

CHARTER

OF THE

# **City of Cambridge**

DORCHESTER COUNTY, MARYLAND

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## CAMBRIDGE

### Section 3–1. Incorporated; general powers.

(a) *General powers.* The inhabitants of the City of Cambridge, in Dorchester County, are now and shall hereafter be, as they have heretofore been, a body corporate under the named title of “The Commissioners of Cambridge,” with all rights, franchises, powers, privileges and prerogatives, which, on April 7, 1900, they do, as a body corporate, have, hold and possess, and as well all the rights, franchises, powers, privileges and prerogatives which are given under this sub–title, and that may hereafter be given, acquired or received thereby under the authority of law. The said commissioners, as such, shall have perpetual succession, and by said name may sue and be sued. They may purchase or otherwise acquire and hold and possess real, personal and mixed property for corporate purposes and may sell, dispose of and convey such property for the benefit of said City whether said property was held in a governmental or proprietary capacity and either before or after dedication of same to public use, and without special authority from the General Assembly of Maryland for the making of such sale, disposition or conveyance; and they may use a corporate seal, and may alter the same at pleasure. The said Commissioners of Cambridge shall have the power of eminent domain as provided in Article 32A of the Annotated Code of Maryland.

(b) *Trust Funds.* The said commissioners of Cambridge shall have full power to accept trust funds and benefits and to act as trustee under any instrument devising, bequeathing or otherwise giving money, property or other things of value for the benefit of the City of Cambridge or other public purpose, whether such instruments shall have been executed heretofore or hereafter. (P.L.L., 1888, Art. 10, § 41; 1930, § 39; 1961 Code, § 20; 1882, Ch. 216; 1900, Ch. 339, § 41; Res., March, 1961; Charter Amdt. No. 4, 8–21–62; Charter Amdt. No. 48–74–1, 3–2–74.)

### Section 3–2. Corporate limits.

The corporate limits of the City of Cambridge shall include the land and territory contained and embraced within the following metes and bounds, courses and distances, to wit:

Beginning at a point where center line of Queen Anne Avenue Extended intersects the center of the Great Choptank River, thence runs with the center line of Queen Anne Avenue to a city stone on the bank of said River; thence runs with the center of Queen Anne Avenue, south 41° 22' 00" west, 2717.9 feet to the center line of Glasgow Street; thence from center line of said street south 47° 30' 00" west, 1849.5 feet to the back property line of Edlon Parkway; thence north 26° 00' 01" west, 152.92 feet; thence north 26° 17' 28" west, 51.12 feet; thence north 26° 29' 53" west, 501.75 feet; thence north 26° 00' 02" west, 99.81 feet; thence north 26° 00' 02" west, 235.60 feet to Lovers' Lane; thence south 71° 39' 45" west, 679.58 feet; thence south 88° 56' 15" west, 308.46 feet; thence north 83° 42" west, 246.50 feet; thence south 19° 29' 25" east, 688.19 feet; thence south 30° 38' 59" east, 281.93 feet; thence south 30° 31' 53" east, 575.70 feet; thence south 74° 30' 53" west, 1009.85 feet; thence north 14° 42' 26" west, 1754.71 feet; thence north 39° 36' 23" east, 315.46 feet; thence north 59° 29' 22" west, 1480.68 feet; thence south 20° 34' 05" west, 723.40 feet; thence with a curve in Lovers' Lane, R–230.77 feet, A–282.39 feet; thence north 87° 80' 12" east, 154.52 feet; thence south 00° 59' 40" west, 421.35 feet; thence south 56° 32' 09" west, 165.61 feet; thence north 00° 19' 20" west, 165.01 feet; thence south 89° 40' 40" west, 50.00 feet; thence north 01° 45' 20" west, 349.52

feet; thence north  $88^{\circ} 59' 49''$  west, 387.32 feet; thence south  $00^{\circ} 19' 20''$  east, 483.70 feet; thence north  $89^{\circ} 34' 53''$  east, 139.82 feet; thence south  $02^{\circ} 09' 01''$  west, 237.40 feet; thence south  $71^{\circ} 04' 10''$  west, 150.32 feet; thence north  $61^{\circ} 50' 27''$  east, 31.52 feet; thence south  $12^{\circ} 41' 23''$  east, 227.53 feet; thence south  $60^{\circ} 47' 51''$  west, 102.77 feet; thence south  $52^{\circ} 08' 18''$  west, 61.57 feet; thence south  $20^{\circ} 53' 29''$  west, 228.15 feet; thence south  $35^{\circ} 07' 01''$  east, 122.05 feet; thence south  $17^{\circ} 20' 47''$  east, 351.01 feet; thence south  $50^{\circ} 03' 50''$  east, 450.01 feet; thence south  $14^{\circ} 58' 10''$  east, 61.30 feet; thence south  $76^{\circ} 34' 54''$  west, 114.16 feet; thence south  $31^{\circ} 41' 50''$  west, 176.85 feet; thence north  $20^{\circ} 55' 00''$  east 81.00 feet; thence south  $27^{\circ} 12' 51''$  west, 143.65 feet; thence south  $64^{\circ} 02' 55''$  east, 327.10; thence south  $41^{\circ} 32' 36''$  east, 135.98 feet; thence north  $85^{\circ} 44' 37''$  east, 172.92 feet; thence north  $78^{\circ} 41' 13''$  east, 417.00 feet; thence south  $25^{\circ} 13' 48''$  east, 61.30 feet; thence south  $83^{\circ} 09' 46''$  east, 257.40 feet; thence with the arc of a curve, R-107.00 feet, A-119.27 feet; thence south  $09^{\circ} 13' 33''$  east, 433.11 feet; thence south  $89^{\circ} 13' 00''$  east, 31.59 feet; thence south  $47^{\circ} 43' 12''$  east, 20.35 feet; thence with a curve of Md. Rte. 343, R-741.20 feet, A-239.49 feet; thence south  $68^{\circ} 18' 13''$  east, 673.59 feet; thence north  $21^{\circ} 41' 47''$  east, 10.00 feet; thence south  $68^{\circ} 18' 13''$  east, 25.00 feet; thence south  $21^{\circ} 41' 47''$  west, 10.00 feet; thence south  $68^{\circ} 18' 13''$  east, 345.15 feet; thence north  $12^{\circ} 10' 42''$  east, 1880.41 feet; thence south  $30^{\circ} 08' 35''$  east, 1161.66 feet; thence south  $10^{\circ} 37' 15''$  west, 393.01 feet; thence south  $39^{\circ} 56' 45''$  east, 349.58 feet; thence south  $30^{\circ} 47' 00''$  west, 620.00 feet to the center line of Washington Street (Md. Rte. 343) and Leonard's Lane; thence north  $74^{\circ} 23' 20''$  west, 2118 feet along Md. Rte. 343 toward Greenlawn Cemetery; thence south  $10^{\circ} 16' 10''$  east, 1209 feet; thence south  $7^{\circ} 12' 40''$  west, 6531 feet; thence south  $11^{\circ} 35' 30''$  east, 1194 feet to the intersection of Bayly Road with Md. Rte. 16; thence north  $75^{\circ} 37' 10''$  east, 402.6 feet following Md. Rte. 16; thence north  $80^{\circ} 46' 30''$  east, 1995.8 feet still following Md. Rte. 16 to the intersection with Egypt Road, south  $10^{\circ} 22' 20''$  east, 470.9 feet along Egypt Road; south  $10^{\circ} 23' 30''$  east, 610 feet still following Egypt Road; south  $87^{\circ} 49' 20''$  west, 2892 feet; south  $0^{\circ} 00' 00''$  east, 1510 feet; north  $83^{\circ} 57' 40''$  east, 3122 feet to Egypt Road; south  $67^{\circ} 10' 00''$  east, 1236 feet; south  $79^{\circ} 22' 50''$  east, 325.5 feet; north  $2^{\circ} 14' 40''$  east, 1095 feet; south  $68^{\circ} 57' 50''$  east, 696.4 feet to Maple Dam Road; north  $1^{\circ} 56' 30''$  east, 590.3 feet along Maple Dam Road; south  $70^{\circ} 01' 10''$  east, 1053.4 feet; north  $90^{\circ} 00' 00''$  east, 2860 feet to Stone Boundary Road; south  $69^{\circ} 08' 00''$  east, 1712 feet; south  $03^{\circ} 19' 39''$  west, 527.60 feet; south  $68^{\circ} 31' 18''$  east, 809.15 feet; north  $03^{\circ} 05' 48''$  east, 52.94 feet; north  $43^{\circ} 06' 57''$  east, 625.89 feet to Woods Road; thence north  $06^{\circ} 14' 55''$  west, 2366.17 feet; thence south  $88^{\circ} 02' 42''$  west, 209.68 feet; thence north  $06^{\circ} 44' 15''$  west, 143.94 feet; thence north  $82^{\circ} 36' 14''$  east, 206.89 feet; thence north  $07^{\circ} 27' 45''$  west, 320.08 feet; thence north  $23^{\circ} 00' 32''$  west, 21.58 feet; thence south  $86^{\circ} 53' 06''$  west, 955.62 feet; thence north  $4^{\circ} 54' 20''$  west, 2148.01 feet, intersecting the old City Line; thence in a northeasterly direction north  $89^{\circ} 35' 00''$  east, 1700 feet to a point where the center line of Woods Road intersects the center line of the Pennsylvania Railroad; thence running and binding with the center line of said Woods Road, north  $17^{\circ} 06' 00''$  east, 230 feet; thence north  $62^{\circ} 14' 02''$  east 84.86 feet; thence south  $72^{\circ} 45' 58''$  east, 406.95 feet; thence a distance of 169.91 feet along the arc of a curve to the left, said curve having a radius of 648.35 feet and a chord which bears south  $80^{\circ} 16' 25''$  east, 169.42 feet to a point; thence south  $87^{\circ} 46' 52''$  east, 100.00 feet; thence a distance of 228.81 feet along the arc of a curve to the right, said curve having a radius of 380.00 feet and a chord which bears south  $70^{\circ} 31' 52''$  east, 225.37 feet to a point; thence south  $36^{\circ} 43' 08''$  west, 610.71 feet to the north side of the Pennsylvania Railroad; thence along the Pennsylvania Railroad south  $55^{\circ} 38' 59''$  east, 2119.63 feet to the west side of Maryland Route 16; thence following Maryland Route 16 the next two courses north  $20^{\circ} 43' 01''$  east, 706.14 feet; north  $19^{\circ} 50' 08''$  east, 650.08 feet; thence north  $23^{\circ} 34' 00''$  west, 41.91 feet; thence north  $69^{\circ} 16' 59''$  west, 658.08 feet; thence a distance of 211.85 feet along the arc of a curve to the right, said curve having a radius of 1530.00 feet and a chord which bears north

65° 18' 59" west, 211.68 feet to a point; thence north 61° 20' 59" west, 174.86 feet; thence a distance of 237.37 feet along the arc of a curve to the right, said curve having a radius of 580.00 feet and a chord which bears north 49° 37' 32" west, 235.71 feet to a point; thence south 36° 43' 08" west 563.43 feet; thence north 53° 16' 52" west, 450.00 feet; thence a distance of 264.94 feet along the arc of a curve to the left, said curve having a radius of 440.00 feet and a chord which bears north 70° 31' 52" west, 260.96 feet to a point; thence north 87° 46' 52" west, 100.00 feet; thence a distance of 154.18 feet along the arc of a curve to the right, said curve having a radius of 588.35 feet and a chord which bears north 80° 16' 25" west, 153.74 feet to a point; thence north 72° 45' 58" west, 406.95 feet; thence north 27° 46' 17" west, 84.86 feet to a point in the middle of Woods Road; thence following Woods Road north 17° 6" east, 1690 feet to the north side of U.S. Rte. 50; thence running and binding with the north side of said U.S. Rte. 50, south 52° 43' 00" east, 2211.00 feet; thence by a curve to the left, radius is 1909.86 feet, a bearing of south 65° 03' 00" east, a length of chord of 1011.11 feet; thence still running and binding with said U.S. Rte. 50 south 74° 03' 00" east, 2030 feet to the southwestern side of property now owned by William E. Gannon; thence running and binding with said Gannon property north 15° 25' 00" east, 2877 feet; north 68° 30' west, 275 feet; thence north 21° 30' 00" east, 158 feet to a city stone on the bank of the Choptank River; thence from said stone to the center of the Great Choptank River, running and binding with the center of the Great Choptank River in a westerly direction to the point of intersection of the center of the Great Choptank River and the center line of Queen Anne Avenue extended or the place of beginning. (P.L.L., 1888, Art. 10, § 42; 1930, § 40; 1961 Code, § 21; 1882, Ch. 216; 1892, Ch. 487; 1900, Ch. 339, § 42; 1927, Ch. 573; Charter Amdt. No. 6, 6-25-63; Charter Amdt. No. 47-73-2, 1-27-74; Charter Amdt. No. 85, § 1, 2-7-77; Charter Amdt. No. 89-77-5, § 1, 8-8-77; Charter Amdt. No. 94-79-1, § 1, 3-13-79; Charter Amdt. No. 96-79-3, § 1, 9-18-79; Charter Amdt. No. 103-84-2, § 1, 1-9-85.)

Section 3-2.1. February, 1989 Annexation.

*LOT NO. ONE*

All of that lot, piece or parcel of land as described in a Deed dated December 15, 1987, and recorded among the Land Records of Dorchester County, Maryland, in Liber P.L.C. No. 247, folio 859, and according to which said Deed is therein and herein more particularly described as follows:

BEGINNING at a point formed by the northeasterly right-of-way line of Goldsborough New Road (abandoned) with the Southeasterly right-of-way line of Woods Road, said point lying on a bearing and distance of S 17° 15' 26" W 1467.61' from a point formed by the said southeasterly right-of-way line of the State of Maryland Railroad Administration right-of-way (66' wide), said point being coordinated on the Maryland State Plane Coordinate System as N263396.649 E1068105.854, thence running in the datum of said Maryland State Plane Coordinate System, (1) leaving Goldsborough New Road and running along Woods Road N 17° 15' 26" E 102.32' to a point on the southeasterly line of Lot 1, thence running, (2) leaving said Woods Road and running along said Lot 1, the following three courses, S 60° 30' 40" E 551.34' to an iron rod with cap set, passing over an iron rod with cap set 18.38' from beginning of said course, thence running, (3) N 17° 15' 26" E 1210.09' to an iron rod with cap set, thence running, (4) S 70° 01' 37" E 443.92' to an iron rod with cap set on the aforementioned southerly line of the aforementioned State of Maryland State Railroad Administration right-of-way as recorded in Land Records of Dorchester County, Maryland, in Liber 222, folio 769, thence running, (5) leaving said Lot 1 and running along said State of Maryland State

Railroad Administration right-of-way, S 55° 38' 59" E 1069.87' to a concrete monument found on the northwesterly line of the lands of now or formerly William E. Burton as recorded in the aforesaid Land Records in Liber 131, folio 254, thence running, (6) leaving said State of Maryland State Railroad Administration right-of-way and running along said line of Burton S 20° 44' 50" W 1280.21' to an iron pipe found on the aforementioned northeasterly line of Goldsborough New Road (abandoned), thence running, (7) N 60° 30' 40" W 1971.68' to the point and place of beginning, passing over a concrete monument found 18.38' from the end of said course. CONTAINING 45.33 acres of land.

