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Article I. Town Officials and Employees.

Sec. 2-1. Salaries of appointed officials and regular employees.

The salaries of all appointed officials and regular employees shall be established each year prior to the adoption of the annual tax levy and shall be itemized in the annual budget. (Ordinance 1, effective 1/1/1941)

Sec. 2-1.1. Salaries of councilmen, president of council.

(A) On and after the third Monday in May, 1999, the salaries of all Council persons of the Town of Easton shall be Five Thousand Dollars (\$5,000) per year, and the salary of the President of the Council shall be Six Thousand Dollars (\$6,000) per year. (Ordinance 389 effective 5/10/1999, historical reference 62, 99, 246)

(B) Notwithstanding subsection (A) above, the salary specified at the time that any council person or President of the Council takes office shall not be changed during the period for which that council person or President of Council was elected, as required by Article II, Sections 2 and 15 of the Town Charter.

Sec. 2-1.2. Salary of mayor.

(A) On and after the third Monday in May 1999, the salary of the mayor of the Town of Easton shall be Eight Thousand, Five Hundred Dollars (\$8,500) per year. (Ordinance 388 effective 5/10/1999, historical reference 63, 98, 247)

(B) Notwithstanding subsection (A) above, no change shall be made in the salary for any mayor during the term for which he or she was elected, as required by Article III, Section 3 of the Town Charter.

Sec. 2-2. Employment of extra labor.

Extra labor shall be employed by the town, if and as needed, in conformity to existing labor rates. (Ordinance 1, effective 1/1/1941)

Article II. Police Board.

Sec. 2-3. Police Board - Composition.

The five members of the Town Council shall serve as the Town of Easton Police Board. (Ordinance 462 effective 1/26/2004, historical reference 2 & 358)

Sec. 2-4. Same - Meetings.

The Police Board shall meet regularly on the first Monday of February, May, August, and November at 6:00 p.m. or at such other time or times as the majority of the police board shall designate. The meetings shall be held in the Town Council meeting room or at such other location as the Police Board may designate. The meeting shall be open to the public. Closed Sessions shall be permitted as necessary and in accordance with law. (Ordinance 462 effective 1/26/2004, historical reference 2)

Sec. 2-5. Same - Powers and duties.

The Police Board shall hear and consult with the Chief of Police regarding the police department's building, equipment, and other budgetary needs, as well as receive input from citizens regarding the police department. In addition, the Police Board may consider such other matters as a Board member considers appropriate. (Ordinance 462 effective 1/26/2004, historical reference 2)

Sec. 2-6. Same - Records; regulations of procedure; reports.

The Police Board shall keep minutes of its meetings. The Police Board may adopt such regulations or rules for its organization and procedure as it deems necessary for carrying out its duties, including designating a chair person and establishing guidelines for public participation. (Ordinance 462 effective 1/26/2004, historical reference 2.)

Sec. 2-7. Oath of office for police officer.

Before any person appointed shall be vested with the power and authority of police officer, he shall take the oath of office required by the Charter of Easton, and shall evidence his willingness to conform to all regulations of the police department of the Town and to obey all lawful orders and instructions given him by the Police Board, the Chief of Police, and any other properly constituted police authority of the Town. (Ordinance 462 effective 1/26/2004, historical reference 2.)

Article III. Fire Board

Sec. 2-8. Fire Board - Composition.

The five members of the Town Council shall serve as the Town of Easton Fire Board (Ordinance 463 effective 1/26/2004, historical reference 4 & 358)

Sec. 2-9. Same - Meetings.

The Fire Board shall meet regularly on the third Monday of February, May, August, and November at 6:00 p.m. or at such other time or times as the majority of the police board shall designate. The meetings shall be held in the Town Council meeting room or at such other location as the Police Board may designate. The meeting shall be open to the public. Closed Sessions shall be permitted as necessary and in accordance with law. The Fire Board shall keep minutes of its meetings and may adopt such regulations or rules for its organization and procedure as it deems

necessary for carrying out its duties including designating a chair person and establishing guidelines for public participation (Ordinance 463 effective 1/26/2004, historical reference 4)

Sec. 2-10. Same - Duties.

The Fire Board shall consult with the Easton Volunteer Fire Department regarding the use, condition, care, operation, repair, and replacement of the fire engine building and the firefighting equipment belonging to the Town. (Ordinance 463 effective 1/26/2004, historical reference 4)

Sec. 2-11. Same - Custody of buildings and equipment.

