

CHARTER

OF THE

# **Town of Riverdale Park**

PRINCE GEORGE'S COUNTY, MARYLAND

*As enacted by Resolution 91-CR-1  
Effective July 10, 1991*

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# RIVERDALE PARK

## ARTICLE I Incorporation

### Section 101. Corporate Name.

The citizens of Riverdale [Park] within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of the Town of Riverdale Park. This charter is the municipal corporation charter of the Town of Riverdale Park, Maryland. (Res. No. 98–CR–01; 9–7–98.)

### Section 102. Definitions.

“Council” means the Town Council of the Town of Riverdale Park, which is synonymous with the formerly used term of “Common Council of Riverdale.”

Gender. Words importing the masculine gender shall include the feminine gender.

“Municipality,” “municipal corporation,” and “town” in this charter shall be construed as synonymous, referring to the Town of Riverdale Park.

“Newspaper of general circulation in the town” shall include, but is not limited to, the town’s official Town Crier. (Res. No. 98–CR–01; 9–7–98.)

### Section 103. Municipal Status.

The municipal corporation here continued, under its corporate name, has all the privileges of a body corporate, by that name may have perpetual succession, sue and be sued, have a common seal, purchase and hold real and personal property or dispose of the same for the benefit of said town, and may pass and adopt all ordinances, resolutions, or by-laws necessary or proper to exercise the power granted herein or elsewhere.

### Section 104. Description of Corporate Boundaries.

The limits of said town shall be as they existed immediately prior to the effective date of this section, subject to all rights, reservations, limitations, and conditions as may be set forth in all prior resolutions of annexation and in the charter of the town in effect immediately prior to the effective date of this section, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be filed at all times with the Clerk of the Circuit Court for Prince George’s County, the Director of the Department of Legislative Reference [Services], and in the town office.

## ARTICLE II The Town Council

### Section 201. Number, Selection, and Term.

The legislative powers of the town are vested in the town council consisting of six (6) council members who shall be elected as hereinafter provided and who shall hold office for a term of two (2) years or until the succeeding council takes office. The regular terms of council members shall expire on the first Monday in June following the election and qualification of their successors.

### Section 202. Qualifications of Council Member.

A council member shall be at least 25 years of age and a citizen of the United States. He shall have resided within the corporate limits of the town for at least six (6) months immediately preceding election and shall be a qualified voter of the ward from which elected. A council member shall retain throughout his term of office all the qualifications necessary for his election and failure to retain all such qualifications shall cause a forfeiture of his office.

### Section 203. Compensation of Council Members.

Each council member shall receive an annual salary that shall be equal for all council members and shall be as specified from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the term for which that council was elected. The ordinance making any change in the salary paid to the council members, either by way of increase or decrease, shall be passed prior to a regular biennial town election and shall become effective on the first Monday in June following that town election.

### Section 204. Meetings of the Council.

The council shall meet at least once a month during the months of January, February, March, April, May, June, July, September, October, November, and December [excluding the month of August; at which time the council shall be in recess]. Special meetings may be called for a specific purpose upon request of the mayor or a majority of the council members. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent the council from holding an executive session or acting as a special hearing body from which the public is excluded, but no ordinance, rule, or regulation shall be finally adopted at such an executive session or hearing. (Res. No. 2008–CR–01, 1–20–09.)

Section 205. Chairman and Vice-Chairman of the Council.

The mayor shall serve as chairman of the council. The mayor may take part in all discussions but shall have no vote except in the case of a tie vote. Immediately after being sworn into office, the mayor with confirmation by a majority of the council shall appoint from among



the council members a vice-chairman, who shall discharge the duties of the mayor during the mayor's absence or temporary disability but shall retain his vote as a council member.

Section 206. Judge of Qualifications of Its Members.

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

Section 207. Quorum.

A majority of the council shall constitute a quorum and a quorum is necessary for the transaction of business, but no authorization for expenditure of unbudgeted items or ordinance shall be approved without four (4) affirmative votes. Subject to the limitation in Section 205, the mayor for all purposes shall constitute one of the council.

Section 208. Procedure of the Council.

The council shall determine its own rules and order of business. The council shall keep or have kept a journal or minutes of its proceedings and enter therein the affirmative and negative votes upon final action on any question, resolution, or ordinance, or at any other time if required by any member. The journal or minutes shall be open to public inspection.

Section 209. Vacancy.

(a) A vacancy shall be declared to exist if a council member resigns, is deceased, is recalled, is convicted of a felony, fails to retain all the qualifications necessary for his election, fails to attend three (3) consecutive regular council meetings without being excused by the council, or if no one is elected in an election.

(b) In the event a vacancy is declared within the first fifteen (15) months of a term, a special election in accordance with Section 510 of this charter shall be held within forty-five (45) days after the declaration of the vacancy to fill the vacancy for the balance of the unexpired term.

(c) In the event a vacancy is declared during the last nine (9) months of a term, the mayor shall appoint, within forty-five (45) days after the declaration of the vacancy and with confirmation by a majority of the remaining council members, a qualified person from the ward for which the vacancy exists to fill the vacancy for the balance of the unexpired term. If no qualified person from the ward is available, after due notice in a publication or newspaper having general circulation in the town, the mayor shall appoint, with confirmation by a majority of the remaining council members, a qualified person from the town at large.