*LOT NO. TWO*

All of that lot, piece or parcel of land, contiguous to Lot No. One (1), above, and more particularly described as follows:

BEGINNING for the outlines of the aforesaid fourth course in the above described Lot One, and by and with the fifth course of Lot No. One as follows: (1) S 55° 38' 57" E 1,069.87' to a Concrete Monument; thence (2) N 34° 21' 03" E 66' to the Industrial Park, entitled "Chesapeake Industrial Park"; then by and with the Southerly boundary of Chesapeake Industrial Park; (3) N 55° 38' 59" W 1,069.87'; thence (4) S 34° 21' 00" W 67' to point or place of beginning being all of that land owned by State of Maryland used by State Railroad Administration, lying between Lot No. One as described above and the Chesapeake Industrial Park. (Unnumbered resolution, Feb. 2, 1989.)

Section 3-2.2. April, 1989 Annexation.

All of that land conveyed unto the Petitioners by deed recorded among the Land Records of Dorchester County in Liber P.L.C. No. 250, folio 619.

BEGINNING for the outline of the same at a point on the Northeasterly side of State Road, Route 343, making the intersection of the Cambridge Corporate Boundary with said Route 343; and thence from said point of beginning by and with the Corporate boundary of Cambridge (1) North 12° 10' E 1,880' to a continuation of present Corporate limits of the City of Cambridge; thence (2) binding with the Corporate limits of the City of Cambridge, S 30° 8' E 584'; thence (3) S 84° 30' W 82.5' to a stone in a ditch; thence (4) S 11° 30' W 1,468' to the Northeast side of State Route 343; thence (5) by and with the Northeast side of said State Route 343, in a general North 60° 10' W direction to the point or place of beginning, let the distance be what it may. (Unnumbered resolution, April 27, 1989.)

Section 3-2.3. August, 1989 Annexation.

ALL that property at the intersection of Woods Road and Maryland Route 16, and more particularly described as follows:

BEGINNING at a point on the Southerly right-of-way line of Maryland Route 16, known as station 62+10 on State Road Commission Plats 31942-31944, said point also being coordinated on the Maryland State Plane Coordinate System as N 260890.82 E 1067470.99, thence running, in the datum of the said Maryland State Plane Coordinate System, 1) leaving said Md. Rte. 16 and running the next three courses along the Northwesterly right-of-way line of Stone Boundary Road S 54° 38' 33" E 87.38' to a point, thence running, 2) S 12° 54' 49" E 100.50' to a point, thence running, 3) S 23°

08' 54" E 18.50' to a point on the Northerly line of the land of now or formerly William E. Burton as recorded in the Land Records of Dorchester County, Maryland in Liber 162, folio 135, thence running, 4) leaving said right-of-way line of Stone Boundary Road and running Southwestwardly along said line of Burton S 87° 06' 16" W 955.71' to the Corporate Limit Line of the City of Cambridge, passing over an iron rod with cap set 5.48' from the beginning of said course, thence running, 5) leaving said Burton and running Northwestwardly through the lands of Mace Thomas being the City of Cambridge Corporate Limit Line N 4° 54' 20" W 270.95' to a point on the aforesaid right-of-way line of Md. Rte. 16, thence running, 6) running Eastwardly the next three courses along said Md. Rte. 16 S 86° 22' 38" E 268.45' to a point, thence running, 7) S 84° 52' 38" E 150.08' to a point, thence running, 8) S 86° 47' 11" E 460.00' to the point and place of beginning, containing 4.6198 acres of land. The above described parcel of land is intended to be a portion of the land lying outside of the City of Cambridge Corporate Limits as shown on a plat entitled "Survey of the land of Mace Thomas, et. al." as prepared by William W. Ludlow, Jr., Professional Land Surveyor on June 6, 1987 and recorded in the Land Records of Dorchester County, Maryland in Platbook 41, folio 31 on June 19, 1987. (Unnumbered resolution, August 13, 1989.)

Section 3-2.4. October, 1989 Annexation.

BEGINNING, at a concrete monument formed by the intersection of the Northwesterly line of Lot 4 as shown on a Plat entitled 'Subdivision Lots 1 thru 8 incl. & Parcel A Chesapeake Industrial Park' dated June 8, 1982, with the Southerly right-of-way line of Chesapeake Drive, 60' wide, said beginning point being coordinated on the Maryland State Plane Coordinate System as N 263457.70 E 1069108.64, thence running, in the datum of said Maryland State Plane Coordinate System 1) leaving said right-of-way line of Chesapeake Dr. and running Southwestwardly along the Northwesterly line of said Lot 4 S 36° 43' 08" W 550.71' to a metal fence post found on the Northeasterly right-of-way line of the Pennsylvania Railroad 66' wide, thence running, 2) leaving said Lot 4 and running Northwestwardly along the Northeasterly right-of-way line of said Pennsylvania Railroad N 55° 39' 00" W 777.45' to an iron rod with cap set on the Easterly right-of-way line of Woods Road, thence running, 3) leaving said Pennsylvania Railroad and running Northwardly along the Easterly right-of-way line of said Woods Rd. N 17° 14' 02" E 221.10' to an iron rod with cap set on the transition between Woods Rd. and the aforementioned Chesapeake Dr., thence running, 4) leaving said Woods Rd. and running along said transition N 62° 14' 02" E 42.43' to an iron rod with cap set on the Southerly right-of-way line of said Chesapeake Dr., thence running, 6) leaving said transition and running Eastwardly along said right-of-way line of Chesapeake Dr. the next 4 courses S 72° 45' 58" E 406.95' to an iron rod with cap set, thence running, 7) along a curve deflecting to the left an arc length of 169.91' with a radius of 648.35' having a chord bearing and chord of S 80° 16' 25" E 169.42' to an iron rod with cap set, thence running, 8) S 87° 46' 52" E 100.00' to an iron rod with cap set, thence running, 9) along a curve deflecting to the right an arc length of 228.81' with a radius of 380.00' having a chord bearing and chord of S 70° 31' 52" E 225.37' to the point and place of beginning, containing 7.544 acres of land.

ALSO all of that plot of land being the roadbed of Woods Road and described as as follows:

BEGINNING, for the outlines of the same at the end of the Second course as hereinabove described and with a continuation thereof 1) N 55° 39' 00" W 30' more or less to the center line of Woods Road, thence with the center line of Woods Road 2) N 17° 14' 02" E 221.10' thence 3) S 55°

39' 00" E 30' to the hereinabove described land thence 4) S 72° 14' 02" W 221.10' to the point or place of beginning. (Unnumbered resolution, October 5, 1989.)

Section 3-2.5. December, 1990 Annexation.

BEGINNING, at a concrete monument formed by the intersection of the southwesterly right-of-way line of U.S. Rt. 50, as shown on State Road Commission Plat #7746 and #7747 with the southeasterly line of Red Head Oil Company as recorded in the Land Records of Dorchester County, Maryland in Liber 171, folio 458, said beginning point being coordinated on the Maryland State Plane Coordinated on the Maryland State Plane Coordinate System as N264464.30 E1070059.52, thence running, in the datum of said Maryland State Plane Coordinate System, 1) southeastwardly along the southwesterly line of said U.S. Rt. 50 of the next seven courses, S 61 degrees 29' 36" E. 479.89' to a point of curvature or a spiral curve, thence running, 2) along said spiral curve to the left having a  $O_s = 4$  degrees 30';  $L_s$  308.17' with a chord bearing and chord of S 62 degrees 57' 27" E 308.07' to a point of curvature, thence running, 3) along a curve deflecting to the left an arc length of 82.50' with a radius of 1961.86' with a chord bearing and chord of S 69 degrees 55' 41" E 269.26' to a point thence running, 4) S 47 degrees 17' 17" E 81.94' to a point of curvature, thence running, 5) along a curve deflecting to the left an arc length of 82.50' with a radius of 1999.86' with a chord bearing and a chord of S 77 degrees 08' 41" E 82.49' to a point of curvature of a spiral curve, thence running, 6) along a spiral curve to the left having  $O_s = 1$  degrees 49' 05" E  $L_s$  126.92' having a chord and chord bearing of S 79 degrees 54' 07" E 126.92' to a point, thence running, 7) S 22 degrees 15' 11" E 46.13' to an intersection with the northwesterly right-of-way line of Md. Rt. 16 as shown on State Road Commission Plat #31949, thence running, 8) southwestwardly along the northwesterly right-of-way line of Md. Rt. 16 the next five courses S 20 degrees 43' 01" W 100.00' to a point, thence running, 9) S 01 degrees 05' 04" E 26.93' to a point, thence running, 10) S 20 degrees 43' 01" W 300.00' to a point, thence running, 11) S 22 degrees 08' 57" W 280.09' to a point, thence running, 12) S 22 degrees 08' 57" W 120.04' to a point at the southwest corner of the intersection of Airpax Drive and Md. Rt. 16, thence running 13) leaving said Md. Rt. 16 and running northwesterly along said southerly line of Airpax Drive, the next seven courses, N 23 degrees 34' W 41.91' to a point, thence running, 14) N 69 degrees 16' 59" W 658.08' to a point of curvature, thence running, 15) along a curve deflecting to the right an arc length of 211.85' with a radius of 1530.00' having a chord bearing and chord of N 65 degrees 18' 59" W 211.68' to a point of tangency, thence running, 16) N 61 degrees 20' 59" W 174.86' to a point of curvature, thence running, 17) along a curve deflecting to the right an arc length of 371.58' with a radius of 580.00' having a chord bearing and chord of N 42 degrees 59' 47" W 365.26', to a point of tangency, thence running, 18) N 24 degrees 38' 34" W 322.50' to a point of curvature thence running, 19) along a curve deflecting to the left an arc length of 47.28' with a radius of 378.01' having a chord bearing and chord on N 28 degrees 13' 33" W 47.25', thence running, 20) N 36 degrees 43' 08" E 63.80' across Airpax Drive to a point on the southeasterly line of the aforementioned Red Head Oil Company, said point being distant from a concrete monument being the southeasterly corner of said Red Head Oil Company on a bearing and distance of N 36 degrees 43' 08" E 1.81' thence running, 21) northeastward along the southeasterly line of said Red Head Oil Company the next three courses, N 36 degrees 43' 08" E 124.94' to a point, thence running, 22) N 59 degrees 45' 31" E 191.82' to a point, thence running, 23) N 64 degrees 30' 01" E 183.02' to a point and place of beginning containing 28.8 acres of land. The above described parcel of land is intended to be all of Parcel 1 and Parcel 3 as shown on a Plat entitled, "Subdivision Parcel 1 thru 4 of a portion of the lands of Mar Ben, Inc." as prepared by Andrews Miller & Assoc., Inc., September 12, 1980 and recorded among the Land Records of

Dorchester County, Maryland in Platbook 25, folio 73 on October 9, 1980. (Unnumbered resolution, December 13, 1990.) (See Note (14))

Section 3–3. Boundaries of wards.

(a) *Number:* Cambridge shall be divided into five (5) wards, bounded as follows:

(b) *First Ward:* All of that portion of Dorchester County bounded and described as follows: Beginning at the point of intersection of the Algonquin/Cambridge census designated place/city line and the Cambridge city line, and proceeding northerly along the Algonquin/Cambridge census designated place/city line to the Cambridge city line, and proceeding easterly along the Cambridge city line to the Algonquin/Cambridge census designated place/city line, and proceeding northerly along the Algonquin/Cambridge census designated place/city line to the Choptank River, and proceeding easterly along the Choptank River to Cambridge Creek, and proceeding southerly along the western side of Cambridge Creek to Court Lane, and proceeding westerly along Court Lane to the Westside of Census Block 240199704003018, and proceeding along the western side Census Block 240199704003018 to High Street, proceeding northerly along High Street to William Street, and proceeding westerly along William Street to Mill Street, and proceeding southerly along Mill Street to Travers Street, and proceeding westerly along Travers Street to Willis Street, and proceeding southerly along Willis Street to Park Lane, and proceeding westerly along Park Lane to Leonard Lane, and proceeding southerly along Leonard Lane to MD Rte. 343 (Hudson Road) and proceeding westerly along Hudson Road to the Cambridge city line and the point of beginning.

(c) *Second Ward:* All of that portion of Dorchester County bounded and described as follows: Beginning at the point of intersection of the Cambridge city line to MD Rte. 16 (Church Creek Road), and proceeding northerly along the Cambridge city line to MD Rte. 343 (Hudson Road), and proceeding easterly along MD Rte. 343 (Hudson Road) and proceeding easterly along MD Rte. 343 (Hudson Road) to the intersection of the Cambridge city line and Leonard Lane, and proceeding northerly along Leonard Lane to Park Lane, and proceeding easterly along Park Lane to Rigby Avenue, and proceeding southerly along Rigby Avenue to Md Rte. 343 (Hudson Rd) and proceeding easterly along MD Rte. 343 (Hudson Road) to High Street, and proceeding southerly along High Street to Bradley Avenue, and proceeding westerly along Bradley Avenue to Maces Lane, and proceeding southerly along Maces Lane to Bayly Road, and proceeding easterly along Bayly Road to Goldsborough Avenue, and proceeding easterly along Goldsborough Avenue to Race Street, and proceeding southerly along Race Street to Robbins Farm Rd., and proceeding easterly along Robbins Farm Rd. to the eastern boundary of Census Block 240199706001055, and proceeding southerly on the eastern boundary of Census Block 240199706001055 to the eastern boundary of Census block 240199706001052, and proceeding southerly on the eastern boundary of Census block 240199706001052 to MD Rte. 16 (Church Creek Rd.), and proceeding westerly along MD Rte. 16 (Church Creek Rd.) to the Cambridge city line and the point of beginning.

