

CHARTER  
OF THE  
**Town of Greensboro**

CAROLINE COUNTY, MARYLAND

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# GREENSBORO

## ARTICLE I The Municipal Corporation

### GENERAL CORPORATE POWERS

#### Section 101. Incorporation and General Powers.

The inhabitants of Greensboro, within the corporate limits legally established from time to time, are hereby constituted a body corporate by the name of the "Town of Greensboro", with all the privileges of a body corporate, by that name to sue and be sued, to plead and to be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession unless the Charter and the corporate existence are legally abrogated.

### CORPORATE LIMITS

#### Section 102. Filing of Corporate Limit Descriptions.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of Circuit Court for Caroline County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporative [corporate] boundaries shall be on file in the office of the Town Clerk. All the officials named in this section are hereby directed to file a record of all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

## ARTICLE II The Council

### MEMBERSHIP OF THE COUNCIL

#### Section 201. Composition; Selection; Terms.

All legislative powers of the town shall be vested in a Council consisting of four (4) councilpersons who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years, or until the succeeding Council takes office. The regular term of councilpersons shall expire on the first Monday of May following the election of their successors. Councilpersons holding office at the time this Charter becomes effective shall continue to hold

office for the term for which they are elected and until the succeeding Council takes office under the provisions of this Charter.

Section 202. Qualifications of Councilpersons.

Councilpersons shall have resided in the Town for at least one (1) years [year] immediately preceding their election and must be qualified voters of the Town. (Res. 2005-R-09, 4-22-05.)

Section 203. Council to be Judge of Qualifications of its Members.

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

Section 204. President of the Council.

The Mayor shall serve as President of the Council. The Council shall elect a Vice-President of the Council from among its members who shall act as President of the Council in the absence of the President of the Council. The Mayor shall have the right to cast a vote on any issue coming before the Commissioners on which the votes cast by the Commissioners are evenly divided, and on any issue coming before the Commissioners at a meeting at which only two Commissioners are in attendance. (Res. 1995-R-07, 8-11-95.)

Section 205. Compensation of Councilpersons.

Each councilperson shall receive a set amount for expenses each year incurred while serving in his capacity as councilperson for the town. The amount of monies allowed for expenses each, shall be, as specified from time to time by an ordinance passed by the Council in the regular course of its business.

Section 206. Vacancies in the Council.

Vacancies in the Council shall be filled as provided in Section 515 of this Charter.

## PROCEDURE OF THE COUNCIL

Section 207. The Rules and Order of Business.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance or at any other time if required by any one member. The journal shall be open to public inspection.

Section 208. Meetings of the Council.

The newly-elected Council shall meet at 7:30 p.m. on the first Monday of May following its election for the purpose of organization after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk upon the request of the Mayor or a majority of the members of the Council. All meetings of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

Section 209. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Council. The Mayor should be considered a member of the Council for the purpose of determining whether a quorum exists. (Res. 1995-R-06, 8-11-95.)

Section 210. Passage of Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended, or rejected, or its consideration deferred to some specified future date. In case of any 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 four (4) members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor and Council. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor and Council.

Section 211. Processing Referendums.

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the Mayor and Council, a petition is filed with the Clerk-Treasurer containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum submitted to a vote of the qualified voters of the town at the next regular town election, or in the Council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty (60) days following receipt of

the petition, the operation of the ordinance, or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 613, levying property taxes for the payment of indebtedness, but the provision of this section shall apply to any ordinance, or part thereof, levying special assessment charges under the provisions of Section 1001 and 1002. The provision of this section shall be self-executing but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

#### Section 212. Filing of Ordinances.

Ordinances shall be permanently filed by the Clerk–Treasurer and shall be kept available for public inspection.

### **ARTICLE III The Office of Mayor**

#### **THE MAYOR**

##### Section 301. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The newly-elected Mayor shall take office on the first Monday of May following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter. (Res. No. 2009–R–11, 11–6–09.)

##### Section 302. Qualifications.

The Mayor must have resided in the Town of Greensboro for at least one (1) year immediately preceding his election and must be a qualified voter of the town. (Res. No. 2005–R–04, 2–28–05.)

