of Animal Control may cause the dog to be humanely destroyed.

E. Hearing on dangerous dog declaration.

- (1) The Board of Animal Control shall hold a hearing within 15 business days after receiving the dog owner's written request for such a hearing. The Board shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.

- (2) At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:
 - (a) Provocation;
 - (b) Severity of attack or injury to a person or domestic animal;
 - (c) Previous aggressive history of the dog;
 - (d) Observable behavior of the dog;
 - (e) Site and circumstances of the incident; and
 - (f) Statements from interested parties.
 - (3) A determination at a hearing that the dog is in fact a dangerous dog shall subject the dog and its owner to the provisions of this section.
 - (4) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this section.
- F. Appeal from dangerous dog declaration. If the Board of Animal Control determines that a dog is dangerous at the conclusion of a hearing conducted under § 64-14E, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within five days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Board's determination of dangerousness.
- G. Keeping of dangerous dogs. The keeping of a dangerous dog as defined in § 64-14B shall be subject to the following requirements:
- (1) Leash. No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a chain leash no more than four feet in length. No such person shall permit a dangerous dog to be kept on a chain leash outside its kennel, pen or other proper enclosure unless a person capable of controlling the dog is in physical control of the leash. Under no circumstances shall an individual under the age of 21 years old be allowed to be in possession or control of a dangerous dog when it leaves the residence of the owner.
 - (2) Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its kennel, pen or other proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.
 - (3) Confinement. Except when leashed as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked kennel, pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosed structure shall meet the following requirements:

- (a) The structure must have secure sides and a secure top, or all sides must be at least eight feet high;
 - (b) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one foot into the ground; and
 - (c) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.
- (4) Indoor confinement. No dangerous dog shall be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 - (5) Liability insurance; surety bond. The owner of a dangerous dog shall present to the Town Clerk-Treasurer and Caroline County Animal Control proof that he has procured liability insurance or a surety bond in the amount of not less than \$100,000 covering any damage or injury that may be caused by such dog. The policy shall contain a provision requiring that the Town Clerk-Treasurer be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated, or expires. In the event that the owner proves to the satisfaction of the Town Clerk-Treasurer that insurance is not available, he may pay a nonrefundable cash fee in the amount of \$1,000 to the Town.
 - (6) Notification of escape. The owner or keeper of a dangerous dog shall notify the Town Police Department and Caroline County Animal Control immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
 - (7) Failure to comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this section shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.
- H. Permit and tag required for a dangerous dog.
- (1) The owner of a dangerous dog shall, within three business days after the classification of the dog as dangerous or upon acquisition of the dog, annually register to obtain a permit from the Town Clerk-Treasurer to harbor the dog.
 - (2) Only persons 21 years of age or older shall be allowed to own, keep or harbor a dangerous dog inside the Town's limits. The owner must offer proof of age through a valid state-issued identification card (e.g., driver's license) or certified birth certificate.
 - (3) Such ownership is subject to the following conditions:
 - (a) A color photograph of the dog showing its size and color;