(d) *Third Ward:* All of that portion of Dorchester County bounded and described as follows: Beginning at the point of intersection of Rigby Avenue and Washington Street, and proceeding northerly along the eastern boundary of Ward 2 and Rigby Avenue to Park Lane, and proceeding westerly along Park Lane to Willis Street, and proceeding northerly along Willis Street to Travers Street, and proceeding easterly along the southern boundary of Ward One and Travers Street

to Mill Street, and proceeding northerly along Mill Street to William Street, and proceeding easterly along William Street to High Street, and proceeding southerly along High Street to the northern boundary of Census Block 240199704003039, and proceeding easterly along the boundary of Census Block 240199704003039 to Court Lane, and proceeding easterly along Court Lane to Cambridge Creek, and proceeding southerly along the western side of Cambridge Creek to Cedar Street, and proceeding easterly on Cedar Street to Perimore Street, and proceeding southerly along Perimore Street and the western boundary of Ward five to Brohawn Avenue, and proceeding easterly along Brohawn Avenue to Front Street, and proceeding southerly along Front street to Washington Street, and proceeding westerly along Washington Street to the intersection of Washington Street and Rigby Avenue and point of beginning.

(e) *Fourth Ward:* All of that portion of Dorchester County bounded and described as follows: Beginning at the point of intersection of the Cambridge city line and Stone Boundary Road, and proceeding southerly to a point of intersection of the Cambridge census designated/City line, and proceeding northerly along the Cambridge city line to MD Rte. 16 (Church Creek Rd.), and proceeding easterly along MD Rte. 16 (Church Creek Rd.), to the eastern boundary of the Second Ward, and census Block 240199706001052 proceeding northerly along Census Block 240199706001052 to the eastern boundary of Census Block 240199706001055, and proceeding northerly on the eastern boundary of Census Block 240199706001055 to Robbins Farm Road, and proceeding westerly along Robbins Farm Road to Race Street, and proceeding northerly along the eastern boundary of Ward Two and Race Street, and proceeding northerly along Race Street to Goldsborough Avenue, and proceeding westerly along Goldsborough Avenue to Bayly Road, and proceeding southerly along Bayly Road to Maces Lane, and proceeding northerly along Maces Lane to Bradley Avenue, and proceeding easterly along Bradley Avenue to High Street, and proceeding northerly along high street and the eastern boundary of Ward two Washington Street, and proceeding easterly along Washington Street to Goodwill Avenue, and proceeding southerly along Goodwill Avenue to Boundary Avenue, and proceeding westerly along Boundary Avenue to Stone Boundary Road, and proceeding southerly along Stone Boundary Road to the point of beginning.

(f) *Fifth Ward:* All of that portion of Dorchester County bounded and described as follows: Beginning at the point of intersection of the Cambridge city line and Stone Boundary Road and proceeding northerly along Stone Boundary Road and the eastern boundary of Ward Four to Boundary Avenue and proceeding easterly along Boundary Avenue to Goodwill Avenue, proceeding northerly along Goodwill Avenue to Washington Street, and proceeding northerly along Front Street to Brohawn Avenue, and proceeding westerly along Brohawn Avenue to Perimore Street, and proceeding northerly along Perimore Street to Cedar Street, and proceeding northerly along the eastern boundary of Cambridge Creek to the Choptank River, and proceeding easterly along the Choptank River to the designated Cambridge city line, and proceeding southerly along the Cambridge city line to MD Rte. 50 (Sunburst highway), and proceeding westerly along MD Rte. 50 (Sunburst Hwy.) to Woods Road, and proceeding southerly along Woods Road to the Cambridge city line, and proceeding easterly to the Cambridge city line and Chesapeake Drive, and proceeding northerly to MD Rte. 50, along the eastern boundary of Census blocks 240199707021041, 240199707021042, and 240199707021027, excluding census blocks 240199707021041, 240199707021042, 240199707021032 and 240199707021027, and proceeding easterly along MD Rte. 50 and the Cambridge city line to the intersection of the Cambridge city line and Bucktown Road, and proceeding southerly along the city line and the eastern boundary of census block 240199707021045 to Bucktown

Road, and proceeding northerly along the Cambridge city line to the northern boundary of census block 240199707021055, and proceeding easterly along the Cambridge city line and eastern boundary of census block 240199707021055 to Bucktown Road, including census blocks 240199709001083 and 240199709001084, and proceeding westerly along the boundary of census block 240199707021114 to Bucktown Road, and proceeding northerly along Bucktown Road to the southern boundary of Census Block 240199707021045, and proceeding westerly along the western boundary line of census block 240199707021045 and the city line to MD Rte. 16, and proceeding southerly along Rte. 16 (Gypsy Hill Road) and the city line to the southern boundary of census block 240199707021078, and proceeding westerly to the eastern boundary of census block 240199707021082, and proceeding along the boundary line of census block 240199707021082 and the city line to the intersection of the city line and census block 240199706001079, and proceeding westerly along the city line and the southern boundary of census block 240199706001079 to Woods road, and proceeding southerly along the city line and Woods Road to the southern boundary of census block 240199706001033, and proceeding westerly to the eastern boundary of census block 240199706001031, and proceeding southerly along the city line and eastern boundary of census block 240199706001031 to the northern boundary of census block 240199706001080, and following the city line, to include census block 240199706001080, and proceeding southerly along the city line to MD Rte. 16, and proceeding easterly along MD Rte. 16 to the eastern boundary of census block 240199706001072, and following the boundary of census block 240199706001072 to census block 240199706001076, and proceeding westerly to the intersection of the city line and point of beginning. (P.L.L., 1930, Art. 10, § 45; 1961 Code, § 8; 1900, Ch. 339, § 43; 1902, Ch. 521, § 43; 1910, Ch. 81, § 43 (p. 799); Sp. Sess., 1948, Ch. 14; Res. 3–13–61; Charter Amdt. No. 49–74–2, 528 (c), (e), 3–2–74; Charter Amdt. No. 86, § 1, 2–7–77; Charter Amdt. No. 95–79–2, § 1, 3–13–79; Charter Amdt. No. 97–79–4, § 1, 9–18–79; Charter Amdt. No. 104–84–3, § 1, 1–9–85; Charter Amdt. No. 108–85–2, § 1, 11–5–85; Res. No. CR–2004–01, 4–13–04; Res. No. CR–2012–01, 3–24–12.)

Section 3–4. Records; minute, ordinance, general record books.

(a) *Types.* The commissioners shall provide and keep three (3) classes of record books: First, the minute books; second, the ordinance books; third, the general record books. They shall also keep an assessment book, and they may keep such other books as may be necessary.

(b) *Minute books.* The minute books shall contain memoranda and entries showing the proceedings of the commissioners as they occur. When an ordinance is passed, the minute book shall show its number and title, and shall set forth the number of commissioners who voted for and the number who voted against it. The minute book shall also show the transactions of the commissioners, and a memorandum of all contracts entered into by the commissioners shall be entered in said book, together with the names of the commissioners who voted for and those who voted against such contract.

(c) *Ordinance book.* All ordinances passed by the commissioners shall be set out in full in the ordinance book, with the proper number affixed thereto and the date of the enactment of such ordinance placed at the end thereof. The commissioners of Cambridge are hereby declared to have full power and authority to pass all ordinances which have been passed by the said commissioners, and all ordinances so passed and recorded in the ordinance book, now in use by the commissioners, are hereby declared to be valid and in full force and effect.

(d) *General record book.* In the general record book shall be recorded all notices, papers, documents, petitions, certificates and other papers connected with the election of commissioners and other municipal elections, all contracts, in full, entered into by the commissioners with other persons, and all other papers and documents which the commissioners may order to be recorded therein.

(e) *Extracts.* Extracts from any of the municipal record books, copies from any papers or documents, recorded therein, and copies of any ordinance set out in the ordinance book shall be admissible in evidence, when pertinent and relevant, in any of the courts of this state, when verified by a certificate signed by the City Manager and authenticated by the corporate seal, provided, that the clerk of the circuit court for Dorchester County, when the extract or copies are to be used outside of said county, shall certify by his hand and the seal of the said court that the person who verifies the said extract or copy is the City Manager of Cambridge; and provided, that no extract shall be made by the City Manager unless he embodies in the same all that the municipal records contain about the matter in question; and provided further, that the said City Manager, if called on for a copy of an ordinance, shall embrace with the copy of the ordinance asked any amendments that may have been made thereto, or if the same has been repealed, he shall state the fact in his certificate.

(f) *Use.* In any court in Dorchester County the record books themselves may be offered in evidence to prove any relevant or pertinent matter contained in the same. The City Manager shall be entitled to receive compensation at the rate that may be from time to time established for any copy or extract of said records but no compensation shall be paid for the extracts or copies for the use of the commissioners. The record books shall be open for the inspection of any resident of Cambridge, unless they are actually in use by the commissioners or the City Manager. (P.L.L., 1930, Art. 10, § 46; 1961 Code, § 29; 1900, Ch. 339, § 44; 1904, Ch. 395, § 44; Charter Amdt. No. 50-74-3, § 29 (e), (f), 3-2-75; Charter Amdt. No. 89-77-5, § 1, 8-8-77; Res. No. CR-2016-01, 8-9-2016.)

#### Section 3-5. Commissioners; number, election, tenure, qualifications.

The corporate authority, government, rights, power and prerogatives of Cambridge shall be vested in and exercised by five commissioners, who shall be known as “The Commissioners of Cambridge”, which is also the municipal corporate title and said commissioners shall be elected as in this sub-title provided. The term of office of each commissioner shall be for four years and until his successor is elected and qualified. The said commissioners shall be elected one from each of several wards, as heretofore described, and the voters of each ward shall vote separately for the commissioner from that ward and no other. No one shall be eligible to be elected to the office of commissioner unless on the day of the general election or the day of the primary election, if there be one, in which he seeks election to the office of commissioner he shall be a qualified voter entitled to vote in said election and is of that day 25 years of age and has been a bona fide resident of the City for one year next preceding said election and a bona fide resident of his ward. (P.L.L., 1930, Art. 10, sec. 47; 1961 Code, sec. 30; 1900, Ch. 339, sec. 45; 1910, Ch. 233, sec. 45 (p. 772); 1912, Ch. 694, sec. 45; Res., March 13, 1961, sec. 47; Charter Amdt. 19, July 28, 1969; Charter Amdt. 45-72-2, May 2, 1972; Charter Amdt. 107-85-1, November 11, 1985.)

Section 3–6. Commissioners; election.

The Commissioners of Cambridge shall be elected in a city wide election to be held on the Tuesday immediately following the first Monday of November, 2020, at which time and at all subsequent elections to be held on said Tuesday of November every fourth year so as to coincide with the Presidential elections, all five commissioners will be voted on simultaneously by ward, provided, however, that the commissioners elected to office in July, 2016 shall serve until January, 2021 or until their successors take office. (Charter Amdt. 20, July 28, 1969; Res. No. CR–2016–04, 8–30–2016.)

Section 3–7. Supervisor of elections.

(a) *Appointment, tenure.* The City Manager shall serve as the supervisor of elections.

(b) *Alternate Supervisor of Elections.* In the event, for any reason, the supervisor of elections at any time is unable to serve and perform the duties of the office, the Finance Director shall assume and perform the duties of said office of supervisor of elections and when acting for and in the place of the supervisor of elections is empowered, authorized and directed to perform all the duties of said office.

(c) *Certification of elections.* As soon as the polls have closed following any town election, the supervisor of elections, in the presence of poll watchers, if any, and with the assistance of election judges, shall proceed to ascertain and transcribe the votes recorded on each voting machine, and shall certify the same to the board of canvassers before 12:00 noon on the Wednesday next following the election. On that same day, the board of canvassers, in the presence of poll watchers, if any, shall proceed to count, certify, and canvass the absentee ballots cast in the election.

(d) *Issuance of election certificates.* The supervisor of elections shall issue a certificate of election to each official elected, and issue two certificates, one to the mayor and one to the council, whenever any proposition is submitted to the vote of the people, showing the vote for and against, which certificate shall be on blanks prepared by the City Manager, and shall contain a plain statement of the facts and be signed by the supervisor of elections. (1961 Code, sec. 31; 1943, Ch. 923, sec. 47A; 1953, ch. 83, sec. 47A; Res., March 13, 1961, sec. 47A; Charter Amdt. 32, July 28, 1969, sec. 31(b); Res. No. CR–2011–02, 9–13–11; Res. No. CR–2016–01, 8–9–2016; Res. No. CR–2016–02, 8–9–2016.)

Section 3–8. Universal registration for elections.

(a) The Commissioners of Cambridge shall provide for the registration of the names of all the persons who possess the qualifications prescribed in Section 3–11 to be qualified voters, which registration shall be conclusive evidence to the Supervisor of Elections of the right of every person, thus registered, to vote in any election held in the City of Cambridge; but no person shall vote at any election held in the City unless his name appears in the list of registered voters under the universal voter registration system for Dorchester County, Maryland; the names of all persons who have the qualifications prescribed in the Section 3–11 herein, and who are not disqualified under this section, shall be added to the list of qualified voters by the supervisor of elections. Registration shall be permanent until a registrant becomes disqualified.

(b) The supervisor of elections shall not maintain a separate registration for voters who do not wish to be registered for county, State or national elections through the universal voter registration system for Dorchester County, Maryland.

(c) If a voter has been removed from the voter roll of the universal voter registration system for Dorchester County, Maryland, pursuant to Section 3–502 of the Election Law Article of the Annotated Code of Maryland, as amended from time to time, it shall be the duty of the supervisor of elections, to cause the registration of that voter to be canceled. Notice of this action and the reason therefor shall be sent to the voter pursuant to Section 3–401 et seq. of the Election Law Article of the Annotated Code of Maryland, as amended from time to time.

(d) A voter whose registration has been canceled under this section shall not thereafter be eligible to vote except by registering again as provided in this section.

(e) Annually the supervisor of elections, or the Dorchester County Board of Elections supervisors, shall determine which such persons shall be removed from this voter roll and send those persons the notice required in this section.

