

CHARTER  
OF THE  
**Town of Port Deposit**

CECIL COUNTY, MARYLAND

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# PORT DEPOSIT

## ARTICLE I General Corporate Powers

### Section 101. Corporate Name.

The inhabitants of Port Deposit within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of “The Town of Port Deposit” with 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.

## ARTICLE II Corporate Limits

### Section 201. Records and Description of Corporate Boundaries.

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

The corporate limits of the Town of Port Deposit shall include all the territory within the following boundaries:

The limits of the town shall commence on the Susquehanna River, at the eastern terminus of the old Port Deposit bridge, and run thence north forty–five degrees, east one–quarter of a mile; thence in a southeasterly direction in a straight line to a point one–fourth of a mile from the center of the main street of said town on the road leading from Port Deposit to Battle Swamp, known as the Bell’s Ferry Road; thence in a straight line to a point on Herring Run, one–fourth of a mile from the Susquehanna River; thence down the said run to the Susquehanna River, and then by and with the said river to the place of beginning.

Note: Annexation Resolution 81–3, effective May 22, 1981, added the following parcel of land:

BEGINNING for the same at a point where the Northeast right–of–way line of Maryland Route 269 intersects the Northeast boundary line of the corporate limits of the Town of Port Deposit, and running thence and binding on the Northeast right–of–way line of Maryland Route 269 in a Northerly direction approximately 500 feet to a point where the South 27 degree [degrees]

24.5 minute [minutes] West, 169.88 foot line of that parcel of land described in a Deed from The County Commissioner of Cecil County to the Mayor and Councilmen of the Town of Port Deposit and recorded among the Land Records of Cecil County in Liber W.A.S. No. 297, folio 435, intersects, thence running with and binding on the herein described parcel of land the seven following courses and distances: (1) North 27 degrees 24.5 minutes East, 169.88 feet, thence (2) North 14 degrees 40.2 minutes East, 824.34 feet, thence (3) North 89 degrees 18 minutes West, 427.92 feet, thence (4) South 4 degrees 36 minutes West, 713.35 feet, thence (5) South 5 degrees 56 minutes East, 53.69 feet, thence (6) South 68 degrees 08 minutes East, 201.1 feet, thence (7) South 27 degrees 57 minutes West, 150 feet to the Northeast right-of-way line of Maryland Route 269, thence continuing South 27 degrees 57 minutes West to the Southwestern right-of-way line of said road, thence binding on the Southwest right-of-way line, in a Southerly direction for a distance of approximately 450 feet to where the said Southwest right-of-way line intersects the Northeast boundary line of the corporate limits of the Town of Port Deposit, and running thence and binding on the Northeast boundary line of said limits and in a Southeasterly direction to the place of beginning. Containing 7.53 acres, more or less.

Note: Annexation Resolution, effective 12-03-99, added the following parcel of land:

BEGINNING for the same at a point located on the old South Easterly right-of-way line of MD, Route 276 (Jacob Tome Memorial Highway), a public road running in North Easterly direction from the Town of Port Deposit to U.S. Route No. 1; said old right-of-way line is shown on Maryland State Roads Commission Plat No. 23561 and represents the property line of the United States Bainbridge Naval Training Center land prior to said right-of-way plat (see the "Perpetual right-of-way" agreement granted by the United States of America, Department of the Navy, to State Roads Commission of Maryland which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 100, folio 15); said point of beginning also being located on the North Westerly Limit Line (North 75 degrees 16 minutes 27 seconds East 4028.61 feet [feet]) of The Town of Port Deposit Annexation Resolution 92-1, recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 427, folio 19; the following bearings are referred to Maryland State Plane Coordinate System (N.A.D. 1983) as taken from iron pipes and caps found on a survey and plat of the United States Bainbridge Naval Training Center prepared by "Taylor-Wiseman & Taylor" dated February 9, 1996; said point of beginning of this description also being located South 71 degrees 31 minutes 53 seconds East 24.22 feet from a railroad spike found driven in the North Westerly travel lane of the aforementioned MD Route No. 276; thence leaving said point of beginning and running by and with the aforementioned old South Easterly right-of-way line of MD Route No. 276 the following nineteen (19) courses and distances: (1) North 31 degrees 11 minutes 50 seconds East 60.99 feet to a point; (2) North 29 degrees 1'8 [1.8] minutes 54 seconds East 831.22 feet to a point; (3) North 31 degrees 33 minutes 32 seconds East 220.72 feet to a point; (4) North 36 degrees 51 minutes 32 seconds East 69.92 feet to a point; (5) North 40 degrees 35 minutes 19 seconds East 90.95 feet to a point; (6) North 44 degrees 47 minutes 56 seconds East 137.01 feet to a point; (7) North 46 degrees 40 minutes 26 seconds East 176.28 feet to a point; (8) North 46 degrees 37 minutes 54 seconds East 1830.29 feet to a point; (9) North 46 degrees 32 minutes 37 seconds East 315.75 feet to a point; (10) North 47 degrees 42 minutes 03 seconds East 175.53 feet to a point; (11) North 48 degrees 28 minutes 33 seconds East 199.53 feet to a point; (12) North 50 degrees 02 minutes 49 seconds East 199.56 feet to a point; (13) North 51 degrees 02 minutes 57 seconds East 199.59 feet to a point; (14) North 53 degrees 16 minutes 50 seconds



