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By: **Washington County Delegation**

Introduced and read first time: February 10, 2005

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Town of Boonsboro (Washington County) - Urban Renewal Authority for**  
 3 **Slum Clearance**

4 FOR the purpose of authorizing the Town of Boonsboro, Washington County, to  
 5 undertake and carry out certain urban renewal projects for slum clearance and  
 6 redevelopment; prohibiting any land or property from being taken under this  
 7 Act without just compensation being first paid to the party entitled to the  
 8 compensation; declaring that all land or property taken under this Act is needed  
 9 for public uses or purposes; authorizing the legislative body of the Town of  
 10 Boonsboro by ordinance to elect to have the powers granted by this Act exercised  
 11 by a certain public body; imposing certain requirements for the initiation and  
 12 approval of an urban renewal project; providing for the disposal of property in  
 13 an urban renewal area; authorizing the municipal corporation to issue certain  
 14 bonds under certain circumstances; clarifying that this Act may be amended or  
 15 repealed only by the General Assembly of Maryland; defining certain terms; and  
 16 generally relating to urban renewal authority for slum clearance for the Town of  
 17 Boonsboro in Washington County.

18 BY adding to

19 Chapter 12 - Charter of the Town of Boonsboro

20 Section A1-101 through A1-114, inclusive, to be under the new heading

21 "Appendix I - Urban Renewal Authority for Slum Clearance"

22 Public Local Laws of Maryland - Compilation of Municipal Charters

23 (1990 Replacement Edition and 2004 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

25 MARYLAND, That the Public Local Laws of Maryland - Compilation of Municipal

26 Charters read as follows:

1 **Chapter 12 - Charter of the Town of Boonsboro**

## 2 APPENDIX I - URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE

## 3 A1-101. DEFINITIONS.

4 (A) IN THIS APPENDIX THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "BLIGHTED AREA" MEANS AN AREA OR SINGLE PROPERTY IN WHICH THE  
7 BUILDING OR BUILDINGS HAVE DECLINED IN PRODUCTIVITY BY REASON OF  
8 OBSOLESCENCE, DEPRECIATION, OR OTHER CAUSES TO AN EXTENT THEY NO  
9 LONGER JUSTIFY FUNDAMENTAL REPAIRS AND ADEQUATE MAINTENANCE.

10 (C) "BONDS" MEANS ANY BONDS (INCLUDING REFUNDING BONDS), NOTES,  
11 INTERIM CERTIFICATES, CERTIFICATES OF INDEBTEDNESS, DEBENTURES, OR  
12 OTHER OBLIGATIONS.

13 (D) "FEDERAL GOVERNMENT" MEANS THE UNITED STATES OF AMERICA OR  
14 ANY AGENCY OR INSTRUMENTALITY, CORPORATE OR OTHERWISE, OF THE UNITED  
15 STATES OF AMERICA.

16 (E) "MUNICIPALITY" MEANS THE TOWN OF BOONSBORO, MARYLAND.

17 (F) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION,  
18 COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC. IT  
19 INCLUDES ANY TRUSTEE, RECEIVER, ASSIGNEE, OR OTHER PERSON ACTING IN  
20 SIMILAR REPRESENTATIVE CAPACITY.

21 (G) "SLUM AREA" MEANS ANY AREA OR SINGLE PROPERTY WHERE  
22 DWELLINGS PREDOMINATE WHICH, BY REASON OF DEPRECIATION, OVERCROWDING,  
23 FAULTY ARRANGEMENT OR DESIGN, LACK OF VENTILATION, LIGHT, OR SANITARY  
24 FACILITIES, OR ANY COMBINATION OF THESE FACTORS, ARE DETRIMENTAL TO THE  
25 PUBLIC SAFETY, HEALTH, OR MORALS.

26 (H) "URBAN RENEWAL AREA" MEANS A SLUM AREA OR A BLIGHTED AREA OR A  
27 COMBINATION OF THEM WHICH THE MUNICIPALITY DESIGNATES AS APPROPRIATE  
28 FOR AN URBAN RENEWAL PROJECT.

29 (I) "URBAN RENEWAL PLAN" MEANS A PLAN, AS IT EXISTS FROM TIME TO  
30 TIME, FOR AN URBAN RENEWAL PROJECT. THE PLAN SHALL BE SUFFICIENTLY  
31 COMPLETE TO INDICATE ANY LAND ACQUISITION, DEMOLITION, AND REMOVAL OF  
32 STRUCTURES, REDEVELOPMENT, IMPROVEMENTS, AND REHABILITATION AS MAY BE  
33 PROPOSED TO BE CARRIED OUT IN THE URBAN RENEWAL AREA, ZONING AND  
34 PLANNING CHANGES, IF ANY, LAND USES, MAXIMUM DENSITY, AND BUILDING  
35 REQUIREMENTS.

36 (J) "URBAN RENEWAL PROJECT" MEANS UNDERTAKINGS AND ACTIVITIES OF  
37 A MUNICIPALITY IN AN URBAN RENEWAL AREA FOR THE ELIMINATION AND FOR THE  
38 PREVENTION OF THE DEVELOPMENT OR SPREAD OF SLUMS AND BLIGHT, AND MAY

1 INVOLVE SLUM CLEARANCE AND REDEVELOPMENT IN AN URBAN RENEWAL AREA,  
2 OR REHABILITATION OR CONSERVATION IN AN URBAN RENEWAL AREA, OR ANY  
3 COMBINATION OR PART OF THEM IN ACCORDANCE WITH AN URBAN RENEWAL PLAN.  
4 THESE UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

5 (1) ACQUISITION OF A SLUM AREA OR A BLIGHTED AREA OR PORTION OF  
6 THEM;

7 (2) DEMOLITION AND REMOVAL OF BUILDINGS AND IMPROVEMENTS;

8 (3) INSTALLATION, CONSTRUCTION OR RECONSTRUCTION OF STREETS,  
9 UTILITIES, PARKS, PLAYGROUNDS, AND OTHER IMPROVEMENTS NECESSARY FOR  
10 CARRYING OUT THE URBAN RENEWAL OBJECTIVES OF THIS APPENDIX IN  
11 ACCORDANCE WITH THE URBAN RENEWAL PLAN;