(f) The Dorchester County Board of Elections, with the assistance of the supervisor of elections, shall be in charge of the registration of voters, absentee voting, and the administering of all city elections. The supervisor of elections shall be responsible for public notification of elections, the deadlines for voter registration, the nominations and statements of candidacy and the certification of elections results. The supervisor of elections may appoint, subject to the approval of the Commissioners of Cambridge, election clerks and other employees to assist the supervisor of elections in any way in his or her duties. In addition, registration of voters may be accomplished in accordance with, and pursuant to Maryland Code (1957), Article 33, Section 3–2, as amended by, through or under the authority to the Dorchester County Board of Elections. In the event that this section is not effective on or before January 1, 1990, as required by Maryland Code (1957), Article 33, Section 3–2, as amended, then voters registered by the Dorchester County Board of Elections pursuant to State law on or after January 1, 1990, but before this section of the City of Cambridge Charter becomes effective, shall nevertheless be validly registered for City elections. The supervisor of elections may conduct universal voter registration if authorized by the Dorchester County Board of Elections.

(g) *Notice of registration days and elections.*

(1) It shall be the duty of the supervisor of elections to give public notice of the hours and places for voter registration, and of any changes of such hours and places, and when supplemental registration is authorized, to give notice of the hours and places thereof.

(2) The supervisor of elections shall give public notice of every City election by publishing at least once each week for two (2) consecutive weeks, the first of which publication shall not be more than twenty–one (21) days before the election and last of which publications shall not be less than seven (7) days before the elections, said advertisement to be published in at least one newspaper of general circulation in the City and by posting a notice thereof on the bulletin board in the City office.

(h) *Candidate.* Each candidate at any election held under any of the provisions of the Charter of Cambridge or any amendments thereto, shall have the right to enter the place of registration or the polling place for any ward at any time during the days appointed for registration of voters or during the voting and the counting of the votes. Each candidate shall also have the right to designate one watcher for each polling place who shall have the same power as the candidate himself in regard to observing the conduct of the registration, the casting and counting of the vote. Unless there are more than two candidates for nomination for Commissioners of Cambridge in any ward, no primary election shall be held and the one candidate or two, as the case may be, shall stand as the candidate or candidates to be voted for at the following election or special election for Commissioner of Cambridge.

(i) *Deadlines for voter registration.* Any qualified person desiring to vote in a city election must register to vote at least twenty (20) days prior to the date for said election. In the event that a primary election is required to be held, voter registration shall cease at the close of business on the twentieth (20th) day preceding the date of the primary election, and shall remain closed until 9:00 a.m. on the day immediately following the date of the primary election, and shall then remain open for registration of voters for the general election until the close of business on the twentieth (20th) day preceding the date of the general election. (Res. No. CR 96-001, 4-30-96; Res. No. CR-2004-04, 5-11-04; Res. No. CR-2011-02, 9-13-11.)

Section 3-9. Voting machines.

In all elections held in the City of Cambridge voting machines are permitted to be used and any reference to the use of ballots hereinafter contained applies equally to the use of voting machines with ballot labels thereon. The Dorchester County Board of Elections shall have the authority to use the voting systems and ballots it selects and certifies, pursuant to Section 9-101 et seq. and 9-201, et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time, in all city elections. (Charter Amdt. 52-74-5, March 2, 1974; Res. No. CR-2011-02, 9-13-11.)

Section 3-10. Qualifications of candidates.

(a) *General.* Candidates to be voted for at all elections for commissioners and mayor shall file a statement of candidacy as set forth herein and shall meet all of the qualifications for office as set forth in Section 3-5 and 3-20 of this Charter.

(b) (1) *Statement of candidacy.* Any person desiring to become a candidate for commissioner or mayor shall at least 45 days prior to the date for the election, file with the supervisor of elections a statement of such candidacy in substantially the following form, to wit:

Candidate for Nomination for. ....

State of Maryland, Dorchester County, to wit: I, ..... being first sworn, hereby declare and affirm under the penalties of perjury, that I reside at ..... in the City of Cambridge, County of Dorchester, State of Maryland, and that the aforesaid address is my principal and legal residence, and has been my principal and legal residence continuously since ....., and I am a qualified voter therein; that I am a candidate for the office of ..... to be voted upon at the election

to be held on the ..... day of ....., 20..... . I further certify and affirm, under the penalties of perjury, that (a) I am at least twenty-five (25) years of age (or will attain the age of 25 years prior to the date of the election), (b) that I have been a bona fide resident of the City of Cambridge for one (1) year prior to the date of the election, and (c) that I have continuously been a bona fide resident of Ward No. .... for at least six (6) months prior to the date of the election; and I hereby request my name be placed upon the official ballot for election for such office.

I hereby acknowledge, confirm and agree, that in addition to any other penalties which may be applicable, any person who knowingly misrepresents his/her legal residency, and/or who knowingly makes a false statement in writing regarding his/her residency as a qualification for election, shall be guilty of perjury and shall be disqualified to hold the public office for which he/she has filed.

Signed. ....

Subscribed and sworn to (or affirmed) before me this . . . . day of . . . , 20.... .

Accompanying the Statement of Candidacy shall be a copy of the documentation set forth in Section 3-5 of this Charter.

(2) *Candidate Financial Disclosure.* Any person desiring to become a candidate for commissioner or mayor shall comply with all applicable financial disclosure requirements and election finance reporting requirements, of the City’s Ethics Code in effect at the time of said filing.

(c) *Filing fees.* At the same time candidates for mayor shall deposit with the supervisor of elections the sum of \$50 and candidates for commissioner shall deposit with the supervisor of elections the sum of \$25, which sums shall be paid over to the Commissioners of Cambridge for the purpose of defraying in whole or in part, the expenses of such election.

(d) *Published notice.* Immediately upon the expiration of the time for filing such statements of candidacy the supervisor of elections shall cause to be advertised in two newspapers published in Cambridge, one of which shall be a daily newspaper, if there be a daily newspaper published in said city, the names of the persons who have filed statements of their candidacy and have deposited the filing fee as hereinbefore provided, designating the office for which such person is a candidate.

(e) *Ballots.* The supervisor of elections shall at least two days prior to the date of said city election prepare the ballots for such primary elections, which ballots shall comply with the requirements of ballots for State and County elections as set forth in Section 9-201 et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with the City Charter. All city elections are non-partisan and the ballots therefor shall not state the name of any political party. The ballots shall be in legible type, and shall be headed “Ballot,” and the names of the candidates for the respective office thereon shall be arranged in alphabetical order, and grouped according to their ward residence, and upon each group of names shall appear the words “Vote for One,” and after the name of each candidate shall be a square in which the voter may make a crossmark for the candidate of his choice. Nothing herein shall prohibit the publishing of a sample ballot to the public.

(f) *Voters; challenges.* The persons who are qualified to vote at the general election shall be qualified to vote at the election run-off, if any, and challenges can be made by not more than two persons to be appointed at the time of the opening of the polls by the judges of election, or such challenge shall be made in person by the candidate themselves.

(g) *Tally of ballots; canvass.* Upon the closing of the polls the judges of election shall immediately count the ballots and ascertain the number of votes cast in each ward or polling place for each of the candidates, and make return thereof to the supervisor of elections, at the City Hall, upon blanks to be furnished by said supervisor of elections before the noon hour of the day following said election, and at said time shall return the poll books and registry books, and on the same day the said supervisor of elections shall canvass the returns so received from all the wards or precincts or polling places wherein such election has been held and shall publish at least once in a daily newspaper, and in such other newspapers as he may deem proper the result of such election.

(h) *Nominees.* All persons who satisfy all of the qualifications for candidacy shall be the candidates and the only candidates for any elected office and their names shall be placed upon the ballot at the ensuing municipal election as the candidates whose election is hereinafter provided for. (P.L.L., 1930, Art. 10, sec. 49; 1961 Code, sec. 33; 1912 Ch. 694, sec. 45B; 1954, Ch. 923; Res., March 13, 1961, sec. 49; Charter Amdt. 21, July 28, 1969; Res. No. CR-2004-03, 4-13-04; Res. No. CR-2011-02, 9-13-11; Res. No. CR-2016-05, 8-30-2016.)

Section 3-11. Qualifications of voters.

(a) *Qualified voters.* Only persons qualified to vote in city elections, according to the terms of paragraph (b) of this section, shall be registered as qualified voters.

(b) *Qualifications.* The qualifications of voters are the following, each one of which is applicable to every voter:

- (1) Citizen of the United States;
- (2) Age of eighteen (18) years or older on or before the day of the next city election;
- (3) Resident of the State of Maryland for twenty (20) days preceding the next city election;
- (4) Resident of the City of Cambridge as of the time for closing of registration, next preceding the city election;
- (5) Not constitutionally regulated and prohibited by subsection (c) or subsection (d) of this Section 3-11 and;
- (6) Not convicted of buying or selling votes.

(c) *Conviction of crime.* No person shall be registered as a qualified voter, nor be permitted

to vote in any city election, if he has been convicted of a criminal offense and is not qualified to register as prescribed by Section 3–102 of the Election Law Article, Annotated Code of Maryland, as amended from time to time.

(d) *Persons under guardianship.* No person shall be registered as a qualified voter if he is under guardianship for mental disability, as prescribed and set forth in Section 3–102 of the Election Law Article, Annotated Code of Maryland.

(e) Every qualified voter of the city is entitled to vote in all city elections. (Res. No. CR 96–001, 4–30–96; Res. No. CR–2011–02, 9–13–11.)

#### Section 3–12. Absentee voting.

A qualified voter may vote by absentee ballot except to the extent preempted under an applicable federal law, and/or as prescribed by Section 9–304 of the Election Law Article, Annotated Code of Maryland, as amended from time to time. Such voter shall make application for an absentee ballot with the Dorchester County Board of Elections. Applications for absentee ballots shall be available beginning on the forty–fifth (45th) day prior to the date set for the Primary Election, and shall provide for the option of the voter requesting an absentee ballot for the primary and/or general election on the same application. Applications shall be due in the office of the Dorchester County Board of Elections prior to the election. All forms used for absentee voting shall be as prescribed by state law as codified in Section 9–301 et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time. Absentee ballots shall be received at the office of the Dorchester County Board of Elections on or before the hour established for the closing of polls on the date of each election. Ballots received thereafter shall not be accepted, counted or valid. The applications for absentee ballots, the review, issuance or rejection of absentee ballots, the use of an agent in the absentee ballot process, and any and all other documentation and procedures adopted and approved for State and County elections, and as codified in the Election Law Article of the Annotated Code of Maryland, shall be applicable to all city elections. (Charter Amdt. 33, July 28, 1969; Charter Amdt. 71–74–24, March 27, 1974; Charter Amdt. No. 83–75–2; Res. No. CR–2004–05, 5–11–04; Res. No. CR–2011–02, 9–13–11.)

#### Section 3–12A. Special Elections.

(a) Whenever the Commissioners of Cambridge order that a Special Election shall be held, as set forth in Section 3–16 or 3–21A hereof, said Special Election shall be held and conducted as follows:

(1) At the meeting of City Council at which the vote is made to order a Special Election, pursuant to Section 3–16 or 3–21A hereof, the City Council shall announce that anyone wishing to file as a candidate in the Special Election shall have FIFTEEN (15) days from the date of said vote to file a statement of candidacy. The deadline for filing said statement of candidacy shall also be published in a newspaper of general circulation within the city.

(2) If only two persons qualify as candidates, then only one Special Election shall be held, the winner of which shall become the elected official. Said Special Election shall be held on

the fourth Tuesday following the deadline date for filing statements of candidacy; [.]

(3) If more than two persons file and qualify as candidates, then a primary Special Election shall be held on the fourth Tuesday following the deadline date for filing statements of candidacy. In the event one of the candidates receives more than FIFTY PERCENT (50%) of the votes cast in the primary Special Election, said candidate shall become the elected official and no run-off election shall be held. If neither of the candidates receives more than FIFTY PERCENT (50%) of the votes cast, then the two candidates receiving the most votes cast shall proceed to the Run-off Special Election.

(4) The Run-Off Special Election, if any, shall be held on the fourth Tuesday, following the date of the Primary Special Election. The candidate receiving the most votes cast in the Run-Off Special Election shall become the elected official.

(5) The elected official of the Special Election shall be sworn in at the beginning of the next city council meeting following the certification of votes by [the] Supervisor of Elections. (CR-2006-01, 6-12-07.)

### Section 3-13. General elections.

(a) *Date.* On the Tuesday immediately following the first Monday of November, in the year two thousand twenty (2020), and on the Tuesday immediately following the first Monday of November every four years thereafter, there shall be an election held in the City of Cambridge for the purpose of choosing commissioners and the mayor, as hereinafter provided.

(b) *Ballots; provided.* The supervisor of elections shall provide the official ballot for such election or elections, the form and arrangement of such ballot shall be consistent with the State election laws applicable to ballots, as codified in the Election Law Article, Annotated Code of Maryland, as amended, and candidates for the same office shall be grouped together and the names shall be arranged alphabetically according to said group on said ballot.

(c) *Same; form.* The supervisor of elections or the Director and staff of the Dorchester County Board of Elections shall deliver at each polling place on the day of said election to the judges of election before the opening hour, the said registries of voters and a sufficient number of the said official ballots or voting machines or systems, certified and approved by the State, and each qualified voter shall be provided a ballot or access to a ballot on the voting machine or system, for the purpose of voting and shall be accepted by the judges or counted in canvassing the vote provided that nothing herein shall be deemed to prevent candidates for the various offices to have sample ballots, to be provided for at their own expense, for instructing the voters. After each name on said ballot and to the right thereof, shall be a square upon which the voter shall make a crossmark or by such other means as approved by the State of Maryland to indicate the candidate of his choice.

(d) *Procedure.* If any voter cannot read or write, or is disabled by reason of any physical infirmity, he may ask one of the judges of election to mark his ballot as he desires. When a voter offers to vote, the judges shall ascertain by reference if his name is on the registry of voters. Provided, however, that in any election held in the City of Cambridge, voting machines may be used in the same

manner as provided for elections held in Dorchester County.

(e) *Hours.* In every referendum or election run-off, the polls shall be opened at 7 a.m. and closed at 7 p.m. In all general elections the polls shall be open and voting permitted during the hours established by the Dorchester County Board of Elections for Presidential elections.