All the firefighting equipment, and the buildings housing same belonging to the Town, are placed in the custody of the Board of Trustees of the Easton Volunteer Fire Department, Inc., to be operated by the said Trustees, and, in the case of the firefighting equipment, under the direction of the Fire Chief, as provided by the by-laws of the said Easton Volunteer Fire Department, Inc. The custody of the firefighting equipment and the building belonging to the Town, shall be retained by the Trustees of the Easton Volunteer Fire Department, Inc., contingent upon the election by the said Department annually of a Fire Chief subject to approval by the Town Council of the person elected fire chief. (Ordinance 463 effective 1/26/2004, historical reference 4)

Article IV. Parks and Recreation

Sec. 2-12. Director of Parks and Recreation.

The Mayor may appoint, subject to approval by the Town Council, a duly qualified person to serve as Director of Parks and Recreation of the Town, who shall be compensated as provided in the annual Town budgets. The Director of Parks and Recreation shall perform such duties as the Mayor may direct. (Ordinance 496 effective 3/12/2006, historical reference 296, 300)

Sec. 2-13. Establishment of Parks and Recreation Advisory Board.

There shall be a municipal Parks and Recreation Advisory Board which shall have the powers and duties as set forth in this Article. (Ordinance 496 effective 3/12/2006, historical reference 296, 297, 300)

Sec. 2-14. Appointment and term of members; vacancies.

The members of the Parks and Recreation Advisory Board shall consist of five adult residents of the Town who shall be appointed by the Mayor, subject to the approval of the Council for the term of three years and until their successors are appointed and qualified. In the event of a vacancy on the Board, the Mayor, subject to the approval of the Council, shall appoint a qualified replacement to serve the remainder of the term. (Ordinance 496 effective 3/12/2006, historical reference 296)

Sec. 2-15. Compensation.

Member of the Parks and Recreation Advisory Board shall serve without compensation. (Ordinance 496 effective 3/12/2006, historical reference 296, 300, 328)

Sec. 2-15A. Duties and Functions.

The Parks and Recreation Advisory Board shall have the following duties and functions:

- (A) The Board shall assess the recreation needs and resources of the Town and may coordinate with community organizations to promote recreational opportunities for the public. It shall make recommendations to the Director and the Mayor and Town Council regarding the staffing, finance,

maintenance, and operation of recreational facilities and programs in or near the Town. The Board shall make recommendations to the Mayor and Town Council relating to plans and policies for public recreation, the establishment of recreational programs and plans for the acquisition of land for public recreation and open space prepared by the Planning and Zoning Commission. The Board shall meet as needed, but not less than quarterly. All meetings shall be open to the public unless applicable Maryland law permits an executive or closed session. The Board shall report on its activities annually and at such other times as requested by the Mayor or Town Council.

(B) The Parks and Recreation Advisory Board shall adopt rules and regulations of the use of Town parks and recreation facilities, which rules and regulations shall be subject to review and approval by the Mayor and Town Council.

(C) The Parks and Recreation Advisory Board shall select one its members to serve as the Town's representative on the Talbot County Parks and Recreation Advisory Board, which selection shall be approved by the Mayor and Council.

(D) The Parks and Recreation Advisory Board shall exercise such other duties as the Mayor and Town Council may direct from time to time.
(Ordinance 496 effective 3/12/2006, historical reference 296, 300, 328)

Section 2-15B. Annual Plan; Approval.

In addition to the Board's other duties, the Board shall submit to the Mayor and Town Council on or before November 1 of each year, a written plan regarding proposed acquisitions of park land or major items of equipment or other improvements, including recommendations for projects suitable for grant or loan applications from federal, state or local agencies. The plan shall be subject to the review, amendment and approval of the Town Council. Unless and until approved by the Town Council;

(A) no applications or pre-applications process with any government agency for any park project shall be commenced by the Town, or its officers, agents or employees; and

(B) no report or recommendation regarding anticipated projects shall be submitted to the Talbot County Parks and Recreation Advisory Board or similar agency.
(Ordinance 328, effective 11/15/1995)

Article V. Purchasing, Contracting and Bidding.

Sec. 2-16. Bidding policy.

(A) It shall be the duty of the Council to give opportunity for competition on all purchases and sales, and on all contracts for construction, works, and nonprofessional services except when the nature of the purchase, sale, contract or service is such that competition is impossible or impracticable under the existing circumstances. Contracts in excess of five hundred dollars (\$500) except for the purchase or sale of real estate, or rights or easements therein, or for professional services, shall be by contract to the lowest (or highest) responsible bidder after public notice and the receipt of sealed bids, unless the Council, by ordinance, determines that it is impossible or impracticable to purchase or sell in such manner. All sealed bids received shall be opened in public and thereafter shall be subject to public inspection. The town may reject all bids and readvertise for new bids. The town may accept the bid which represents the best value to the town and the acceptance of which is in the best interests of the town. The town may require successful bidders to furnish security conditioned upon the faithful performance of their contract and conditioned upon the payment of the wages and compensation of all laborers employed on work for which a contract is made by the contractor, or subcontractor. This section does not apply to purchases and sales made by the Easton Utilities Commission. (Ordinance 100 effective 5/10/1981, historical reference 519 aka E-34, 326)

