

CHARTER

OF THE

Town of Marydel

CAROLINE COUNTY, MARYLAND

*As found in a 1981 Publication
by the Maryland Technical Advisory Service*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I Incorporation

Section

- 101. Corporate Name.
- 102. Corporate Boundaries.

ARTICLE II The Commission

- 201. Number and Term.
- 202. Qualifications of Commissioners.
- 203. Salary of Commissioners.
- 204. Meetings of the Commission.
- 205. President of the Commission.
- 206. Executive Powers and Duties.
- 207. Same; Assignment of.
- 208. Quorum.
- 209. Procedure of Commission.
- 210. Vacancies on the Commission.
- 211. Ordinances.
- 212. Files of Ordinances.

ARTICLE III Powers of the Town

- 301. General Powers.
- 302. Express Powers.
- 303. Exercise of Powers.
- 304. Enforcement of Ordinances.

ARTICLE IV Elections

- 401. Voters.
- 402. Board of Supervisors of Elections.
- 403. Removal.
- 404. Duties.
- 405. Notice.
- 406. Registration.

- 407. Appeal.
- 408. Nominations.
- 409. Election of the Commission.
- 410. Conduct of Elections.
- 411. Absentee Ballots.
- 412. Special Elections.
- 413. Vote Count.
- 414. Vacancies on Commission.
- 415. Women.
- 416. Preservation of Ballots.
- 417. Regulation and Control.
- 418. Penalties.

ARTICLE V

Finance

- 501. Fiscal Year.
- 502. Budget.
- 503. Budget Adoption.
- 504. Transfer of Funds.
- 505. Over-Expenditure Forbidden.
- 506. Appropriations Lapse After One Year.
- 507. Checks.
- 508. Taxable Property.
- 509. Budget Authorized Levy.
- 510. Notice of Tax Levy.
- 511. When Taxes are Overdue.
- 512. Sale of Tax Delinquent Property.
- 513. Audit.
- 514. Tax Anticipation Borrowing.
- 515. Authorization to Borrow Money.
- 516. Payment of Indebtedness.
- 517. Previous Issues.
- 518. Purchasing and Contracts.

ARTICLE VI

Personnel

- 601. Clerk.
- 602. Treasurer.
- 603. Attorney.
- 604. Authority to Employ Personnel.
- 605. Compensation of Employees.
- 606. Employee Benefit Programs.
- 607. Prohibition.

ARTICLE VII

Public Ways and Sidewalks

- 701. Definition of Public Ways.
- 702. Control of Public Ways.
- 703. Powers of Town as to Public Ways.
- 704. Powers of Town as to Sidewalks.

ARTICLE VIII

Water and Sewers

- 801. Powers of Town.
- 802. Placing Structures in Public Ways.
- 803. Obstructions.
- 804. Entering on County Public Ways.
- 805. Connections.
- 806. Same – Charge.
- 807. Changes in Plumbing, etc., to Prevent Waste or Improper Use.
- 808. Private Systems.
- 809. Extensions Beyond Boundaries.
- 810. Right of Entry.
- 811. Pollution of Water Supply.
- 812. Contracts for Service.
- 813. Charges.

ARTICLE IX

Special Assessments

- 901. Power to Levy Special Assessments.
- 902. Procedure.

ARTICLE X

Town Property

- 1001. Acquisition, Possession, and Disposal.
- 1002. Condemnation.
- 1003. Town Buildings.
- 1004. Protection of Town Property.

ARTICLE XI

General Provisions

- 1101. Oath of Office.
- 1102. Official Surety Bonds.
- 1103. Prior Rights and Obligations.

- 1104. Effect of Charter on Existing Ordinances.
- 1105. Gender.
- 1106. Separability.

APPENDIX I

Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Additional powers.
- A1-104. Establishment of Urban Renewal Agency.
- A1-105. Powers withheld from the agency.
- A1-106. Initiation of project.
- A1-107. Preparation and approval of plan for urban renewal project.
- A1-108. Disposal of property in urban renewal area.
- A1-109. Eminent domain.
- A1-110. Encouragement of private enterprise.
- A1-111. General obligation bonds.
- A1-112. Revenue bonds.
- A1-113. Short title.
- A1-114. Authority to amend or repeal.

MARYDEL

ARTICLE I **Incorporation** (See Note 1)

Section 101. Corporate Name.