(f) In the event one of the qualifying candidates receives more than fifty percent (50%) of the votes cast in the General Election, said candidate shall become the elected official and no run-off shall be held.

(g) *Election Run-off.* If none of the qualifying candidates receives more than fifty percent (50%) of the votes cast at the General Election, then the two candidates receiving the most votes cast shall proceed to a General Election Run-off to be held on the first Tuesday of December immediately following the General Election. The candidate receiving the most votes cast in the Run-Off shall become the elected official.

(h) The elected officials of the General Election shall be sworn in at the beginning of the first city council meeting in January immediately following the General Election. (P.L.L., 1930, Art. 10, sec. 51; 1961 Code, sec. 35; 1900, Ch. 339, sec. 47; 1912, Ch. 694, sec. 47; 1935, Ch. 398, sec. 51; 1943, Ch. 923, sec. 51; 1953, Ch. 83, sec. 51; Res., March 13, 1961, sec. 51; Charter Amdt. 23, July 28, 1969; Res. No. CR-2011-02, 9-13-11; Res. No. CR-2016-05, 8-30-2016.)

#### Section 3-14. Judges and clerks of election.

(a) *Appointment.* Within the 30 days next preceding any primary or special election, the supervisor of elections shall, with disregard as to the political faith, select, submit and recommend to the commissioners for appointment, subject to their approval, the number of election judges to be used in each ward along with persons recommended to serve as election judges for each ward.

(b) *Polling places.* The supervisor of elections shall publish in one or more newspapers published in, or of general circulation in, Cambridge, the names of the judges and clerks of election, the polling place in each ward, or the central polling place for all wards, whichever shall be applicable, and the date and object of the election; said notice shall be published at least twice before each election and the last publication shall not be more than ten nor less than five days before the day of said election or primary election.

(c) *Oaths.* Before proceeding to act, each judge and clerk of election shall make oath that he will, well and faithfully, without fear or favor, partiality or prejudice, perform the duties of judge or clerk, as the case may be, and in the case of a judge that he will deposit or account for all legal ballots in the ballot box, or within the voting machine, and no other ballot, and that he will make out and sign correct returns of the votes cast for each candidate and of the whole number of votes cast at said election.

(d) *Failure to Act.* If any persons, who have been appointed judge or clerk of election or of primary election, shall fail, without good and sufficient reason to excuse him to attend and act, he shall be guilty of a misdemeanor, and on conviction thereof before any court of law in the State of

Maryland, he shall be fined not more than \$500, or committed to jail for not more than sixty (60) days, or both.

(e) *Vacancy.* If any vacancy occurs in the office of judge or clerk of election it shall, if it occurs before the day of election, or primary election, be filled by appointment by the mayor alone. (P.L.L., 1930, Art. 10, sec. 52. 1961 Code, sec. 36. 1900, ch. 339, sec. 48; 1904, ch. 395, sec. 48; 1912, ch. 694, sec. 48; 1943, ch. 923, sec. 52; 1953, ch. 83, sec. 52; Res., March 13, 1961, sec. 52; Ch. Amdt. 72–74–25, March 27, 1974, sec. 36(d); Res. No. CR–2004–02, 4–13–04; Res. No. CR–2011–02, 9–13–11.)

#### Section 3–15. Same; duties, election offenses.

(a) *Duties of judges of election.* The judges of election at every election for commissioners immediately after the polls are closed, shall count the ballots cast in each ward for which they were appointed judges, and the clerks shall tally the votes cast for each candidate, after which the judges shall make out, on blanks furnished by said commissioners, and sign a certificate setting out the whole number of votes cast in said ward and also the number of votes cast for each candidate, which certificate shall be delivered to the supervisor of elections, who shall be responsible for the certification of the official election results for all city elections. The counting and tallying of ballots may occur electronically with election results being uploaded from the memory cards from electronic voting machines to the server or other equipment approved and authorized by the State of Maryland for county and state elections, with appropriate security measures being used to assure the accuracy and integrity of the election process. The certificate of the supervisor of elections shall state the persons receiving the highest number of votes are elected. All election judges shall comply with the policies and regulations as approved and adopted by the Dorchester County Board of Elections relating to the canvassing, counting, tabulating and reporting of votes and ballots.

(b) *Election offenses.* Any person who bribes, coerces or intimidates any voter or attempts to bribe, coerce or intimidate any voters at any election held under the direction of the supervisor of elections and the Commissioners of Cambridge, shall be guilty of a misdemeanor, and on conviction thereof before any court of law shall be fined for each and every offense not more than five hundred dollars (\$500) or confined in the county jail for not more than three (3) months, or both, in the discretion of the court having jurisdiction and hearing said cases. (P.L.L., 1930, Art. 10, sec. 53. 1961 Code, sec. 37. 1900, ch. 339, sec. 49; 1904, ch. 395, sec. 49; 1912, ch. 694, sec. 49; 1943, ch. 923, sec. 53; Charter Amdt. 24, July 28, 1969, sec. 37(a); Ch. Amdt. 73–74–26, March 27, 1974, sec. 37(b); Res. No. CR–2011–02, 9–13–11.)

#### Section 3–16. Vacancies in office of commissioner.

If any vacancy shall happen in the office of commissioner by reason of resignation, death, removal from office, change of residence, failure to qualify, or otherwise, the remaining commissioners shall order a special election to be held to fill the unexpired time for which the commissioner who vacated his office was elected. In such cases judges of election shall be appointed, polling places shall be designated, and the notice and the date and the object of the election shall be given, the election shall be held, and the returns shall be made as provided for by sections 3–14 and 3–15 of this Charter; provided that no special election shall be held to fill a vacancy within the four

months next preceding the date appointed for the regular election. While a vacancy exists ordinances may be passed with the concurrence of three commissioners, as in other cases, and any other acts may be done and performed by a quorum which may ordinarily be done and performed thereby. (P.L.L., 1930, Art. 10, sec. 54, 1961 Code, sec. 38. 1900, ch. 339, sec. 50; Charter Amdt. 7, June 25, 1963; Charter Amdt. 25, July 28, 1969.)

#### Section 3–17. Oaths.

In addition to any officer authorized to administer oaths under the laws of the State of Maryland, the mayor, the City Manager and any commissioner are hereby authorized to administer all official oaths and to administer an oath to any person who may desire to give testimony before the commissioners, or who may be summoned by the commissioners, on any subject, if the mayor or two commissioners shall demand that such testimony be given on oath, and any person who shall refuse or fail to appear when summoned, or who shall refuse to answer any relevant or pertinent questions, or who shall answer falsely any question, or make any false statement on oath before the commissioners or a majority of them, or before the mayor, shall be guilty of a misdemeanor, and on conviction thereof before any court of law shall be fined not more than five hundred dollars (\$500) or confined in the county jail for thirty (30) days, or both, in the discretion of the court having jurisdiction. (P.L.L., 1930, Art. 10, sec. 55. 1961 Code, sec. 39. 1900, ch. 339, sec. 51; 1904, ch. 395, sec. 51; Charter Amdt. 8, June 25, 1963, sec. 39; Ch. Amdt. 74–74–27, March 27, 1974; Res. No. CR–2016–01, 8–9–2016.)

#### Section 3–18. Organization of commissioners; oath.

On the first regularly scheduled City Council meeting in January following the certification of a general election results, the newly elected commissioners shall meet in the City Hall and take the oath required by Article 1, Section 9 of the Constitution of Maryland before the mayor, the City Manager, or any officer authorized to administer oaths in the State of Maryland; any newly elected commissioner not present may take such oath as soon as practical subsequent thereto, but in no event later than thirty days after the said first regularly scheduled City Council meeting in January following the certification of a general election results. (P.L.L., 1930, Art. 10, sec. 56. 1961 Code, sec. 40, 1900, ch. 339, sec. 52; 1904, ch. 395, sec. 52; 1912, ch. 694, sec. 52; Charter Amdt. 8, June 25, 1963, sec. 40; Res. No. CR–2011–01, 8–9–11; Res. No. CR–2016–01, 8–9–2016; Res. No. CR–2016–05, 8–30–2016.)(See note (1))

#### Section 3–19. Same; failure to qualify; test book.

The newly elected commissioners, immediately upon taking the oath of office, shall organize and elect a president, the mayor presiding but having no vote except in case of a tie. Any vacancy in the office of mayor shall be filled by the commissioners. If any person who has been elected commissioner shall fail to qualify as prescribed by section 3–18 of this Charter, his office shall be declared to be vacant and a new election shall be ordered to fill the vacancy as provided by this Charter. The City Manager, in addition to the duties required of him heretofore by this Charter, shall keep a test book which shall be signed by all persons who take an oath of any kind, the said book shall also state the character of the oath taken; that is, whether as an officer or a witness, and if any officer, the title of the office shall be stated. All officers of said town, before entering upon their duties, shall take

the oaths required by Article 1, Section 6, of the Constitution of Maryland and the same shall be recorded in said test book. (P.L.L., 1930, Art. 10, § 57; 1961 Code, § 41; 1900, Ch. 339, § 53; 1904, Ch. 395, § 53; 1912, Ch. 694, § 53; 1931, Ch. 486, § 53; 1935, Ch. 256, § 57; Charter Amdt. No. 8, June 25, 1963, § 41, 6–25–63; Charter Amdt. No. 26, 7–28–69; Res. No. CR–2016–01, 8–9–2016.)

Section 3–20. Mayor; election, compensation, veto powers.

The Mayor of Cambridge shall be nominated in the manner set forth in section 3–10 of this subtitle and shall be elected by the voters of the entire town for a term of four (4) years, with the exception of the term of office commencing July, 2016, which term shall expire on December 31, 2020, or at such time as the mayor elected in the 2020 General Election takes the oath of office, and the election for mayor shall be held at the same time as the commissioners, the qualifications for the office of mayor shall be the same as those of the commissioners as expressed in section 3–5 of the charter of the City of Cambridge. The mayor shall receive an annual salary as set from time to time by an ordinance passed by the commissioners in the regular course of business. Provided, however, that no change shall be made in the salary for any mayor during the term for which he/she was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor. In addition to the powers, hereinafter vested in him/her, said mayor shall have the power to veto any ordinances passed by the commissioners of said city. Every ordinance passed by said commissioners, before it becomes valid, shall be presented to said mayor; if he approved it he shall sign it but if not he/she shall return it with his/her objections to said commissioners; if, after reconsideration thereof, four-fifths of said commissioners vote affirmatively for said ordinance, it shall become valid. If any ordinance shall not be returned by the mayor within six (6) days after it shall have been presented to him/her, the same shall become valid. (1961 Code, § 42; 1935, Ch. 256, § 57A; Charter Amdt. No. 9, 6–25–63; Charter Amdt. No. 27, 6–28–69; Charter Amdt. No. 99–79–6, § 1, 12–25–79; Res. No. CR–2016–05, 8–30–2016.)

Section 3–21. Mayor; oath of office, duties.

(a) *Oath of office.* The mayor–elect shall, on or before the second Monday in January following his or her election, but not before the first day of January following his or her election, appear before the clerk of the circuit court and make the declaration and take the oath prescribed by the Constitution, and procuring from said clerk a certificate of the declaration and oath taken by him/her as mayor, shall return the same to the commissioners.

(b) *General duties.* The Mayor shall be the principal representative of the City in all official and ceremonial matters, and before all Federal, State, and local governmental bodies, including serving as Resident Agent of the City. The mayor shall preside over the meetings of the commissioners and shall be entitled to actively engage in any discussion that occurs during the meetings of the commissioners. The mayor is authorized to declare for the City of Cambridge, when a formal emergency begins and ends. The mayor shall also perform such other duties and functions as may be authorized or required of him under this charter, or the amendments thereto, or by municipal ordinances.

(c) *Personnel Duties.* The mayor shall have a vote along with the City Commissioners on

the issue of termination of the employment contract of: (1) any person who holds the position of City Manager or Acting City Manager, and (2) any Department Head employed pursuant to the employment agreement which agreement is in effect prior to the effective date of this Charter provision, and which employment agreement provides for the Mayor's participation in the termination of employment.

(d) *Voting and veto power.* Unless otherwise provided by specific Ordinance or Charter Provisions, the Mayor shall only vote in the event of a tie vote of the commissioners. The Mayor shall have the power and authority to veto ordinances passed by the commissioners, as set forth in Section 3-20 hereinabove.

(e) *Effective Date.* The effective date of this Charter provision shall be the effective date of Charter Resolution No. CR 2014-1. (P.L.L., 1930, Art. 10, § 58; 1961 Code, § 43; 1900, Ch. 339, § 54; 1939, Ch. 12; Charter Amdt. No. 8, § 43, 6-25-63; Charter Amdt. No. 28, 7-28-69.) (See note (1)) (Res. No. CR-2000-03, 10-31-00; Res. No. CR-2005-01, 1-17-06; Res. No. CR-2014-02, 2-3-2015; Res. No. CR-2016-05, 8-30-2016.) (See note (15)).

Section 3-22. Repealed (Res. No. CR-2014-03, 2-3-2015.)

Section 3-23. Salaries.

The compensation of all officers and employees of the commissioners shall be set from time to time by resolution passed by the commissioners, subject to the restrictions imposed upon establishing the salaries of commissioners and mayor. (1961 Code, sec. 45. 1931, ch. 486, sec. 55A; Charter Amdt. 11, June 25, 1963, sec. 45.)

Section 3-24. Interest.

The City Manager is authorized to charge interest at the rate allowed by law on all outstanding obligations owing to the commissioners of Cambridge as of thirty (30) days from the original billing date unless otherwise prohibited. (Charter Amdt. 46-73-1, April 22, 1973; Res. No. CR-2016-01, 8-9-2016.)

Section 3-25. Tax rate; levy for expenses.

