

CHARTER
OF THE
City of Aberdeen
HARFORD COUNTY, MARYLAND

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ABERDEEN

Section I. Corporate Name and Definitions.

1 This Charter is the municipal corporation charter of the City of Aberdeen, Harford County, Maryland. The corporate name of which is “City of Aberdeen.”

2. The Terms “City”, “Municipality”, or “Municipal Corporation” in this Charter shall be construed as synonymous.

Section II. General Corporate Powers.

1 The Municipal Corporation here continued under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and 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.

2. The City may acquire real, personal, or mixed property within or without the corporate limits of the City 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 City. All municipal property, funds, and franchises of every kind belonging to or in the possession [of] the City (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

3. The City may condemn property of any kind, or interest therein or franchise connected therewith, in a fee or as an easement within the corporate limits of the City, for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other State law applicable to the City 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.

4. The City may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the City government. It may do whatever may be necessary to protect City property and to keep all City property in good condition.

Section III. Corporate Limits.

1. The corporate boundaries shall be the courses and distances as adopted by the council by charter amended.

(a) A description of the corporate boundaries of the City at all times shall be on file with the Clerk of the Circuit Court for Harford County, the Director of the Department of Legislative Reference [Services], and the offices of the City of Aberdeen.

Section IV. Mayor.

1. (a) The Mayor shall be elected on the first Tuesday in April 2000 by the qualified voters of the City and shall hold office until the first Tuesday, after the first Monday in November 2001. After November 2001, elections for Mayor shall be held every two (2) years on the first Tuesday after the first Monday in November.

(b) The Mayor shall retain office until a successor is duly sworn at the first council meeting following the election.

2. The Mayor must have resided in the City for at least two (2) years immediately preceding election and must be a qualified voter of the City. A candidate for Mayor must not also simultaneously be a candidate for City council member. If a member of the City Council is elected Mayor, that person must resign as a member of the City Council upon assuming the office of Mayor.

3. The Mayor shall receive an annual salary as set from time to time by ordinance passed by the council in the regular course of business. No change shall be made in the salary for any Mayor during the term for which elected. The ordinance making any change in the salary paid to the Mayor, either by way or [of] increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor. Until changed by ordinance under the authority of this section, the annual compensation of the Mayor shall be Six Thousand Dollars (\$6,000.00).

4. The Mayor shall:

a) Establish the emphasis, direction, and vision of the City in conjunction with the Council.

b) Plan for the future, welfare, and business interest of the City in conjunction with the Council.

c) Prepare and present the annual budget for approval by the Council, in keeping with the emphasis, direction, and vision established with the Council, [.]

d) Assure on behalf of the Council that the ordinances of the City are faithfully executed by the City Manager and that the disbursement of all moneys are in accordance with the budget approved by the Council.

e) Appoint officers, heads of all Departments, and all members of commissions and boards as established by this Charter, subject to the approval of the Council.

f) Report annually to the Council the state of the City government and make such recommendations as may be proper for the public good and welfare of the City.

g) Establish an Economic Development Commission, Ethics Commission, a Parks and Recreation Board, Board of Zoning Appeals, Planning Commission, and such other boards and commissions as may be appropriate, subject to the approval of the Council.

h) Have such other powers and duties as may be prescribed by this Charter or may be required by the Council not inconsistent with this Charter.

5. During temporary absence or illness of the Mayor and upon the Mayor's formal request, the President of the Council shall perform the duties of the Mayor. In the event of the incapacity of the Mayor by reason of physical or mental disability, or otherwise, the Council may pass a formal resolution of temporary incapacity and direct the President of the Council to perform the duties of the Mayor for a specific period. In the alternative, if the Council determines the incapacity of the Mayor to be permanent, it may by formal resolution declare the office of Mayor vacant. The Circuit Court for Harford County shall have exclusive jurisdiction to resolve all questions of incapacity of the Mayor upon the Petition of the Mayor, the Council, or any qualified voter of the City.

6. In case of a vacancy in the office of Mayor, for any reason, the Council shall by a majority vote, elect a qualified person to fill the vacancy for the remainder of the unexpired term. (Res. 539-98/64, 4-27-99; Res. 551-99/69, 11-30-99.)

Section V. The City Council.

1. All legislative powers of the City shall be vested in the "Council" consisting of four (4) council members and an elected Mayor.

2. (a) The terms of the two (2) City Council members who were elected on the first Tuesday in April 1999, by the qualified voters of the City for the term of two (2) years shall be extended until the first Tuesday after the first Monday in November 2001.

(b) Two (2) City Council members shall be elected in April 2000 by the qualified voters of the City and shall hold office until the first Tuesday after the first Monday in November 2001.