##### Section 303. Compensation for the Mayor.

The Mayor will receive a set amount for expenses each year, incurred while serving in his capacity as Mayor for the town. The amount of monies allowed for expenses each year, shall be, as specified from time to time by an ordinance passed by the Council in the regular course of its business.

Section 304. Powers and Duties.

A. *Generally* – The Mayor shall see that the ordinances of the town are faithfully executed and shall be the Chief Executive Officer and the head of the administrative branch of the town government.

B. *Appointments and removal of employees and heads of offices, departments and agencies* – The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the town government established by this Charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments and agencies of the town government shall be appointed and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.

C. *Reports and recommendations to Council* – The Mayor each year shall report to the Council, the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

D. *Supervision of financial administration of government* – The Mayor shall have complete supervision over financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

E. *Other powers and duties* – The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter.

## **ARTICLE IV**

### **Powers of the Council**

#### **GENERAL POWERS**

Section 401. Legislative.

The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the town and visitors thereto and sojourners therein.

## SPECIFIC POWERS

Section 402. Enumeration of Specific Powers.

The Council shall have, in addition, the powers to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

*Advertising* – To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

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

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

*Appropriations* – To appropriate municipal monies for any purpose within the powers of the Council.

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

*Band* – To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

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

*Bridges* – To erect and maintain bridges.

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

*Cemeteries* – To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

*Codification* – To provide for the codification of all ordinances which have been or may hereafter be passed.

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

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

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

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

*Departments* – To create, change, and abolish offices, departments, or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department of [or] agency.

*Disorderly Houses* – To suppress bawdy houses, disorderly houses and houses of ill fame.

*Dogs* – To regulate the keeping of dogs in the town and to provide, wherever [wherever] the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

*Explosive* – To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

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

*Finances* – To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

*Fire* – To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

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

*Franchises* – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject, however to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than [than] fifty (50) years.

*Gambling* – To restrain and prohibit gambling.

*Garbage* – To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

*Grants In Aid* – To accept gifts and grants of Federal or State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably [agreeable] to the conditions under which the gifts or grants were made.

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

*Health* – To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; provided, that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the county board of health, or any public, general or local law relating to the subject of health.

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

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

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

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

*Lights* – To provide for the lighting of the town.

*Livestock* – To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals to authorize the impounding, keeping[,] sale and redemption of such animals when found in violation of the ordinance in such cases provided.

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

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

*Noise* – To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

*Nuisances* – To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries and renderies. This listing is by way of enumeration, not limitation.

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

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

*Parking Meters* – To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

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

*Police Force* – To establish, operate, and maintain a police force. All town policemen shall, within the municipality, have the powers and authority of Constables in this State.

*Police Powers* – To prohibit, suppress, and punish within the town, all vice, gambling, and games of chance; prostitution and solicitation therefore and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

*Property* – To acquire by conveyance, purchase or gift, real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the town.

*Quarantine* – To establish quarantine regulations in the interests of the public health.

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

*Sidewalks* – To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

*Sweepings* – To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the town.

*Taxicabs* – To license, tax and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

*Vehicles* – To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

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

*Zoning* – To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said article.

*Savings Clause* – The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

## ENFORCEMENT OF ORDINANCES

### Section 403. Exercise of Powers.

For the purpose of carrying out the powers granted in this Charter, the Council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

### Section 404. Enforcement.

A. MISDEMEANORS: To insure the observance of ordinances and resolutions of the Town, the Council has the power to provide that violations thereof shall be punishable as misdemeanors.

B. MUNICIPAL INFRACTIONS: The Council may provide that violations of any municipal ordinance or resolution shall be a municipal infraction unless the violation is declared to be a felony or a misdemeanor by State law. In addition, the Council may classify as a municipal infraction: (i) a violation of any zoning or land use ordinance or regulation authorized to be adopted or enacted by the Town; and (ii) littering within the Town as prohibited under Article 27, § 468. For the purpose of this Section, a municipal infraction is a civil offense. Proceedings for enforcement of such municipal infractions shall be as provided in Article 23A, § 3(b) of the Code, or corresponding future provision thereof.