The Commissioners of Cambridge shall annually before the last day of June, levy such sums as they may deem sufficient to meet and pay the running expenses of the city, for the ensuing current year beginning July 1st and ending on the following June 30th. The Commissioners of Cambridge shall annually, at the same time, levy such additional sums of money as shall be sufficient to pay (1) the interest due during said year on all bonds and other indebtedness of the City of Cambridge outstanding during said year, (2) the principal of all serial bonds and indebtedness of the City of Cambridge due during said year, and (3) an annual pro rata contribution to the sinking fund for all bonds and indebtedness of the City of Cambridge not maturing serially, the Commissioners of Cambridge in making the annual levies herein provided for, shall do so item by item, specifying the department of the city for which the levy is made, and the amount to be expended therein. The said commissioners shall not expend any more money in any fiscal year than is levied or received by them

from all sources of revenue, due and owing to the said city. Any commissioner or commissioners voting to authorize such expenditure in excess of the amount levied or received as aforesaid shall be personally responsible for the payment of any sum or sums of money paid in excess of the amount so levied or received. (P.L.L., 1930, Art. 10, sec. 61. 1961 Code, sec. 48. 1900, ch. 339, sec. 56; 1912, ch. 694, sec. 56; 1920, ch. 99; 1927, ch. 38; 1939, ch. 215; 1943, ch. 832; 1945, ch. 318; 1947, ch. 216; Charter Amdt. 13, June 25, 1963.)

Section 3–26. Commissioners; compensation, expenses.

(a) *Salary and compensation.* Until July 8, 1980 each of the five commissioners shall receive an annual salary of \$1,000.00 as compensation for services rendered and in addition thereto shall receive annually the sum of \$300.00 for travelling and other expenses. After July 8, 1980 the annual salary of said commissioners shall be as established pursuant to subsection (b) below and they shall each be entitled to request from budgeted items such amounts necessary for permitted expenses. Should any commissioner fail to attend more than one–thirteenth of the regularly scheduled meetings of the commissioners, then the sum of \$80.00 shall be deducted from said annual salary for each unexcused meeting not attended in excess of one–thirteenth of the regularly scheduled meetings. Absences from meetings for legitimate purposes may be excused by the remaining commissioners.

(b) *Changes.* The salaries of the commissioners shall be established from time to time by ordinance passed by the commissioners in the regular course of business, provided, however, that the salaries specified at the time any commissioner takes office shall not be changed during the period for which that commissioner was elected. The ordinance making any change in the salaries paid to the several commissioners, either by way of increase or decrease, shall take effect only as to commissioners thereafter elected. (P.L.L., 1930, Art. 10, sec. 62. 1961 Code, sec. 49. 1900, ch. 339, sec. 57; 1904 ch. 395, sec. 57; 1912, ch. 694, sec. 57; 1920, ch. 99, sec. 57; 1949, ch. 76; Charter Amdt. 11, June 25, 1963, sec. 49; Charter Amdt. 92–78–2, § 1.)

Section 3–27. Powers listed.

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

(2) *Specific powers.* The commissioners shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state, for the following specific purposes:

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

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

means of egress therefrom.

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

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

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

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

(9) *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.

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

(11) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the town, and to grant building permits for the same; to formulate 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.

(12) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

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

(14) *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.

(15) *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.

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

(17) *Dangerous conditions.* To compel persons about to undertake dangerous

improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(18) *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.

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

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

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

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

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

(24) *Finances.* To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purposes; to have general management and control of the finances of the town.

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

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

(27) *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, however, 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.

(28) *Gambling.* To restrain and prohibit gambling.

(29) *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.

(30) *Grants-in-aid.* To accept gifts and grants of federal or of state funds from the federal or state governments of any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

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

(32) *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; provided, that 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.

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

(34) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purposes.

(35) *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 and in general may require permits or licenses to be obtained where necessary for regulatory purposes in the interest of the public health, safety or morals; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(36) *Liens.* To provide that any valid charges, taxes or assessments made against

any real property within the town shall be liens upon such property, to be collected as municipal taxes are collected. This subsection shall include the power to make water bills and assessments for cutting of weeds liens upon the real estate involved, and any present ordinance of the commissioners pertaining thereto is hereby ratified.

(37) *Lights.* To provide for the lighting of the town.

(38) *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.

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

(40) *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.

(41) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(42) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control 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.

(43) *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.

(44) *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.

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

(46) *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.

(47) *Police force.* To establish, operate and maintain a police force. All town policemen shall, within the municipality, have the powers and authority of constables in this State.

(48) *Police powers.* To prohibit, suppress and punish within the town all vice, gambling and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

(49) *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 regardless of whether held in a governmental capacity or proprietary capacity when no longer needed; to control[,] protect and maintain public buildings, grounds and property of the town. The said Commissioners of Cambridge shall have full power to accept trust funds and benefits and to act as Trustee under any instrument devising, bequeathing or otherwise giving money, property or other things of value for the benefit of the City of Cambridge or other public purpose, whether such instruments shall have been executed heretofore or hereafter.

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

(51) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing; traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter. Said ordinances may be adopted and are fully effective by citing references to codes and regulations which may be too lengthy to embody fully in said ordinance.

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

(53) *Solicitors.* To regulate or license all solicitors and to regulate solicitation.

(54) *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 onto any public or private property in the town.

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

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

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

(58) *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, however, to the limitations and provisions of said article.

(59) *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. (P.L.L., 1930, Art. 10, sec. 63. 1961 Code, sec. 50. 1900, ch. 339, sec. 59; 1902, ch. 481; 1904, ch. 395, sec. 59; 1906, ch. 470 1/2; 1910, ch. 233 (p. 772); 1912, ch. 694, sec. 58; 1920, ch. 290; 1927, ch. 38; Charter Amdt. 14, June 25, 1963; Charter Amdt. 42–71–1, March 15, 1971, sec. 50(49); Charter Amdt. 70–74–23, March 27, 1974, sec. 50(35), (45), (51); Charter Amdt. 102–84–1, April 12, 1984.) (See note (2))

### Section 3–28. Building regulations.

In addition to the powers vested in the Commissioners of Cambridge by section 3–27 the said commissioners shall have power to regulate, control or prohibit upon any land within the corporate limits of Cambridge, by ordinance, the building, erection or the maintenance of any building or structure that works an injury to any person or the enjoyment of property, and to prevent the planting, raising or cultivating of any crop, of any kind, the existence of which within said corporate limits injures any person in health, safety, or the enjoyment of property, and the said commissioners, are further authorized and empowered, in their discretion, at any time, by order to be set forth in their minutes, to increase the salary of any officer or employee from the amount now fixed by the Charter of Cambridge to such an amount as may be reasonable and necessary to procure the services that are required to execute the functions of the municipal government of the city, this to apply to only such officers or employees as are elected or appointed by the Commissioners of Cambridge, or the Police Commissioners of Cambridge. (P.L.L., 1930, Art. 10, sec. 64. 1961 Code, sec. 53. 1920, ch. 99, sec. 58A.) (See notes (1) and (3))

### Section 3–29. Powers as to streets.

(a) *Work authorized.* The Commissioners of Cambridge shall, and it does have the power to provide by ordinance, for locating, opening, closing, grading, graveling, surfacing, shelling, macadamizing, paving and curbing, or for regrading, regraveling, refilling, remacadamizing, repaving or recurbing, using any material or substance for such purpose, as in its discretion shall be most fit and proper, and to change, locate or relocate from time to time, as need requires, in doing any of the aforesaid street improving, any street, lane, alley or any public thoroughfare within the corporate limits of the City of Cambridge, which street, lane, alley or any public thoroughfare or part thereof is now held by it, condemned, ceded, dedicated or opened as a public highway or thoroughfare, or which may hereafter be held by it, condemned, ceded, dedicated, located, opened, widened, straightened or altered, in any form, according to the laws and ordinances regulating the same now enacted or that may hereafter be enacted and ordained, with full power to change the grade line, width, length, course or direction of any public street or public highway within the said corporate limits, and to acquire land and property for the purpose of making any such improvement by purchase from the owners, if possible, by agreement, with the owners as to price, or by condemnation as provided by law, if unable to acquire by purchase agreement.

(b) *Assessment for cost.* To have the power to assess the cost of any such work or improvement, such assessment not to exceed one-half of the cost thereof, upon any property binding upon such street, lane, alley or highway or public thoroughfare or part thereof, the amount to be assessed upon the property to be so assessed that one-fourth of the total cost shall be upon the property on one side of a street, and one-fourth of the total cost on the property on the other side of a street, the assessments to be upon the land on each side of any such street, by front foot apportionment.

(c) *Collection of assessments.* To have the power to collect any such sum or sums of money assessed as aforesaid, in the same manner and by the same process now provided by law for the collection of city taxes from real and personal property by the Commissioners of Cambridge, who shall prescribe the time and place for the payment of any such assessment for any such improvement, and in addition to the means already provided by law for the collection of city taxes the said assessments may be collected by a suit at law, either before a justice of the peace, if within such jurisdiction, or in the Circuit Court for Dorchester County, if the amount is within the jurisdiction of said court, and any judgment rendered in any suit, upon being recorded in the clerk's office of Dorchester County, shall be a first lien in priority, and take precedence over any existing lien of any kind or character, and if necessary to enforce the said lien by fieri [fieri] facias, and sale thereunder, then the land and property so sold shall be free and clear of any other liens or encumbrances, except any other public taxes that may be due and owing, and out of the proceeds of sale, such other taxes shall be paid, if the proceeds of sale shall be sufficient therefor, after paying the costs and the amount of the said assessment, and interest, if any.

(d) *Work by commissioners or upon petition.* The said improvement or improvements may be made either in the discretion of the Commissioners of Cambridge, or upon petition by the owners of property on any street or streets, or part of any street or streets, that is, it may be made, if in the discretion of the Commissioners of Cambridge, such improvement is believed to be necessary, without any petition or application by owners of property, or it may be made on application by property owners, or it may be made both upon the discretion of the Commissioners of Cambridge, and also petition from property owners.

(e) *Resolution and ordinance for improvements.* If the Commissioners of Cambridge, in its discretion[,] shall deem it necessary to so improve any street or streets, or part of any street or streets, it shall pass a resolution declaring what improvement is to be made, giving a reasonable notice of such resolution, the said resolution to provide what part of any street or streets is to be improved, and how improved, and the estimated cost thereof, showing how much of said costs will be paid by the city and how much will be paid by the property on said street, and after the publication of the said resolution or notice thereof, the Commissioners of Cambridge shall, by ordinance appropriate the amount to be paid by the city, and assess upon the said property, the amount to be paid by the property owner, on the property on said street, giving the time when such money shall be due and payable, and said ordinance also to contain a provision that unless cause to the contrary is shown, on or before some day therein named, that the said assessment shall, after said date, become final, and if no cause or insufficient cause is shown by said date, then the commissioners shall pass an ordinance making the said assessment final, and shall proceed to make the said improvement.

(f) *Requirements for petition.* Such improvements may be made if the owners, or a majority of the owners, of more than one-half of the real estate in front feet, fronting or binding on

each of such public highways, or thoroughfares, sought to be improved as aforesaid, shall sign and file with the Commissioners of Cambridge, a petition for such improvement to be made, and therein agreeing that the Commissioners of Cambridge shall assess the said property for one-half, that is, one-fourth on the property on the one side, and one-fourth on the property on the opposite or other side of the said street, of the cost of the same, such petition to show on its face, that it is from the owners of more than one-half of the land and property, in front feet, binding upon each side of said thoroughfare, in any block or square, or the portion of such thoroughfare dividing two blocks, or running between two blocks, that is, if any thoroughfare dividing two blocks or squares is sought to be improved, then more than one-half of the property owners, or the owners of more than one-half of the land and property in front feet, in the said two blocks, shall sign the said petition, or if a whole street is sought to be improved, or the balance of a whole street from any stated place is to be improved, then the petition must be by the owners of more than one-half of the land and property in front feet, binding on said whole street, or part of the street or thoroughfare to be improved, the said petition to state the street or thoroughfare or portion of the street or thoroughfare sought to be improved, the kind of improvement and plainly give the names of the petitioners, and the front feet of land owned by each of them, binding upon the said thoroughfare or part thereof sought to be improved.

(g) *Publication of petition.* Should the commissioners, after the filing of any such petition, and the consideration of the same, deem that it would be publicly advantageous to such a degree, in their discretion, that the said improvement should be made, the said commissioners by resolution shall so state, and then they shall publish the said petition, including the signatures of the petitioners with the number of front feet owned by each, in some newspaper published in Cambridge, at least once in each of two successive weeks, and in said publication shall give notice to all persons having interest in the said proposed improvement, to file objections, if any they have, by a time therein named, with the commissioners, showing why, or showing cause why such improvement should not be made as asked in the said petition, and after the time named for the filing of objections, if any filed, they shall be considered after hearings, or in such manner as the commissioners shall think best, and if no objections are filed, and if filed, shall appear to the commissioners to be insufficient, then the commissioners shall further proceed toward making the said improvement, by the enacting of ordinances or of any ordinance for such purpose in the following manner:

(h) *Manner of publication.* The commissioners shall publish in some newspaper printed in Cambridge, at least once in each of two successive weeks, as aforesaid, a notice of the aforesaid petition and the proceedings thereupon, as aforesaid, and the extent of the work to be done, the kind of improvement, with an approximate cost of the same and stating approximately how much of the cost will be paid by the city and how much thereof by the owners of the land binding upon the proposed improved public thoroughfare, and the said notice shall require any persons who object to the said extent, nature, kind and cost of the improvement, to file such objection with the board of commissioners, on or before a certain day named in the said notice, the said notice to state, that unless the commissioners should, for cause shown, determine to the contrary that an ordinance would be later passed assessing one-half of the costs of the said public improvement upon all of the property binding upon the said public thoroughfare, and the balance of the costs thereof to be paid by the city, any objections or exceptions, as aforesaid, that may be filed, to be heard, considered and determined as the commissioners shall deem proper and after such consideration, if no cause shown, or insufficient cause shown, then the commissioners shall proceed to make the said assessment by ordinance.

(i) *Front foot assessments.* The commissioners shall by ordinance assess the land and property binding upon the proposed improved thoroughfare, by front foot, the amount necessary to pay at least one-half of the cost of the improvement, the cost of the said improvement being stated in the ordinance, the number of front feet of land assessed, and the amount appropriated by the commissioners from the city treasury to pay the cost of the remaining half of the improvement, to be provided as hereinafter set forth, when the assessment shall be due and payable, and that after the assessment is in arrear and unpaid, to provide for enforcing the collection of the same, the ordinance to state the kind of improvement that has been determined to be made, and before the said ordinance shall become effective, it shall be published in some newspaper published in Cambridge, for at least twice in ten days, following the date of the ordinance, with an order nisi which shall state the time when the said ordinance shall be finally passed or become entirely effective, unless good cause or reason to the contrary be shown to the commissioners on or before the time named in the said order nisi, for cause to be shown, and if no sufficient cause to the contrary shall be made to appear to the commissioners, they shall on or after the time named in the order nisi, pass an order as part of the said ordinance, making it effective from the date of the said final order.