(c) After November 2001, elections for Council members shall be held every two (2) years on the first Tuesday after the first Monday in November.

(d) Council members shall retain office until a successor is duly sworn at the first council meeting following the election.

3. All council members shall serve until their successors are duly elected and qualified. Duly elected council members shall take office on the Monday following the election.

4. Council members shall have resided in the City for at least two (2) years immediately preceding their election and must be qualified voters of the City.

5. Each council member shall receive an annual salary, which shall be equal for all council members, except the Mayor, and shall be as specified from time to time by ordinance passed by the council in the regular course of its business; provided, that the ordinance making any change in the salary paid to the several council members, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding council and shall take effect only as to the members of the next succeeding council. Until changed by ordinance, the annual compensation of each council member, except the Mayor, shall be Five Thousand Dollars (\$5,000.00).

6. The newly elected council shall meet on the Monday 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 City Manager upon the request of the Mayor or a majority of the members of the Council. All meetings, regular and special, of the council, shall be public meetings and open to the public at all times, except that the Council may hold an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session. The rules of the council shall provide that residents of the City and other interested parties shall have a reasonable opportunity to be heard at any public meetings with regard to any municipal question.

7. The Mayor shall preside at all meeting of the City Council and shall have the right to vote on all issues. The Council shall elect a President of the Council annually from its members who shall preside in the absence of the Mayor.

8. 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 action taken upon an ordinance without the favorable votes of a majority of the whole number of members elected to the Council.

9. The Council shall adopt rules for its order of business. It shall keep a journal of proceedings and enter therein the “yeas” and “nays” upon a final action on any question, resolution, or ordinance. The journal shall be a public record.

10. Except as set forth hereinbelow in Subparagraph A [(a)], 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 nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred. Any such ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

(a) In the cases of emergency, the provision that an ordinance may not be passed at the meeting in which it is introduced may be suspended by the affirmative votes of four members of the council. An emergency ordinance shall become effective on the date specified in the ordinance.

(b) Each ordinance passed by the Council or a fair summary shall be published at least once in a newspaper or newspapers having general circulation in the municipality within two (2) weeks of its passage.

11. Referendum:

a. Any ordinance may be brought to referendum within thirty (30) days of its passage by petition filed with the City Treasurer containing the signatures of not less than Twenty Percent (20%) of the qualified voters of the City requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the City for their approval or disapproval.

b. Following acceptance of the petition and verification of the signatures, the Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the City at the next regular City election or in the Council's discretion, at a special election occurring before the next regular election.

c. No ordinance or the part thereof requested for referendum shall become or continue to be effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters on the question, excepting however that an emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If however 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 on the question at any election.

d. Any ordinance or part thereof disapproved by the voters shall stand repealed.

e. The provisions of this section shall not apply to any ordinance or part thereof passed under authority of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges.

f. The provisions of this section shall be self-executing but the council may adopt ordinances in furtherance of these provisions and not in conflict with them.

12. Ordinances shall be permanently filed with the City and available for public inspection.

13. 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 City, for the protection and preservation of the City'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, and welfare of the residents and visitors of the City.

14. In addition to the general powers set forth hereinabove, the Council shall have the following specific ordinance-making powers:

- (a) To levy, assess and collection [collect] ad valorem taxes.
- (b) To appropriate and expend municipal funds for any public purpose.
- (c) To provide any valid charges, taxes, or assessments made against any real or personal property shall be liens upon the property to be collected as municipal taxes.
- (d) To create, change and abolish offices and departments, commissions and agencies not inconsistent with this Charter and to assign additional functions or duties to offices, departments, commissions, or agencies, established by this Charter so long as the Council does not discontinue or assign to any other office, department, commission, or agency, any function or duty assigned by this Charter to any other office, department, commission, or agency.
- (e) To provide, maintain, support or operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City and to improve their environment.
- (f) To provide for advertising for the purposes of the City, for printing and publishing statements regarding the business of the City.
- (g) To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
- (h) To license, tax, or regulate all permanent or transient businesses, occupations, trades or places of amusement, or to prohibit same; to establish and collect fees and charges for licenses and permits issued under the authority of this Charter.
- (i) To establish a municipal band, symphony orchestra or other musical organization, and to regulate by resolution the conduct and policies thereof.
- (j) 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 City.
- (k) To exercise municipal borrowing powers.
- (l) To make reasonable regulations regarding buildings and signs to be erected, constructed, or reconstructed in the City, and to issue building permits; 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; to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be razed.

(m) To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries, subject to State law.

(n) To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(o) 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.

(p) To provide for licensing and regulation for the keeping and disposition of animals and to provide authority for the impounding, retention, sale and redemption of such animals when found in violation of any such ordinance.