This charter is the municipal corporation charter of the Town of Marydel, Caroline County, Maryland the corporate name of which is the Commissioners of Marydel. The municipal corporation here continued under its corporate name has all the privileges of a body corporate, by that name to sue and be sued, to plead and be pleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

Section 102. Corporate Boundaries.

A description of the corporate boundaries of the town at all times shall be on file with the town and with the clerk of the court of the county.

The corporate boundaries are as follows: Beginning at the Delaware line at a point marked by a persimmon tree opposite the R.R. crossing known as Fords crossing, thence running west 1,200 feet to a marked point in front of the Henry Steele home property on the Marydel Templeville Road, thence running south 1,575 feet to a marked point opposite the Thomas Pritchett property on the Marydel Henderson Road, thence running east 1,350 feet to the Delaware line to a marked point opposite the James A. Smith property, thence following the Delaware line north to the place of the beginning.

ARTICLE II **The Commission**

Section 201. Number and Term.

All legislative powers of the Town are vested in a commission consisting of three commissioners who shall be elected as hereinafter provided and who shall hold office for a term of three years or until their successors take office. The regular term of a commissioner shall expire on the first Town Commission meeting in December following the election of his or her successor. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding commission takes office under the provisions of this Charter. (Res. No. 2001-01, 11-13-01.)

Section 202. Qualifications of Commissioners.

Commissioners shall be at least twenty-one years of age and shall have been qualified voters of the town for at least six months preceding their election. They shall maintain their voter status during the entire term of office.

Section 203. Salary of Commissioners.

Each commissioner shall receive an annual salary which shall be equal for all commissioners and shall be as specified from time to time by an ordinance passed by the commission in the regular course of its business; provided, however, that the salary specified at the time any commission takes office shall not be changed during the period for which that commission was elected. The ordinance making any change in the salary paid to the several commissioners either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding commission and shall take effect only as to the members of the next succeeding commission.

Section 204. Meetings of the Commission.

The newly elected commission shall meet on the first Tuesday in December following its election for the purpose of organization, after which the commission shall meet regularly at such times as may be prescribed by its rules, of necessity, but not less frequently than once each quarter. Special meetings shall be called by the President of the commission or a majority of the members of the commission. All meetings of the Town Commission shall be open to the public except for executive matters as defined by State law. (Res. No. 2000-01, 2-23-00; Res. No. 2001-01, 11-13-01; Res. No. 2005-1, 2-07-06.)

Section 205. President of the Commission.

At the first regularly scheduled or the first meeting in December, the Commissioners shall elect one of their members as president of the Commission. The president shall preside at all meetings of the commission, shall have a voice in all discussions and shall vote on all matters brought before the commission. The president shall serve as the ceremonial head of the town government. In the absence of the president, the commission shall appoint one of its members pro-tempore to have all of the powers and duties of the president during the absence of that official. (Res. No. 2006-1, 2-07-06.)

Section 206. Executive Powers and Duties.

The executive powers and duties of the town are defined below and shall require the person or persons exercising them to:

- a. Insure that the laws of the town are enforced.
- b. Appoint the town employees and relieve them in cases of incompetence or other unsatisfactory performance, subject to approval by the commission.

c. Report as necessary to the commission concerning the activities and finances of the town government.

d. Prepare the annual budget proposal and submit it to the commission.

e. Direct and administer all activities of the departments, offices and agencies of the town.

f. Manage all finances of the town.

g. Exercise other powers and perform other duties as may by ordinance be required by the commission.

Section 207. Same; Assignment of.

The executive powers and duties defined in Section 206 above shall rest with the President of the Commission unless by ordinance they are otherwise assigned to:

a. One or more of the other commissioners.

b. The town manager, if such an employee is hired by the town.

c. A combination of commissioners and appointed employees.

Section 208. Quorum.

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

Section 209. Procedure of Commission.

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

Section 210. Vacancies on the Commission.

In the event of a vacancy on the commission for any reason, the commission shall appoint some person, qualified in accordance with Section 202, to fill such vacancy for the remainder of the unexpired term.

Section 211. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the commission held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all members of the commission. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval.

Section 212. Files of Ordinances.

Ordinances shall be permanently filed by the town clerk and shall be kept available for public inspection.

ARTICLE III

Powers of the Town

Section 301. General Powers.

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

Section 302. Express Powers.

The commission shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of this State, for the specific purposes provided in the remaining subsections of this section.

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

b. *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.

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

d. *Appropriations.* – To appropriate municipal moneys for any purpose within the powers of the council.