12 (4) DISPOSITION OF ANY PROPERTY ACQUIRED IN THE URBAN RENEWAL  
13 AREA, INCLUDING SALE, INITIAL LEASING, OR RETENTION BY THE MUNICIPALITY  
14 ITSELF, AT ITS FAIR VALUE FOR USES IN ACCORDANCE WITH THE URBAN RENEWAL  
15 PLAN;

16 (5) CARRYING OUT PLANS FOR A PROGRAM OF VOLUNTARY OR  
17 COMPULSORY REPAIR AND REHABILITATION OF BUILDINGS OR OTHER  
18 IMPROVEMENTS IN ACCORDANCE WITH THE URBAN RENEWAL PLAN;

19 (6) ACQUISITION OF ANY OTHER REAL PROPERTY IN THE URBAN  
20 RENEWAL AREA WHERE NECESSARY TO ELIMINATE UNHEALTHFUL, UNSANITARY,  
21 OR UNSAFE CONDITIONS, LESSEN DENSITY, ELIMINATE OBSOLETE OR OTHER USES  
22 DETRIMENTAL TO THE PUBLIC WELFARE, OR OTHERWISE TO REMOVE OR PREVENT  
23 THE SPREAD OF BLIGHT OR DETERIORATION, OR TO PROVIDE LAND FOR NEEDED  
24 PUBLIC FACILITIES; AND

25 (7) THE PRESERVATION, IMPROVEMENT, OR EMBELLISHMENT OF  
26 HISTORIC STRUCTURES OR MONUMENTS.

27 A1-102. POWERS.

28 (A) THE MUNICIPALITY MAY UNDERTAKE AND CARRY OUT URBAN RENEWAL  
29 PROJECTS.

30 (B) THESE PROJECTS SHALL BE LIMITED:

31 (1) TO SLUM CLEARANCE IN SLUM OR BLIGHTED AREAS AND  
32 REDEVELOPMENT OR THE REHABILITATION OF SLUM OR BLIGHTED AREAS;

33 (2) TO ACQUIRE IN CONNECTION WITH THOSE PROJECTS, WITHIN THE  
34 CORPORATE LIMITS OF THE MUNICIPALITY, LAND AND PROPERTY OF EVERY KIND  
35 AND ANY RIGHT, INTEREST, FRANCHISE, EASEMENT, OR PRIVILEGE, INCLUDING  
36 LAND OR PROPERTY AND ANY RIGHT OR INTEREST ALREADY DEVOTED TO PUBLIC  
37 USE, BY PURCHASE, LEASE, GIFT, CONDEMNATION, OR ANY OTHER LEGAL MEANS;  
38 AND

1 (3) TO SELL, LEASE, CONVEY, TRANSFER, OR OTHERWISE DISPOSE OF  
2 ANY OF THE LAND OR PROPERTY, REGARDLESS OF WHETHER OR NOT IT HAS BEEN  
3 DEVELOPED, REDEVELOPED, ALTERED, OR IMPROVED AND IRRESPECTIVE OF THE  
4 MANNER OR MEANS IN OR BY WHICH IT MAY HAVE BEEN ACQUIRED, TO ANY  
5 PRIVATE, PUBLIC, OR QUASI-PUBLIC CORPORATION, PARTNERSHIP, ASSOCIATION,  
6 PERSON, OR OTHER LEGAL ENTITY.

7 (C) LAND OR PROPERTY TAKEN BY THE MUNICIPALITY FOR ANY OF THESE  
8 PURPOSES OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS WHICH  
9 ARE GRANTED BY THIS APPENDIX TO THE MUNICIPALITY BY EXERCISING THE  
10 POWER OF EMINENT DOMAIN MAY NOT BE TAKEN WITHOUT JUST COMPENSATION,  
11 AS AGREED UPON BETWEEN THE PARTIES, OR AWARDED BY A JURY, BEING FIRST  
12 PAID OR TENDERED TO THE PARTY ENTITLED TO THE COMPENSATION.

13 (D) ALL LAND OR PROPERTY NEEDED OR TAKEN BY THE EXERCISE OF THE  
14 POWER OF EMINENT DOMAIN BY THE MUNICIPALITY FOR ANY OF THESE PURPOSES  
15 OR IN CONNECTION WITH THE EXERCISE OF ANY OF THE POWERS GRANTED BY THIS  
16 APPENDIX IS DECLARED TO BE NEEDED OR TAKEN FOR PUBLIC USES AND  
17 PURPOSES.

18 (E) ANY OR ALL OF THE ACTIVITIES AUTHORIZED PURSUANT TO THIS  
19 APPENDIX CONSTITUTE GOVERNMENTAL FUNCTIONS UNDERTAKEN FOR PUBLIC  
20 USES AND PURPOSES AND THE POWER OF TAXATION MAY BE EXERCISED, PUBLIC  
21 FUNDS EXPENDED, AND PUBLIC CREDIT EXTENDED IN FURTHERANCE OF THEM.

22 A1-103. ADDITIONAL POWERS.

23 THE MUNICIPALITY HAS THE FOLLOWING ADDITIONAL POWERS. THESE  
24 POWERS ARE DECLARED TO BE NECESSARY AND PROPER TO CARRY INTO FULL  
25 FORCE AND EFFECT THE SPECIFIC POWERS GRANTED IN THIS APPENDIX AND TO  
26 FULLY ACCOMPLISH THE PURPOSES AND OBJECTS CONTEMPLATED BY THE  
27 PROVISIONS OF THIS SECTION:

28 (1) TO MAKE OR HAVE MADE ALL SURVEYS AND PLANS NECESSARY TO  
29 THE CARRYING OUT OF THE PURPOSES OF THIS APPENDIX AND TO ADOPT OR  
30 APPROVE, MODIFY, AND AMEND THOSE PLANS. THESE PLANS MAY INCLUDE, BUT  
31 ARE NOT LIMITED TO:

32 (I) PLANS FOR CARRYING OUT A PROGRAM OF VOLUNTARY OR  
33 COMPULSORY REPAIR AND REHABILITATION OF BUILDINGS AND IMPROVEMENTS;