(q) To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible material to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(r) To compel the occupant of any premises, building, or outhouse situated in the City, if it 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 the property, making it collectible as taxes or against the occupant or occupants.

(s) To suppress fires and prevent the dangers thereof and to establish and maintain fire departments [and] emergency medical and rescue services; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.

(t) To inspect and to regulate the sale of any food products and to require condemnation of unwholesome food.

(u) To grant and regulate franchises to water, electric light, cable television, telegraph and telephone, transit and taxicab companies, and to such other businesses which may be deemed advantageous and beneficial to the City, subject to appropriate license fees, charges, or taxes and to the limitations of the constitution of Maryland and provisions of Article 23A of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifteen (15) years; in the alternative, to create appropriate instrumentalities to render such utility service.

(v) To provide waste collection and disposal service; to prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require 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 for convenient removal.

(w) To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the funds for any lawful purpose, consistent with the conditions under which the gifts or grants were made.

(x) To establish not inconsistent with the State Board of Health, the County Board of Health, or any public, general or local law relating to the subject of health, such offices and agencies to protect and preserve the health of the City and its inhabitants and to regulate persons, buildings and persons, businesses, and properties to promote and provide for the health and safety of the City and its inhabitants.

(y) To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof, to authorize and require the work to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as a tax.

(z) To provide for lighting of the City.

(aa) To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.

(bb) 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.

(cc) To regulate sounds and to establish reasonable noise limits.

(dd) To prevent or abate by appropriate ordinance all nuisances; 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 City; to regulate, to prohibit, to control the location of or to require the removal from the City 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.

(ee) To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, maintain parking lots and other facilities for off-street parking, and to charge for their use.

(ff) To install parking meters on the streets and public places of the City and to prescribe rates and provisions for the use thereof by resolution.

(gg) To establish and maintain public parks, trails, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the City.

(hh) To establish, operate, and maintain an adequate police force.

(ii) To establish and regulate a station house or lockup for confinement of violators of the laws and ordinances of the City, or to use the County jail for such purposes.

(jj) To acquire by conveyance, purchase, gift or condemnation, real or leasehold property for any public purpose; to erect buildings and structures thereon for the benefit of the City and its inhabitants; and to convey any real or leasehold property. Conveyances of real property shall be subject to the limitations of Article 23A [of the Annotated Code of Maryland].

(kk) To regulate the use of sidewalks and all structures in, under, or above them; 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.

(ll) 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 on any public or private property in the City.

(mm) To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(nn) To purchase, lease, borrow, install, and maintain voting machines for use in City elections.

(oo) To exercise the powers as to planning and zoning, subdivision regulations and sign code, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said Article.

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

(qq) To provide for the codification of all ordinances.

(rr) 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 this Charter.

(ss) To create agencies and to adopt programs, rules and regulations designed to promote sound economic development and to stimulate healthful employment, including the

promotion, acquisition, support, or management of industrial parks, shopping malls or other economic activity in location [locations] consistent with good planning and zoning.

(tt) To establish regulations regarding the review, approval and acceptance of condominium agreements, subdivision restrictions, homeowners association agreements, common area agreements, and matters associated and related thereto.

(uu) To adopt laws for the protection of the environment, including floodplain management, grading & sediment control and liveability code.

(vv) To prohibit conduct contrary to the peace and good order, including the prohibition of obscene performances and fortune-telling.

(ww) To offer and pay rewards for information relating to criminal activity committed within the municipality.

(xx) To enlarge its corporate boundaries by annexation pursuant to Article 23A [of the Annotated Code of Maryland].

(yy) To declare a state of emergency and exercise all powers necessary to abate emergency, riot, or conditions caused by natural disaster.

(zz) The enumeration of powers in this section is not to be construed to limit the powers of the City to the several subjects mentioned or to limit its powers under State law.

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

16. To assure the observance of the ordinances of the City, the Council has the power to provide that a violation thereof shall be a misdemeanor or a municipal infraction, and to affix thereto penalties of a fine not exceeding the authority granted by State law. The Council may provide a separate violation for each twenty-four hour period that a violation exists.

17. In the case of a vacancy on the Council, that office shall be filled by the Mayor with the approval of the majority of the remaining members of the Council. The results of any such vote for vacancy in the office of City Council shall be recorded in the minutes or journal of the Council. (Res. 539-98/64, 4-27-99; Res. 551-99/69, 11-30-99.)

Section VI. Officers, Department Heads and Employees.

1. All officers and department heads established under this title of the Charter shall be appointed by the Mayor subject to the approval of the Council. Except as expressly set forth herein, all such officers and department heads shall be removed only for cause upon the motion

of the Mayor or any member of the Council, subject to the approval of a majority of the members of the City Council.