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

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

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

h. *Boards, commissions and committees.* – To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The powers, responsibilities and entitlements for each group appointed shall be prescribed in the ordinance which creates it.

i. *Bridges.* – To erect and maintain bridges.

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

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

l. *Codification of ordinances.* – To provide for the codification of all ordinances.

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

n. *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.

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

p. *Dangerous improvements.* – To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor

will pay all damages resulting from such work which may be sustained by any persons or property.

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

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

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

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

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

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

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

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

y. *Franchises.* – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town,

subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

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

aa. *Grants-in-aid.* – To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

ab. *Hawkers.* – To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

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

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

ae. *Jail.* – To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

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

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

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

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

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

ak. *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.

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

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

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

ao. *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.

ap. *Parking meters.* – To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

aq. *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.

ar. *Police force.* – To establish, operate and maintain a police force. All town policemen, when within the town, shall have all the powers and authority of police officers in other law enforcement units in the state.

as. *Police powers.* – To enforce all laws of the city and state equally within the limits of the town and to enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the town and beyond those limits for one half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.

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

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

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

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

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

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

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

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

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

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

Section 303. Exercise of Powers.

For the purpose of carrying out the powers granted in this sub-title or elsewhere in this charter, the Commission may pass all necessary laws. All the powers of the town shall be

exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 304. Enforcement of Ordinances.

To assure the observance of the ordinances of the town, the Commission 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 or imprisonment for not exceeding ninety days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this charter has the right of appeal within ten days to the circuit court of the county. The Commission 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 a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

ARTICLE IV

Elections

Section 401. Voters.

The town shall maintain a register of all persons eligible to vote in the town elections. Those qualified to vote shall be entitled to vote in all town elections. All voters must be a citizen of the United States and at least eighteen years of age. In addition, for a period of at least thirty days preceding the election, each voter must have lived within the town.

Section 402. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members who shall be appointed by the Commission on or before the September meeting of the Town Commission. The terms of members of the Board of Supervisors of Elections begin on the September meeting of the Town Commission in the year in which they are appointed and run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the Commission for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Commission. (Res. No. 2001-01, 11-13-01.)

Section 403. Removal.

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

Section 404. Duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses or other compensation shall be paid to such appointees except as provided by the commission.

Section 405. Notice.

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

Section 406. Registration.

The Commission by ordinance shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when necessary. (Res. No. 2001-01, 11-13-01.)

Section 407. Appeal.

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, he may appeal to the Commission. Any decision or action of the Commission upon such appeals may, in turn, be appealed to the Circuit Court of Caroline County within ten days of the decision or action of the Council.

Section 408. Nominations.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before September 30. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. (Res. No. 2001-01, 11-13-01.)

Section 409. Election of the Commission.

On the first Tuesday after the first Monday in November in each year an election shall be held for one town commissioner for a term of three years. (Res. No. 2001-01, 11-13-01.)

Section 410. Conduct of Elections.

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

Board of Supervisors of Elections shall keep the polls open from 2:00 p.m. to 5:00 p.m. on election days, or such other hours as may be designated by the Commission.

Section 411. Absentee Ballots.

Any qualified voter registered to vote in the Town of Marydel is entitled to vote in any municipal election by absentee ballot. The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen days prior to the elections.

Section 412. Special Elections.

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

Section 413. Vote Count.

a. Immediately after closing the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Clerk–treasurer of the town who shall record the results in the minutes of the commission.

b. The candidate with the greatest number of votes shall be declared elected as commissioner. (Res. No. 2001–01, 11–13–01.)

c. In the event of a tie vote which would result in more than five persons being named as commissioners, a special run–off election among those tied shall be held within forty days. The Board of Supervisors of Elections shall give at least five days notice of the time and place of this special election.

Section 414. Vacancies on Commission.

If any vacancy shall occur by death, resignation, removal or failure to act of one or more of the commissioners, the remaining commissioners shall by majority vote elect a properly qualified person to fill the vacancy for the remainder of that term.

Section 415. Women.

Women shall have equal privileges with men in registering, voting and holding town offices. Whenever the masculine gender is used in this charter it shall be construed to include the feminine gender.

Section 416. Preservation of Ballots.

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

Section 417. Regulation and Control.

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

Section 418. Penalties.

Any person who

a. fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder,

b. in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or

c. willfully or corruptly does anything which will, or will tend to, affect fraudulently any registration, nomination, or election, shall, upon conviction by a proper court, 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 V
Finance

Section 501. Fiscal Year.