34 (II) PLANS FOR THE ENFORCEMENT OF CODES AND REGULATIONS  
35 RELATING TO THE USE OF LAND AND THE USE AND OCCUPANCY OF BUILDINGS AND  
36 IMPROVEMENTS AND TO THE COMPULSORY REPAIR, REHABILITATION, DEMOLITION,  
37 OR REMOVAL OF BUILDINGS AND IMPROVEMENTS; AND

38 (III) APPRAISALS, TITLE SEARCHES, SURVEYS, STUDIES, AND OTHER  
39 PLANS AND WORK NECESSARY TO PREPARE FOR THE UNDERTAKING OF URBAN  
40 RENEWAL PROJECTS AND RELATED ACTIVITIES; AND TO APPLY FOR, ACCEPT, AND

1 UTILIZE GRANTS OF FUNDS FROM THE FEDERAL GOVERNMENT OR OTHER  
2 GOVERNMENTAL ENTITY FOR THOSE PURPOSES;

3 (2) TO PREPARE PLANS FOR THE RELOCATION OF PERSONS (INCLUDING  
4 FAMILIES, BUSINESS CONCERNS, AND OTHERS) DISPLACED FROM AN URBAN  
5 RENEWAL AREA, AND TO MAKE RELOCATION PAYMENTS TO OR WITH RESPECT TO  
6 THOSE PERSONS FOR MOVING EXPENSES AND LOSSES OF PROPERTY FOR WHICH  
7 REIMBURSEMENT OR COMPENSATION IS NOT OTHERWISE MADE, INCLUDING THE  
8 MAKING OF PAYMENTS FINANCED BY THE FEDERAL GOVERNMENT;

9 (3) TO APPROPRIATE WHATEVER FUNDS AND MAKE WHATEVER  
10 EXPENDITURES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
11 APPENDIX, INCLUDING, BUT NOT LIMITED:

12 (I) TO THE PAYMENT OF ANY AND ALL COSTS AND EXPENSES  
13 INCURRED IN CONNECTION WITH, OR INCIDENTAL TO, THE ACQUISITION OF LAND  
14 OR PROPERTY, AND FOR THE DEMOLITION, REMOVAL, RELOCATION, RENOVATION,  
15 OR ALTERATION OF LAND, BUILDINGS, STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR  
16 SERVICES, AND OTHER STRUCTURES OR IMPROVEMENTS, AND FOR THE  
17 CONSTRUCTION, RECONSTRUCTION, INSTALLATION, RELOCATION, OR REPAIR OF  
18 STREETS, HIGHWAYS, ALLEYS, UTILITIES, OR SERVICES, IN CONNECTION WITH  
19 URBAN RENEWAL PROJECTS;

20 (II) TO LEVY TAXES AND ASSESSMENTS FOR THOSE PURPOSES;

21 (III) TO BORROW MONEY AND TO APPLY FOR AND ACCEPT  
22 ADVANCES, LOANS, GRANTS, CONTRIBUTIONS, AND ANY OTHER FORM OF FINANCIAL  
23 ASSISTANCE FROM THE FEDERAL GOVERNMENT, THE STATE, COUNTY, OR OTHER  
24 PUBLIC BODIES, OR FROM ANY SOURCES, PUBLIC OR PRIVATE, FOR THE PURPOSES  
25 OF THIS APPENDIX, AND TO GIVE WHATEVER SECURITY AS MAY BE REQUIRED FOR  
26 THIS FINANCIAL ASSISTANCE; AND

27 (IV) TO INVEST ANY URBAN RENEWAL FUNDS HELD IN RESERVES  
28 OR SINKING FUNDS OR ANY OF THESE FUNDS NOT REQUIRED FOR IMMEDIATE  
29 DISBURSEMENT IN PROPERTY OR SECURITIES WHICH ARE LEGAL INVESTMENTS FOR  
30 OTHER MUNICIPAL FUNDS;

31 (4) (I) TO HOLD, IMPROVE, CLEAR, OR PREPARE FOR REDEVELOPMENT  
32 ANY PROPERTY ACQUIRED IN CONNECTION WITH URBAN RENEWAL PROJECTS;

33 (II) TO MORTGAGE, PLEDGE, HYPOTHECATE, OR OTHERWISE  
34 ENCUMBER THAT PROPERTY; AND

35 (III) TO INSURE OR PROVIDE FOR THE INSURANCE OF THE  
36 PROPERTY OR OPERATIONS OF THE MUNICIPALITY AGAINST ANY RISKS OR HAZARDS,  
37 INCLUDING THE POWER TO PAY PREMIUMS ON ANY INSURANCE;

38 (5) TO MAKE AND EXECUTE ALL CONTRACTS AND OTHER INSTRUMENTS  
39 NECESSARY OR CONVENIENT TO THE EXERCISE OF ITS POWERS UNDER THIS  
40 APPENDIX, INCLUDING THE POWER TO ENTER INTO AGREEMENTS WITH OTHER

1 PUBLIC BODIES OR AGENCIES (THESE AGREEMENTS MAY EXTEND OVER ANY  
2 PERIOD, NOTWITHSTANDING ANY PROVISION OR RULE OF LAW TO THE CONTRARY),  
3 AND TO INCLUDE IN ANY CONTRACT FOR FINANCIAL ASSISTANCE WITH THE  
4 FEDERAL GOVERNMENT FOR OR WITH RESPECT TO AN URBAN RENEWAL PROJECT  
5 AND RELATED ACTIVITIES ANY CONDITIONS IMPOSED PURSUANT TO FEDERAL LAWS  
6 AS THE MUNICIPALITY CONSIDERS REASONABLE AND APPROPRIATE;

7 (6) TO ENTER INTO ANY BUILDING OR PROPERTY IN ANY URBAN  
8 RENEWAL AREA IN ORDER TO MAKE INSPECTIONS, SURVEYS, APPRAISALS,  
9 SOUNDINGS, OR TEST BORINGS, AND TO OBTAIN AN ORDER FOR THIS PURPOSE FROM  
10 THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE MUNICIPALITY IS SITUATED IN  
11 THE EVENT ENTRY IS DENIED OR RESISTED;