2. *City Manager*

a. The Mayor, with the approval of the Council, shall appoint a City Manager. The City Manager, subject to the approval of the Council, shall:

i. Be the chief operating officer of the City and as such be responsible for the daily operations of the City government.

ii. Be responsible to implement the policies of the Council to insure that the City is operated in an efficient and effective manner.

iii. Supervise all departments, offices and agencies including the Department of Planning and Community Development, Department of Public Works, Clerk/Treasurer, and Police Department; make recommendations to the Council on the appointment and removal of Department Heads.

iv. Establish policies as may be necessary for proper administration.

v. Supervise and coordinate the administrative functions of the several offices, departments, commissions, boards, and agencies.

vi. Serve as chief financial officer and supervise financial administration, preparation of budgets, expenditure of funds, accounting, and procurement.

vii. Assist the Mayor in the preparation of the annual report to the Council on the state of the City Government and in the making of such recommendations as may be proper for the public good and welfare of the City.

viii. Be responsible for the care and custody of City property.

ix. Obtain adequate insurance coverage against loss of property and liability from civil suits.

x. Assure that the ordinances of the City are faithfully executed and the disbursement of all moneys are in accordance with the budget as approved by the Council.

xi. Serve as the personnel officer, and formulate personnel rules and regulations to be approved by the Council.

xii. Award contracts and make purchases in case of accident, disaster, or other circumstances creating a public emergency; provided the City Manager files promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

xiii. Provide for the investigation of the affairs of the City or any City department and report any deficiencies to the Council.

xiv. Provide for the investigation of all complaints in relation to the administration of City government and in relation to services provided by the public utilities in the City.

xv. Assure the compliance of all franchises, permits, and privileges granted by the City.

b. The City Manager shall serve at the pleasure of the Council and may be removed by a majority vote of the entire Council provided that the termination of the City Manager shall not take effect until at least thirty (30) days from any such vote.

3. The Mayor with the approval of the Council shall appoint a Clerk/Treasurer who shall be the custodian of the City records and City funds and shall be charged with their care, management and safekeeping. The Clerk/Treasurer shall discharge such responsibilities under the general supervision of the City Manager and shall:

a) Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.

b) Be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

c) Maintain a general accounting system for the City in such form as the Council may require, not contrary to State law.

d) Submit a complete financial report at the end of each fiscal year and at such other times as the Council may require.

e) Determine that all taxable property within the City is assessed for taxation.

f) Collect and receive all taxes, special assessments, license fees, liens and all other revenues due to the City or for which the City is responsible for collecting.

g) Have custody of all public moneys, bonds, and notes belonging to or under the control of the City except as to funds in the control of any set of Trustees.

h) Perform such other tasks in relation to the fiscal or financial affairs of the City as the Council or this Charter may require.

4. The Mayor with the approval of the Council shall appoint a Director of Public Works who shall be responsible for the construction, maintenance and supervision of City streets, roads, waters [water] and sewer systems, all capital assets, waste disposal, and such

duties as may be required by the City Manager. The Director of Public Works shall discharge such responsibilities under the general supervision of the City Manager.

5. The Mayor with the approval of the Council, shall appoint a Chief of Police who must be at least thirty (30) years of age and qualified by experience in police work, executive ability, law enforcement, character, and general fitness for his position, who shall be the head of the Police Department. The Police Department shall preserve the peace, enforce the ordinances of the City, prevent and detect crime, and perform all related duties of law enforcement. The Aberdeen Police are authorized to cooperate with other police agencies to enforce the law in Harford County within and without the City. The Chief of Police shall discharge such responsibilities under the general supervision of the City Manager.

6. The Mayor with the approval of the Council shall appoint a Director of Planning and Community Development. The Director shall be selected on the basis of knowledge and experience in the field of planning, zoning and community development and administration. The Director shall be responsible for the administration of planning and zoning within the City, advise the planning commission and the board of appeals with regard to all zoning cases and perform such other duties as may be required by the City Manager. The Director of Planning and Community Development shall discharge such responsibilities under the general supervision of the City Manager.

7. The Mayor, with the approval of the Council, shall appoint a City Attorney. The City Attorney shall be a member of the Bar of the State of Maryland and experienced in governmental law. The City Attorney shall be the legal advisor of the City and shall perform such duties as may be required by the Council. Compensation shall be determined by the Council. The City Attorney shall serve at the pleasure of the Council, and may be removed by a vote of the majority of the entire Council. The City has the power to employ such legal assistants and to obtain such legal services as it deems necessary from time to time.

8. The City may employ such officers and employees as it deems necessary to execute the powers and duties provided in its Charter or in other State law and to operate the City government. It may appoint the same person to perform the duties of more than one office or position.