(j) *Right of appeal; bond.* Provided that any person in interest, who shall feel aggrieved by the passage of any such ordinance, whether the said ordinance is passed in consequence of the action of the Commissioners of Cambridge in making any of said improvements, without petition having been filed, and by virtue of the power and authority herein conferred upon it, or whether the said improvement is made as the result and consequence of a petition filed by the property owners as hereinbefore set forth, in either event, or in the event that both of said proceedings have been had to procure the said improvement, within fifteen days from the date of the said final order, shall have the right to appeal from the said final order to the Circuit Court for Dorchester County, the said appellant to execute an appeal bond, in the penalty of two hundred (\$200.00), payable to the State of Maryland, for the use of the Commissioners of Cambridge, conditioned, that if the appellant shall not prosecute his appeal with effect, then the said bond and the said appellant to be liable for all the costs, expenses and damage to the City of Cambridge, on account of the said appeal, but if the said appeal should be prosecuted with effect, then the said bond to be void, and should the said appeal be taken it shall be noted upon the records of the commissioners, and the said appeal bond filed with them, the City Manager shall make a copy of all the proceedings and send the same, with the said bond, to the clerk of the circuit court, who shall place the case upon either the civil appeal or the civil trial docket of the circuit court, whichever the court shall direct, and in order to prevent delay, the court may hear the matter of the appeal in recess, so as to determine the rights of the matter, the said appeal to transfer to the said court all the proceedings, which shall be subject to review by the court, and the clerk of the court shall, after the action of the court on the appeal, as soon as possible, certify to the City Manager, the judgment of the court in the case, which certificate shall be recorded immediately after the said ordinance, or final order passing the same, and immediately after the entries showing that the appeal was taken. No appeal shall be heard by the court, or transmitted to the court, unless the said bond of \$200.00 is first filed with the City Manager, who shall have the right to determine the sufficiency or the financial sufficiency of the sureties or surety thereon. After the said period of fifteen days from the date of the said final order, there shall be no right to appeal. The said final order of the commissioners making the said ordinance effective shall not have to be published.

(k) *Payment of cost; borrowing power.* The commissioners may pay the cost of the said improvement, that is the part of the cost to be paid by the city, out of any unappropriated money in the

city treasury, at the time the said improvement is made, or if no such money is available, then the commissioners shall issue a certificate of indebtedness, for the purpose of raising the amount of money required to be paid by the city for the said improvement, and any such certificate of indebtedness shall be a binding obligation upon the municipal corporation of Cambridge, as in the case of obligations created by legally authorized bond issues of the said corporation, and power and authority is hereby granted to and conferred upon the Commissioners of Cambridge, to borrow such money in addition to and in excess of the limitations anywhere fixed in the Charter limiting the power of the commissioners to borrow money, this power and authority to borrow money for the said improvements being in addition to the powers now vested in the Commissioners of Cambridge to borrow money upon the faith and credit of the City of Cambridge, but if any such money is borrowed, then provision for its payment shall be made in the next succeeding budget, and levy to be made by the Commissioners of Cambridge, for the repayment of the said money that may be so borrowed, together with the interest thereon, the said commissioners shall have the power to fix the amount of the principal and the rate of interest of the said certificates, the times when the principal and interest shall be due and payable, and where payable, the time of maturity of the said certificate, when it shall be entirely paid, which time shall not be more than five years from its date and the said certificate shall show upon its face, that it was issued on account of and to pay for the certain particular public improvement hereinbefore described, giving the number and the date of the ordinance for the said improvement, and stating what public thoroughfare the money was raised by the certificate to improve, and the said commissioners shall provide by a levy of taxes, at the time of making the regular annual levy, for the payment and retirement of the said certificate and all interest thereon, with the right to the commissioners to retire the said certificate before its maturity, by the payment of the principal sum and interest to the time of payment, the commissioners not to pay any interest from the date of the said payment of the certificate in full and the time when the certificate would mature on its face, that is, the commissioners shall have the right to redeem the said certificates at any time before the maturity of the same, and the money for such purpose may be from other sources than that specially levied, if there should be any money from any other source that would be available. And provided that at no time shall the total amount of such certificates that is, the aggregate principal sums of all outstandings, exceed the sum of ten thousand dollars (\$10,000.00) and the credit hereby given or the power to borrow money for the said purpose hereby granted by the said means and manner, and for the said purpose, shall be in addition to the rights and powers of the commissioners to borrow money upon the faith and credit of the City of Cambridge, existing heretofore, before June 1, 1924, by which they are legally authorized and empowered to borrow money for all purposes. In the selling or negotiating of the said certificates of indebtedness, the commissioners may advertise the said certificates for sale by public bid, or they may negotiate the same without any public sale, doing it direct as regular negotiable paper. Any such certificates shall be signed by the mayor, the corporate seal shall be attached, attested by the City Manager; there shall be no coupons on the certificates, but it shall recite on its face when the interest and the principal shall be due and payable, and where payable. (P.L.L., 1930, Art. 10. sec. 65. 1961 Code, sec. 54. 1920, ch. 211; 1924, ch. 128; 1929, ch. 238; Charter Amdt. No. 84-76-1; Res. No. CR-2016-01, 8-9-2016.) (See note (2))

### Section 3-30. Horns Point property.

(a) *Authorized to acquire.* The Commissioners of Cambridge are hereby authorized and empowered to acquire, from time to time, by gift, purchase, exchange, lease, whatever the duration of the lease, or by other like methods of acquisition, the whole or any part of the lands now known as

“Horns Point,” and rights and privileges appurtenant thereto, situated in Cambridge Election District of Dorchester County, State of Maryland, bounded on the north by the Great Choptank River and on the south by the state road leading from Cambridge to Hudson, now owned by Real Estate, Incorporated, a corporation of the State of Delaware and conveyed to it by Delmarva Sales, Inc., also a corporation of the State of Delaware, by four deeds, each dated December 31st, 1947, and recorded in Liber R.S.M. No. 65 of the Land Records of said Dorchester County at folios 139, 140, 141 and 143, respectively.

(b) *Tax exemption.* Provided further, that such of the lands known as “Horns Point” as may be acquired by the Commissioners of Cambridge from time to time from Real Estate, Incorporated, as well as the lands at the north corner of High and Locust Streets in the City of Cambridge which were conveyed unto said Commissioners of Cambridge by said Real Estate, Incorporated, by deed dated December 14th, 1949, recorded in Liber R. S. M. No. 71 at folio 17 of the Land Records of said Dorchester County, when so held or acquired shall thereafter be exempt from taxation for county and state purposes as long as same may be owned by said the Commissioners of Cambridge.

(c) *Authority to convey, lease property.* Provided further, that the Commissioners of Cambridge may rent, lease, sell, convey or otherwise dispose of any of the lands known as “Horns Point” which may be acquired from Real Estate, Incorporated, as well as rent, lease, sell or otherwise dispose of the lands at the north corner of High and Locust Streets in the City of Cambridge which were acquired from Real Estate, Incorporated, by the Commissioners of Cambridge by deed dated December 14th, 1949, and recorded among the Land Records of said Dorchester County in Liber R. S. M. 71, at folio 17.

(d) *Police powers on property.* Provided further, that said the Commissioners of Cambridge may maintain, at its own expense, a police service for the purpose of preserving public peace, protecting property and preventing crime within such of the property known as “Horns Point” which said the Commissioners of Cambridge may acquire from Real Estate, Incorporated as hereinbefore authorized; the officers so employed by said the Commissioners of Cambridge to have the power to make arrests of persons offending within said “Horns Point” lands anywhere in Dorchester County; such offenders to be tried in Dorchester County.

(e) *Ordinances authorized.* Provided further, that the Commissioners of Cambridge shall be and it is hereby authorized and empowered to pass any and all ordinances, not inconsistent with the terms of this section, it may deem advisable for the purpose of fully effectuating the objects of this section.

(f) *Additional powers.* Provided further, that the powers by this section conferred upon the Commissioners of Cambridge are intended to be in addition to, and not in substitution for, any power heretofore conferred by law upon it, except where inconsistent therewith. (1961 Code, sec. 55. 1950, ch. 40.)

#### Section 3–31. Police force.

The Commissioners of Cambridge shall be responsible for the establishment and maintenance

of a police force for the City of Cambridge to be governed by ordinances as may be from time to time enacted by the Commissioners of Cambridge. (P.L.L., 1930, Art. 10, sec. 70. 1961 Code, sec. 56. 1912, ch. 694, sec. 60C; 1931, ch. 486; 1939, ch. 602, sec. 70; 1953, ch. 440, sec. 70; Charter Amdt. 3, June 13, 1962; Charter Amdt. 36, Sept. 29, 1969.)

Section 3–32. Payments of county road taxes.

The County Commissioners of Dorchester County, on the first day of October, in each and every year, after June 1, 1945, shall pay to the Commissioners of Cambridge to be used and applied by the said Commissioners of Cambridge for the corporate uses of the said Town of Cambridge the sum of seven thousand five hundred dollars (\$7,500.00) out of the amount that shall be collected by the county treasurer as county taxes from the taxable property of, in and payable from the Seventh or Cambridge Election District of Dorchester County, aforesaid, the first of said payments to be made on the first day of October, 1946, and the same amount on the first day of each succeeding first day of October thereafter in each and every year; provided, however, that this section shall not affect or apply to the payment of any sum or sums of money due on June 1, 1945, from the County Commissioners of Dorchester County to the Commissioners of Cambridge, or that will be due, owing and payable by the said County Commissioners to the said Commissioners of Cambridge on October 1, 1945, or that may have been levied by the said County Commissioners for the use of the Commissioners of Cambridge in any year preceding June 1, 1945. (P.L.L., 1930, Art. 10, sec. 80. 1961 Code, sec. 61. 1900, ch. 339, sec. 61; 1906, ch. 470 1/2, sec. 61; 1910, ch. 233, sec. 61 (p. 772); 1920, ch. 98; 1945, ch. 731.)

Section 3–33. Codification of ordinances.

The Commissioners of Cambridge may provide by ordinance for the codification of all the ordinances which have been passed or may hereafter be passed by them, and for the printing of such codification thereof, and the printed copy thereof, issued by the authority and under the sanction of the said commissioners, shall be legal evidence of the passage of said ordinances and the contents thereof in any court of law or equity in this State. (P.L.L., 1930, Art. 10, sec. 81. 1961 Code, sec. 62. 1900, ch. 339, sec. 62; 1904, ch. 395, sec. 62.)

Section 3–34. Abatement of and exemptions of taxes and charges.

The Commissioners of Cambridge may, from time to time, for good cause shown abate or exempt the taxes of any taxpayer of the city, and abate or exempt other charges imposed by the City all of such may be under such condition and for such duration as the City Council deems necessary. (P.L.L., 1930, Art. 10, sec. 83. 1961 Code, sec. 64. 1900, ch. 339, sec. 65; 1916, ch. 694, sec. 65; Ch. Amdt. 55–74–8, March 2, 1974; Ch. Amdt. 110–88–2, 2–29–88.)

Section 3–35. Removals from office; cause, procedure.

The commissioners may remove from office, or discharge from employment, the City Manager, the chief bailiff and any other officer or employee that may be elected or appointed under the authority of the charter, or any ordinance or order of the commissioner (whether be the term of service under which he holds his office or employment), for neglect of duty, for incompetence, or for

any other misconduct, which, in the judgment of the commissioners, constitute reasonable and sufficient ground for removing him from office, or depriving him of employment. In all cases, where the official or employee has any fixed or definite term of service, a charge or complaint, in writing, shall be presented to him, and evidence as to the facts alleged in such charge or complaint, shall be taken before the commissioners if he denies the correctness or truth of same. But, where the delinquent holds his employment, at the will of the commissioners, they may discharge him, with or without formal charge or hearing, if they consider it just, right or expedient thus to do. (P.L.L., 1930, Art. 10, 10. sec. 86. 1961 Code, sec. 67. 1900, ch. 339, sec. 68; Res. No. CR-2016-01, 8-9-2016.) (See note (4))

#### Section 3-36. Sidewalks.

The Commissioners of Cambridge, under its police power, may by ordinance require the construction of sidewalks to its specification and grade in any part, or all of the City of Cambridge, and may designate that sidewalks shall be constructed in all areas where curbing is installed. Said ordinance may empower the Commissioners of Cambridge to construct sidewalks in instances where necessary, the cost of which is to be a lien on the property. (Charter Amdt. 17, September 20, 1966; Charter Amdt. 78-74-31, Feb. 4, 1974.)

#### Section 3-37. Taxes.

(a) *Due date, discounts.* On the first day of July next following the annual levy, the taxes levied therein shall become due and in arrears, and payment thereof may be enforced as herein provided. Every person who shall pay his or her taxes on or before the first day of October following said levy list may be allowed a discount of 3 percent thereon at the discretion of the commissioners.

(b) *Tax to be a lien; priorities; transfers.* The real and leasehold property charged in the assessment books of the city to any person, shall be bound for the taxes which may be levied on or against, or on account of said property, and for all taxes that may be levied against said person, and all such taxes shall be a lien on said real and leasehold property, and shall, as a lien, have priority over all other adverse liens, claims, rights, titles and interests, whosoever may have said property in charge or possession. It shall be the duty of a person who disposes of such property, and of the person who purchases or acquires the same, to see that a transfer is made on the assessment books of the city, and no one shall be entitled to a notice for taxes, due and in arrear, on property which is not charged to such person.

(c) *Tax collection book; statements.* On the first Monday in September in each year, the City Manager shall have ready what is known as the tax collection book, setting forth in alphabetical form the name of the taxpayer, also the amounts of real and personal property or bonds or other taxable property assessed to him, and the amount of taxes due on same in accordance with the last named levy. The City Manager shall make out a statement of each amount on the tax records, setting forth the total amount of property charged to each person, the tax rate, the amount of taxes due. These statements shall be mailed between the first and sixteenth days of September next following the date of the annual levy, to the respective taxpayers, in an envelope with the return printed notice on same, and in case the statement so mailed is not returned, it shall be considered as delivered, the same as if it had been delivered in person. In case any statement is returned to the City Manager, he shall make all reasonable

effort to better locate the person and remail or deliver the statement of his tax account. If the City Manager, after due diligence, is unable to find the person to whom the said statement is addressed, he shall post one copy of said statement on the property, and one statement at the City Hall door, and such posting of said statement shall be due notice. When property is taxed to more than one person a notice to one shall be a notice to all.