12 (7) TO PLAN, REPLAN, INSTALL, CONSTRUCT, RECONSTRUCT, REPAIR,  
13 CLOSE, OR VACATE STREETS, ROADS, SIDEWALKS, PUBLIC UTILITIES, PARKS,  
14 PLAYGROUNDS, AND OTHER PUBLIC IMPROVEMENTS IN CONNECTION WITH AN  
15 URBAN RENEWAL PROJECT; AND TO MAKE EXCEPTIONS FROM BUILDING  
16 REGULATIONS;

17 (8) TO GENERALLY ORGANIZE, COORDINATE, AND DIRECT THE  
18 ADMINISTRATION OF THE PROVISIONS OF THIS APPENDIX AS THEY APPLY TO THE  
19 MUNICIPALITY IN ORDER THAT THE OBJECTIVE OF REMEDYING SLUM AND  
20 BLIGHTED AREAS AND PREVENTING ITS CAUSES WITHIN THE MUNICIPALITY MAY BE  
21 PROMOTED AND ACHIEVED MOST EFFECTIVELY; AND

22 (9) TO EXERCISE ALL OR ANY PART OR COMBINATION OF THE POWERS  
23 GRANTED IN THIS APPENDIX.

24 A1-104. ESTABLISHMENT OF URBAN RENEWAL AGENCY.

25 (A) A MUNICIPALITY MAY ITSELF EXERCISE ALL THE POWERS GRANTED BY  
26 THIS APPENDIX, OR MAY, IF ITS LEGISLATIVE BODY BY ORDINANCE DETERMINES  
27 THE ACTION TO BE IN THE PUBLIC INTEREST, ELECT TO HAVE THE POWERS  
28 EXERCISED BY A SEPARATE PUBLIC BODY OR AGENCY.

29 (B) IN THE EVENT THE LEGISLATIVE BODY MAKES THAT DETERMINATION, IT  
30 SHALL PROCEED BY ORDINANCE TO ESTABLISH A PUBLIC BODY OR AGENCY TO  
31 UNDERTAKE IN THE MUNICIPALITY THE ACTIVITIES AUTHORIZED BY THIS  
32 APPENDIX.

33 (C) THE ORDINANCE SHALL INCLUDE PROVISIONS ESTABLISHING THE  
34 NUMBER OF MEMBERS OF THE PUBLIC BODY OR AGENCY, THE MANNER OF THEIR  
35 APPOINTMENT AND REMOVAL, AND THE TERMS OF THE MEMBERS AND THEIR  
36 COMPENSATION.

37 (D) THE ORDINANCE MAY INCLUDE WHATEVER ADDITIONAL PROVISIONS  
38 RELATING TO THE ORGANIZATION OF THE PUBLIC BODY OR AGENCY AS MAY BE  
39 NECESSARY.

1 (E) IN THE EVENT THE LEGISLATIVE BODY ENACTS THIS ORDINANCE, ALL OF  
2 THE POWERS BY THIS APPENDIX GRANTED TO THE MUNICIPALITY, FROM THE  
3 EFFECTIVE DATE OF THE ORDINANCE, ARE VESTED IN THE PUBLIC BODY OR AGENCY  
4 ESTABLISHED BY THE ORDINANCE.

5 A1-105. POWERS WITHHELD FROM THE AGENCY.

6 THE AGENCY MAY NOT:

7 (1) PASS AN ORDINANCE TO INITIATE AN URBAN RENEWAL PROJECT  
8 PURSUANT TO SECTIONS A1-102 AND A1-103 OF THIS APPENDIX;

9 (2) ISSUE GENERAL OBLIGATION BONDS PURSUANT TO SECTION A1-111  
10 OF THIS APPENDIX; OR

11 (3) APPROPRIATE FUNDS OR LEVY TAXES AND ASSESSMENTS  
12 PURSUANT TO SECTION A1-103(3) OF THIS APPENDIX.

13 A1-106. INITIATION OF PROJECT.

14 IN ORDER TO INITIATE AN URBAN RENEWAL PROJECT, THE LEGISLATIVE BODY  
15 OF THE MUNICIPALITY SHALL ADOPT AN ORDINANCE WHICH:

16 (1) FINDS THAT ONE OR MORE SLUM OR BLIGHTED AREAS EXIST IN THE  
17 MUNICIPALITY;

18 (2) LOCATES AND DEFINES THE SLUM OR BLIGHTED AREA; AND

19 (3) FINDS THAT THE REHABILITATION, REDEVELOPMENT, OR A  
20 COMBINATION OF THEM, OF THE BLIGHTED AREA OR AREAS, IS NECESSARY AND IN  
21 THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE  
22 RESIDENTS OF THE MUNICIPALITY.

23 A1-107. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT.

24 (A) IN ORDER TO CARRY OUT THE PURPOSES OF THIS APPENDIX, THE  
25 MUNICIPALITY SHALL HAVE PREPARED AN URBAN RENEWAL PLAN FOR SLUM OR  
26 BLIGHTED AREAS IN THE MUNICIPALITY, AND SHALL APPROVE THE PLAN FORMALLY.  
27 THE MUNICIPALITY SHALL HOLD A PUBLIC HEARING ON AN URBAN RENEWAL  
28 PROJECT AFTER PUBLIC NOTICE OF IT BY PUBLICATION IN A NEWSPAPER HAVING A  
29 GENERAL CIRCULATION WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY.  
30 THE NOTICE SHALL DESCRIBE THE TIME, DATE, PLACE, AND PURPOSE OF THE  
31 HEARING, SHALL GENERALLY IDENTIFY THE URBAN RENEWAL AREA COVERED BY  
32 THE PLAN, AND SHALL OUTLINE THE GENERAL SCOPE OF THE URBAN RENEWAL  
33 PROJECT UNDER CONSIDERATION. FOLLOWING THE HEARING, THE MUNICIPALITY  
34 MAY APPROVE AN URBAN RENEWAL PROJECT AND THE PLAN THEREFOR IF IT FINDS  
35 THAT:

36 (1) A FEASIBLE METHOD EXISTS FOR THE LOCATION OF ANY FAMILIES  
37 OR NATURAL PERSONS WHO WILL BE DISPLACED FROM THE URBAN RENEWAL AREA

1 IN DECENT, SAFE, AND SANITARY DWELLING ACCOMMODATIONS WITHIN THEIR  
2 MEANS AND WITHOUT UNDUE HARDSHIP TO THE FAMILIES OR NATURAL PERSONS;

3 (2) THE URBAN RENEWAL PLAN CONFORMS SUBSTANTIALLY TO THE  
4 MASTER PLAN OF THE MUNICIPALITY AS A WHOLE; AND

5 (3) THE URBAN RENEWAL PLAN WILL AFFORD MAXIMUM OPPORTUNITY,  
6 CONSISTENT WITH THE SOUND NEEDS OF THE MUNICIPALITY AS A WHOLE, FOR THE  
7 REHABILITATION OR REDEVELOPMENT OF THE URBAN RENEWAL AREA BY PRIVATE  
8 ENTERPRISE.

9 (B) AN URBAN RENEWAL PLAN MAY BE MODIFIED AT ANY TIME. IF MODIFIED  
10 AFTER THE LEASE OR SALE OF REAL PROPERTY IN THE URBAN RENEWAL PROJECT  
11 AREA, THE MODIFICATION MAY BE CONDITIONED UPON WHATEVER APPROVAL OF  
12 THE OWNER, LESSEE, OR SUCCESSOR IN INTEREST AS THE MUNICIPALITY  
13 CONSIDERS ADVISABLE. IN ANY EVENT, IT SHALL BE SUBJECT TO WHATEVER  
14 RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR PURCHASER, OR ANY SUCCESSOR OR  
15 SUCCESSORS IN INTEREST, MAY BE ENTITLED TO ASSERT. WHERE THE PROPOSED  
16 MODIFICATION WILL CHANGE SUBSTANTIALLY THE URBAN RENEWAL PLAN AS  
17 APPROVED PREVIOUSLY BY THE MUNICIPALITY, THE MODIFICATION SHALL BE  
18 APPROVED FORMALLY BY THE MUNICIPALITY, AS IN THE CASE OF AN ORIGINAL  
19 PLAN.

20 (C) UPON THE APPROVAL BY THE MUNICIPALITY OF AN URBAN RENEWAL  
21 PLAN OR OF ANY MODIFICATION OF IT, THE PLAN OR MODIFICATION SHALL BE  
22 CONSIDERED TO BE IN FULL FORCE AND EFFECT FOR THE RESPECTIVE URBAN  
23 RENEWAL AREA. THE MUNICIPALITY MAY HAVE THE PLAN OR MODIFICATION  
24 CARRIED OUT IN ACCORDANCE WITH ITS TERMS.

25 A1-108. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA.

26 (A) THE MUNICIPALITY, BY ORDINANCE, MAY SELL, LEASE, OR OTHERWISE  
27 TRANSFER REAL PROPERTY OR ANY INTEREST IN IT ACQUIRED BY IT FOR AN URBAN  
28 RENEWAL PROJECT TO ANY PERSON FOR RESIDENTIAL, RECREATIONAL,  
29 COMMERCIAL, INDUSTRIAL, EDUCATIONAL, OR OTHER USES OR FOR PUBLIC USE, OR  
30 IT MAY RETAIN THE PROPERTY OR INTEREST FOR PUBLIC USE, IN ACCORDANCE  
31 WITH THE URBAN RENEWAL PLAN AND SUBJECT TO WHATEVER COVENANTS,  
32 CONDITIONS, AND RESTRICTIONS, INCLUDING COVENANTS RUNNING WITH THE  
33 LAND, AS IT CONSIDERS NECESSARY OR DESIRABLE TO ASSIST IN PREVENTING THE  
34 DEVELOPMENT OR SPREAD OF FUTURE SLUMS OR BLIGHTED AREAS OR TO  
35 OTHERWISE CARRY OUT THE PURPOSES OF THIS APPENDIX. THE PURCHASERS OR  
36 LESSEES AND THEIR SUCCESSORS AND ASSIGNS SHALL BE OBLIGATED TO DEVOTE  
37 THE REAL PROPERTY ONLY TO THE USES SPECIFIED IN THE URBAN RENEWAL PLAN,  
38 AND MAY BE OBLIGATED TO COMPLY WITH WHATEVER OTHER REQUIREMENTS THE  
39 MUNICIPALITY DETERMINES TO BE IN THE PUBLIC INTEREST, INCLUDING THE  
40 OBLIGATION TO BEGIN WITHIN A REASONABLE TIME ANY IMPROVEMENTS ON THE  
41 REAL PROPERTY REQUIRED BY THE URBAN RENEWAL PLAN. THE REAL PROPERTY OR  
42 INTEREST MAY NOT BE SOLD, LEASED, OTHERWISE TRANSFERRED, OR RETAINED AT  
43 LESS THAN ITS FAIR VALUE FOR USES IN ACCORDANCE WITH THE URBAN RENEWAL