Section 210. Ordinances.

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special council meeting held not fewer than six (6) days nor more than sixty (60) days after the meeting at which an ordinance is introduced, it shall be passed, or passed as amended, or rejected,

or have its consideration deferred. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by four (4) affirmative votes.

(b) Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following passage by the council. Any emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until it has been passed by four (4) affirmative votes.

(c) The ordinance or a fair summary shall be published at least once in a newspaper having general circulation in the town before it is acted upon by the council. In the case of an emergency ordinance, it shall be published after it is passed.

#### Section 211. Referendum.

If, before the expiration of twenty (20) calendar days following approval of any ordinance by the council, a petition is filed with the town administrator, or the mayor in the town administrator's absence, or the vice-chairman of the council in the mayor's absence, containing the signatures of not less than twenty percent (20) of the total number of qualified voters of the town as reflected in the universal voter registration totals for the town on the date of the approval of the ordinance and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance, or part thereof requested for referendum, shall become effective following the receipt of such petition unless and until approved at the election by a majority of the qualified voters of the town voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters of the town within sixty (60) days following receipt of the petition, the effect of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters of the town voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed.

The provisions of this section shall not apply to any ordinance or part thereof levying special assessment charges for payment of indebtedness as outlined in this charter.

#### Section 212. File of Ordinances.

Ordinances shall be codified and permanently filed in the town office and shall be kept available for public inspection.

### ARTICLE III General Powers

#### Section 301. General Powers.

The council shall have the general 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 and visitors in the town. All legislative powers that may be exercised by the town under the laws and the Constitution of the State of Maryland are vested in the council.

#### Section 302. Specific Powers.

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 specific purposes provided in but not limited to the following subsections of this section:

*Administration.* To provide for the general administration of the town.

*Admissions and Amusement Tax.* To levy, assess, and collect admissions and amusement taxes.

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

*Agreements and Contracts with Other Agencies.* To enter into agreements and contracts with other agencies where such agreements are necessary to secure benefits not obtainable by the town alone.

*Air Pollution.* To limit, control, or prevent air pollution.

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

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

*Annexation.* To annex property and territory in accordance with Article 23A of the Annotated Code of Maryland.

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

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

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

*Bonds.* To borrow money for any proper public purpose and to evidence such borrowing, if the town chooses, by the issue and sale of its general obligation bonds or any other bonds or agreements securing such debt, subject only to the limitations of federal law, the Constitution and laws of the State of Maryland, and this charter.

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

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

*Codification of Ordinances.* To provide for the codification of all ordinances.

*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 residents of the town.

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

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

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

*Departments and Offices.* To create, change, and abolish offices, departments, or agencies, including appeal boards and advisory groups, other than the offices, departments, and agencies established by this charter; to assign additional functions 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.

*Dogs and Other Animals.* To regulate the keeping of dogs and other animals and fowl and to provide for penalties and fines when found in violation of the ordinance in such cases provided.

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

*Environmental Protection.* To provide for the protection, promotion, and preservation of the natural environment, including, but not limited to, trees, plants, animals, rivers and streams, watersheds, and air.

*Erosion and Sediment Control.* To regulate grading and construction to control erosion and sediment.

*Explosives and Combustibles.* To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible material; to regulate or prevent the use of firearms, fireworks, bonfires [bonfires], explosives, or any other similar things that may endanger persons or property.

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

*Finances.* To levy, assess, and collect ad valorem property taxes; to expend town funds for any public purpose; to have general management and control of the finances of the town and to designate by ordinance or resolution the banks or trust companies of this state in which shall be deposited all funds belonging to the town.

*Fires.* 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 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; and to take all other measures necessary to control and prevent fires in the town.

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

*Franchises.* To grant franchises as provided under existing public general or public local laws; to grant one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge; to impose franchise fees; and to establish rates, rules, and regulations for franchises granted under this section.

*Garbage.* To regulate or prevent by penalties and fines the throwing or depositing of any dirt, garbage, trash, refuse, waste, offal, or liquids on any private or public property; to provide for the proper disposal of such material; and to levy such fees as may be necessary for the municipal collection of such material.

*Grants-in-Aid.* To accept gifts or grants of federal, state, or county funds, or funds from any other available sources, and to expend the funds for any lawful purpose agreeable to the conditions under which the gifts or grants were made.

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

*Health.* To protect and preserve the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations in the interest of the public health; to inspect, regulate, and abate any buildings, structures, or places that cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Department of Health and [Mental] Hygiene of the State of Maryland, the county health department, or any public general or local law relating to the subject of health.

*Historic Preservation.* To provide for the preservation, maintenance, restoration, rehabilitation, and promotion of historic districts, sites, and structures.

*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 work to be done by the town at the owner's expense and such expense to constitute a lien upon the property collectible as taxes.

*Housing.* To establish a housing or habitability code and provide for the enforcement thereof.

*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.