East 142.82 feet to a point; (15) North 52 degrees 50 minutes 18 seconds East 2861.27 feet to a point; (16) North 52 degrees 15 minutes 37 seconds East 475.71 feet to a point; (17) North 53 degrees 06 minutes 36 seconds East 74.83 feet to a point; (18) 252.56 feet along a non-tangent curve to the left to a point (the radius of curve = 2864.79 feet and the chord = North 48 degrees 35 minutes 56 seconds East 252.48 feet); (19) North 44 degrees 14 minutes 37 seconds East 86.28 feet to a point in the center of Tennis Lane (now closed); thence running by and with the center of said Tennis Lane the following four (4) courses and distances: (1) South 28 degrees 34 minutes 27 seconds East 1157.76 feet to a point; (2) South 50 degrees 34 minutes 27 seconds East 225.48 feet to a point; (3) South 69 degrees 57 minutes 27 seconds East 441.90 feet to a point; (4) South 52 degrees 25 minutes 27 seconds East 593.96 feet to a point; thence running by and with land now or formerly of Janet D. Haase, et al., which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 261, folio 543; North 50 degrees 03 minutes 33 seconds East 628.00 feet to a corner of land of Running Brook Corporation which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 157, folio 271; then running by and with the same South 29 degrees 52 minutes 13 seconds East 1500.36 feet to a point; thence South 22 degrees 53 minutes 26 seconds West 86.50 feet to a point; thence North 79 degrees 21 minutes 26 seconds East 86.50 feet to a point in the center of Barton Road, a public road running in a Southerly direction from Craigtown Road to Everest Road; thence running by and with the center of said Barton Road the following six (6) courses and distances: (1) South 25 degrees 40 minutes 26 seconds West 86.50 feet to a point; (2) South 3 degrees 10 minutes 26 seconds West 144.15 feet to a point; (3) South 5 degrees 49 minutes 34 seconds East 472.20 feet to a point; (4) South 5 degrees 22 minutes 53 seconds East 650.70 feet to a point; (5) South 6 degrees 38 minutes 53 seconds East 179.30 feet to a point; (6) South 7 degrees 35 minutes 53 seconds East 351.18 feet to a point in the center of Everest Road (sometimes referred to as Funk Road); thence running by and with the center of said Everest Road the following two (2) courses and distances: (1) North 82 degrees 51 minutes 25 seconds West 567.94 feet to a point; (2) North 83 degrees 40 minutes 08 seconds West 449.46 feet to the North Westerly corner of the James C. Rudd, Sr., land which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 309, folio 288; thence running by and with the same South 22 degrees 02 minutes 21 seconds West 259.57 feet to a point; thence running by and with said James C. Rudd, Sr., land in part, also with land of Jerry L. Daniel in part and is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 348, folio 403, and also with land of Nicholas C. Letts in part and is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 334, folio 47, South 87 degrees 27 minutes 39 seconds East 410.00 feet to the South Easterly corner of the said Nicholas C. Letts land and a corner of other remaining land of the United States Bainbridge Naval Training Center; thence running through said land of the United States Bainbridge Training Center South 89 degrees 53 minutes 45 seconds East 273.54 feet to (2) South 50 degrees 34 minutes 27 seconds East 225.48 feet to a point; (3) South 69 degrees 57 minutes 27 seconds East 441.90 feet to a point; (4) South 52 degrees 25 minutes 27 seconds East 593.96 feet to a point; thence running by and with land now or formerly of Janet D. Haase, et al., which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 261, folio 543; North 50 degrees 03 minutes 33 seconds East 628.00 feet to a corner of land of Running Brook Corporation which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 157, folio 271; thence running by and with the same South 29 degrees 52 minutes 13 seconds East 1500.36 feet to a point; thence South 22 degrees 53 minutes 26 seconds West 86.50 feet to a point; thence North 79 degrees 21 minutes 26 seconds East 86.50 feet to a point in the center of Barton Road, a public road running in a Southerly direction from Craigtown Road to Everest Road; thence running by