9. The City may include its officers, employees, elected officials, or any of them, within any retirement system to which it is a part or may adopt a pension plan or policy for their retirement.

10. The compensation of all officers and employees of the City, together with other benefits of employment, shall be provided in the annual budget. (See note (2))

Section VII. Elections and Board of Elections.

1. Any decision of the Board of Election Supervisors shall be subject to review by the City Council provided a request for review is filed with the City Administration offices within thirty (30) days from date of the decision.

2. A person shall be a qualified voter of the City and eligible to vote at any and all City elections if that person:

- (a) Is a citizen of the United States.[:]
- (b) Is at least eighteen (18) years of age.[:]
- (c) Is a resident of the State of Maryland.[:]
- (d) Has resided within the corporate limits of the City for at least thirty one (31) days preceding any City election.[:]
- (e) Is registered with the Board of Elections for the City and/or Board of Elections for Harford County.[:]
- (f) Is otherwise qualified under the constitution and laws of the State of Maryland; and
- (g) Is not registered to vote in another State.

3. There shall be a Board of Elections consisting of three members appointed by the Mayor for terms of two years, with the approval of the Council, on or before the first Monday in January after the effective date of this Charter and on or before the same day every second year thereafter. Members of the Board shall be qualified voters of the City and shall not hold office or be candidates for elective office during their terms of office. The Mayor shall appoint one of its members as Chairperson. A vacancy on the Board shall be filled by the Mayor, with the approval of the Council, for the remainder of the unexpired terms. Compensation of the members of the Board shall be determined by the Council.

4. Any member of the Board of Elections may be removed for good cause by the Council, if in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Elections to be removed shall be given a written copy of charges and shall have a public hearing on them before the Council, if requested, within ten (10) days after receiving the written copy of the charges.

5. The Board of Elections shall be in charge of the registration of voters, nominations, and all City elections. The Board may appoint election clerks or other employees to assist in any of its duties. The Mayor and Council shall provide funds necessary to defray the cost of elections.

6. The Board of Elections shall give at least two weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the City and, in its discretion, by posting notices in public places and by handbills or otherwise.

7. Registration shall be permanent, and no person is entitled to vote in City elections unless registered. The Board of Elections shall keep the registration lists current by striking from the lists persons known to have died or to have moved out of the City. The Council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for re-registration when necessary.

8. Any candidate for office of Council or Mayor must file at least thirty (30) days prior to or no earlier than sixty (60) days prior to the date of the election, a certificate of candidacy on a form provided by the Board containing the following:

- (a) The applicant's mailing address.
- (b) The applicant's date of birth.
- (c) The years of residence within the corporate limits of the City of Aberdeen by the applicant.
- (d) The certificate of candidacy shall contain the signatures of at least twenty (20) registered voters of the City of Aberdeen nominating the candidate for the office of Council or Mayor. A Registered voter may nominate more than one (1) candidate in an election; however, no Council member then holding office nor any candidate who has filed for the election nor the candidate concerned or his or her spouse, parent or child may sign the certificate of a candidate for the purpose of fulfilling the requirement of nomination by twenty (20) registered voters.
- (e) The certificate of candidacy shall be signed by the candidate under penalties of perjury and shall be accompanied by a non-refundable filing fee of \$25.00 payable to the Board of Elections.
- (f) A candidate who has filed may withdraw his or her certificate of candidacy after filing by delivering to the Board of Elections at least thirty (30) days prior to the date of the election, written notification of withdrawal signed by the candidate.

9. (a) The offices of Mayor and Council shall not be subject to term limitation. This provision shall affect those persons holding office at the time of the effective date of this Charter Amendment.

10. The Board of Elections shall 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 the City Charter, arranged [in] alphabetical order by office with no party designation of any kind. The Board of Elections shall keep the polls open from 7 A.M. to 7 P.M. on election days, or for longer hours if required by the Council. If the Board decides to use voting machines at any election, the method of use shall be in the same manner provided in Article 33 of the Annotated Code of Maryland (1957 Edition) Title

“Elections”, Subtitle “Voting Machines”, and any subsequent amendments thereto insofar as the provisions of said Article may be reasonably applicable.

11. All special City elections shall be conducted by the Board of Elections in the same manner and with the same personnel, as far as practicable as regular City elections.

12. Within forty-eight hours after the closing of the polls, the Board of Elections shall determine the vote cast for each candidate and question and shall certify the results of the election and the elected officials to the Council, who shall have the results recorded in the minutes or journal of the Council.