*Licenses.* Subject to any restrictions imposed by the State of Maryland, 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, camping, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

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

*Lights.* To provide for the lighting of the town, unless provided for by other agencies.

*Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or any animals and to authorize fines and penalties and impounding of such animals when found in violation of the ordinances in such cases provided.

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

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

*Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles or horns or other noise or sound-making devices, machinery or mechanical contrivance, or any unnecessary and unreasonable noise in any vicinity where such noise affects the public health, welfare, and happiness of the citizens.

*Nuisances.* To prevent or abate by appropriate ordinance all nuisances that are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not.

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

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

*Parking Meters.* To install parking meters on the streets and public places of the town in such places as by ordinance are determined and by ordinance to prescribe rates and provision for the use thereof.

*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.

*Pensions.* To provide for a retirement or pension system or a group insurance plan for the town's officers and employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the state, on such terms and conditions as state law may prescribe.

*Police Force.* To establish, operate, and maintain a police force; to enter into contract with state, county, or any other agencies available and qualified to render such police service to the town; and to provide for additional police and equipment in cases of emergency.

*Police Powers.* To prohibit and suppress within the town all vice, gambling, and games of chance not operated under the provisions of the laws and Constitution of the State of Maryland;

prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill repute; tramps and vagrants; all disorders; disturbances, annoyances, disorderly conduct, obscenity, public profanity, drunkenness, drug addiction, and impersonation of a police officer.

*Property.* To acquire by conveyance, purchase, gift, or condemnation real or leasehold property for any public purposes; to erect buildings and structures thereon for the benefit of the town; and to sell at public or private sale after twenty (20) days' public notice and to convey to the purchaser or purchasers thereof any real or leasehold property belonging to the town when the council determines that the same is no longer needed for the public use.

To take by gift, grant, bequest, or devise and to hold real and personal property absolutely or in trust for parks or gardens, or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor and accepted by the town; to provide for the proper administration of the same; and to convey the same when the council determines that it is no longer needed for public purposes, subject to the terms and conditions of the original grant.

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

*Salaries.* To fix the salary or compensation of all elected and appointed municipal officials and employees of the town.

*Sidewalks.* To regulate the use of sidewalks; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions, including but not limited to overhanging hedges, weeds, and brush.

*Special Assessments.* To provide for the levying and collection of taxes in the form of special assessments on property for special benefits conferred upon the property by the construction of municipal improvements or parts thereof and to provide for procedures in connection therewith in accordance with the provisions of state law.

*Special Taxing Districts.* To create special taxing districts to the extent [extent] permitted by state law.

*Street and Sidewalk Improvement.* To regulate and improve curbs, streets, gutters, sidewalks, driveways, and assess the property owners for any necessary costs of construction and/or require bond for property owners or the construction agents to meet specified standards.

*Streets.* To regulate, control, open, close, and maintain all dedicated public streets and bridges.

*Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, oils, grease, and volatile liquids or other automobile

refuse, or any unwholesome materials whatsoever into any public way or on any public or private property in the town, including gutters, sewers, catch basins, ditches, and streams.

*Tax Exemptions.* To allow certain tax exemptions from the town property tax to certain senior and disabled citizens.

*Trees.* To provide for the protection of trees, as well as their setting out, trimming, spraying, and removal on or along any street, sidewalk, alley, or lane.

*Urban Renewal/Redevelopment.* To condemn any single family or multiple family dwelling unit, or other structure or property provided that such property: (a) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare of the residents of Riverdale [Park]; (b) is likely to continue to deteriorate unless corrected; (c) if allowed to continue deteriorating will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and (d) has an owner who has failed to correct the deterioration of said property, dwelling or structure. In order for the Town to utilize this condemnation procedure, the Town Council must adopt an individual ordinance pursuant to Chapter 69 of the Ordinance Code of the Town of Riverdale [Park] for each acquisition of land or property made under this subsection. (Res. 95-R-6, 12-26-95; See Appendix I for the Urban Renewal Powers granted by the General Assembly of Maryland.)

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

*Walls, Fences, Hedges, Vines, and Shrubbery.* To regulate the height of walls, fences, and hedges on or along any street, sidewalk, alley, or land and to provide for their trimming, removal, or setback.

*Ward Redistricting.* By ordinance to establish, change, or relocate the boundaries of existing wards and to establish, change, and relocate boundaries of new or additional wards created either by annexation of territory to the town or by the division of a ward or wards.

*Water, Sewer, and Drainage Systems.* To construct and maintain water, sewerage, and storm drainage systems not provided by the Washington Suburban Sanitary Commission or other state or county agencies.

*Weeds and Other Refuse.* To provide for removal of weeds, overgrown foliage, and refuse from improved or unimproved lots and assess the costs against the owner of the property.

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

### Section 303. Exercise of Powers.

For the purposes of carrying out the power granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by

this charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance. The failure to mention a particular power or to enumerate similar powers in this charter shall not be construed to exclude such powers or to restrict the authority that the town would have if the particular power were mentioned or similar powers enumerated. The charter shall be liberally construed to the end that, within the limits imposed by the charter and the laws and Constitution of the State of Maryland, as may be amended from time to time, the town shall have all powers necessary for the conduct of its affairs.