and with the center of said Barton Road the following six (6) courses and distances: (1) South 25 degrees 40 minutes 26 seconds West 86.50 feet to a point; (2) South 3 degrees 10 minutes 26 seconds West 144.15 feet to a point; (3) South 5 degrees 49 minutes 34 seconds East 472.20 feet to a point; (4) South 5 degrees 22 minutes 53 seconds East 650.70 feet to a point; (5) South 6 degrees 38 minutes 53 seconds East 179.30 feet to a point; (6) South 7 degrees 35 minutes 53 seconds East 351.18 feet to a point in the center of Everest Road (sometimes referred to as Funk Road); thence running by and with the center of said Everest Road the following two (2) courses and distances: (1) North 82 degrees 51 minutes 25 seconds West 567.94 feet to a point; (2) North 83 degrees 40 minutes 08 seconds West 449.46 feet to the North Westerly corner of the James C. Rudd, Sr., land which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 309, folio 288; thence running by and with the same South 22 degrees 02 minutes 21 seconds West 259.57 feet to a point; thence running by and with said James C. Rudd, Sr., land in part, also with land of Jerry L. Daniel in part and is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 348, folio 403, and also with land of Nicholas C. Letts in Part and is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 334, folio 47, South 87 degrees 27 minutes 39 seconds East 410.00 feet to the South Easterly corner of the said Nicholas C. Letts land and a corner of other remaining land of the United States Bainbridge Naval Training Center; thence running through said land of the United States Bainbridge Training Center South 89 degrees 53 minutes 45 seconds East 273.54 feet to the Southerly corner of the Carlos A. McCarver land which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 325, folio 250; thence running through land of the United States Bainbridge Naval Training Center South 82 degrees 51 minutes 25 seconds East 895.14 feet to a point on the Westerly right-of-way (150 feet wide) line of the Baltimore Gas and Electric Company; thence running by and with the said Westerly right-of-way line of the Baltimore Gas and Electric Company South 1 degree 33 minutes 57 seconds East 2261.78 feet crossing over Henly Parkway and Preston Drive to a point and a corner of the Pauline and Lonnie Cash land which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 189, folio 200; thence running by and with the same in part and also with land of Teddy W. Cadd, Sr., and Teddy W. Cadd, Jr., which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 366, folio 53, North 61 degrees 53 minutes 01 second West 259.94 feet to a point; thence still running by and with the said Teddy W. Cadd, Sr., and Teddy W. Cadd, Jr., land in part and with land of James R. Gaddy which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 332, folio 330, and also with land of Richard M. Clark which is recorded in the Land Record Books of Cecil County in Liber W.A.S. No. 227, folio 141, North 89 degrees 08 minutes 23 seconds West 537.24 feet to a point; thence continuing to run by and with the said land of Richard M. Clark, North 38 degrees 54 minutes 15 seconds West 518.01 feet to a corner of the John P. Stewart, et al., land which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No. 231, folio 823; thence running by and with the said John P. Stewart, et al., land the following two (2) courses and distances: (1) South 22 degrees 06 minutes 56 seconds West 192.22 feet to a point; (2) South 61 degrees 02 minutes 34 seconds West 561.00 feet to a corner of the Mount Ararat Farm land which is recorded in the Land Record Books of Cecil County in Liber W.L.B. No. 547, folio 5; thence running by and with the said land of Mount Ararat Farm North 49 degrees 21 minutes 43 seconds West 1035.40 feet to a corner of land of Delmar C. Whitaker, et al., which is recorded in the Land Record Books of Cecil County

in Liber N.D.S. No. 500, folio 384; thence running by and with the said land of Delmar C. Whitaker, et al., the following nine (9) courses and distances: (1) North 40 degrees 38 minutes 17 seconds East 759.00 feet to a point; (2) South 49 degrees 21 minutes 43 seconds East 181.50 feet to a point; (3) North 41 degrees 23 minutes 26 seconds East 397.58 feet to a point; (4) North 32 degrees 58 minutes 03 seconds West 508.24 feet to a point; (5) South 63 degrees 17 minutes 17 seconds West 101.94 feet to a point; (6) South 48 degrees 56 minutes 48 seconds West 5.11 feet to a point; (7) North 79 degrees 27 minutes 33 seconds West 310.70 feet to a point; (8) South 35 degrees 29 minutes 06 seconds West 1055.22 feet to a point; (9) South 49 degrees 15 minutes 53 seconds East 187.20 feet to a corner of the aforementioned land of Mount Ararat Farm; thence running by and with the said land of Mount Ararat Farm the following six (6) courses and distances: (1) South 73 degrees 29 minutes 06 seconds West 230.95 feet to a point; (2) South 23 degrees 07 minutes 00 seconds West 613.97 feet to a point; (3) South 62 degrees 06 minutes 42 seconds West 481.87 feet to a point; (4) South 50 degrees 36 minutes 42 seconds West 315.91 feet to a point; (5) South 57 degrees 14 minutes 42 seconds West to a point; (6) South 17 degrees 53 minutes 06 seconds West 1327.52 feet to a point on the Northerly right-of-way line of Maryland Route No. 222 (Bainbridge Road) a public road running from the Town of Port Deposit to the Town of Perryville; thence running by and with the said Northerly right-of-way of Maryland Route No. 222 the following twelve (12) courses and distances: (1) North 47 degrees 47 minutes 55 seconds West 159.12 feet to a point; (2) North 49 degrees 21 minutes 54 seconds West 92.90 feet to a point; (3) North 52 degrees 10 minutes 13 seconds West 120.45 feet to a point; (4) North 54 degrees 40 minutes 40 seconds West 163.54 feet to a point; (5) North 27 degrees 31 minutes 20 seconds West 27.49 feet to a point; (6) North 53 degrees 53 minutes 51 seconds West 178.77 feet to a point; (7) North 59 degrees 07 minutes 37 seconds West 152.55 feet to a point; (8) North 67 degrees 45 minutes 33 seconds West 152.67 feet to a point; (9) North 66 degrees 57 minutes 58 seconds West 151.57 feet to a point; (10) North 89 degrees 50 minutes 24 seconds West 53.85 feet to a point; (11) North 68 degrees 34 minutes 29 seconds West 253.91 feet to a point; (12) North 68 degrees 22 minutes 22 seconds West 9.15 feet to a point on the present existing Town of Port Deposit Corporate Limits boundary line (South 32 degrees 29 minutes 31 seconds East 921.30 feet) thence running by and with the said Corporate Limits of the Town of Port Deposit which is recorded in the Land Record Books of Cecil County in Liber N.D.S. No 427, folio 19, and running through lands of the aforementioned United States Bainbridge Naval Training Center the following two (2) courses and distances: (1) North 0 degrees 42 minutes 09 seconds East 900.60 feet to a point; (2) North 71 degrees 31 minutes 53 seconds West 4004.39 feet to the point of beginning. Containing in all 970.6649 Acres of land more or less.