C. PENALTIES: The Counsel [Council] has the power to affix (i) to a violation punishable as a misdemeanor a fine or imprisonment within the limits set forth in Article 23A, § 3(a), Annotated Code of Maryland (“Code”), or corresponding future provision thereof, or both such fine and imprisonment; and (ii) to a municipal fraction [infraction], the penalty of a fine within the limits set forth in Article 23A, §3(b) of the Code, or corresponding future provision thereof. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38, § 4 of the Code, or corresponding future provisions thereof.

D. CONTINUATING [CONTINUING] VIOLATION: The Council may provide that, if the violation, whether a criminal or civil offense, is of a continuing nature and is persisted in, a conviction (in the case of a misdemeanor) or judgment (in the case of a municipal infraction) for one violation shall not be a bar to a conviction or judgment (as the case may be)

for a continuation of the offense subsequent to the first or succeeding convictions or judgments. (Res. 1995-R-04, 7-21-95.)

## ARTICLE V Municipal Elections

### THE BOARD OF SUPERVISORS OF ELECTIONS

#### Section 501. Membership of the Board.

There shall be a Board of Supervisors of Elections consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in March in every odd-numbered year. The terms of members of the Board of Supervisors of Elections begin on the first Monday in March in the year in which they are appointed and run for four (4) years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

#### Section 502. Removal of Members of the Board.

Any members of the Board of Supervisors of Elections may be removed for good cause by the Council, if in the judgement of the Council, the member is not properly [properly] performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges.

#### Section 503. Duties of the Board.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

#### Section 504. Notice of Registration Days and Elections.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every registration day and every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

**REGISTRATION****Section 505. Voter Registration.**

A. A voter residing in the Town of Greensboro is considered to be registered for Town elections if that voter is registered with the Caroline County Election Board.

B. For residents who wish to vote in Town elections, but who do not wish to register with the Caroline County Election Board, there shall be a registration on the first Monday in April in every year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens in the Town, the Mayor may designate additional days as registration days. Registration shall be permanent, and no person is entitled to vote in Town elections unless registered. The Board of Supervisors of Elections shall keep the registration lists up-to-date by striking from the lists persons known to have died or to have moved out of the town. The Council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when necessary. (Res. No. 2005-R-03, 2-25-05.)

**Section 506. Qualifications of Voters.**

Every person who is qualified to be registered to vote under State law, and who is registered in accordance with Section 505 of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all town elections. For the convenience of the Town and its residents, the Town Clerk is directed to append a copy of the applicable section of the Annotated Code of Maryland to this Charter. (Res. No. 2005-R-05, 2-25-05.)

**Section 507. Appeal from an Action of the Board of Supervisors of Elections.**

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court of Caroline County within the time allowed for such appeals.

**THE NOMINATION OF CANDIDATES FOR OFFICE****Section 508. Filing for Office.**

Persons may be nominated for elective office in the town by filing a certificate of nomination at the Clerk's Office of said town before midnight on or before the first (1st) Tuesday in October preceding the town election. No person shall file for nomination to more than one (1) elective town public office or hold more than one (1) elected public office at any one time. (Res. No. 1986-R-2, November 21, 1986; Res. No. 2009-R-12, 11-6-09.)

## ELECTION PROCEDURES

Section 509. Reserved.

(Res. No. 2009-R-10, 9-25-09.)

Section 510. Elections of the Mayor and Councilpersons.

A. On the Tuesday following the first Monday in November in each odd-numbered year, beginning November 8, 2011, the qualified voters of the town shall elect two (2) persons as Councilpersons to serve for a term of four (4) years or until their respective successors shall have been elected and shall have duly qualified, the seats currently held by Councilmen Gerald P. Garey and Michael J. Mackay to be filled at the election to be held November 8, 2011.

B. *Run-Off Elections for Councilperson.*

1. Each of the two persons receiving the two higher number of votes cast for the office of Councilperson shall so serve, so long as any such candidate shall have received at least twenty-five percent (25%) of the total of all votes cast (herein, the "minimum majority"). If a candidate who shall have received one of the two higher number of votes cast but who shall have not have [not have] gained the number of votes equal to the minimum majority, then a run-off election shall be held on the third Tuesday following the first Monday in November among the candidate whose higher number of votes was not equal to the minimum majority, and the person or persons who received the third higher number of votes case [cast].