Section 304. Enforcement of Ordinances.

(a) To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding five hundred dollars (\$500) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the Circuit Court of Prince George's County. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) *Violations and Penalties.*

(1) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(2) A fine not to exceed two hundred dollars (\$200) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed four hundred dollars (\$400) for each repeat offense and each day a violation continues may, unless otherwise provided, constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in additional fines or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

## ARTICLE IV The Mayor

### Section 401. Selection and Term.

The mayor shall be elected from within the corporate limits of the town at large as hereinafter provided and shall hold office for a term of two years or until the succeeding mayor takes office. The regular term of the mayor shall expire on the first Monday in June following the election and qualification of his successor.

### Section 402. Qualifications.

The mayor must be at least 25 years of age, a citizen of the United States and a qualified voter in the town, and shall have resided within the corporate limits of the town for at least one (1) year immediately preceding election.

### Section 403. Compensation of Mayor.

The mayor shall receive an annual salary as set from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time the mayor takes office shall not be changed during the term for which the mayor was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be passed prior to a regular biennial town election and shall become effective on the first Monday in June following that election.

### Section 404. Powers and Duties.

(a) *General.* The mayor shall be the chief executive and administrative officer of the town and shall have all the powers necessary to see that the ordinances of the town are faithfully executed.

(b) *Appointments and removal of employees and heads of offices, departments, and agencies.* The mayor, with confirmation by a majority of the council, shall appoint or employ heads of all offices, departments, and agencies, including appeal boards and such other personnel or committees as may be necessary for the proper administration of the government of the town, as established by this charter, or by ordinance or resolution. All office, department, and agency heads serve at the pleasure of the mayor. All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the mayor in accordance with rules and regulations in any merit system that may be adopted by the council.

(c) *Reports and recommendations to the council.* The mayor shall report to the council regularly, but no less than yearly, the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) *Supervision of financial administration of government.* The mayor shall have complete supervision over 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 disbursement of all monies and have control over expenditures to assure that budget appropriations are not exceeded.

(e) *Safekeeping of records.* Subject to the limitations of state or federal law, the mayor shall have the authority and responsibility for ensuring the custody and safekeeping of all records of the town.

(f) *Other powers and duties.* The mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the council not inconsistent with this charter.

#### Section 405. Vacancy.

(a) A vacancy in the office of mayor shall be declared to exist in the event of the mayor's death, recall, disqualification, permanent incapacitation, conviction of a felony, or resignation from office.

(b) In the event a vacancy is declared within the first fifteen (15) months of a term, a special election in accordance with Section 510 of this charter shall be held within forty-five (45) days after the declaration of the vacancy to fill the vacancy for the balance of the unexpired term.

(c) In the event a vacancy is declared during the last nine (9) months of a term, the council, within forty-five (45) days after the declaration of the vacancy and with the affirmative votes of a majority of its members, shall appoint a qualified person to fill the vacancy for the balance of the unexpired term.

## **ARTICLE V Nominations and Elections**

#### Section 501. Qualification of Voters.

(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this Charter shall be a qualified voter of the Town. Every qualified voter shall be entitled to vote in all town elections; provided, however, that in the election of council members, only those qualified voters who reside within the limits of the ward from which a council member is elected shall be qualified to vote for that council member.

(b) The Town of Riverdale Park shall be divided into six (6) wards for municipal voting purposes. The ward boundaries shall be established by ordinance and shall be reviewed in the fall of the year following the decennial year in which the federal census is taken to ensure substantial

equality of representation as nearly as practicable. The boundary descriptions of the wards shall be filed at all times in the town office for public inspection. (Res. No. 98–CR–01; 9–7–98; Res. No. 2018–CR–01, 6–26–2018.)

Section 502. Supervision of Town Elections.

The mayor and council shall biennially appoint election judges and clerks to supervise voter registration, candidate nominations, and all town elections.

Section 503. Registration.

(a) In accordance with § 3–403 of the Election Law Article of the Annotated Code of Maryland, persons registered to vote in Prince George’s County for county, state, and federal elections who meet the residency requirement of § 501(a)(3) of this charter shall be qualified to vote in Town elections. Any resident qualified to vote pursuant to the Election Law Article of the Annotated Code of Maryland may register to vote with the Board of Supervisors of Elections of Prince George’s County by any means that the Board administers for such registration.

(b) The Town Clerk shall maintain a supplemental voter registry separate from the list of registered voters maintained by the Prince George’s County Board of Elections. The supplemental voter registry shall consist of the names of those individuals who are not on the list of registered voters maintained by the Prince George’s County Board of Elections but are registered to vote in Town elections pursuant to subsection (c) of this section.

(c) An individual who is not registered to vote with the Prince George’s County Board of Elections and who otherwise is eligible to vote in Town elections may register to vote in Town elections and inclusion on the Town’s supplemental voter registry by submitting a signed registration form with the Town Clerk in a form prescribed by the Clerk. Voter registration for the supplemental voter registry shall be effective upon the Town Clerk’s acceptance of a completed and signed registration application and verification that the individual is eligible to vote in Town elections.