(B) For the procurement of all materials and services pursuant to the United States Department of Housing and Urban Development Community Development Block Grant Programs, when bids are solicited, the town shall incorporate into such solicitation a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and when necessary, shall set forth those minimum essential characteristics and standards to which the material to be procured must conform if it is to satisfy its intended use. Detailed product specifications shall not be used if at all possible. When it is impractical or uneconomical to make a clear and accurate description the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other essential requirements of the material, product or service to be procured. The specific features of any named brand which must be met by the material, product or service to be procured shall be clearly stated and any solicitation for bid. The town, in making a solicitation for bid, shall clearly set forth all requirements an offer must fulfill and all factors to be used in evaluating bids and proposals. (Ordinance 100 effective 5/10/1981, historical reference 519 aka E-34, 326)

Article VI. Ethics Provisions.

Sec. 2-17. Applicability. Other than as provided in Section 2-19, the provisions of this article apply to the following town officials and employees: The Mayor, all members of the Town Council, all members of the Easton Utilities Commission, the General Manager of the Easton Utilities Commission, the head of each department of the Easton Utilities Commission, the members of the Board of Appeals, the Planning and Zoning Commission, the Historic District Commission, the Building Inspector, the Town Engineer, the Town Clerk, the Supervisor of Elections and the Chief of Police. Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-18. Ethics commission. There shall be a Town of Easton Ethics Commission (hereinafter referred to as "Commission"), which shall be composed of three members appointed by the Mayor. The Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- (A) To devise, receive and maintain all forms generated by this Article;
- (B) To provide published advisory opinions to persons subject to this Article as to the applicability of the provisions of this Article to them;
- (C) To process and make determinations as to complaints filed by any person alleging violation of this Article to them;
- (D) To conduct a suitable public information program regarding the purposes and application of this Article.

(Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-19. Conflict of interest. All Easton officials and employees, whether or not they are otherwise subject to this Article shall not:

- (A) Participate on behalf of the Town in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated;
- (B) Hold or acquire an interest of either \$1,000 or 5% or more in a business entity which has or is negotiating a contract of \$1,500 or more with the Town or is regulated by their agency, except as is exempted by the Commission pursuant to Sec. 2-22 of this Article;
- (C) Be employed by a business entity that has or is negotiating a contact of more than \$1,500 with the Town or is regulated by their agency, except as is exempted by the Commission pursuant to Sec. 2-22 of this Article;

(D) Hold any outside employment relationship that would impair impartiality or independence of judgment;

(E) Represent any party for a contingent fee before any Town body;

(F) Within one year following termination of Town service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a Town official or employee;

(G) Solicit any gift or accept gifts of greater than twenty five dollars (\$25) in value from any person that has or is negotiating a contract with the Town or is regulated by their agency, except when these gifts do not present a conflict of interest as is determined by the Commission; (Ordinance 453, effective 12/16/2002)

(H) Use the prestige of their office for their own benefit or for that of another; (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

(I) Use confidential information acquired in their official capacity for their own benefit or for that of another. (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-20. Financial disclosure. Easton officials and employees shall file annually, not later than January 31 of each calendar year during which they hold office. (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

(A) A statement with the Commission disclosing any gifts of greater than twenty five dollars (\$25) in value received during the preceding calendar year from any person having a contract with the Town or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate value at time of receipt; provided, however, that if an official or employee receives no gift of greater than twenty five dollars (\$25) in value during the preceding calendar year from any person having a contract with the Town of any person regulated by their agency, the official or employee is not required to file a statement; (Ordinance 453, effective 12/16/2002)

(B) Candidates for elective offices shall file statements consistent with the requirements of division (A) above at the time they file their certificates of candidacy; (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

(C) All Town officials and employees subject to this Article, or candidates for elective office to positions subject to this Article, shall file a statement with the Commission disclosing any interest or employment, the holding of which would require disqualification from participation, pursuant to Section 2-19(A) of this Article; disclosure must be made not less than five days in advance of the date of the meeting or action to be taken, unless good cause to the contrary be shown; (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

(D) Disclosure statements filed pursuant to this section shall be maintained by the Commission as public records and shall be available for public inspection and copying. (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-21. Lobbying disclosure.

(A) Any person who personally appears before any Town official, Board or employee, with the intent to influence that person in performance with his official duties, and in connection with such intent, expends or reasonably expects to expend in a given calendar year, in excess of \$250 on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission not later than January 15 of the calendar year or within five days after first making these appearances.

(B) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances.

(C) Registrants under this Section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a Town official or Town employee. When a gift or a series of gifts to a single official or employee exceeds \$50 in value, the official or employee shall also be identified.