1 PLAN. IN DETERMINING THE FAIR VALUE OF REAL PROPERTY FOR USES IN  
2 ACCORDANCE WITH THE URBAN RENEWAL PLAN, THE MUNICIPALITY SHALL TAKE  
3 INTO ACCOUNT AND GIVE CONSIDERATION TO THE USES PROVIDED IN THE PLAN,  
4 THE RESTRICTIONS UPON, AND THE COVENANTS, CONDITIONS, AND OBLIGATIONS  
5 ASSUMED BY THE PURCHASER OR LESSEE OR BY THE MUNICIPALITY RETAINING  
6 THE PROPERTY, AND THE OBJECTIVES OF THE PLAN FOR THE PREVENTION OF THE  
7 RECURRENCE OF SLUM OR BLIGHTED AREAS. IN ANY INSTRUMENT OR CONVEYANCE  
8 TO A PRIVATE PURCHASER OR LESSEE, THE MUNICIPALITY MAY PROVIDE THAT THE  
9 PURCHASER OR LESSEE MAY NOT SELL, LEASE, OR OTHERWISE TRANSFER THE REAL  
10 PROPERTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE MUNICIPALITY UNTIL  
11 THE PURCHASER OR LESSEE HAS COMPLETED THE CONSTRUCTION OF ANY OR ALL  
12 IMPROVEMENTS WHICH THE PURCHASER OR LESSEE HAS BEEN OBLIGATED TO  
13 CONSTRUCT ON THE PROPERTY. REAL PROPERTY ACQUIRED BY THE MUNICIPALITY  
14 WHICH, IN ACCORDANCE WITH THE PROVISIONS OF THE URBAN RENEWAL PLAN, IS  
15 TO BE TRANSFERRED, SHALL BE TRANSFERRED AS RAPIDLY AS FEASIBLE IN THE  
16 PUBLIC INTEREST CONSISTENT WITH THE CARRYING OUT OF THE PROVISIONS OF  
17 THE URBAN RENEWAL PLAN. ANY CONTRACT FOR THE TRANSFER AND THE URBAN  
18 RENEWAL PLAN (OR ANY PART OR PARTS OF THE CONTRACT OR PLAN AS THE  
19 MUNICIPALITY DETERMINES) MAY BE RECORDED IN THE LAND RECORDS OF THE  
20 COUNTY IN WHICH THE MUNICIPALITY IS SITUATED IN A MANNER SO AS TO AFFORD  
21 ACTUAL OR CONSTRUCTIVE NOTICE OF IT.

22 (B) THE MUNICIPALITY, BY ORDINANCE, MAY DISPOSE OF REAL PROPERTY IN  
23 AN URBAN RENEWAL AREA TO PRIVATE PERSONS. THE MUNICIPALITY MAY, BY  
24 PUBLIC NOTICE BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL  
25 CIRCULATION IN THE COMMUNITY INVITE PROPOSALS FROM AND MAKE AVAILABLE  
26 ALL PERTINENT INFORMATION TO PRIVATE REDEVELOPERS OR ANY PERSONS  
27 INTERESTED IN UNDERTAKING TO REDEVELOP OR REHABILITATE AN URBAN  
28 RENEWAL AREA, OR ANY PART THEREOF. THE NOTICE SHALL IDENTIFY THE AREA,  
29 OR PORTION THEREOF, AND SHALL STATE THAT PROPOSALS SHALL BE MADE BY  
30 THOSE INTERESTED WITHIN A SPECIFIED PERIOD. THE MUNICIPALITY SHALL  
31 CONSIDER ALL REDEVELOPMENT OR REHABILITATION PROPOSALS AND THE  
32 FINANCIAL AND LEGAL ABILITY OF THE PERSONS MAKING PROPOSALS TO CARRY  
33 THEM OUT, AND MAY NEGOTIATE WITH ANY PERSONS FOR PROPOSALS FOR THE  
34 PURCHASE, LEASE, OR OTHER TRANSFER OF ANY REAL PROPERTY ACQUIRED BY THE  
35 MUNICIPALITY IN THE URBAN RENEWAL AREA. THE MUNICIPALITY MAY ACCEPT  
36 ANY PROPOSAL AS IT DEEMS TO BE IN THE PUBLIC INTEREST AND IN FURTHERANCE  
37 OF THE PURPOSES OF THIS SUBHEADING. THEREAFTER, THE MUNICIPALITY MAY  
38 EXECUTE AND DELIVER CONTRACTS, DEEDS, LEASES, AND OTHER INSTRUMENTS  
39 AND TAKE ALL STEPS NECESSARY TO EFFECTUATE THE TRANSFERS.

40 (C) THE MUNICIPALITY MAY OPERATE TEMPORARILY AND MAINTAIN REAL  
41 PROPERTY ACQUIRED BY IT IN AN URBAN RENEWAL AREA FOR OR IN CONNECTION  
42 WITH AN URBAN RENEWAL PROJECT PENDING THE DISPOSITION OF THE PROPERTY  
43 AS AUTHORIZED IN THIS APPENDIX, WITHOUT REGARD TO THE PROVISIONS OF  
44 SUBSECTION (A), FOR USES AND PURPOSES CONSIDERED DESIRABLE EVEN THOUGH  
45 NOT IN CONFORMITY WITH THE URBAN RENEWAL PLAN.

1 (D) ANY INSTRUMENT EXECUTED BY THE MUNICIPALITY AND PURPORTING  
2 TO CONVEY ANY RIGHT, TITLE, OR INTEREST IN ANY PROPERTY UNDER THIS  
3 APPENDIX SHALL BE PRESUMED CONCLUSIVELY TO HAVE BEEN EXECUTED IN  
4 COMPLIANCE WITH THE PROVISIONS OF THIS APPENDIX INSOFAR AS TITLE OR  
5 OTHER INTEREST OF ANY BONA FIDE PURCHASERS, LESSEES, OR TRANSFEREES OF  
6 THE PROPERTY IS CONCERNED.

7 A1-109. EMINENT DOMAIN.

8 CONDEMNATION OF LAND OR PROPERTY UNDER THE PROVISIONS OF THIS  
9 APPENDIX SHALL BE IN ACCORDANCE WITH THE PROCEDURE PROVIDED IN THE  
10 REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

11 A1-110. ENCOURAGEMENT OF PRIVATE ENTERPRISE.

12 THE MUNICIPALITY, TO THE EXTENT IT DETERMINES TO BE FEASIBLE IN  
13 CARRYING OUT THE PROVISIONS OF THIS APPENDIX, SHALL AFFORD MAXIMUM  
14 OPPORTUNITY TO THE REHABILITATION OR REDEVELOPMENT OF ANY URBAN  
15 RENEWAL AREA BY PRIVATE ENTERPRISE CONSISTENT WITH THE SOUND NEEDS OF  
16 THE MUNICIPALITY AS A WHOLE. THE MUNICIPALITY SHALL GIVE CONSIDERATION  
17 TO THIS OBJECTIVE IN EXERCISING ITS POWERS UNDER THIS APPENDIX.