(d) On or before March 1, 2019, the Town shall institute a same–day registration program so that Town Residents who are eligible to vote in Town elections may complete and submit a signed registration form on the day of a Town election and then have the opportunity to vote at the election. Same–day registration shall occur at a minimum when the polls are open in the Town. (Res. 94–CR–1, 10–28–94; Res. No. 2018–CR–01, 6–26–2018.)

Section 504. Notice of Elections.

Notices of designated dates and places and registration deadlines for all town elections shall be published in at least one newspaper of general circulation in the town and posted in at least one (1) prominent public place in each ward, as may apply, by the chief election judge at least twenty (20) days before an election.

Section 505. Appeals.

If any person is aggrieved by the action of the election judges or clerks, that person may appeal to the council. Any decision or action of the council upon such appeal may be appealed in turn to the District Court of Prince George's County within thirty (30) days of the decision or action of the council.

Section 506. Candidates for Office to File Petition.

Any person desiring to be a candidate for any elective office in the town shall on or before the twenty-fifth (25th) day preceding the election file with the judges of election a petition to have his name printed on the ballot or placed on the voting machines. The petition shall set forth the office to which he desires to be elected and shall contain a statement that the candidate is qualified to hold the office if elected. In the case of any candidate seeking election as mayor, the petition shall be signed by not less than twenty-five (25) qualified voters from the town at large; in the case of a candidate for the council, the petition shall be signed by not less than fifteen (15) qualified voters from the ward in which the candidate resides. No appointed official of the town shall continue in such position after becoming a candidate for nomination or election to any town elective office. Filing fee for each office shall be set by ordinance.

Section 507. Election of the Mayor and Council.

The election for all elective offices shall be held biennially in odd-numbered years on the first Monday in May at a place or places to be designated by the mayor and council. The qualified voters of the town shall elect one qualified person as mayor and six (6) qualified persons, one from each ward, as council members to serve for terms of two years. The terms of all elective offices shall begin on the first Monday in June following the election.

Section 508. Conduct of Elections.

The council by ordinance shall provide for all elections; shall designate in said ordinance a convenient polling place or places, provided, however, that such polling place or places shall remain open for a minimum of twelve (12) consecutive hours; shall appoint judges and clerks of election; shall designate whether voting machines or paper ballots shall be used; shall provide the voting machines or paper ballots as the case may be; and shall conduct said elections in accordance with the provisions of this article.

Section 509. Absentee Ballots.

The council by ordinance shall arrange for voting by absentee ballot in accordance with Section 27 of the Election Code, Article 33 of the Annotated Code of Maryland, and shall notify the voters of this intention.

Section 510. Special Elections.

All special town elections shall be conducted by the council in the same manner and with

the same personnel, as far as practicable, as set forth in Section 508 of this charter. If the results of a special election require the town to hold a runoff election, the runoff election shall be in accordance with the procedures of § 511 with the following exception: the council shall schedule the runoff election to be held no earlier than the twenty-first day, nor later than the thirtieth day following the date of the special election[.] (Res. No. 2005–CR–03, 1–24–06.)

Section 511. Vote Count, Declaration of Persons Elected, and Determination of Candidates for Runoff Election.

Within five (5) calendar days after the closing of the polls, the election judges shall determine and record the vote cast for each candidate and shall seal the ballots and/or machine tallies. Within five (5) calendar days after the closing of the polls, the judges shall present the record of votes cast to the mayor and council, who shall declare that person or persons elected who shall have received the highest number of votes for the respective office or offices. The results shall be recorded in the minutes of the council. In the event of a tie vote for any office, there shall be an election on the fourth Monday in May for the office or offices so tied. (Res. No. 2018–CR–01, 6–26–2018.)

Section 512. 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 election.



Section 513. 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 nominations 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 514. Recall.

(a) Recall of the mayor or any council member may be initiated at any time after the end of the sixth (6th) month of a term until the end of the eighteenth (18th) month of a term by the filing of a petition with the mayor and council, at a regular or special meeting, seeking the recall of the named elected official and the signatures of at least twenty-five percent (25%) of the total number of voters qualified to vote for the office from which recall of the named elected official is sought, but only for one or more of the following reasons, which shall be specified in the petition: (i) failure to uphold the oath of office; (ii) malfeasance in office; (iii) misfeasance in office; or (iv) nonfeasance in office. Only one person may be named in a petition. A petition may contain several pages, but each page shall contain the name and office of the official sought to be removed and the reason(s). Each signer shall print and sign his name as it appears on the county or town voter registration records and shall add his residence address to his signature. At the bottom of each page of the petition, the person circulating the petition, who must be a qualified voter for the office from which recall is sought, shall sign the page and make an affidavit before a notary public that he circulated the petition and saw each person whose name appears thereon sign his name in the circulator's presence. All pages composing such petition shall be assembled and filed as a single instrument, with the endorsements thereon of the names and addresses of at least three (3) persons designated as filing said petition, and once filed, may not be returned.

(b) Upon receipt of the petition, the council shall refer the petition to the board of election judges for verification of the validity and sufficiency of the signatures thereon and certification of the petition, and shall set a special meeting to be held within fifteen (15) days to receive the written report of the board and to consider the petition. If the board reports that the petition lacks the sufficient amount of valid signatures or cannot be otherwise certified, the council shall declare the petition as of no effect.