(D) The registrations and reports filed pursuant to this Section shall be maintained by the Commission as public records available for public inspection and copying.

(Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-22. Exemptions and modifications. The Commission may grant exemptions and modifications to the provisions of Sec. 2-19 and 2-20 of this Article if it determines that the application of those provisions would:

(A) Constitute an unreasonable invasion of privacy;

(B) Significantly reduce the availability of qualified persons for public service; and

(C) Not be required to preserve the purposes of this Article.

(Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-23. Definition of a gift. For the purposes of this Article, "gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, 26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions. (Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-24. Enforcement.

(A) The Commission may issue a cease and desist order against any person found to be in violation of this Article and may seek enforcement of this order in the Circuit Court for Talbot County. The Court may issue a cease and desist order and may impose a fine of up to \$500.00 for any violation of the provisions of this Article.

(B) A Town official or employee found to have violated this Article may be subject to disciplinary or other appropriate personnel action, including suspension of Town salary or other compensation.

(C) Violation of Sec. 2-19 of this Article shall be a misdemeanor, subject to a fine of up to \$500.00 or imprisonment of up to 90 days.

(Amended Ordinance 107 effective 4/28/1983, historical reference 103, 107)

Sec. 2-25. Non-Smoking Policy.

(A) Statement of Policy; General Ban on Smoking. It is hereby to be the policy of the Town of Easton to limit, to the greatest extent which is reasonably feasible, the smoking of tobacco and tobacco products within buildings owned by the Town. Except as is provided in this Section, smoking is prohibited within buildings owned by the Town.

(B) Exceptions. The following officials may, by written policy, allow smoking in designated portions of the following buildings either generally or for designated times or places until January 1, 1991:

- (i) Town Office - Town Clerk
- (ii) Easton Police Department Building - Chief of Police
- (iii) Easton Volunteer Fire Department Building - Trustees of Easton Volunteer Fire Department, Inc.
- (iv) Easton Utilities Buildings - General Manager, Easton Utilities Commission
- (v) Other Town Buildings - Town Engineer.

(C) Inapplicable To Buildings Under Lease. The provisions of this Section shall not apply to any building owned by the Town which building or portion thereof, has been leased by the Town to any person or organization for that person's or organization's exclusive use.
(Ordinance 165, effective 4/8/1990)

Article VII – Codes Enforcement

§ 2-26.1 Codes Enforcement Establishment. The office of Town of Easton Code Enforcement is hereby established and the official in charge thereof shall be known as the Code Official. (Ordinance 559 effective 10/13/2009)

§ 2-26.1.1 Code Official. The Code Official is hereby authorized to act as the enforcement officer with regard to all ordinances of the Town of Easton other than criminal ordinances. The Code Official may designate; one or more assistants as Code Enforcement Officers, one such person as the Codes Administrator and one such person as the Codes Assistant of the Town of Easton. Such persons shall have duties and powers as delegated by the Code Official. (Ordinance 559 effective 10/13/2009, historical reference 310)

§ 2-26.1.2 Law Enforcement Officers. The sworn law enforcement officers of the Easton Police Department are hereby authorized to enforce any non-criminal ordinance of the Town of Easton when requested to do so by the Code Official or any other assistant designated by the Code Official to act as an enforcement officer or administrator. (Ordinance 559 effective 10/13/2009, historical reference 310 & 16)

§ 2-26.1.3 Other Powers not affected. The provisions of this section shall not affect the authority of members of the Easton Police Department to enforce state or local criminal laws or ordinances. (Ordinance 559 effective 10/13/2009, historical reference 310)

§ 2-26.2 Code Enforcement Board of Appeals

§ 2-26.2.1 General. Any person directly affected by a decision of the Code Official or a notice or order issued by the Code Official shall have the right to appeal to the Easton Board of Zoning Appeals under the provisions set forth in Chapter 28 Zoning of the Code of the Town of Easton, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served (Ordinance 559 effective 10/13/2009, historical reference 86, 115, 238, 325, 405 & 448)

§ 2-26.2.2 Application for appeal. An application for appeal shall be based on a claim that the true intent of the codes or the rules legally adopted thereunder have been incorrectly interpreted or do not fully apply. (Ordinance 627 effective October 7th 2012, historical reference 86, 448, and 559).

§ 2-26.2.2.1 Waiver authority. Except as set forth in § 11-6.4.3 of the Easton Town Code, the board shall have no authority to waive requirements of the codes. (Ordinance 627 effective October 7th 2012, historical reference 86, 448, and 559).