13. The Council shall have the power to provide by ordinance in every respect not covered by the provisions of the City Charter for the conduct of registration and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

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

15. Any person who

(a) fails to perform any duty required of him or her under the provisions of this subheading or any ordinances passed thereunder,

(b) in any manner wilfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or

(c) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration or City election, shall be guilty of a misdemeanor. Any officer or employee of the City 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. (Res. 541-98/66, 3-16-99; Res. 542-98/67, 3-16-99; Res. 552-99/70, 11-30-99.)

Section VIII. Finance and Taxation.

1. The Council shall provide that funds not appropriated at the time of the annual levy shall not be expended and further that any funds appropriated be expended only for the purpose for which they were appropriated, except by a favorable vote of a majority of the whole number of members elected to the City Council.

2. The City shall operate on an annual budget. The fiscal year of the City 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.

3. The Mayor, at least forty (40) 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 Treasurer, open to public inspection by anyone during normal business hours.

4. Before adopting the budget, the Council shall hold a public hearing thereon, after one week's notice thereof, in a newspaper 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 proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted by ordinance, by favorable vote of a majority of the total elected membership of the Council on or before May 1 of each year.

5. 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.

6. Any transfer of funds between appropriations for different purposes must be approved by a favorable majority of the total elected membership of the Council.

7. No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of 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.

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

9. All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer or a duly authorized deputy treasurer and shall be countersigned by the Mayor or the Mayor's designee.

10. All real property and all tangible personal property within the corporate limits of the City or personal property, which may have a situs within the City by reason of the residence of the owner, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes. Taxes shall not be imposed on any property exempt from taxation by any act of the General Assembly.

11. Each bona fide member of the Aberdeen Volunteer Fire Department, Inc., shall be exempt from taxation for City purposes to the extent of forty-five thousand dollars (\$45,000.00) of assessed value on real property, which real property is the primary residence of the bona fide member.

(a) Determination as to whether or not a member of the Fire Department is a bona fide active member shall be made by the President and Board of Directors of the Fire Department with the Council reserving the right to make any final determination as to eligibility.

(b) Any bona fide life member of the Aberdeen Volunteer Fire Department, Inc., as so designated by the Department, shall also be entitled to exemption as stated above.

12. (a) 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.

(b) Taxes for general purposes shall not exceed in any one (1) year one Dollar and Fifty Cents (\$1.50) on each One Hundred Dollars (\$100.00) of taxable property in the City, to which shall be added a tax in an amount sufficient for the retirement of the bonds heretofore and hereafter issued and such tax to be fixed, levied and collected in the same manner and on the same tax bills as the taxes for general purposes are now or may be hereafter levied and collected in the City.

(c) If neither City sewerage service nor City water supply is available to residential, commercial, industrial or agricultural land, the Council, in their annual levy, is authorized and empowered to establish for such real property, a special municipal tax rate, which is lower than that applicable to real property with full municipal sanitary services. Unless physical conditions make it unreasonable, real property shall be considered available to water or sewerage service if situated within two hundred (200) feet of City pipelines capable of providing adequate sanitary service.

13. Immediately after the levy is made by the Council in each year, the Treasurer shall give notice of the levy by posting a notice thereof in some public place or places in the City. The Treasurer shall give each taxpayer at his/her last known address a bill or account of the taxes due, which 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 law or this Charter all taxes levied on his/her property.

14. Property taxes shall be due and payable on the first day of July in the year for which they are levied and are in arrears on the First day of the following October. Taxes shall bear interest while in arrears at the rate of not less than one-half of one per centum (0.5) for each month or fraction of a month until paid. Interest may be increased or decreased by the Council. All taxes not paid after the first day of the following April shall be collected as authorized by this Charter and State law.

15. A list of all property on which the City taxes have not been paid and which are in arrears shall be turned over by the Treasurer to the official of the County responsible for the sale of tax–delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by the County official, in the manner prescribed by State law. Personal property taxes may be collected by the Treasurer or the County collector in the same manner and under the same law as County personal property taxes.

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

17. The financial books and accounts of the City shall be audited annually as required by State law.

18. Notwithstanding any other provision or limitation of law, the City shall have the power to borrow money for any public purpose, including the refinancing of any outstanding indebtedness, and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issued in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issue and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, the same to be issued and sold in the manner prescribed in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, As Amended), Title “Municipal Corporations”, Subtitle “Home Rule”, Subheading “Creation of Municipal Public Debt”, provided, however, that if the ordinance, ordinances, or resolutions authorizing the issue and sale of any of such bonds or notes in an aggregate principal amount not exceeding One Million Dollars (\$1,000,000.00) shall so specify, the bonds or notes may be sold at private sale, subject to advertisement or publication of notice of sale, and solicitation of competitive bids. The City shall have authority to exercise all powers conferred by Title 9 of the Environment Article.