2. If three candidates contest for the office in the run-off vote, the persons who receive the two higher number of votes cast in any run-off election shall serve, without regard to the minimum majority. If two candidates contest the run-off election, the candidates who received the higher number of votes shall so serve, without regard to the minimum majority.

C. One the Tuesday following the first Monday in November, beginning November 8, 2011, and every fourth year thereafter, the qualified voters of the town shall elect one (1) person as Mayor to service [serve] for a term of four years, or until a successor shall have been elected, and shall have qualified.

D. *Run-Off Elections for Mayor.* The candidate who shall receive the highest number of votes shall so serve, so long as such candidate shall have received at least thirty-five percent (35%) of the votes cast. If a candidate who shall have received the highest number of votes cast shall not have received thirty-five percent or more of the votes cast, then a run-off election shall be held on the third Tuesday following the first Monday in November among the candidates who received the two higher number of votes cast. (Res. No. 2009-R-14, 11-20-09.)

Section 511. Conduct of Elections.

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or

voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 1:00 p.m. to 6:00 p.m. on election days or for longer hours if the Council requires it.

**Section 512. Special Elections.**

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practical, as regular town elections.



**Section 513. Vote Count.**

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the results of the election to the Clerk/Treasurer of the town, who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two (2) candidates for councilpersons with the highest number of votes in the general election shall be declared elected as councilpersons.

**Section 514. Preservation of Ballots.**

All ballots used in any town election shall be preserved for at least six (6) months from the date of the election.

**Section 515. Vacancies.**

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy in the office of Mayor for any reason, the Council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Council or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Council. The results of any such vote shall be recorded in the minutes of the Council.

**Section 516. Equal Privileges for Women.**

Women shall have equal privileges with men in registering, voting, and holding town offices.

**Section 517. Regulation and Control.**

The Council has the power by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

**Section 518. Penalties.**

Any person who: 1) fails to perform any duty required of him under the provisions of this subheading or any ordinances passed thereunder, 2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or 3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof, cease to hold such office or employment.

## ARTICLE VI

### Finance

#### THE OFFICE OF CLERK-TREASURER

##### Section 601. Clerk-Treasurer.

There shall be a Clerk-Treasurer hired by the Mayor with the approval of the Council. He shall serve at the pleasure of the Mayor. His compensation shall be determined by the Council. The Clerk-Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the Mayor. The Mayor, with the approval of the Council, may hire an Assistant Clerk-Treasurer or such others as deemed necessary for the efficient operation of the town government.

##### Section 602. Powers and Duties.

Under the supervision of the Mayor, the Clerk-Treasurer shall have authority and shall be required to:

- a) prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.
- b) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- c) maintain a general accounting system for the town in such form as the Council may require not contrary to state law.
- d) submit at the end of each fiscal year, and at such times as the Council may require, a complete financial report to the Council through the Mayor.
- e) ascertain that all taxable property within the town is assessed for taxation.
- f) collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
- g) have custody of all public monies belonging to or under the control of any set of trustees, and have custody of all bonds and notes of the town.
- h) do such other things in relation to the fiscal or financial affairs of the town as the Mayor or the Council may require or as may be required elsewhere in this Charter.

**Section 603. Surety Bond.**

The Clerk-Treasurer, and the Assistant Clerk-Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require, and the town shall pay for such bond.

**THE MUNICIPAL BUDGET****Section 604. The Fiscal Year.**

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

**Section 605. Submission of the Budget.**

The Mayor, on such date as the Council by ordinance shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, open to public inspection by anyone during normal business hours.

**Section 606. Adoption of the Budget.**

Before adopting the budget, the Council shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. If the Council increases the total proposal expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

**EXPENDITURES****Section 607. Appropriations.**

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 608. Transfer of Funds.

Any transfer of funds between major appropriations for different purposes by the Mayor must be approved by the Council before becoming effective.

Section 609. Over-Expenditures.

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

Section 610. Unexpended/Unencumbered Appropriations.

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

Section 611. The Issue of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk-Treasurer and shall be countersigned by the Mayor.

Section 612. Purchases and Contracts.