### **ARTICLE III**

#### **The Council**

##### Section 301. Number, Selection, Term.

All legislative powers of the Town shall be vested in a body designated as “The Council of Port Deposit,” consisting of a Mayor and four (4) Councilmembers. The qualified voters of the Town shall hold an election for one (1) Councilmember on the second Tuesday of May, 2019. On the second Tuesday of May, 2021, the qualified voters of this Town shall hold an election for three (3) Council members. The elected Council member receiving the lowest number of votes shall

*(revised 11/19)*

serve a two (2) year term and the remaining two (2) elected Council members shall serve a four (4) year term. In the event that the lowest number of votes for an elected Council member cannot be determined the elected member whose last name begins with a letter closest to the letter “z” shall be considered as having the lowest number of votes. Every odd numbered year thereafter, two (2) Councilmembers shall be elected for four year terms by the qualified voters of the Town. On the second Tuesday of May, 1979, and every second odd numbered year thereafter, a mayor shall be elected for a four year term by the qualified voters of the Town.

The terms of office of all Councilmembers shall be for four (4) years and shall begin on the first Tuesday of the month (June) immediately following their election, (May), and shall end on the fourth next succeeding 31st day of May or until their successors are elected and qualified. No person shall be eligible for election as a Councilmember of Port Deposit unless he shall be a qualified voter of the Town. In the case of any precise tie between two Councilmembers, which would prevent one of them from holding office, a run-off election shall be held within the next 60 days. (Res No. 01-2019, 4-24-2019.)

#### Section 302. Qualifications of Councilmembers.

Councilmembers shall have resided in the Town for at least one year preceding their election, be at least twenty-one (21) years of age, and shall be qualified voters of the Town. Additionally, no person shall be nominated, run for, be appointed to, or hold office of Councilmember while being an employee of the Town. (Res. No. 90-1, 8-22-90.)

#### Section 303. Salary of Councilmembers.

Each Councilmember may receive an annual salary which shall be as specified from time to time by an ordinance passed by the Councilmembers in the regular course of their business; provided, however, that the salary specified at the time the Councilmembers take office shall not be changed during the period for which the Councilmembers were elected. The ordinance making any change in the salary paid to the seven Councilmembers, 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.

#### Section 304. Meeting of the Council.

The newly elected Council shall meet at 7:00 p.m. on the first Tuesday 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 than once each month. Special meetings shall be called by the Town Clerk upon the request of the Mayor or a majority of the members of the Council. All meetings of the Council shall be open to the public, except and notwithstanding anything in this charter to the contrary the Council may meet in closed sessions or adjourn an open session in those instances and in the manner provided by State law. The rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any open meeting in regard to any municipal questions. (Res. No. 95-6, 11-22-95; Res. No. 18-2017, 6-22-17.)

Section 305. President of the Council.

The Mayor shall serve as President of the Council. The Mayor may take part in all discussions, but shall have no vote, except to break a tie. The Council shall elect a Deputy Mayor of the Council from among its members who shall act as President of the Council in the absence or disability of the Mayor. (Res. No. 1–2017, 3–29–17.)

Section 306. Quorum.

A majority of the Councilmembers shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Councilmembers.

Section 307. Procedure of Council.

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

Section 308. Vacancies on the Council.

In event of a vacancy on the Council for any reason, the Councilmembers by a majority vote shall appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term.

Section 309. Ordinances.

a. In order to enable the Councilmembers of Port Deposit to fully exercise the power conferred upon them by this Charter and to enable them to better promote and preserve the public health, safety and welfare, the Councilmembers of Port Deposit may pass all ordinances or by-laws that are from time to time necessary.

b. No ordinance shall be passed at the meeting at which it was introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases impacting public safety, the provision that an ordinance may not be passed at the meeting at which it was introduced may be suspended by the affirmative vote of a majority of council members.

c. Unless otherwise specified, an ordinance will become effective at the expiration of twenty (20) calendar days following its approval.

d. Each ordinance shall be published at least once in a newspaper having general circulation in the Municipality. (Res. No. 02–2017, 3–29–17.)

Section 310. File of Ordinances.

Ordinances shall be permanently filed by the Town Clerk and shall be made available for public inspection.

## **ARTICLE IV**

### **The Mayor**

Section 401. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified. The newly elected Mayor shall take office on the first Tuesday (day) of the month following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.

Section 402. Qualifications of Mayor.

The Mayor must have resided in the Town for at least one year immediately preceding his election, be at least twenty-one (21) years of age, and must be a qualified voter of the Town. Additionally, no person shall be nominated, run for, be appointed to, or hold office of Mayor while being an employee of the Town. (Res. No. 90-1, 8-22-90.)

Section 403. Salary of the Mayor.

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business. Provided, however, that no change shall be made in the salary for any Mayor during the term for which he was elected. The ordinance making any change in the salary paid to the Mayor, either by way 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.

Section 404. Powers and Duties.

a. The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the Chief Executive Officer, and the head of the administrative branch of the Town government.

b. The Personnel Committee shall conduct interviews and recommend up to (3) three candidates of the most compatible individuals to the Mayor and Council for appointment. This should not prevent the Mayor from conducting "advise and consent" hearings on the recommendations of the Personnel Committee. Once appointed, individuals shall serve a probationary period of (6) months, which may be extended but will not exceed a period of nine (9) months. The individual shall work at the will of a majority of the Personnel Committee.

c. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

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

e. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter. (Res. No. 98-1, 3-25-98.)

## **ARTICLE V**

### **General Powers**

#### Section 501. General Powers.

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

b. The Council shall have, in addition, the power to pass ordinances, not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

(1) *Advertising.* To provide for advertising for the purposes of the Town, for printing, and publishing statements as to the business of the Town.