18 A1-111. GENERAL OBLIGATION BONDS.

19 FOR THE PURPOSE OF FINANCING AND CARRYING OUT OF AN URBAN RENEWAL  
20 PROJECT AND RELATED ACTIVITIES, THE MUNICIPALITY MAY ISSUE AND SELL ITS  
21 GENERAL OBLIGATION BONDS. ANY BONDS ISSUED BY THE MUNICIPALITY  
22 PURSUANT TO THIS SECTION SHALL BE ISSUED IN THE MANNER AND WITHIN THE  
23 LIMITATIONS PRESCRIBED BY APPLICABLE LAW FOR THE ISSUANCE AND  
24 AUTHORIZATION OF GENERAL OBLIGATION BONDS BY THE MUNICIPALITY, AND ALSO  
25 WITHIN LIMITATIONS DETERMINED BY THE MUNICIPALITY.

26 A1-112. REVENUE BONDS.

27 (A) IN ADDITION TO THE AUTHORITY CONFERRED BY SECTION A1-111 OF THIS  
28 APPENDIX, THE MUNICIPALITY MAY ISSUE REVENUE BONDS TO FINANCE THE  
29 UNDERTAKING OF ANY URBAN RENEWAL PROJECT AND RELATED ACTIVITIES. ALSO,  
30 IT MAY ISSUE REFUNDING BONDS FOR THE PAYMENT OR RETIREMENT OF THE  
31 BONDS ISSUED PREVIOUSLY BY IT. THE BONDS SHALL BE MADE PAYABLE, AS TO  
32 BOTH PRINCIPAL AND INTEREST, SOLELY FROM THE INCOME, PROCEEDS,  
33 REVENUES, AND FUNDS OF THE MUNICIPALITY DERIVED FROM OR HELD IN  
34 CONNECTION WITH THE UNDERTAKING AND CARRYING OUT OF URBAN RENEWAL  
35 PROJECTS UNDER THIS APPENDIX. HOWEVER, PAYMENT OF THE BONDS, BOTH AS TO  
36 PRINCIPAL AND INTEREST, MAY BE FURTHER SECURED BY A PLEDGE OF ANY LOAN,  
37 GRANT, OR CONTRIBUTION FROM THE FEDERAL GOVERNMENT OR OTHER SOURCE,  
38 IN AID OF ANY URBAN RENEWAL PROJECTS OF THE MUNICIPALITY UNDER THIS  
39 APPENDIX, AND BY A MORTGAGE OF ANY URBAN RENEWAL PROJECT, OR ANY PART  
40 OF A PROJECT, TITLE TO WHICH IS IN THE MUNICIPALITY. IN ADDITION, THE  
41 MUNICIPALITY MAY ENTER INTO AN INDENTURE OF TRUST WITH ANY PRIVATE  
42 BANKING INSTITUTION OF THIS STATE HAVING TRUST POWERS AND MAY MAKE IN

1 THE INDENTURE OF TRUST COVENANTS AND COMMITMENTS REQUIRED BY ANY  
2 PURCHASER FOR THE ADEQUATE SECURITY OF THE BONDS.

3 (B) BONDS ISSUED UNDER THIS SECTION DO NOT CONSTITUTE AN  
4 INDEBTEDNESS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY  
5 DEBT LIMITATION OR RESTRICTION, ARE NOT SUBJECT TO THE PROVISIONS OF ANY  
6 OTHER LAW OR CHARTER RELATING TO THE AUTHORIZATION, ISSUANCE, OR SALE  
7 OF BONDS, AND ARE EXEMPTED SPECIFICALLY FROM THE RESTRICTIONS  
8 CONTAINED IN SECTIONS 9, 10, AND 11 OF ARTICLE 31 (DEBT - PUBLIC) OF THE  
9 ANNOTATED CODE OF MARYLAND. BONDS ISSUED UNDER THE PROVISIONS OF THIS  
10 APPENDIX ARE DECLARED TO BE ISSUED FOR AN ESSENTIAL PUBLIC AND  
11 GOVERNMENTAL PURPOSE AND, TOGETHER WITH INTEREST ON THEM AND INCOME  
12 FROM THEM, ARE EXEMPT FROM ALL TAXES.

13 (C) BONDS ISSUED UNDER THIS SECTION SHALL BE AUTHORIZED BY  
14 RESOLUTION OR ORDINANCE OF THE LEGISLATIVE BODY OF THE MUNICIPALITY.  
15 THEY MAY BE ISSUED IN ONE OR MORE SERIES AND:

- 16 (1) SHALL BEAR A DATE OR DATES;
- 17 (2) MATURE AT A TIME OR TIMES;
- 18 (3) BEAR INTEREST AT A RATE OR RATES;
- 19 (4) BE IN A DENOMINATION OR DENOMINATIONS;
- 20 (5) BE IN A FORM EITHER WITH OR WITHOUT COUPON OR REGISTERED;
- 21 (6) CARRY A CONVERSION OR REGISTRATION PRIVILEGE;
- 22 (7) HAVE A RANK OR PRIORITY;
- 23 (8) BE EXECUTED IN A MANNER;
- 24 (9) BE PAYABLE IN A MEDIUM OR PAYMENT, AT A PLACE OR PLACES,  
25 AND BE SUBJECT TO TERMS OF REDEMPTION (WITH OR WITHOUT PREMIUM);
- 26 (10) BE SECURED IN A MANNER; AND
- 27 (11) HAVE OTHER CHARACTERISTICS, AS ARE PROVIDED BY THE  
28 RESOLUTION, TRUST INDENTURE, OR MORTGAGE ISSUED PURSUANT TO IT.