(c) Upon certification of the petition by the board of election judges, the council shall hold a special recall election within thirty (30) days in accordance with section 510 of this charter. The voting ballot shall contain the official's name and the office from which removal is sought and the choice of reaffirm or remove.

(d) The official whose recall is sought shall continue to serve pending the results of the recall election, but shall recuse himself from all council actions in connection with his recall. If removal is voted by a majority of the qualified voters voting in the election, the official shall be recalled and the office declared vacant. Vacancies shall be filled in accordance with Section 209 or Section 405 of this charter, as may apply.

Section 515. Violations and Penalties.

Any person who (i) fails to perform any duty required under the provisions of this article or any ordinances passed thereunder, (ii) in any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder, or (iii) willfully or corruptly does anything that 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.

## ARTICLE VI Finance

Section 601. Fiscal Year.

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

Section 602. Budget.

The mayor, on such date as the council determines but at least sixty (60) days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record, open to public inspection in the town office by anyone during normal business hours.

Section 603. Budget Adoption.

Before adopting the budget, the council shall hold a public hearing thereon after two weeks' prior notice thereof in a newspaper or newspapers having general circulation in the town. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be adopted, by four (4) affirmative votes, not later than June 30th of each fiscal year. The total of anticipated revenues shall equal or exceed the total of proposed expenditures of the adopted budget.

Section 604. Appropriations and Expenditures.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein. Supplemental or emergency appropriations passed by four (4) affirmative votes may be made during the fiscal year provided such supplemental or emergency appropriations do not increase the total appropriations

for the fiscal year beyond the total anticipated revenues for the fiscal year as estimated at the time such supplemental or emergency appropriations are made.

Section 605. Reserve Fund.

A reserve fund may be established. This fund may be used from time to time for such purposes as (i) capital expenditures, i.e., equipment, facilities, roads, etc., and (ii) to guarantee the temporary continuation of services directly affected by a loss of supporting budgeted revenues. Planning and budgeting each year shall reflect the policy of maintaining a reserve fund.

Section 606. Transfer of Funds.

Any transfer of funds between major budget categories for different purposes by the mayor must be approved by the council before becoming effective.

Section 607. Overexpenditures Forbidden.

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

Section 608. Appropriations Lapse After One Year.

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

Section 609. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the town administrator. If the town administrator is incapacitated or on authorized leave of absence from the town, the mayor shall be authorized to sign such checks.

Section 610. Taxable Property.

All real property within the corporate limits of the town is subject to taxation for town 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 that is exempt from taxation by any act of

the Maryland General Assembly. Certain exemptions from the town tax shall be allowed for senior or disabled citizens by ordinance.

Section 611. Budget Authorized Levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year. The tax levy shall not exceed \$ .75 per \$100 of the assessed valuation of property in the town. However, the mayor and council may provide for special tax levy revenues to generate funds sufficient for the retirement of obligations undertaken pursuant to Section 618 of this article and such special tax levy revenues shall not be considered a part of the tax revenues subject to the tax levy limitation of this section. (Res. No. 2005–CR–01, 5–24–05.)

Section 612. Notice of Tax Levy.

After the levy is made by the council in each year, the town administrator shall give notice of the making of the levy by posting a notice in some public place or places in the town and in a newspaper having general circulation in the town. Unless otherwise accomplished by arrangement or agreement with a state or county agency, the town administrator shall have made out and mailed or delivered to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property.

Section 613. Overdue Taxes.

The taxes provided for in the foregoing sections of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate established by state law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 614.

Section 614. Sale of Tax Delinquent Property.

A list of all property on which the town taxes have not been paid and are in arrears as provided for in the preceding section of this charter shall be turned over by the town administrator to the official of the county responsible for the sale of tax delinquent property as provided by state law. All property listed thereon, if necessary, shall be sold for taxes by such county official in the manner prescribed by state law.

Section 615. Receipts.

All monies 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 616. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland, or more frequently if so desired by the council.

Section 617. Tax Anticipation Borrowing.

During the 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 not later than the end of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued that will cause the total tax anticipation indebtedness of the town to exceed twenty-five percent (25%) of the property tax levy for the fiscal year in which such notes or other evidence [evidences] of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance or resolution before being issued. The council shall have any authority to regulate the issuance and sale of tax anticipation notes as shall be set forth in Section 31 of Article 23A of the Annotated Code of Maryland.

Section 618. Authorization to Borrow Money.

The mayor and council 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 the subtitle Creation of Municipal Public Debt of Article 23A of the Annotated Code of Maryland.

Section 619. Limit of Indebtedness.

The total amount of any bonds, notes, or other evidences of indebtedness outstanding at any time shall not, at the time of their issuance, exceed 2.0 percent of the assessed valuation of all real and personal property in the town as appears on the county assessment records. (Res. No. 2005-CR-02, 5-24-05.)