§ 2-26.2.3 Board. All provisions governing the Board of Appeals with respect to members, provisions for alternates, quorum, procedure, chairman, term of office, etc. shall be applicable to appeals of the Building Codes.. (Ordinance 559 effective 10/13/2009, historical reference 448)

§ 2-26.2.4 Administration. The Code Official shall take immediate action in accordance with the decision of the Easton Board of Zoning Appeals. (Ordinance 559 effective 10/13/2009, historical reference 448)

§ 2-26.3 Code Enforcement Division.

§ 2-26.3.1 Establishment. The division of Building Inspection is hereby established under the office of Town of Easton Code Enforcement and the official in charge thereof shall be the Code Official hereafter cited as official. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.3.2 Designation of Division Staff. The official shall have the authority to designate; one or more assistants as Technical; Examiners or Inspectors and one such person as the Building Codes Administrator of the Town of Easton. Such persons shall have duties and powers as delegated by the official. (Ordinance 559 effective 10/13/2009, historical reference 16, 115, 238, 325, 405 & 448)

§ 2-26.4 Duties and Powers of the Code Official.

§ 2-26.4.1 General. The official is hereby authorized and directed to enforce the provisions of the Town of Easton Code exclusive of criminal codes, hereafter cited as codes. The official shall have the authority to render interpretations of those codes and to adopt policies and procedures in order to clarify the application of those provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of those codes. Such policies and procedures shall not have the effect of waiving requirement specifically provided for in those codes. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.4.2 Applications and permits. The official shall receive applications, review construction documents and issue permits; for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of those codes. (Ordinance 559 effective 10/13/2009, historical reference 16, 115, 238, 325, 405 & 448)

§ 2-26.4.3 Notices and orders. The official shall issue all necessary notices or orders to ensure compliance with those codes. (Ordinance 559 effective 10/13/2009, historical reference 16, 115, 238, 325, 405 & 448)

§ 2-26.4.4 Inspections. The official shall make all of the required inspections, or the official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.4.5 Identification. The official shall carry proper identification when inspecting structures or premises in the performance of duties under those codes. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.4.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of those codes, or where the official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of those codes which makes the structure or premises unsafe, dangerous, or hazardous, the official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by those codes. The official may not enter any building or structure without the permission from the owner or occupant except pursuant to a warrant issued by a Court of Maryland and accompanied by a police officer who shall serve and execute the warrant. (Ordinance 559 effective 10/13/2009, historical reference 16 & 448)

§ 2-26.4.7 Department records. The official shall keep records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the records for the period required for retention of public records. (Ordinance 559 effective 10/13/2009, historical reference 16, 115, 238, 325, 405 & 448)

§ 2-26.4.8 Liability. The official charged with the enforcement of those codes or other pertinent law or codes, while acting for the Town of Easton in good faith and without malice in the discharge of the duties required by those codes or other pertinent law or codes, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an official because of an act performed by that official in the lawful discharge of duties and under provisions of those codes or other pertinent law or codes shall be defended by legal representative of the Town of Easton until the final termination of the proceedings. The official shall not be liable for the cost in any action, suit or proceeding that is instituted in pursuance of the provisions of those codes or other pertinent law or codes. (Ordinance 559 effective 10/13/2009, historical reference 115, 238 & 448)

§ 2-26.4.9 Approved materials and equipment. Materials, equipment, and devices approved by the official shall be constructed and installed in accordance with such approval. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.4.1.9.1 Used materials and equipment. The use of used materials which meet the requirements of those codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the official. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.4.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of those codes, the official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the official shall first find that special individual reason makes the strict letter of those codes impractical and the modification is in compliance with the intent and purpose of those codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the division. (Ordinance 559 effective 10/13/2009, historical reference 16, 115, 238, 325, 405 & 448)

§ 2-26.4.11 Alternative materials, design and methods of construction and equipment. The provisions of those codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by those codes, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the official finds that the proposed design is satisfactory and complies with the intent of the provisions of those codes, and that the material, method or work offered is for the purpose intended, at least the equivalent of that prescribed by those codes in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions in lieu of specific requirements of those codes shall also be permitted as an alternate. (Ordinance 559 effective 10/13/2009, historical reference 115, 238, 325, 405 & 448)

§ 2-26.4.11.1 Tests. Whenever there is insufficient evidence of compliance with the provisions of those codes, or evidence that a material or method does not conform to the requirements of those codes, or in order to substantiate claims for alternative materials or methods, the official shall have the authority to require tests as evidence of compliance to be made at no expense to the Town of Easton. Test methods shall be as specified in those codes or by other recognized test standards. In the absence of recognized and accepted test methods, the official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the official for the period required for retention of public records. (Ordinance 559 effective 10/13/2009, historical reference 16, 115, 238, 325, 405 & 448)

Article VIII – Custody and Disposition of Abandoned, Lost or Seized Personal Property