All purchases and contracts for the town government shall be made by the Clerk-Treasurer. The Council may provide by ordinance for rule and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000.00) shall be made on written contract. The Clerk-Treasurer shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Clerk-Treasurer may reject all bids and re-advertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require.

Section 613. The Payment of Obligations for Public Indebtedness.

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

All bonds, notes, or other evidences of indebtedness shall be issued in the manner prescribed in Sections 31 to 39 inclusive of Article 23A of the Annotated Code of Maryland (1957 Edition), as the same may from time to time be amended, except that the limitations contained in Section 34 (4) of said Article 23A shall not apply to the issuance of bonds, notes or other evidences of indebtedness by the town, but the Mayor and Council of the town shall have the option, in each instance, to determine whether any such bonds, notes or other evidences of indebtedness shall be sold at public sale as prescribed by said Section 34 (4) or whether the same shall be sold by negotiations as private sale without solicitation or competitive bid.

Section 614. Previous Issues.

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

**REVENUES**Section 615. Taxable Property Defined.

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.

Section 616. The Establishment of the Tax 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.

Section 617. Announcement of the Tax Levy and Notification of Tax Due.

Immediately after the levy is made by the Council 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 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.

Section 618. Date of Payment and Overdue Payments of Taxes.

The taxes provided for in Section 617 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 at the rate allowable by the Laws of the State of Maryland. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 619.

Section 619. The Sale of Tax-Delinquent [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 618 of this Charter shall be turned over by the Clerk-Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided by State law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by State law.

## FISCAL ACCOUNTABILITY

Section 620. Collectors of Fees.

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

Section 621. Municipal Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland.

Section 622. Tax Anticipating Borrowing.

During the first six months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of

such tax and shall mature and be paid not later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

At the time, the town shall have the power to borrow and to evidence such indebtedness by signing promissory notes. Such promissory notes shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the giving of promissory notes and shall not be required to solicit competitive bids upon the same, but shall be authorized to negotiate the best rate of interest available, privately, if the Council deems the same advisable.

## **ARTICLE VII**

### **Municipal Employees**

#### **GENERAL AUTHORIZATION**

##### **Section 701. The Authority to Employ Personnel.**

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

##### **Section 702. The Authority to Establish a Merit System.**

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the Council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The Town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

#### **THE MERIT SYSTEM**

##### **Section 703. Definition of Unclassified and Classified Service.**

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

A. *Unclassified Service* – The unclassified service shall comprise the following officers and positions, which shall not be included within the merit system.

1. The Mayor, the Councilpersons, and persons appointed to fill vacancies in these positions.
2. The Town Attorney.
3. The heads of all offices, departments, and agencies and members of town boards and commissions.
4. Part-time, temporary, and unpaid offices and positions.

B. *Classified Service* – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

#### Section 704. Compensation and Benefits.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the Council, subject to the restrictions imposed upon establishing the salaries of the Councilpersons and Mayor.

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

#### Section 705. Retirement.

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

#### Section 706. Prohibitions and Penalties.

A. *Prohibitions* – If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or

promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political party as candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

*B. Penalties* – Any person who by himself, or with others willfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Any person who is convicted under this section is ineligible for appointment to or employment in a position in the town service, and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

## MUNICIPAL OFFICERS

### Section 707. Clerk to the Council.

The Clerk–Treasurer shall serve as Clerk to the Council. He shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. He shall keep such other records and perform such other duties as may be required by this Charter or the Council.

### Section 708. Town Attorney.

The Mayor, with the approval of the Council, may appoint a town attorney. The town attorney shall be a member of the Bar of the Maryland Court of Appeals. The town attorney is the legal advisor of the town and shall perform such duties in this connection as may be required by the Council or the Mayor. His compensation shall be determined by the Council. The town has the power to employ such legal consultants as it deems necessary from time to time.