Section 620. 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 may 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. The full faith and credit of the town are hereby pledged for the payment of the principal of and interest on all bonds, notes, or other evidences of indebtedness hereafter issued under the authority of this charter, unless otherwise provided in the bonds, notes, or other evidences of indebtedness, or in the ordinance or resolution authorizing their issuance.

Section 621. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town prior 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 622. Purchasing and Contracts.

(a) All purchases, contracts, and/or expenditures for the town shall be made by the town administrator and/or other specified individuals subject to the approval of the mayor and council. All bills for purchases, contracts, and/or expenditures shall be approved by the mayor and responsible council members, committees, and administrative personnel by whatever procedure established from time to time by the mayor and council.

(b) All sealed bids requested by the mayor and council shall be opened at a regular or special council meeting.

(c) All contracts are subject to appropriation by the council unless expressly exempted by four (4) affirmative votes.

(d) Any and all other rules and regulations pertaining to purchasing and contracts, competitive and negotiated bids, bond [bonds], penalties, and conditions therefore shall be prescribed by ordinance or resolution by the mayor and council at a regular or special public meeting.

Section 623. Competitive Bids.

All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000) shall be made on written contract. The town administrator shall advertise for sealed bids for all such contracts by means including but not limited to publishing notice thereof twice in a newspaper of general circulation in the town. The town administrator shall present the sealed bids to the council for approval and advise the council on the bids. Such written contracts shall be awarded by the council 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 town may reject all bids and readvertise. The council may suspend these requirements for competitive bidding for purchases and contracts in excess of the stated amount by four (4) affirmative votes when, because of emergency or exigent circumstances, and in the opinion of the council, such suspension is reasonably necessary for public policy, health, safety, or well-being. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising or readvertising for or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the council may require.

## ARTICLE VII Administration and Personnel

### Section 701. Authority to Employ Personnel.

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

### Section 702. Town Administrator.

(a) The town shall employ a town administrator, who shall be the town's chief operating officer in administering such general operations of the town government as may be provided by ordinance and shall be directly responsible to the mayor and council for the administration of said operations, except for those boards, committees, and commissions which are to report directly to the mayor and council. He shall also perform such other duties and functions as may be directed by resolution or ordinance. He shall be appointed by the mayor with the approval of the council as provided in Section 404(b) of this charter.

(b) Ineligibility of elected officials. No elected official shall be appointed to the office of town administrator during the term that the official is serving or within one year after the expiration of the term.

### Section 703. Town Attorney.

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

### Section 704. Merit System.

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

### Section 705. Unclassified and Classified Service.

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

(a) The unclassified service shall comprise the following offices and positions that shall not be included within the merit system. Elective members of the unclassified service serve in accordance with the provisions of this charter. Except as may be provided by ordinance or resolution, non-elective members of the unclassified service serve at the pleasure of the mayor and shall have no rights of tenure.

(1) The mayor, council members, and persons appointed to fill vacancies in these positions.

(2) All heads of offices, departments, and agencies of the town, including town administrator, chief of police, and supervisor of public works.

(3) The town attorney.

(4) Members of town boards and commissions, including building inspector and election judges and clerks.

(5) Part-time, temporary, and unpaid offices and positions.

(b) The classified service shall comprise all positions not specifically included in this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

#### Section 706. Retirement System.

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

#### Section 707. Compensation of Employees.

The compensation of all officers and employees of the town shall be set from time to time by resolution, budget adoption, or ordinance passed by the council at a public meeting.

#### Section 708. Employee Benefit Programs.

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

## ARTICLE VIII Public Ways and Sidewalks

### Section 801. 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 802. Control of Public Ways.

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

### Section 803. Town Powers as to Public Ways.

- (a) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
- (b) Grade, lay out, construct, open, extend, and make new town public ways.
- (c) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (d) Pave, surface, repave, or resurface any town public way or part thereof.
- (e) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (f) Construct, reconstruct, maintain, and repair bridges.
- (g) Name town public ways, except as covered by other agencies of the state.
- (h) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
- (i) Close, abandon, or restrict access to any town public way or part thereof.

### Section 804. Powers of Town as to Sidewalks.

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

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

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

(d) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized to 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 impose such fines and penalties as may be necessary or the town may employ its own forces or a contractor to do the work and the expense shall be a lien on the property and shall be collected in the same manner as are town taxes or by suit at law.

## **ARTICLE IX Town Property**

### Section 901. 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 of Riverdale Park at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof. (Res. No. 98-CR-01; 9-7-98.)

### Section 902. Condemnation.

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

### Section 903. Town Buildings.

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

### Section 904. Protection of Town Property.

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

## ARTICLE X General Provisions

### Section 1001. Oath of Office.

(a) Before entering upon the duties of their offices, the mayor, council members, town administrator, judges and clerks of election, chief of police, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the oath or affirmation as set forth in Section 9 of Article 1 of the Constitution of the State of Maryland.

(b) The oath of office for the mayor and the council members shall be administered as the first order of business following the call to order of the regular meeting held on the first Monday in June following the election. The mayor shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court of Prince George's County or before one of the sworn deputies of the Clerk. The council members taking or subscribing to the oath shall either do so before the Clerk, or a deputy as aforesaid, or before the mayor. All other persons taking and subscribing to the oath shall do so before the mayor or one of the election judges, as the case may be.