Section 2-27 Purpose and Scope of Article. The purpose of this Article is to set forth the authority and procedures by which Easton Police Department shall maintain custody over, and dispose of, personal property in its possession. It is not intended to affect or modify the laws of the United States or the State of Maryland regarding the definition of contraband or its forfeiture or disposition as those laws pertain to the Town. (Ordinance 375 effective 8/4/1998)

Section 2-28 Custody. Unless otherwise provided by law, the Easton Police Department shall maintain custody of any abandoned, lost, or seized personal property that comes into the custody of the Department until the Department determines that the custody is not necessary to any investigation or prosecution or otherwise necessary for the discharge of the Department's duties. (Ordinance 375 effective 8/4/1998)

Section 2-29 Return Of Property Other Than Contraband. Unless otherwise provided by law, after a determination described under Section 2-28, the Department shall (1) return any item of personal property (other than contraband) over which it has custody to the person who: (a) establishes his or her right to possession of said property and (b) gives a written receipt for the item of personal property to the Department; or (2) dispose of such property in accordance with the provisions of this Article. (Ordinance 375 effective 8/4/1998)

Section 2-30 Notice Regarding Property Other Than Contraband. Unless otherwise provided by law, the Department shall give notice to the last known address of the person entitled to possession of any item of property (other than contraband) in the custody of the Department (if the identity of such person is known to the Department) by certified mail of the fact that the Department is in custody of such property and that such property is not necessary for any investigation or prosecution or otherwise necessary for the discharge of the Department duties and advising such person that such property may be recovered from the Department after compliance with the requirements of Section 2-29 and payment of any administrative fees or other expenses incurred by the Department in connection with the storage of said property. The notice shall further state that, if the property is not claimed from the Department within 30 days of the date of the notice, the Department shall dispose of the property and the proceeds of such disposition, if any shall be paid to the Town. (Ordinance 375 effective 8/4/1998)

Section 2-31 Disposition of Unclaimed Property Other than Contraband. Unless otherwise provided by law, if the person entitled to possession of any item of personal property fails to respond to the notice described in the previous section within 30 days from the date that the notice was mailed or if the property is otherwise unclaimed, the Department may dispose of the property in accordance with the following: (Ordinance 375 effective 8/4/1998)

- (a) Cash. All cash shall be delivered to the Town Clerk and deposited in the Town's General Fund; (Ordinance 375 effective 8/4/1998)
- (b) Firearms and Other Weapons. Any firearm which can be used by the Department in the discharge of its function shall be retained by the Department. The Chief of Police may, at his or her discretion, transfer firearms to other law enforcement agencies if such firearms can be used by said agencies in the discharge of their function. All other weapons (other than collectable weapons) shall be destroyed. (Ordinance 375 effective 8/4/1998)
- (c) Collectable Weapons. For the purpose of this section, the term "collectable weapon" means any weapon which, in the judgment of the Chief of Police, because of age, workmanship, or design is not likely to be used for criminal purposes and is suitable for decorative or similar purposes. Collectable weapons shall be sold at public auction pursuant to Section 2-31(e). (Ordinance 375 effective 8/4/1998)

- (d) Toys, Children's Bicycles and Similar Items. Any toys, children's bicycles or similar items may be transferred by the Department to one or more tax exempt, non-profit charitable or community organizations serving the residents of the Town. (Ordinance 375 effective 8/4/1998)
- (e) Other Tangible Personal Property. The Department shall retain for its own use any item of tangible personal property which will be useful for the Department's function. All other items of tangible personal property shall either be disposed of as rubbish or sold at public auction under such additional terms and conditions as the Chief of Police determines are appropriate. The proceeds of such auction shall be delivered to the Town Clerk and deposited in the Town's General Fund. (Ordinance 375 effective 8/4/1998)

Section 2-32 Disposition of Contraband. All contraband in the possession of the Department shall be forfeited and disposed of in accordance with federal and State law. If federal and / or State law does not provide a procedure for the disposition of a particular item of contraband, the Chief of Police shall determine whether the item shall be destroyed or disposed of in accordance with Section 2-31. (Ordinance 375 effective 8/4/1998)

Section 2-33 Disposition of Motor Vehicles. Motor vehicles in the custody of the Department shall be disposed of pursuant to applicable provision of State law. (Ordinance 375 effective 8/4/1998)

Section 2-34 No Additional Duties Imposed Upon Department; Chief of Police Authorized To Issue Regulation. The provisions of this Article shall not be interpreted to impose upon the Easton Police Department or the Town of Easton any duty, not otherwise existing, to investigate or attempt to ascertain the identity or whereabouts of any person who is or may be entitled to possession of any item of abandoned, lost, or seized personal property in the custody of the Department. The purpose of this Article is to provide a method by which the Easton Police Department shall maintain custody of and dispose of personal property; it shall not create in any person a cause of action against the Town or any official, agent or employee thereof for failure to follow the terms of this Article. The Chief of Police is authorized to issue such regulations as he or she deems necessary to implement the intention of this Article. (Ordinance 375 effective 8/4/1998)