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

(3) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining public amusements.

(4) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Council.

(5) *Auctioneers.* To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

(6) *Billboards and Signs.* To regulate, restrain or prohibit the erection or maintenance of billboards, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the Town.

(7) *Bridges.* To erect and maintain bridges.

(8) *Buildings.*

(a) To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate or adopt as herein provided, a building code and such other codes as deemed necessary.

(b) Said codes may incorporate by reference any code or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on any subject relating to plumbing and construction and maintenance of buildings and structures, provided that subsequent amendments or supplements to any such model or standard code shall not be effective until specifically incorporated into such building or other codes.

(c) To appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

(10) *Community Services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

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

(12) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

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



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

(15) *Disorderly Houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

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

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

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

(19) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Council; to borrow money in accordance with the provisions of this Charter.

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

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

(22) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town. No franchise shall be granted for a longer period than fifty (50) years.

(23) *Gambling.* To regulate gambling.

(24) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops,

garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(25) *Grants-in-Aid.* 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 same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

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

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

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

(29) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County Jail for such purpose.

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

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

(32) *Lights.* To provide for the lighting of the Town.

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

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

(35) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or other disruptive or disturbing sounds.

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

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

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

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

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

(41) *Police Force.* To establish, operate, and maintain a police force.

(42) *Police Powers.* To prohibit, suppress, and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefor, and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness [drunkeness]. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(43) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the

Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

(44) *Quarantine.* To establish quarantine regulations in the interests of the public health.

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

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

(47) *Sweeping.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the Town.

(48) *Taxicabs.* To license, tax, and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

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

(50) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in the Land Use Article of the Annotated Code of Maryland, (1957 edition, as amended), subject, however, to the limitations and provisions of said Article [article].

(51) *Saving Clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned. (Res. No. 3–2017, 3–29–17; Res. No. 13–2017, 5–25–17; Res. No. 19–2017, 6–22–17; Res. No. 20–2017, 6–22–17.)

#### Section 502. Exercise of Powers.

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

Section 503. Enforcement of Ordinances.

(a) *Misdemeanors* – To ensure the observance of the Ordinances of the Town, the Council shall have the power to provide that a violation thereof shall be a misdemeanor, unless otherwise specified as an infraction and shall have the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both such fine or imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right to appeal within thirty (30) days to the Circuit Court for Cecil County in which the fine, forfeiture, or penalty was imposed. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) *Municipal Infractions* – To ensure the observance of the Ordinances of the Town, the Council shall have the power to provide that violations of any Municipal Ordinance shall be a municipal infraction unless the violation is declared to be a felony or misdemeanor by Law or Ordinance. In addition, the Council may classify as a municipal infraction: (a) a violation of any zoning or land use ordinance or regulation authorized to be adopted or enacted by that municipality, and (b) littering within the municipality, as provided under the Criminal Law Article § 10–110 of the Code. Any violation deemed a municipal infraction shall be a civil offense.

(1) *Fines* – For each Ordinance, the violation of which the Council declares to be a municipal infraction, a specific fine shall be set. This fine shall never exceed one thousand dollars (\$1,000.00) for any single violation. The fine shall be expressed at a specific amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by the Council to any other administrative or legislative body.

(2) *Issuance of Citation* – Those officials authorized by the Council may deliver a citation to any person whom they adjudge to be committing a municipal infraction. A copy of the citation shall be retained by the issuing authority and bear his certification attesting to the truth of the matter therein set forth. The citation shall also contain (I) name and address of the person charged, (II) the nature of the infraction, (III) the location and time that the infraction occurred, (IV) the amount of the infraction fine assessed, (V) the manner, location, and time at which the fine may be paid to the municipality, and (VI) the person's right to elect to stand trial for the infraction, and notice of the effect of failing to pay the fine or demand a trial within the required time.

(3) *Payment of Fine and Right to Elect to Stand Trial* – The fine is payable by the recipient of a citation to the Town within twenty (20) days of receipt of the citation. A person receiving a citation for a municipal infraction may elect to stand trial for the offense by notifying the Town of his intention of standing trial. Notice shall be given at least five (5) days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the Town shall forward to the District Court of Maryland having venue, a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, the District Court shall schedule the case for trial and notify the Defendant of the trial

date. All fines, penalties, or forfeitures collected by the District Court for violation of municipal infractions shall be remitted to the Town.

(4) *Failure to Pay Fine* – If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, a formal notice of the infraction shall be sent to the owner’s last know address. If the citation has not been satisfied within fifteen (15) days from the date of the notice, he shall be liable for an additional fine not to exceed twice the original fine. If after thirty–five (35) days the citation has not been satisfied, the Town may request adjudication of the case through the District Court. The District Court shall thereupon promptly schedule the case for trial and summons the Defendant to appear. The Defendant’s failure to respond to such summons shall be contempt of Court.

(5) *Court Proceedings* – All cases of municipal infractions heard by the District Court shall be in accordance with the Laws of the State of Maryland and Rules promulgated by the Court as are now or shall hereafter be in effect.

(6) *Conviction not a Criminal Offense* – Adjudication of a municipal infraction as defined herein is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. No. 83–2, 3–23–83; Res. No. 97–8, 12–24–97; Res. No. 04–2017, 3–29–17.)