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

Section 502. Budget.

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

Section 503. Budget Adoption.

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

Section 504. Transfer of Funds.

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

Section 505. Over-Expenditure Forbidden.

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

Section 506. Appropriations Lapse After One Year.

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

Section 507. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the treasurer and shall be countersigned by the President of the Commission.

Section 508. Taxable Property.

All real property and/or business personal property within the corporate limits of the town shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on property which is exempt from taxation by any Act of the General Assembly.

Section 509. Budget Authorized Levy.

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

Section 510. Notice of Tax Levy.

Each year after the tax levy is made, a bill or account of the taxes due from him shall be mailed or delivered in person to each taxpayer or his agent at his last known address. This bill or account shall contain a statement of the amount of real estate property and/or business personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive 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 511. When Taxes are Overdue.

The taxes provided for in section 510 of this charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate prescribed by ordinance for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in section 512.

Section 512. Sale of Tax Delinquent Property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by section 511 of this charter shall be turned over by the treasurer to the official of the county responsible for the sale of tax delinquent property as provided in state law. All property listed thereon shall if necessary be sold for taxes in the manner prescribed by state law.

Section 513. Audit.

The financial books and accounts of the town shall be audited annually in a manner determined by the commission but not contrary to applicable state law.

Section 514. Tax Anticipation Borrowing.

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

of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 515. Authorization to Borrow Money.

The town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37 inclusive, of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title “Municipal Corporations,” sub-title “Creation of Municipal Public Debt.”

Section 516. Payment of Indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 517. Previous Issues.

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

Section 518. Purchasing and Contracts.

a. Purchases for the town government shall be made by the treasurer under the direction of the commission. The commission shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

b. All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the commission.

ARTICLE VI

Personnel

Section 601. Clerk.

The commission may appoint a citizen of the town as clerk. The clerk shall attend all meetings of the commission; keep the minutes and other records of commission meetings; and

maintain the official records of all enactments of the commission such as charter amendments, ordinances and resolutions. The clerk shall receive a salary determined by the commission, serve at the pleasure of the commission and perform such other duties as may be required by this charter or the commission.

Section 602. Treasurer.

The commission may appoint a citizen of the town as treasurer, who shall:

- a. Collect all taxes, fees and other revenues due to the town.
- b. Administer all disbursements and advise the commission when any expenditures may exceed budgetary authorizations.
- c. Maintain a general accounting system which will meet any requirement established by the commission or state law.
- d. Submit to the commission a complete financial report at the end of the fiscal year and at such other times as the commission may require.
- e. Have custody of all public money belonging to or under the control of any set of trustees, and have custody of all bonds and notes of the town.
- f. Receive a salary set by the commission and serve at its pleasure.
- g. Perform such other duties as may be required by this charter or the commission.

Section 603. Attorney.

The commission may appoint a member of the bar of the Maryland Court of Appeals as attorney for the town. The attorney shall be the legal counsel of the town and shall serve at the pleasure of the commission. The commission shall determine the compensation and duties of the attorney, and shall have the power to employ other legal consultants as from time to time it deems necessary.

Section 604. Authority to Employ Personnel.

The commission shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or state laws and to operate the town government.

Section 605. Compensation of Employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the commission.

Section 606. Employee Benefit Programs.

The commission may by ordinance provide for and participate in:

- a. Hospitalization plans or other benefit programs of officials and employees of the town.
- b. A personnel merit system for the regular employees of the town.
- c. A retirement plan and pension system either as part of the state pension program for public employees or through other authorized programs.
- d. And may appropriate public funds for all these purposes.

Section 607. Prohibition.

No employee of the town shall continue in such position after becoming a candidate for nomination or election to any public office in the town.

ARTICLE VII

Public Ways and Sidewalks

Section 701. 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 702. Control of Public Ways.

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

Section 703. Powers of Town as to Public Ways.

The town may:

- (1) 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.
- (2) Grade, lay out, construct, open, extend, and make new town public ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.

- (4) Pave, surface, repave, or resurface any town public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name town public ways.
- (8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 704. Powers of Town as to Sidewalks.

The town may:

- (1) 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.
- (2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
- (3) Require that the owners of any property abutting on a sidewalk keep the sidewalks clear of all ice, snow, and other obstructions.
- (4) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

ARTICLE VIII
Water and Sewers

Section 801. Powers of Town.