Article IX - Economic Development Program

Sec. 2-35. Establishment. The Town of Easton shall have an Economic Development Program for the purpose of:

- (1) encouraging sound and balanced economic growth;
- (2) attracting and retaining businesses, including, but not limited to, small, minority, and/or disadvantaged enterprises;
- (3) promoting the creation and retention of jobs in the Town;
- (4) expanding the commercial and industrial tax base of the Town of Easton;
- (5) applying for and administering grants and loans related to the economic vitality of the Town and assisting with various tax credit and loan programs offered by Federal, State, and County governments as these programs relate to the economic vitality of the Town;
- (6) identifying areas of the Town in need of economic revitalization and assisting with plans for needed revitalization;
- (7) assisting existing businesses and prospective businesses in identifying sources of financing and professional and technical services; and
- (8) providing technical assistance, education, and information to the business community and its recognized associations.

(Ordinance 623 effective _____, historical referance 435 and 439)

Sec 2-36. Administration. The Economic Development Program shall be administered:

- (1) by the Town through the employment of an Economic Development Coordinator appointed by the Mayor and approved by the Town Council or;
- (2) at the discretion of the Mayor and Town Council, by a nonprofit economic organization organized for the purpose of implementing the Economic Development Program for the Town of Easton.

(Ordinance 623 effective _____, historical reference 435 and 439)

Article X – Tree Board

Sec. 2-37. Establishment The Tree Board for the Town of Easton is hereby established. The Tree Board shall consist of three to five volunteers appointed by the Mayor. (Ordinance 443 and 623 effective 5/26/2002 and _____)

Sec. 2-38. Compensation. The Tree Board shall serve without compensation. (Ordinance 443 and 623 effective 5/26/2002 and _____)

Sec. 2-39. Powers and Duties. The Tree Board shall serve at the discretion of the Mayor and Town Council. The Tree Board shall assist the Public Works Department and the Town Engineer's Office in the development and maintenance of a comprehensive tree management program. The Tree Board shall report directly to the head of the Town Public Works Department, and shall have such powers and duties as the Mayor, Town Council, Town Engineer's Office, or the head of the Public Works Department shall assign to him or her. (Ordinance 443 and 623 effective 5/26/2002 and _____)

Sec. 2-40. Residency. The Tree Board members need not be residents of the Town of Easton if he or she has expertise and experience that will assist the Public Works Department and Town Engineer's Office in establishing or maintaining a tree management program. (Ordinance 443 and 623 effective 5/26/2002 and _____)

Article X. Elections

Sec. 2-36. Voting places. It shall be the duty of the Supervisor of Elections to provide for each Town election a suitable place or places for voting. The Supervisor of Elections shall supply suitable voting machines and all necessary equipment for use in the regular or special Town elections, and the expenses thereof shall be paid for by the Town. (Ordinance 615 effective _____)

Sec. 2-37. Notice of elections. The Supervisor of Elections shall, at least 25 days before any regular or special election, unless otherwise provided, give notice to the voters of the Town, in one or more newspapers published in the Town of Easton, of the day and hours and the place or places of holding such election, and such other information as may be necessary or advisable to enable the voters to intelligently cast their ballots.

Sec. 2-38. Ballots - Requirements generally. After the time has expired for presenting nomination petitions, the Supervisor of Elections shall prepare the official ballots and shall cause to be printed thereon the names in alphabetical order of the nominees for the respective offices to be filled, and he or she shall cause the names of the candidates for the same office to be grouped together. No party or designation of any candidate shall be printed or otherwise indicated upon the ballot. Whenever there is any question submitted to the voters for their decision, the question shall be placed upon the ballot in full, and immediately below the question there shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which the voter may cast his or her vote. Ballots other than those created by and printed at the direction of the Supervisor of Elections shall not be cast or counted in any election.

Sec. 2-39. Posting of sample ballot. At least four days before any election, the Supervisor of Elections shall conspicuously and securely post accurate sample copies of the ballots to be used in the approaching election in one or more public places. One sample ballot shall be placed upon the exterior of the building or buildings in which polls will be held, so that the same can be readily seen and examined by pedestrians passing on the street on which the polling place is located.

Sec. 2-40. Posting of sample ballots - mistakes and challenges. A correct list of the names of the candidates as they are to appear on the ballot shall be furnished on demand by the Supervisor of Elections to the candidates or their authorized agents. If any mistakes are discovered, it shall be the duty of the Supervisor of Elections to correct the same without delay, and if the Supervisor of Elections shall decline or refuse to make the correction, then upon the sworn petition of any qualified voter who would have the right to vote for such candidate at the approaching election, the Circuit Court for Talbot County may, by order, require said Supervisor of Elections to correct such error or to show cause why such error should not be corrected.