## ARTICLE VI Registration, Nomination and Elections

### Section 601. Voters.

a. *Qualified voters.* – Only persons, qualified under the Maryland Constitution, duly passed laws and regulations of the State of Maryland, the voting regulations of Cecil County, Maryland, and residing within the incorporated limits of the Town of Port Deposit shall be registered as qualified voters.

b. Every registered voter of the Town shall be entitled to vote at any or all Town elections. Town property owners, who do not reside within the Town limits, will not be entitled to vote. (Res. No. 95–1, 2–22–95; Res. No. 2007–02, 3–28–07; Res. No. 06–2017, 4–13–17.)

### Section 602. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three (3) members and a first alternate member and second alternate member; who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in February of 1995, and of every second odd numbered year thereafter. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for four years. Members and alternate members of the Board of Supervisors of

Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council. The 1st alternate shall serve in the absence of a regular member and the second alternate shall serve in the absence of two regular members or the absence of one regular member and the first alternate. (Res. No. 95-1, 2-22-95.)

Section 603. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges against him.

Section 604. Duties.

The Board of Supervisors of Elections shall be in charge of verifying the registration of voters, nomination procedures, and all Town elections. The Board may appoint election clerks or other employees to assist in any of its duties but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Council. (Res. No. 21-2017, 6-22-17.)

Section 605. Notice.

The Board of Supervisors of Elections shall give at least four (4) weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the Town, or, by posting a notice thereof in some public place or places in the Town. The notice shall also advise that qualified voters may register to vote at the Cecil County Board of Elections during their regular business hours. (Res. No. 95-5, 11-22-95; Res. No. 2007-02, 3-28-07.)

Section 606. Registration.

- a. Registration with the Cecil County Board of Elections by a voter who resides in the Town shall be deemed registration for elections in the Town.
- b. Registration shall be permanent, and no person shall be entitled to vote in Town elections unless they are registered with the Cecil County Board of Elections.
- c. The Councilmembers, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a registration when necessary. (Res. No. 2007-02, 3-28-07; Res. No. 07-2017, 4-13-17.)

Section 607. Appeal.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in

refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court of Cecil County within thirty (30) days of the decision or action of the Council.

Section 608. Nominations.

Persons shall be nominated for elective office in the Town by filing a petition signed by twenty-five (25) qualified voters of the Town with the Board of Supervisors of Elections on or before the second Monday in March preceding the Town election. Such petition shall identify the offices being sought and contain the name and signature of the candidate and such other information necessary to determine his or her proper qualification for that office. No person shall file for nomination to more than one elective Town public office or hold more than one elective Town public office at one time. (Res. No. 85-1, 11-20-85; Res. No. 2007-02, 3-28-07.)

Section 609. Election of the Mayor and Councilmembers.

On the second Tuesday of May, 2019, the qualified voters of this Town shall hold an election for one (1) Council member who shall serve a four year term. On the second Tuesday of May, 2021, the qualified voters of this Town shall hold an election for three (3) Council members. The elected Council member receiving the lowest number of votes shall serve a two (2) year term and the remaining two (2) elected Council members shall serve a four (4) year term. In the event that the lowest number of votes for an elected Council member cannot be determined the elected member whose last name begins with a letter closest to the letter "z" shall be considered as having the lowest number of votes. Every odd numbered year thereafter, as provided in Article III, Section 301 of this Charter, two (2) Councilmembers shall be elected for four year terms by the qualified voters of the Town. On the second Tuesday of May, 1979, and every second odd numbered year thereafter, a Mayor shall be elected for a four year term by the qualified voters of the Town. (Res. No. 08-2018, 12-26-2018.)

Section 610. Conduct of Elections.

a. Elections shall be on a non-partisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.

b. It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines.

c. The Board of Supervisors of Elections shall keep the polls open from 12:00 noon to 8:00 p.m. on election days or for longer hours if the Council requires it.

d. The Board of Supervisors of Elections shall cancel the election and certify a candidate to be duly elected in the event that a lawfully nominated candidate for Mayor or Councilmember is running for office unopposed. If the election for one office is cancelled under



this provision, the remainder of the ballot, if applicable, shall not be affected and the election for any office remaining on the ballot shall not be cancelled. (Res. No. 12–2017, 5–25–17.)



Section 611. Absentee Ballots.

a. Any qualified voter registered to vote in the Town of Port Deposit is entitled to vote in any municipal election by absentee ballot.

b. All requests to vote by absentee ballot must be made in writing and signed by the voter. (Res. No. 95-1, 2-22-95.)

Section 612. Special Elections.

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

Section 613. Vote Count.

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Clerk of the Town who shall record the results in the minutes of the Council. (Res. No. 2007-02, 3-28-07.)

Section 614. Preservation of Ballots.

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

Section 615. Vacancies.

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

Section 616. Regulation and Control.

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

Section 617. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (c) willfully or corruptly

does anything which will, or will tend to, affect fraudulently any registration, nomination, or election, shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

Section 618. Areas not covered in Town Charter.

In the case of any areas not covered in the election laws of the Town Charter, the *Election Law Article* of the *Annotated Code of Maryland* (2003) as may be amended from time to time, shall apply. (Res. No. 2007-02, 3-28-07.)

## ARTICLE VII Finance

Section 701. Treasurer.

There shall be a Treasurer appointed by the Mayor with the approval of the Council. He shall serve at the pleasure of the Mayor. His compensation shall be determined by the Council. The Treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Mayor and Council.

Section 702. Bond of Treasurer.

The Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require.

Section 703. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 704. Budget.

The Mayor shall submit an annual budget to the Council for consideration no later than May 1st of each year. The budget, which shall be adopted by the Council by June 30th of each year, 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 Town Clerk, open to public inspection by anyone during normal business hours. (Res. No. 22-2017, 6-22-17.)