29 (D) THESE BONDS MAY NOT BE SOLD AT LESS THAN PAR VALUE AT PUBLIC  
30 SALES WHICH ARE HELD AFTER NOTICE IS PUBLISHED PRIOR TO THE SALE IN A  
31 NEWSPAPER HAVING A GENERAL CIRCULATION IN THE AREA IN WHICH THE  
32 MUNICIPALITY IS LOCATED AND IN WHATEVER OTHER MEDIUM OF PUBLICATION AS  
33 THE MUNICIPALITY MAY DETERMINE. THE BONDS MAY BE EXCHANGED ALSO FOR  
34 OTHER BONDS ON THE BASIS OF PAR. HOWEVER, THE BONDS MAY NOT BE SOLD TO  
35 THE FEDERAL GOVERNMENT AT PRIVATE SALE AT LESS THAN PAR, AND, IN THE  
36 EVENT LESS THAN ALL OF THE AUTHORIZED PRINCIPAL AMOUNT OF THE BONDS IS

1 SOLD TO THE FEDERAL GOVERNMENT, THE BALANCE MAY NOT BE SOLD AT PRIVATE  
2 SALE AT LESS THAN PAR AT AN INTEREST COST TO THE MUNICIPALITY WHICH DOES  
3 NOT EXCEED THE INTEREST COST TO THE MUNICIPALITY OF THE PORTION OF THE  
4 BONDS SOLD TO THE FEDERAL GOVERNMENT.

5 (E) IN CASE ANY OF THE PUBLIC OFFICIALS OF THE MUNICIPALITY WHOSE  
6 SIGNATURES APPEAR ON ANY BONDS OR COUPONS ISSUED UNDER THIS APPENDIX  
7 CEASE TO BE OFFICIALS OF THE MUNICIPALITY BEFORE THE DELIVERY OF THE  
8 BONDS OR, IN THE EVENT ANY OF THE OFFICIALS HAVE BECOME SUCH AFTER THE  
9 DATE OF ISSUE OF THEM, THE BONDS ARE VALID AND BINDING OBLIGATIONS OF  
10 THE MUNICIPALITY IN ACCORDANCE WITH THEIR TERMS. ANY PROVISION OF ANY  
11 LAW TO THE CONTRARY NOTWITHSTANDING, ANY BONDS ISSUED PURSUANT TO  
12 THIS APPENDIX ARE FULLY NEGOTIABLE.

13 (F) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE VALIDITY OR  
14 ENFORCEABILITY OF ANY BOND ISSUED UNDER THIS APPENDIX, OR THE SECURITY  
15 FOR IT, ANY BOND WHICH RECITES IN SUBSTANCE THAT IT HAS BEEN ISSUED BY THE  
16 MUNICIPALITY IN CONNECTION WITH AN URBAN RENEWAL PROJECT SHALL BE  
17 CONSIDERED CONCLUSIVELY TO HAVE BEEN ISSUED FOR THAT PURPOSE, AND THE  
18 PROJECT SHALL BE CONSIDERED CONCLUSIVELY TO HAVE BEEN PLANNED,  
19 LOCATED, AND CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF THIS  
20 APPENDIX.

21 (G) ALL BANKS, TRUST COMPANIES, BANKERS, SAVINGS BANKS, AND  
22 INSTITUTIONS, BUILDING AND LOAN ASSOCIATIONS, SAVINGS AND LOAN  
23 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHER PERSONS CARRYING ON A  
24 BANKING OR INVESTMENT BUSINESS; ALL INSURANCE COMPANIES, INSURANCE  
25 ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS; AND  
26 ALL EXECUTORS, ADMINISTRATORS, CURATORS, TRUSTEES, AND OTHER  
27 FIDUCIARIES, MAY LEGALLY INVEST ANY SINKING FUNDS, MONEYS, OR OTHER  
28 FUNDS BELONGING TO THEM OR WITHIN THEIR CONTROL IN ANY BONDS OR OTHER  
29 OBLIGATIONS ISSUED BY THE MUNICIPALITY PURSUANT TO THIS APPENDIX.  
30 HOWEVER, THE BONDS AND OTHER OBLIGATIONS SHALL BE SECURED BY AN  
31 AGREEMENT BETWEEN THE ISSUER AND THE FEDERAL GOVERNMENT IN WHICH  
32 THE ISSUER AGREES TO BORROW FROM THE FEDERAL GOVERNMENT AND THE  
33 FEDERAL GOVERNMENT AGREES TO LEND TO THE ISSUER, PRIOR TO THE MATURITY  
34 OF THE BONDS OR OTHER OBLIGATIONS, MONEYS IN AN AMOUNT WHICH (TOGETHER  
35 WITH ANY OTHER MONEYS COMMITTED IRREVOCABLY TO THE PAYMENT OF  
36 PRINCIPAL AND INTEREST ON THE BONDS OR OTHER OBLIGATIONS) WILL SUFFICE  
37 TO PAY THE PRINCIPAL OF THE BONDS OR OTHER OBLIGATIONS WITH INTEREST TO  
38 MATURITY ON THEM. THE MONEYS UNDER THE TERMS OF THE AGREEMENT SHALL  
39 BE REQUIRED TO BE USED FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND  
40 THE INTEREST ON THE BONDS OR OTHER OBLIGATIONS AT THEIR MATURITY. THE  
41 BONDS AND OTHER OBLIGATIONS SHALL BE AUTHORIZED SECURITY FOR ALL  
42 PUBLIC DEPOSITS. THIS SECTION AUTHORIZES ANY PERSONS OR PUBLIC OR PRIVATE  
43 POLITICAL SUBDIVISIONS AND OFFICERS TO USE ANY FUNDS OWNED OR  
44 CONTROLLED BY THEM FOR THE PURCHASE OF ANY BONDS OR OTHER  
45 OBLIGATIONS. WITH REGARD TO LEGAL INVESTMENTS, THIS SECTION MAY NOT BE

1 CONSTRUED TO RELIEVE ANY PERSON OF ANY DUTY OF EXERCISING REASONABLE  
2 CARE IN SELECTING SECURITIES.

3 A1-113. SHORT TITLE.

4 THIS APPENDIX SHALL BE KNOWN AND MAY BE CITED AS THE BOONSBORO  
5 URBAN RENEWAL AUTHORITY FOR SLUM CLEARANCE ACT.

6 A1-114. AUTHORITY TO AMEND OR REPEAL.

7 THIS APPENDIX, ENACTED PURSUANT TO ARTICLE III, SECTION 61 OF THE  
8 CONSTITUTION OF MARYLAND, MAY BE AMENDED OR REPEALED ONLY BY THE  
9 GENERAL ASSEMBLY OF MARYLAND.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005.