19. All purchases and contracts shall be approved in accordance with the City’s procurement policy or ordinance.

20. Subject to the limitations imposed under Article 24 of the Code, the Tax – General Article, and the Tax – Property Article, to establish and collect reasonable fees and charges:

(a) For the franchises, licenses, or permits authorized by law to be granted by a municipal corporation; or

(b) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

21. *SPECIAL TAXING DISTRICTS.*

The City may establish special taxing districts for the following purposes.

(a) Financing the design, construction, establishment, extension, alteration, or acquisition of adequate storm drainage systems.

(b) Financing the design, acquisition, establishment, extension, operation or alteration of public parking facilities or pedestrian malls.

(c) Financing the design, acquisition, erection, construction, improvement and maintenance of street and area lighting.

22. The City may establish special taxing districts for the purposes enumerated above and may thereafter levy on all real and personal property located within these special taxing districts an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds of or other obligations of the municipality issued for these expressed purposes as the principal and interest becomes due and to pay the costs of operating and maintaining these facilities and activities. These taxes shall be levied in the same manner upon the same assessments, for the same period or periods and as of the same date or dates of finality as are now or may hereafter be prescribed.

23. The City may through ordinance or resolution create a special taxing district for the purpose of financing the design, acquisition, establishment, improvement, extension, operation, alteration, or maintenance of a ride sharing or bus system. In the creation of such a taxing district, the municipal corporation shall fix, impose and collect a combination of development impact fees and ad valorem taxes for financing, in whole or in part, the capital and operating costs of the additional or expanded ride sharing bus system. (Res. 543-98/68, 3-16-99; Res. 07-1, 7-31-07.)

Section IX. Services, Operations and Resources.

1. *PUBLIC WAYS AND SIDEWALKS.*

(a) The terms "Public Ways" as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

(b) The City has control of all public ways in the City except those which are under the jurisdiction of the Maryland State Road Commission. Subject to the laws of the State of Maryland and this Charter, the City may do whatever is necessary to establish, operate, and maintain the public ways of the City.

(c) The City may establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.

(d) The City may grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter roads on City property along any public way or part thereof.

(e) The City may require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

2. *WATER AND SEWERS.*

The City may:

- (a) Construct, operate and maintain a water system and water plant.
- (b) Construct, operate, and maintain a sanitary sewerage system and a sewage 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) Provide surveys, plans, specifications, and estimates for any of the above plants and systems or parts thereof or the extension thereof.
- (f) Do all things necessary for the efficient operation and maintenance of the above plants and systems within or without the City.

3. 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 City, shall submit plans to the City and obtain written approval upon such conditions and subject to such limitation as may be imposed by the City. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or storm water systems, the City may order it removed. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor or municipal infraction.

4. All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the City or in the County which impede the establishment, construction or operation of any City sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the City. If necessary to carry out the provisions of this section the City may secure a court [Court] Order for removal or, if necessary, utilize its powers of condemnation. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

5. The City may enter upon or perform 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 City need not obtain any permit or pay any charge 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 to that existing before.

6. The City shall permit a connection with water and sanitary sewer mains for all property abutting 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 City, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The City may require satisfactory fixtures be installed and that all cesspools, sink drains, 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 an ordinance passed under the provisions of this section shall be a misdemeanor or municipal infraction as prescribed.

7. The City may assess a charge to be determined by the Council, for each connection made to the City's water or sewer mains. This charge shall be uniform throughout the City, but may be modified annually. Payment of the charge shall be made prior to connection.

8. In order to prevent leakage or waste of water or other improper use of the City's water system or sewage disposal system, the City may require such changes in plumbing, fixtures, or connections as necessary to prevent such waste or improper use. After due notice, the City may secure enforcement by appropriate Court Order or by terminating service.

9. The City by ordinance may provide that no water supply, sewerage, or stormwater drainage system, and no water mains, sewers, drains, or connections 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 City. Any violation of an ordinance passed under the provisions of this section shall be a misdemeanor or municipal infraction as prescribed.

10. The City may extend its water or sewerage systems beyond the City limits and may require customers to agree to annexation.

11. Any employee or agent of the City, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the City, has 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 City or in the County served by the City's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant or person in possession, or their agents, may be enjoined by Court Order.

12. The City may contract with any party or parties inside or outside the City, to obtain water or to provide for the removal of sewage and of solid waste.

13. The City may charge and collect such service rates, water rents, ready-to-serve charges, or other charges as 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 forty (40) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as City taxes or by suit at law.

14. *SPECIAL ASSESSMENTS.*

(a) The City may 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, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and 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 costs thereto, 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 City, and any other item of cost which may reasonably be attributed to the project.