**Section 705. Budget Adoption.**

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

**Section 706. Appropriations – Approval.**

No public money may be expended without having been approved and appropriated by the Council.

**Section 707. Transfer of Funds.**

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

**Section 708. Over-Expenditure Forbidden.**

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent 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 such contract is made, when such contract is permitted by law.

**Section 709. Appropriations Lapse After One Year.**

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

**Section 710. Checks.**

All checks issued in payment of salaries or other municipal obligations shall be signed by the Treasurer or the Town Administrator and shall be countersigned by the Mayor or the Deputy Mayor of the Council. (Res. No. 96-4, 4-24-96; Res. No. 05-2017, 3-29-17.)

Section 711. Taxable Property.

(a) *In general.* – Except as otherwise provided in this section, all real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any Act of the General Assembly.

(b) *Exemption.* – The tangible personal property tax does not apply to the following two (2) subclasses of personal property:

(i) Stock in business as referenced in the Annotated Code of Maryland, Tax Property Article, Section 8–101 (c)(1), (2001 Replacement Volume as amended), and

(ii) All other personal property that is directed to be assessed pursuant to Tax Property Article, Section 8–101 (c)(7), (2001 Replacement Volume, as amended). (Res. No. 2006–2, 4–26–06.)

Section 712. Budget Authorized Levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

Section 713. Notice of Tax Levy.

The Town may authorize or designate an individual corporation or entity to act as its duly authorized designee and/or agent for the purpose of mailing or delivering bills and accounts of taxes due and/or for the purpose of collection of any and all taxes due.

Each year after the tax levy is made, a bill or account of the taxes due shall be mailed or delivered in person to each taxpayer or an authorized agent at the last known address of the taxpayer by the Town or its duly authorized designee or agent. This bill or account shall contain a statement of the amount of the real estate property and/or business personal property with which the taxpayer is assessed. [,]The [the] rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter, all taxes levied on assessed property. (Res. No. 01–2000, 5–24–00.)

Section 714. When Taxes are Overdue.

The taxes provided for in Section 713 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. Unpaid taxes shall bear interest while in arrears at the rate of 1% for each month or fraction of a month that such tax is overdue. Payments must be received by the

Town or the individual, corporation or other entity duly authorized by the Town as its designee or agent to collect said payments prior to the close of the last business day of the month in order to avoid additional interest being due. All taxes not paid and in arrears after the last day of the following February shall be collected as provided in Section 715 and shall also be assessed a tax penalty equal to the County's collection fee. (Res. No. 01-2000, 5-24-00.)

Section 715. Sale of Tax Delinquent Property.

A list of all property on which the taxes have not been paid and which are in arrears as provided by Section 713 of this Charter 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 shall if necessary be sold for taxes by this county official, in the manner prescribed by State law. (Res. No. 23-2017, 6-22-17.)

Section 716. Fees.

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

Section 717. Audit.

The financial books and accounts of the Town shall be audited annually in a manner determined by the Mayor and Council but not contrary to applicable State law.

Section 718. Tax Anticipation Borrowing.

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid no later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per cent (50%) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 719. Authorization to Borrow Money.

The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37, inclusive, of the Local Government Article, Title 19, Public Debt, Subtitle 3, Creation of Municipal Public Debt. (Res. No. 08-2017, 4-13-17.)

Section 720. Payment of Indebtedness.

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

Section 721. Previous Issues.

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

Section 722. Purchasing and Contracts.

a. All purchases and contracts for the Town government shall be made by the Treasurer under the direction of the Mayor and Council. The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing policy and procedures.

b. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services exceeding twenty-five thousand dollars (\$25,000.00) shall be made utilizing competitive bids and written contracts. The Treasurer shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance. The contract, in writing, shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. (The Council shall have the right to reject all bids and readvertise.) The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

c. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services that exceed five thousand dollars (\$5,000.00) but do not exceed twenty-five thousand (\$25,000) shall be made utilizing a minimum of two (2) quotes from a licensed and qualified contractor or company. All such quotes shall be approved by the Council and the Council shall have the right to reject all quotes. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

d. All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the Council. (Res. 83-1, 3-23-83; Res. 2009-1, 4-22-09; Res. No. 09-2017, 4-13-17.)



## **ARTICLE VIII Administration**

### Section 801. Town Clerk.

The Mayor with the approval of the Council may appoint a Town Clerk. He/she shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. He/she shall keep such other records and perform such other duties as may be required by this Charter or the Council. (Res. No. 10-2017, 4-13-17.)

### Section 802. Town Attorney.

The Mayor with the approval of the Council may appoint a Town Attorney. He shall serve at the pleasure of the Council and his compensation shall be so determined by the Council. The Town Attorney shall be a member of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Council. The Town shall have the power to employ other legal consultants as it deems necessary from time to time.

### Section 803. Authority to Employ Personnel.

The Town Council shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government.

### Section 804. Retirement System.

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

### Section 805. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by particular ordinances passed by the Council.

### Section 806. Employee Benefit Programs.

The Town by ordinance is authorized and empowered to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public moneys of the Town for such programs.