## **ARTICLE VIII**

### **Municipal Holdings**

#### **PUBLIC WAYS AND SIDEWALKS**

##### **Section 801. The Definition of Public Ways.**

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

##### **Section 802. The Control of Public Ways.**

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

The town shall have the power to:

- a) establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
- b) grade, lay out, construct, open, extend, and make new town public ways.
- c) grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- d) pave, surface, repave, or resurface any town public way or part thereof.
- e) install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- f) construct, reconstruct, maintain, and repair bridges.
- g) name town public ways.
- h) have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

##### **Section 803. The Control of Public Sidewalks.**

The town shall have the power to:

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

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

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

d) require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

## **ARTICLE IX**

### **Water and Sewers**

#### **WATER AND SEWERAGE SYSTEM**

##### Section 901. The Authorization of a Municipal System.

The town shall have the power to:

a) construct, operate and maintain a water system and water plant.

b) construct, operate, and maintain a sanitary sewage system and sewer treatment plant.

c) construct, operate and maintain a storm water drainage system and storm water sewers.

d) construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

e) have surveys, plans, specifications, and estimates made for any of the above plants and system [systems] or parts thereof or the extension thereof.

f) do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 902. Authority to Extend the System Beyond Town Limits.

Except for territories annexed by the town, subsequent to the effective date of this section, the town may not extend its water and sewage system beyond the town limits. Nothing herein shall prohibit the continuation (but not the intensification) of service to out-of-town properties served by either water or sewer as of the effective date hereof, and nothing herein shall prohibit the town from entering into cooperative arrangements with other incorporated municipalities for the sharing of such services. (Res. 1997-R-6, 7-25-97.)

Section 903. Access to Installations, Right of Entry.

Any employee or agent of the town, while in necessary pursuit of his official duties with regard to the water or sewage disposal system operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section 904. Authority to Contract Services.

The town, if [the town] deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage.

Section 905. The Responsibility for Obstructions and Their Removal.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impedes the establishment, construction or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 1102. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 906. Improper Use.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 907. Municipal Authority to Enter on County Public Ways.

The town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the town

need not obtain any permit or pay any charges for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior [inferior] to that existing before.

#### Section 908. The Authorization of Other-Than-Municipal Constructions.

Any public service corporation, company, or individual, before beginning any construction of or placing of, or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town, and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water system, the town may order it removed.

#### Section 909. Authority to Provide and Regulate Private Connections to the Municipal System.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of any ordinance passed under the provisions of this section may be made a misdemeanor.

#### Section 910. Authority to Charge for Connections.

The town may make a charge, the amount to be determined by the Council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

#### Section 911. Authority to Regulate Private Systems.

The town may, by ordinance, provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drain, or connection therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 912. Control of Water Pollution.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor.

Section 913. Authorization to Establish and Collect Charges.

The town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Clerk-Treasurer, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

Section 914. Exception.

The provisions of this subtitle shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subtitle, as to the particular powers included in the authorization.

## **ARTICLE X**

### **Special Assessments**

#### **AUTHORITY AND PROCEDURES**

Section 1001. The Authority to Levy Special Assessments.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of water mains, sanitary sewer mains or connections, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project.

Section 1002. Procedures for Assessment and Collection.

The procedure for special assessment, wherever authorized in the Charter, shall be as follows:

a) The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the Council.

b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

d) All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and the extent [extent] of the purposed [proposed] project, the portion of the cost to be assessed, the number of installments in which the assessments may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the persons in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in the newspaper of general circulation in the town. The Clerk-Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk-Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of Caroline County within ten (10) days after the levying of any assessment by the Council.

f) Special assessments may be made payable in annual or more frequent installments over such periods of time, not to exceed ten (10) years, and in such as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

g) All special assessment installments are overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

h) All special assessments shall be billed and collected by the Clerk-Treasurer.

## **ARTICLE XI** **Town Property**

### **GENERAL**

#### Section 1101. Acquisition, Possession and Disposal.

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

#### Section 1102. Condemnation.

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

#### Section 1103. Town Buildings.

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

#### Section 1104. Protection of Town Property.

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

## **ARTICLE XII** **Subdivision Approval**

#### Section 1201. Final Approval.

No subdivision plat shall be given final approval by the town or by any of its agents, servants, employees, officials or commissioners until either:

- 1) all required improvements have been completed; or
- 2) the subdivider has furnished the town with a cash deposit or performance bond in an amount equal to one hundred and fifty percent of the projected costs of the installation of such improvements, such security to be released only upon formal acceptance of such improvements by the town. (Res. 1997-R-07, 7-25-97.)