The town may:

- (1) Construct, operate and maintain a water system and water plant.
- (2) Construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.

(3) Construct, operate, and maintain a storm water drainage system and storm water sewers.

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

(5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 802. Placing Structures in Public Ways.

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

Section 803. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 1002. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 804. Entering on County Public Ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 805. Connections.

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

Section 806. Same – Charge.

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

Section 807. Changes in Plumbing, etc., to Prevent Waste or Improper Use.

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

Section 808. Private Systems.

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

Section 809. Extensions Beyond Boundaries.

The town may extend its water or sewerage systems beyond the town limits.

Section 810. Right of Entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance

notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section 811. Pollution of Water Supply.

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

Section 812. Contracts for Service.

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

Section 813. Charges.

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

ARTICLE IX

Special Assessments

Section 901. Power to Levy Special Assessments.

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

Section 902. Procedure.

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

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

b. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property.

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

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

e. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of the County within twenty-one (21) days after the levying of any assessment of the commission.

f. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years, and in such manner as the commission may determine. The commission shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the commission.

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

h. All special assessments shall be billed and collected by the treasurer.

ARTICLE X

Town Property

Section 1001. Acquisition, Possession, and Disposal.

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

Section 1002. Condemnation.

The town shall have the power to 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 shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the “Real Property” Article of the Annotated Code of Maryland, Title 12, Eminent Domain.

Section 1003. Town Buildings.

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

Section 1004. Protection of Town Property.

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

ARTICLE XI

General Provisions

Section 1101. Oath of Office.

a. Before entering upon the duties of their offices, the commissioners, the clerk, the treasurer, the members of the Board of Supervisors of Elections and all other persons elected or appointed to any office of profit or trust in the town government, shall take and subscribe the following oath or affirmation: “I, , do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or

prejudice, execute the office of according to the Constitution and Laws of this State.”

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

Section 1102. Official Surety Bonds.

The clerk, the treasurer and such other officers or employees of the town as the commission or this charter may require, shall give bond in such amount and with such surety as may be required by the commission. The premiums on such bonds shall be paid by the town.

Section 1103. Prior Rights and Obligations.

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

Section 1104. Effect of Charter on Existing Ordinances.

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

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

Section 1105. Gender.

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

Section 1106. Separability.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context

in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

APPENDIX I

Urban Renewal Authority for Slum Clearance

A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area or single property in which the building or buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the town of Marydel, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area or single property where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or morals.
- (h) “Urban renewal area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.
- (i) “Urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate any land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.
- (j) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
 - (1) Acquisition of a slum area or a blighted area or portion of them;

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

A1-102. Powers.

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

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

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

A1-103. Additional powers.

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

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

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

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

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

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

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

(i) To the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition, removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction,

reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

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

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

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

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

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

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

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

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

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

(8) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

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

A1-104. Establishment of Urban Renewal Agency.

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

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

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

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

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

A1-105. Powers withheld from the agency.

The agency may not:

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

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

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

A1-106. Initiation of project.

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

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

(2) Locates and defines the slum or blighted area; and

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

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

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

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

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

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

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

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

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

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential,

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

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

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

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

A1-109. Eminent domain.

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

A1-110. Encouragement of private enterprise.

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

A1-111. General obligation bonds.

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

A1-112. Revenue bonds.

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

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the

provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in sections 9, 10, and 11 of Article 31 (Debt – Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

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

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

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

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of

issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

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

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

A1-113. Short title.

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

A1-114. Authority to amend or repeal.

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

NOTES

(1) Two versions of Resolution 2001-01, effective November 13, 2001, were sent to the Department of Legislative Services. In correspondence with the Department, the Town of Marydel indicated that the resolution that modified Sections 201, 204, 402, 406, 408, 409, and 413(b) of the Charter was the correct version of the Charter Resolution and that the other version (which modified Sections 6 and 7 of the Charter) was to be disregarded. Since there is no Section 6 or Section 7 in this version of the Charter and since this Department has been unable to discover the equivalent sections to Section 6 and Section 7 in this Charter, and also since the Town instructed this Department to disregard the version of Resolution 2001-01 containing modifications to Sections 6 and 7, the changes made in regard to Resolution 2001-01 have only been made in accordance with the version of the Resolution that modified Sections 201, 204, 402, 406, 408, 409, and 413(b).

(2) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Marydel in Chapter 10 of the Acts of the General Assembly of 2002.