## ARTICLE IX Public Ways and Sidewalks

### Section 901. Definition of Public Ways.

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

### Section 902. Control of Public Ways.

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

### Section 903. Public Ways: Powers.

The Town shall have the power:

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

### Section 904. Sidewalks: Powers.

The Town shall have the power:

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

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

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

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

## **ARTICLE X Water and Sewers**

### Section 1001. Powers.

The Town shall have the Power:

- a. To construct, operate, and maintain a water system and water plant.
- b. To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- c. To construct, operate, and maintain a storm water drainage system and storm water sewers.
- d. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations, and structures of the above plants and systems.
- e. To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- f. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

### Section 1002. Placing Structures in Public Ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a

misdemeanor. If any unauthorized main, conduit[,] pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Town may order it removed.

Section 1003. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the Town or in the county which impede the establishment, construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Section 1202. Any violation of this section shall be a misdemeanor.

Section 1004. Entering on County Public Ways.

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

Section 1005. Connections.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. In accordance with the present Sewer Plan of the Town of Port Deposit, no new cesspools, sinkdrains, privies, septic tanks, or any other type of privately operated sewerage system, shall be allowed within the limits of the Town. 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 may be made a misdemeanor.

Section 1006. Charge for Connections.

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

Section 1007. Improper Uses.

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

Section 1008. Extensions Beyond Boundaries.

The Town shall have the power to extend its water or sewerage systems beyond the Town limits.

Section 1009. Right of Entry.

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

Section 1010. Pollution of Water Supply.

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

Section 1011. Contracts for Water.

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

Section 1012. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Treasurer, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law. (Res. No. 24-2017, 6-22-17.)

Section 1013. Exceptions.

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

## ARTICLE XI Special Assessments

### Section 1101. Powers: Special Assessments.

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

### Section 1102. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

- a. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.
- b. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- c. When desirable, the affected property may be divided into different classes to be charged different rates, but except for this, any rate shall be uniform.
- d. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The 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 Town. The 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 Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Council in its discretion, may vote to proceed with the project and may levy the special assessment.

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

f. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) 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.

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

h. All special assessments shall be billed and collected by the Treasurer. (Res. No. 25–2017, 6–22–17.)

## **ARTICLE XII Town Property**

### Section 1201. Acquisition, Possession, and Disposal.

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

### Section 1202. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as in easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the “Real Property” Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts 1974.

Section 1203. Town Buildings.

The Town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the Town government.

Section 1204. Protection of Town Property.

The Town shall have the power to do whatever may be necessary to protect Town property and to keep all Town property in good condition.

### **ARTICLE XIII**

#### **General Provisions**

Section 1301. Oath of Office.

a. Before entering upon the duties of their offices, the Mayor, the Councilmen, and all other persons elected to any office of profit or trust in the Town government shall take and subscribe 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."

b. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court of Cecil County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor. (Res. No. 26–2017, 6–22–17.)

Section 1302. Official Bonds.

The Treasurer and such other officers or employees of the Town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town. (Res. No. 27–2017, 6–22–17.)

Section 1303. Prior Rights and Obligations.

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



ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 1304. Misdemeanors.

Every act or omission which by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the Circuit Court for the county within which the offense is committed by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both, such fine or imprisonment. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res. No. 28–2017, 6–22–17.)

Section 1305. Effect of Charter on Existing Ordinances.

a. All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed in accordance with provisions of authority granted in this Charter.

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

Section 1306. Gender.

Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

Section 1307. Severability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res. No. 14–2017, 5–25–17.)

## ARTICLE XIV Transitional Provisions

### Section 1401. Nature of this Article.

The provisions of this Article relate to the transition from the existing form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

### Section 1402. Transition Between Present and Charter-Mandated Forms of Government.

In order that this Charter may become operative promptly after it becomes law, the present form of government, as such is concerned with the election, powers and duties of the Mayor and Councilmembers, shall continue in effect until the form of government provided in the Charter, concerning the same subject matter, becomes effective after the next municipal election.

### Section 1403. Date of Next Municipal Election.

The date of the next municipal election scheduled by the Town of Port Deposit will be the second Tuesday of May, 1979.

**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**  
(See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meaning 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 appendix in accordance with the urban renewal plan;
  - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
  - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (6) acquisition of any other real property in the urban 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 [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 president and commissioners of Port Deposit, a municipal corporation of this State.

#### 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 [rehabilitation] of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of 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 by which this appendix 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 to 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 appendix is hereby [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

herein before 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 [necessary] to the carrying out the purposes of this appendix 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 expenditures as may be necessary to carry out the purposes of this appendix including, but not limited to, the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property as aforesaid, and for the demolition, removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements [improvements], and for the construction, reconstruction installation, relocation or repair of streets, highways, alleys, utilities or services, in connection with urban renewal projects, 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 [Government], the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, 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 appendix, including the power to enter into agreement with 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 appendix 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; and

(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 appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised [exercised] by a separate public body or agency as herinafter [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 appendix. 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 appendix 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 A1-104 of this appendix;

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix; and

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

#### 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; and
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, or 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 appendix, 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 [of] the municipality as a whole. The planning body shall submit its written recommendation 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 [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 [covenants], conditions and restrictions, including covenants [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 appendix. 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 date 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 proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The



municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary [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 appendix, 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 appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix 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 appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

#### 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 appendix, 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 appendix.

#### 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 A1-109 of this appendix, 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 appendix; 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 appendix, and by a mortgage [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 a [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 [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 limitations 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 [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 appendix 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 appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix 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 appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix 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 sub-divisions 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 appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix 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 appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This appendix shall be known and may be cited as the Port Deposit 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 Port Deposit in Chapter 760 of the Acts of the General Assembly of 1961.

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 Port Deposit 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.