**Section 1202. Waivers and Approvals Contrary to Article.**

Any attempted waiver of the provisions of this article shall be void *ab initio*, and any subdivision plat approval granted contrary to the provisions of this article shall be void *ab initio*. (Res. 1997-R-07, 7-25-97.)

**ARTICLE XIII**  
**General Provisions****AFFIRMATION AND ASSURANCE OF PUBLIC INTEREST****Section 1301. Oath of Office Required.**

Before entering upon the duties of their offices, the Mayor, the Councilpersons, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation, "I, ..... do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgement, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and laws of this State."

**Section 1302. Administration of the Oath of Office.**

The Mayor shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court of Caroline County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath shall do so before the Mayor.

**Section 1303. Official Bonds of Town Officials and Employees.**

The Clerk-Treasurer and such other officers or employees of the town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the town.

## APPLICABILITY OF PREVIOUS AND SUBSEQUENT CHARTERS

Section 1304. Rights and Obligations.

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

Section 1305. Effect of Charter on Existing Ordinances.

A. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. All ordinances, resolutions, rules, and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter shall be and the same hereby are repealed to the extent of such conflict.

## DEFINITIONS/CLARIFICATIONS

Section 1306. Misdemeanors.

Repealed. (Res. 1995-R-04, 7-21-95.)

Section 1307. Repealer.

All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter, be and the same hereby are repealed to the extent of such conflict.

Section 1308. Severability.

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

**Section 1309. "Town" Construed to Mean "City".**

Wherever in this article the word "Town" shall appear, it shall be taken and construed to mean also the word "city".



## APPENDIX I

### Urban Renewal Authority for Slum Clearance

#### A1-101. Definitions.

(a) In this appendix the following words have the meanings indicated.

(b) "Blighted area" means an area or single property in which the building or buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

(c) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(d) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(e) "Municipality" means the town of Greensboro, Maryland.

(f) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.

(g) "Slum area" means any area or single property where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or morals.

(h) "Urban renewal area" means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

(i) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate any land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.

(j) "Urban renewal project" means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:

(1) Acquisition of a slum area or a blighted area or portion of them;

- (2) Demolition and removal of buildings and improvements;
- (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
- (4) Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
- (7) The preservation, improvement, or embellishment of historic structures or monuments.

#### A1-102. Powers.

- (a) The municipality may undertake and carry out urban renewal projects.
- (b) These projects shall be limited:
  - (1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
  - (2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
  - (3) To sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public, or quasi-public corporation, partnership, association, person, or other legal entity.
- (c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just

compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

(d) All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of these purposes or in connection with the exercise of any of the powers granted by this appendix is declared to be needed or taken for public uses and purposes.

(e) Any or all of the activities authorized pursuant to this appendix constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended, and public credit extended in furtherance of them.

A1-103. Additional powers.

The municipality has the following additional powers. These powers are declared to be necessary and proper to carry into full force and effect the specific powers granted in this appendix and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) To make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify, and amend those plans. These plans may include, but are not limited to:

(i) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

(ii) Plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(iii) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept, and utilize grants of funds from the federal government or other governmental entity for those purposes;

(2) To prepare plans for the relocation of persons (including families, business concerns, and others) displaced from an urban renewal area, and to make relocation payments to or with respect to those persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government;

(3) To appropriate whatever funds and make whatever expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited:

(i) To the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition,

removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

(ii) To levy taxes and assessments for those purposes;

(iii) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the State, county, or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give whatever security as may be required for this financial assistance; and

(iv) To invest any urban renewal funds held in reserves or sinking funds or any of these funds not required for immediate disbursement in property or securities which are legal investments for other municipal funds;

(4) (i) To hold, improve, clear, or prepare for redevelopment any property acquired in connection with urban renewal projects;

(ii) To mortgage, pledge, hypothecate, or otherwise encumber that property; and

(iii) To insure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any insurance;

(5) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities any conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

(6) To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from the circuit court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) To plan, replan, install, construct, reconstruct, repair, close, or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of

remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

(9) To exercise all or any part or combination of the powers granted in this appendix.

A1-104. Establishment of Urban Renewal Agency.