### Section 1002. Official Bonds.

The town administrator and such other officers or employees of the town as the council or this charter may require shall give bond in such surety as may be required by the council. The premiums on such bonds shall be paid by the town.

### Section 1003. Seal.

The mayor and council shall have the power to make and use a common seal.

### Section 1004. Prior Rights and Obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter or any amendment thereto 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 or portions thereof 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 that may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.

### Section 1005. Effect of Charter Revisions on Existing Ordinances.

(a) Ordinances, etc., not in conflict with revised charter remain in effect. All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes

effective that are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) Ordinances, etc., in conflict with charter repealed. All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective that are in conflict with the provisions of this charter are repealed to the extent of such conflict.

Section 1006. Separability.

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

Section 1007. Nonforfeiture.

Neglect or nunuse [nonuse] shall not work a forfeiture on any provision of this charter.

Section 1008. Charter Amendment.

This charter may be amended in accordance with the provisions of Article 23A of the Annotated Code of Maryland, provided, however, that no amendment to this charter shall be passed at the meeting at which it is introduced. At any regular or special meeting held not fewer than six (6) nor more than sixty (60) days after the meeting at which an amendment to this charter is introduced, it shall be passed, or passed as amended, or rejected, or have its consideration deferred. The amendment or a fair summary thereof shall be published at least once in a newspaper having general circulation in the town before it is acted upon by the council.

Section 1009. Transitional Provisions.

(a) The mayor and council members holding office at the time this charter becomes effective shall continue to hold their respective offices for the terms for which they were elected until the succeeding mayor and council members take office under the provisions of this charter, provided, however, that no vested rights exist under this charter except as expressly provided herein.

(b) Any prior existing municipal corporation charter of the town shall be and hereby is expressly repealed upon the effective date of this charter.

(c) The effective date of this charter is July 10, 1991.

**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**  
(See Notes (1) and (2))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban renewal project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment or 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 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 renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) The preservation, improvement or embellishment of historic structures or monuments.

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

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

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

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

(j) “Municipality” shall mean the Town of Riverdale [Park], a municipal corporation of the State of Maryland.

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property of every kind and any right, 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, improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain or taken by the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper

to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objectives contemplated by the provisions of this section:

(1) To make or have all surveys made and plans necessary to the carrying out of 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 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 project 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 the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public bodies, or from any sources, public or private, for the purpose of this appendix, and to give such security as may be required therefore; 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 public instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies and/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 is deemed 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; provided the same shall be approved by the Maryland National Capital Park and Planning Commission, and to make exceptions from city or town building regulations, but not county building regulations, unless the same shall be approved by the county building inspector;

(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 objectives 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 by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such 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 such public body or agency as may be necessary. In the event the legislative body or agency acts under 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, item 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, of such areas, is necessary in the interest of 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) *Powers.* The municipality, in order to carry out the purposes of this appendix, shall prepare and 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 governing body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written 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 then 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, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefore, if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan affords 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) *Change.* 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 the original plan.

(c) *Effect.* 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) *Powers.* The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this 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 as such, 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 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 parts or the contract of 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) *Procedure.* The municipality may dispose of real property in such an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe as hereinafter provided in this appendix. 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 redevelopment or redevelopers or any persons interested in undertaking to develop or rehabilitate an urban renewal area, or any part thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice. 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 the otherwise transfer of any

real property acquired by the municipality in the urban renewal area. The municipality may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this article. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) *Temporary operation.* 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 subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) *Title.* 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.

(e) *Residential property.* In the event that urban renewal plans involve removal of residential housing, provision and plans must be made for their replacement with adequate facilities for the residents so displaced.

#### 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 prescribed by applicable law for the issuance and authorizations of general obligations bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) *Procedure.* 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 of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this state having trust with any private banking trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of such bonds.

(b) *Provisions.* Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in sections 9, 10, and 11 of article 31 of the Annotated Code of Maryland (1967 Replacement Volume) Bonds issued under the provisions of the 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) *Issue.* 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 concession 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) *Sale.* Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at the par and at an interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) *Officials.* 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) *Suits.* In any suit, action or proceeding involving the validity or enforcement 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) *Investments.* 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 subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any 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 in addition and supplemental to the powers conferred by any other law.

#### Section A1-112. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the municipality known as Riverdale [Park] shall not conflict with, and must conform

to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland–National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

Section A1–113. Short Title.

This appendix shall be known and may be cited as the Riverdale [Park] Urban Renewal Authority for Slum Clearance Act.

Section A1–114. Authority to Amend or Repeal.

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

## NOTES

(1) Pursuant to Article III, Section 61 of the of Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Riverdale in Chapter 646 of the Acts of the General Assembly of 1968.

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 Riverdale appear as this appendix in accordance with 80 *Opinions of the Attorney General* \_\_\_\_\_ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(2) The Town of Riverdale adopted Resolution 98–CR–01 to change its corporate name to the “Town of Riverdale Park”, effective September 7, 1998. Since only the General Assembly may amend or repeal Appendix I (§ A1–114), the corporate name change is shown here by way of editorial brackets.