Sec. 2-41. Opening and closing hours of polls. For all Town elections, the polls shall remain open from 7:00 A.M. to 8:00 P.M. on the same day.

Sec. 2-42. Voting procedure. All voting in the Town of Easton, other than by absentee ballot, shall be performed on voting machines, and the applicable Maryland State law shall govern the voting procedure with regard to the use of these machines in all elections in the Town of Easton.

Sec. 2-43. Electioneering and loitering near polls prohibited. There shall be no canvassing or electioneering in said polling place or places or within one hundred feet of the same, nor shall anyone linger, be, or remain within said distance of one hundred feet of the polls except election officials and peace officers, unless it be in approaching the polls to vote, or in passing along the streets in the usual and orderly manner of travel.

Sec. 2-44. Bribery of voters prohibited. Any person who shall bribe or attempt to bribe, coerce, or intimidate any voter to vote or not to vote for or against any person or proposition, or to vote or not to vote at any election, shall be guilty of a misdemeanor.

Sec. 2-45. Poll Watchers - Selection. Each candidate for elective office may select two (2) persons, both of whom shall be qualified voters of the Town, to serve as Poll Watchers, and each candidate shall submit to the Supervisor of Elections a list of Poll Watchers at least three (3) days prior to the election. The Poll Watchers shall not be employees of the Town of Easton, and shall serve without compensation.

Sec. 2-46. Duties of Poll Watchers. Each Poll Watcher shall have the right to observe every aspect of the conduct of an election. Each Poll Watcher shall be assigned a position at the polling place near the Supervisor of Elections or any assistants to the Supervisor of Elections, inside the registration or polling area so as to enable him or her to see each person as he or she offers to register or vote. The Poll Watchers shall witness the canvass, including absentee ballots, or the ascertainment and transcription of voters recorded on voting machines. Poll Watchers shall have the right to enter the polling place one-half hour before the opening of the polls. It shall be unlawful for any Poll Watcher to inquire or attempt to ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling place with any voter or to assist any voter in the preparation of a ballot or in the operation of the voting machine. Any Poll Watcher who violates the restrictions set forth herein may be lawfully ejected by the Supervisor of Elections, and is subject to penalties provided for in this article.

Sec. 2-47. Absentee ballot provisions. A person who is otherwise qualified to vote in the Town of Easton and who may be absent for any reason from the Town on any election day, or is unable to vote due to illness, disability, or emergency reason, may vote by absentee ballot. The procedure for absentee balloting in the Town of Easton shall be that procedure described for absentee voting in the state election code, except as follows:

- (a) The instructions for the casting of absentee ballots shall be prescribed by the Supervisor of Elections.
- (b) The Supervisor of Elections shall prescribe the size, form, and content of the absentee ballot, material envelopes, providing for a covering envelope, a ballot envelope, and a return envelope.
- (c) Absentee ballots shall be counted, certified, and canvassed in accordance with the provisions of this article.

Sec. 2-48. Election results - Counting of votes and certification. As soon as the polls have closed following any Town election, the Supervisor of Elections, in the presence of poll watchers, if any, and of the Board of Canvassers, shall proceed to ascertain and transcribe the votes recorded on each voting machine, and shall certify the same to the Board of Canvassers at or before 4:00 PM on the Wednesday next following the election. Not earlier than 4:00 P.M. on that same day, the Board of Canvassers, in the presence of poll watchers, if any, shall proceed to count, certify, and canvass the absentee ballots cast in the election.

Sec. 2-49. Election results - Issuance of election certificates. The Board of Canvassers shall issue a certificate of election to each official elected, and issue two certificates, one to the Mayor and one to the Council, whenever any proposition is submitted to the vote of the people, showing the vote for and against, which certificate shall be on blanks prepared by the Town Clerk, and shall contain a plain statement of the facts and be signed by a majority of said Board of Canvassers.

Sec. 2-50. Preservation of ballots after election. All ballots used in any Town election shall be preserved by the Town Manager or Town Clerk for at least six months after the election.

Sec. 2-51. Violations. Any person who is convicted of violating a provision of this Article shall be guilty of a misdemeanor and subject to a fine of one thousand dollars (\$1,000.00) and/or imprisonment for six (6) months.

Sec. 2-52. Interpretation - Further authority of Town Council. The provisions of this article shall be interpreted to encourage the registration of voters in the Town, and the participation by the citizens of the Town in the electoral processes of the Town. The Town Council is hereby authorized to enact such ordinances to provide for additional public notice regarding the times, places, and dates of election or to make such further provisions as the Town Council deems appropriate in order to fulfill the purposes of this Article.