(b) The procedure for special assessments, as authorized by this Charter, shall be as follows:

(i) *Assessment of Cost.* 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.

(ii) *Amount.* The amount assessed against the property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom.

(iii) *Uniformity of Rates.* All rates shall be uniform, unless properties are divided into different classes and charged different rates.

(iv) *Levy of Charges; Public Hearing; Notice.* 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 extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment 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 person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the City. 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 and not more than thirty 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.

(v) *Payments; Interest.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner 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.

(vi) *When Due; Lien on Property; Collection.* All special assessments installments are overdue six 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 City taxes or by suit at law.

(vii) *Clerk/Treasurer.* All special assessments shall be billed and collected by the Clerk/Treasurer.

Section X. General Provisions.

1. *Oath Required.* Before entering upon the duties of their offices, the Mayor, the Council members, the City Manager, the Clerk/Treasurer, the members of the Board of Elections, and all other persons elected or appointed to any office of profit or trust in the City 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 judgment, diligently and faithfully, without partiality or prejudice execute the office of,, according to the constitution and laws of this State".

2. *Before whom taken and subscribed.* The Mayor and Council shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court for Harford County or before one of his or her deputies. All other persons taking and subscribing to the oath may do so before the Mayor, the Clerk of the Circuit Court or one of his/her deputies.

3. The City Manager, Clerk/Treasurer, Director of Public Works, Director of Planning and Community Development, City Attorney, Chief of Police, and such other officers or employees of the City 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 for such bonds shall be paid by the City. The City Administrator (to be renamed City Manager), the Department Heads, and City Attorney in office as of the date of adoption of this Resolution shall continue in office after the effective date of this Charter until their removal.

4. Every act or omission which, by ordinance, is made a misdemeanor or municipal infraction under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction by fine or imprisonment or both. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (1))

Section A1–101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area 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.
- (d) “Blighted Area” shall mean an area in which a majority of 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.
- (e) “Urban Renewal Project” shall mean 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 thereof in accordance with an urban renewal plan. Such undertakings and activities may include –
- (1) acquisition of a slum area or a blighted area or portion thereof;
 - (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 in the urban renewal area the urban renewal objectives of this sub-heading 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.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such 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.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Commissioners of Aberdeen.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said 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. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this sub-heading are granted to the municipality by exercising the power of eminent domain shall 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 such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this sub-heading is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall 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 thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted 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 sub-heading and to adopt or approve, modify and amend such plans, which plans may include but shall not be 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 for such 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 such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditure as may be necessary to carry out the purposes of this sub-heading, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; 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 sub-heading, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[:]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this sub-heading, including the power to enter into agreement with any other public bodies or agencies (which 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 such conditions imposed pursuant to Federal laws as the municipality may deem 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 sub-heading as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) to exercise all or any part or combination of powers herein granted.

Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this sub-heading or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this sub-heading. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this sub-heading granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) the power to pass a resolution to initiate an urban renewal project pursuant to Section 4 of this sub-heading.

(2) the power to issue general obligation bonds pursuant to Section 9 of this sub-heading.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section 2(3) of this sub-heading.

Section A1–104. 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 such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1–105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this sub-heading, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendations with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof 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 such 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 who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms 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, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such 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 substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved 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 thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this sub-heading. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not 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 such 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 such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to 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 thereon. 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 such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this sub-section. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal 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 such proposal as it deems to be in the public interest and in furtherance of the purposes of this sub-heading. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate 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 sub-heading, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed 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 sub-heading shall be conclusively presumed to have been executed in compliance with the provisions of this sub-heading insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this sub-heading shall be in accordance with the procedure provided in Article 33A of the Annotated Code of Maryland (1957 Edition, as amended) and acts amendatory thereof or supplementary thereto.

Section A1-108. Encouragement of Private Enterprise.

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

Section A1-109. 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 authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section 9 of this sub-heading, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such 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 its undertaking and carrying out of urban renewal projects under this sub-heading; provided, however, that payment of such 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 sub-heading, and by a mortgage of any such urban renewal projects, or any part thereof, 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 such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to 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 sub-heading shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this sub-heading shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this sub-heading or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this sub-heading.

(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, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this sub-heading, provided that such 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 such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this sub-heading, or the application thereof to any person or circumstances, is held invalid, the remainder of the sub-heading and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this sub-heading shall be in addition and supplemental to the powers conferred by any other law.

Section A1–112. Short Title.

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

Section A1–113. 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

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Aberdeen in Chapter 72 of the Acts of the General Assembly of 1963.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Aberdeen appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(2) Res. No. 551–99/69, effective November 30, 1999 inadvertently amended Section VI of the Charter. Accordingly, the change to Section VI will not be made.