- (b) Proof of home ownership (e.g., deed, homeowner's policy, mortgage coupon) or lease with express written permission from the landlord allowing said dog to be harbored on the premises; and
 - (c) The fee for such permit shall be \$100 per year.
 - (4) The registration process and issuance of the permit will result in the issuance of a special tag, to be attached at all times to the dog's collar, so that an animal control officer or Town police officer may readily determine if the dog has been registered.
 - (5) Upon registration, the permit issued by the Town Clerk-Treasurer shall be carried by the owner at all times and the permit must be presented to an animal control officer or Town police officer upon demand.
- I. Pit bull dogs presumed dangerous. There shall be an irrefutable presumption that a pit bull dog is a dangerous dog and is therefore subject to the requirements of this section.
- J. Notification of intent to impound.
- (1) When an animal control officer or Town police officer intends to impound a dog declared to be dangerous by reason of its having committed any of the acts described in § 64-14G, he shall notify the owner or custodian of the dog, by personal delivery or by certified mail, of the intended impoundment at least five business days prior to the intended impoundment, except as provided in § 64-14K.
 - (2) The notice of intent to impound shall inform the owner or custodian of the dog that he may request in writing, within five business days prior to the intended impoundment, a hearing before the Board of Animal Control to contest the intended impoundment and finding of a violation.
 - (3) Upon request by the owner or custodian of the dog for a hearing pursuant to Subsection J(2), a hearing shall be held within 10 business days after the request for a hearing. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog's owner or custodian requesting such hearing.
 - (4) If the owner or custodian requests a hearing pursuant to Subsection J(2), no impoundment shall take place until conclusion of the hearing, except as authorized by § 64-14K.
- K. Immediate impoundment.
- (1) A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when a law enforcement person having jurisdiction in the matter or any County Animal Control Officer determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of § 64-14G or when the dog bites a person or domestic animal.
 - (2) The owner or custodian of the dog immediately impounded pursuant to Subsection K(1) shall be notified of the impoundment by certified mail within five business days after the dog's impoundment.

- (3) The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five business days after the mailing of the notice of impoundment.
- (4) Upon request by the owner or custodian of the dog for a hearing under Subsection K(3), a hearing shall be held within 10 business days after such request. Notice of the date, time and location of the hearing shall be provided by certified mail to the dog owner requesting the hearing.

L. Impoundment hearing.

- (1) If, after a hearing on impoundment, the Board of Animal Control finds no violation of § 64-14G, or that the dog has not bitten an individual or domestic animal, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.
- (2) Incident to the findings and conclusions made at the impoundment hearing, the Board of Animal Control may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:
 - (a) Posting of bond or other proof of ability to respond in damages;
 - (b) Specific requirement as to size, construction and design of a kennel in which to house the dog;
 - (c) Requirements as to type and method of restraint and/or muzzling of the dog;
 - (d) Permanent marking of the dog for purposes of identification; and
 - (e) Payment of reasonable fees to recover the costs incurred by the Town in ensuring compliance with this section.

M. Destruction.

- (1) The Board of Animal Control or its designee may order the destruction of a dog that it determines to be dangerous to public health or safety, a dog that has made a vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.
- (2) The Board of Animal Control shall give written notice by certified mail of its intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within 10 business days after delivery of such notice, a hearing to contest the intended destruction.
- (3) If no hearing is requested pursuant to Subsection M(2), the dog shall be destroyed pursuant to applicable provisions of law.
- (4) If a hearing is requested pursuant to Subsection M(2), such hearing shall be held within 10 business days after the request; and the dog shall not be destroyed prior to the conclusion of the hearing.

- (5) The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the Town to humanely and safely keep the animal during any legal proceeding.
- N. Appeal from order of humane destruction. If the Board of Animal Control orders a dangerous dog to be humanely destroyed, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within 15 days after receiving notice of the destruction order. If an appeal is timely filed, the Board shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Board's destruction order.
- O. Change of ownership.
- (1) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within 10 business days after such change of ownership or residence, provide written notification to the Board of Animal Control of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the Board of Animal Control, along with written acknowledgment by the new owner of his receipt of such notification. The Board of Animal Control shall notify the Town Police Department of any changes of ownership, custody or residence of the dog within three business days after receiving the required information from the previous owner.
- (2) Any person receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this section pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous dog.
- P. Continuation of dangerous dog declaration. Any dog that has been declared dangerous by any agency or department of this Town, another municipality, county, or state shall be subject to the provisions of this section for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county, or state government shall notify the Board of Animal Control of the dog's address and conditions of maintenance within five days of moving the animal into the Town of Ridgely. The restrictions and conditions of maintenance of any dog declared dangerous by this Town, another municipality, county, or state shall remain in force while the dog remains in the Town.

§ 64-15. Violations and penalties.

Except as otherwise provided in § 64-14 of this chapter, any person violating any provisions of this chapter shall be guilty of a municipal infraction.