(a) A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines the action to be in the public interest, elect to have the powers exercised by a separate public body or agency.

(b) In the event the legislative body makes that determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix.

(c) The ordinance shall include provisions establishing the number of members of the public body or agency, the manner of their appointment and removal, and the terms of the members and their compensation.

(d) The ordinance may include whatever additional provisions relating to the organization of the public body or agency as may be necessary.

(e) In the event the legislative body enacts this ordinance, all of the powers by this appendix granted to the municipality, from the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

A1-105. Powers withheld from the agency.

The agency may not:

(1) Pass a resolution to initiate an urban renewal project pursuant to sections A1-102 and A1-103 of this appendix;

(2) Issue general obligation bonds pursuant to section A1-111 of this appendix; or

(3) Appropriate funds or levy taxes and assessments pursuant to section A1-103(3) of this appendix.

A1-106. Initiation of project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

(1) Finds that one or more slum or blighted areas exist in the municipality;

- (2) Locates and defines the slum or blighted area; and
- (3) Finds that the rehabilitation, redevelopment, or a combination of them, of the area or areas, is necessary and in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

A1-107. Preparation and approval of plan for urban renewal project.

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. The municipality shall hold a public hearing on an urban renewal project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

(1) A feasible method exists for the location of any families or natural persons who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to the families or natural persons;

(2) The urban renewal plan conforms substantially to the master plan of the municipality as a whole; and

(3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time. If modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon whatever approval of the owner, lessee, or successor in interest as the municipality considers advisable. In any event, it shall be subject to whatever rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will change substantially the urban renewal plan as approved previously by the municipality, the modification shall be approved formally by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

A1–108. Disposal of property in urban renewal area.

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in the plan, the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. In any instrument or conveyance to a private purchaser or lessee, the municipality may provide that the purchaser or lessee may not sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct on the property. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for the transfer and the urban renewal plan (or any part or parts of the contract or plan as the municipality determines) may be recorded in the land records of the county in which the municipality is situated in a manner so as to afford actual or constructive notice of it.

(b) The municipality may dispose of real property in an urban renewal area to private persons. The municipality may, by public notice by publication in a newspaper having a general circulation in the community invite proposals from and make available all pertinent information to private developers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. The notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period. The municipality shall consider all redevelopment or rehabilitation proposals and the financial and legal ability of the persons making proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept any proposal as it deems to be in the public interest and in furtherance of the purposes of this subheading. Thereafter, the municipality may execute and deliver contracts, deeds, leases, and other instruments and take all steps necessary to effectuate the transfers.

(c) The municipality may operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title, or interest in any property under this appendix shall be presumed conclusively to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

A1-109. Eminent domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

A1-110. Encouragement of private enterprise.

The municipality, to the extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity to the rehabilitation or redevelopment of any urban renewal area by private enterprise consistent with the sound needs of the municipality as a whole. The municipality shall give consideration to this objective in exercising its powers under this appendix.

A1-111. General obligation bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by the municipality, and also within limitations determined by the municipality.

A1-112. Revenue bonds.

(a) In addition to the authority conferred by section A1-111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this appendix. However, payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private

banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in sections 9, 10, and 11 of Article 31 (Debt – Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and:

- (1) Shall bear a date or dates;
- (2) Mature at a time or times;
- (3) Bear interest at a rate or rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) Be secured in a manner; and
- (11) Have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may not be sold to the federal government at private sale at less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may not be sold at private sale at less than par at an interest cost

to the municipality which does not exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively to have been planned, located, and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. However, the bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys committed irrevocably to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity on them. The moneys under the terms of the agreement shall be required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. This section authorizes any persons or public or private political subdivisions and officers to use any funds owned or controlled by them for the purchase of any bonds or other obligations. With regard to legal investments, this section may not be construed to relieve any person of any duty of exercising reasonable care in selecting securities.

A1-113. Short title.

This appendix shall be known and may be cited as the Greensboro Urban Renewal Authority for Slum Clearance Act.

A1-114. Authority to amend or repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

## **NOTES**

Pursuant to Article III, Section 61 of the of Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Greensboro in Chapter 13 of the Acts of the General Assembly of 2002.