(d) *Announcement of taxes payable.* During the week preceding the first day of September of each year, the City Manager shall announce by advertisement in some newspaper published in Cambridge, at least twice, that the town tax collection books will be open, and that taxes will be payable on September first and that a discount of three per cent (3%) will be allowed on all tax accounts paid during the month of September.

(e) *Interest; list of delinquents.* On the first day of July next following any levy, all unpaid taxes will be considered as due and in arrears, but no interest shall be charged on any tax account if the same be paid on or before January first next following any levy. In the settlement of any tax account after that date, interest at the rate of six percent (6%) shall be charged from the preceding first day of July to the date of payment, and the amount of said interest shall be added to and made part of said taxes. Between the 14th and 21st days of January next following any levy, the City Manager shall prepare and have published one time in some newspaper published in Cambridge an alphabetical list of all delinquent taxpayers, together with the amount of taxes due from each opposite the name of each such delinquent. Such notice shall state that unless said taxes and all expenses are paid on or before the first Tuesday in April following, the said taxes will be collected by law.

(f) *Property belonging to decedent.* Where property continues charged on the assessment books to a person after his or her death, the statement, account and notice may be delivered to his or her executor, or administrator, or to his or her adult heirs—at-law, or to any one of them, and in case their heirs are minors or non compos, to the guardian or committee of such minors or non compos. If the property is charged to a non compos or lunatic, it may be delivered to his trustee or committee.

(g) *Tax sales.* Delinquent taxpayers may be proceeded against by tax sales held in accordance with the provisions of Article 81 of the Annotated Code of Maryland.

(h) *Corporate personal property; tax discount, interest.* Upon receipt of the certification of assessment of personal property belonging to corporations, the City Manager shall prepare a tax bill for said corporation and promptly forward same by prepaid mail. In the event said taxes are not paid within thirty days from the date of mailing said tax bill, interest at the rate of eight per cent shall be charged from the date of mailing said tax bill to the date of payment and the amount of said interest shall be added to and made part of said tax. (P.L.L., 1930, Art. 10. sec. 89. 1961 Code, sec. 70. 1900. ch. 339, sec. 72; 1914, ch. 680, sec. 72; 1949, ch. 393; Charter Amdt. 44-72-1, Jan. 24, 1972, sec. 70(j); Ch. Amdt. 75-74-28, March 27, 1974, sec. 70(g), (h), (i); Ch. Amdt. No. 82-75-1; Ch. Amdt. 91-78-1, § 1; Ch. Amdt. 101-83-1, § 1; Res. No. CR-2016-01, 8-9-2016.)

### Section 3-38. Commissioners as board of health.

The commissioners shall be and constitute the local board of health for the town, and they shall be authorized to form and appoint a sub-board of health, consisting of five members, to assist them in

the discharge of their duties. One of the sub-board, at least, shall be a regular practicing physician, and a resident of Cambridge. The commissioners may provide by ordinance such measures as will enable the board and sub-board of health to safeguard the health of the town. (P.L.L., 1930, Art. 10, sec. 94; 1961 Code, sec. 75. 1900, ch. 339, sec. 77.)

Section 3-39. City Manager.

(a) *Creation of Office.* The office of City Manager is hereby created.

(b) *Appointment and Qualifications of City Manager.* The City Manager shall be appointed by a majority vote of the City Commissioners upon recommendation of a Search Committee for a term and under conditions as may be agreed to by the City Commissioners.

(1) S/he shall be selected solely on the basis executive and administrative qualifications with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office hereinafter set forth.

(2) The minimum educational requirement for the City Manager is a Master's Degree in Public Administration, a Master's Degree in Business Administration or a post-baccalaureate degree in another closely related field. Candidates for the position shall also have a minimum of five (5) years of experience as a City/County Manager or Assistant City/County Manager.

(3) If an acceptable candidate is not found meeting the requirements in (b)(2) above, the City Commissioners may consider candidates with a Master's Degree in Public Administration, a Master's Degree in Business Administration or a post-baccalaureate degree in another closely related field who also have a minimum of five (5) years experience as a department head of a significant governmental line or staff function or in a management position in a significant business or corporate entity.

(4) At the time of any appointment as a City Manager, the appointee need not be a resident of the city or state. Within one (1) year from his/her appointment, the City Managers shall reside within the city limits as his/her principal residence. The residence requirement for a city manager may be delayed or waived by City Commissioners based on extenuating circumstances as may be presented to and approved by a majority vote of the City Commissioners, or as set forth in a binding employment agreement. An Acting City Manager appointed under this law shall not be required to live in the City of Cambridge as a condition of the appointment.

(5) No Mayor or City Commissioner shall receive such appointment as City Manager or Acting City Manager during the term for which the Mayor or Commissioner shall have been elected, or within one year after the expiration of the Mayor's or Commissioner's term.

(6) The search for a City Manager shall be conducted by a Search Committee made up of five (5) individuals appointed by the City Commissioners, who shall be appointed within thirty (30) days of the enactment of this legislation and thereafter within thirty (30) days of the City Manager position becoming vacant. The Mayor shall chair and be a voting member of the Search Committee.

The Search Committee may obtain additional assistance and resources in the search process upon a majority vote of the City Commissioners. The individuals appointed by the City Commissioners as members of the Search Committee shall be residents of the city or of Dorchester County, or be owners of businesses located in the city, or be persons who live elsewhere but have a second home in the city or Dorchester County who possess considerable expertise related to the search process.

(c) *Removal from Office.*

(1) The City Manager shall hold office subject to the vote to remove him or her by four (4) of the six (6) elected officials of the city – the Mayor and the City Commissioners as a body – which vote shall be made at an official meeting of the City Commissioners duly called and advertised. The final resolution of removal may be made effective immediately, or at any time after five (5) days from the date on which a copy of the preliminary resolution required in subsection (c)(2) below is delivered to the City Manager, subject to the right of the City Manager to a hearing as set forth in subsection (c)(3) hereinbelow.

(2) To institute the removal process, the City Commissioners must adopt by the affirmative vote of a majority of its members, a preliminary resolution that sets forth in detail the reasons for removal. A copy of the resolution shall be delivered promptly to the City Manager and the Mayor.

(3) The City Manager shall have the right to a private or a public hearing on the removal resolution, which right must be exercised by him/her making written request for same to the Mayor and City Commissioners as a body, within five (5) days of receipt of said resolution. This hearing shall be held at a meeting of the Mayor and City Commissioners as a body not sooner than fifteen (15) days, nor later than, thirty (30) days after the request is filed. The City Manager may also file with the City Commissioners, a written reply not later than five (5) days before any scheduled hearing.

(4) Nothing herein shall prevent the City Manager from accepting the proposed removal or termination of his/her contract without a hearing.

(5) If the City Manager requests a hearing pursuant to subsection (c)(3) hereinabove, the City Commissioners may, by majority vote, suspend with pay the City Manager from duty pending the outcome of the removal hearing and consistent with the terms of the City Manager's employment agreement.

(6) The suspension or removal of the City Manager shall not be subject to any administrative appeal that is afforded to classified employees of the City.

(7) If a City Manager becomes disabled, is temporarily absent from the city for a length of time that may interfere with the efficient running of the city, is suspended, removed, or resigns, or completes his or her term as may be agreed to in his or her contract of employment and is not reappointed, or prior to the appointment of the first City Manager under this Charter, the City Commissioners may appoint an Acting City Manager. Any Acting City Manager shall hold office for a period of time not to exceed six (6) months, subject to the affirmative vote by a majority of the

Mayor and City Commissioners, with the Mayor having a vote, to remove the Acting City Manager or to extend his/her term. No notice of removal or hearing as allowed for a City Manager under subsection (c)(1)(2) and (3) above is required for removing an Acting City Manager. If an Acting City Manager is removed, the City Commissioners may appoint his or her replacement. An Acting City Manager shall possess the qualifications set forth in subsections (b)(1), and (b)(2) or (b)(3) above.

(d) *Powers and Duties of the City Manager.* The City Manager shall be the chief executive officer of the city and head of the administrative branch of the city, and may head one or more departments, and shall be responsible to the Mayor and City Commissioners as a body, for the proper administration of all affairs of the city. S/he shall serve as the chief personnel officer for the city, which shall include all matters regarding human resources. Subject to sufficient appropriations, the City Manager may appoint an assistant director of human resources to assist him or her in these responsibilities and may appoint a finance director. To these ends the City Manager shall have the power and shall be required to:

(1) With the exception of the City Attorney, who shall be appointed, suspended, or removed, directly by the Mayor and City Commissioners as a body, appoint and, when necessary for the good of the city, suspend or remove any department head with the advice and consent of the City Commissioners. The City Manager may hire, suspend or remove any classified employee pursuant to the City's adopted merit system, or may authorize any department head to exercise these powers with respect to subordinates within that department head's department, with the prior approval of the City Manager.

(2) With the exception of the City Attorney and his/her office, direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law; create, consolidate, separate, or combine offices, positions, departments, or units under his/her jurisdiction, with the approval of the City Commissioners. Notwithstanding the exclusion of the City Attorney from supervision and oversight by the City Manager, the City Attorney shall closely coordinate his/her activities with the City Manager, respond to reasonable requests of the City Manager, and keep the City Manager apprised of and discuss with him/her city priorities, status of assignments, litigation, special needs, and issues of importance to the city that fall under the duties and responsibilities of the City Attorney.

(3) Be the chief financial officer of the city and:

(i) Ensure that all public moneys belonging to or under the control of the city, except as otherwise provided herein, are properly accounted for;

(ii) Certify all financial reports developed for the Mayor and City Commissioners as a body and have custody of all bonds and notes of the city;

(iii) Review all reports of a Finance Director regarding the collection of taxes, special assessments, license fees, liens, and all other revenues (excluding utility revenues) of the city, and all other revenues for whose collection the city is responsible;

(iv) Supervise and be responsible for the disbursement of all moneys and

have control over all expenditures to assure that budget appropriations are not exceeded;

(v) With the assistance of a Finance Director, prepare the city budget and capital program annually and submit them to the Mayor and City Commissioners as a body with a message describing the important features and be responsible after adoption for the administration and implementation of the final budget and any capital program approved by City Commissioners to achieve the goals of the city;

(vi) On a regular and ongoing basis, keep the Mayor and City Commissioners as a body advised of the financial condition and future needs of the city, and make such recommendations as may be deemed desirable;

(vii) Recommend to the Mayor and City Commissioners as a body from time to time, a standard schedule of pay for each appointed office and position in the city service, including minimum, intermediate, and maximum rates;

(4) Recommend to the Mayor and City Commissioners as a body from time to time, adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;

(5) Attend all meetings of the City Commissioners unless excused, and take part in the discussion of all matters coming before the City Commissioners. The City Manager shall be entitled to notice of all regular and special meetings of the City Commissioners;

(6) Supervise the city procurement process including purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the city services; and report said actions on an ongoing basis to the Mayor and City Commissioners as a body pursuant to subsection (d)(3)(vi) above. Nothing herein is to be construed as limiting the City Commissioners from establishing by resolution reasonable and customary upper limits beyond which the City Manager must obtain approval for said purchase and contracts;

(7) See that all laws, provisions of this charter and acts of the City Commissioners, subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision, including contract employees, are faithfully executed and duly enforced;

(8) Investigate the affairs of the city or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits, and privileges granted by the city are faithfully observed;

(9) Devote his/her entire time to the discharge of all official duties;

(10) In collaboration with any Finance Director, submit to the Mayor and City Commissioners as a body and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year. Included in the report shall be the

accomplishments of the various agencies and the city;

(11) Make such other reports as the Mayor and City Commissioners as a body may require concerning operations;

(12) Make recommendations to the Mayor and City Commissioners as a body concerning the affairs of the city and facilitate the work of the Mayor and City Commissioners as a body in developing policy;

(13) Provide staff support services for the Mayor and City Commissioners as a body;

(14) Assist the Mayor and City Commissioners as a body in the development of long term goals for the city and strategies to implement those goals;

(15) Encourage and provide staff support for regional and intergovernmental cooperation;

(16) Promote partnerships among the Mayor, City Commissioners, staff, and citizens in developing public policy and building a sense of community;

(17) Assure that a record of all the proceedings of the City Commissioners is kept in the minute book as they occur. S/he shall within six (6) days after an ordinance has been passed record the same fully and at length in the ordinance book, and shall duly and promptly record and enter in the general record books all papers, documents, contracts and orders which the Charter or the ordinances or the directions of the City Commissioners require to be recorded therein. S/he may appoint one or more staff persons as city clerk/deputy clerk under his/her direction and authority to perform these duties, with the advice and consent of the City Commissioners;

(18) Be the Public Information Official for the City, except for matters involving the Cambridge Police Department. With regard to any matters involving the Police Department, the Chief of Police shall designate the spokesperson for the Department. The Police Department shall cooperate and coordinate with the City Manager regarding information being provided to the public by the Department;

(19) Hold regular meetings with the Department Heads;

(20) Serve as the Supervisor of Elections for the City;

(21) Perform such other duties as are specified in this charter and may be required by the Mayor and City Commissioners as a body, not inconsistent with the city charter, law, or ordinances.

(e) *Non-interference with Appointments or Removals.* Except for the purpose of inquiry, the Mayor and City Commissioners shall deal with the administration of the city solely through the City Manager and neither the Mayor, nor any City Commissioner, shall give orders to any subordinates

of the City Manager, either publicly or privately.

(f) *Emergencies.* In the event an emergency is declared by the Mayor pursuant to Section 3–21(b) of this Charter, the City Manager may award contracts and make purchases for the purpose of meeting said emergency, subject to appropriations not to exceed an amount established by a resolution of the City Commissioners. In so doing, the City Manager shall meet during the period of the emergency on a regular and ongoing basis as needed with the Mayor and City Commissioners and collaborate with them in addressing the challenges that present themselves during the emergency. The City Manager shall also file promptly after the emergency ends with the Mayor and City Commissioners as a body, a certificate showing an itemized account of all expenditures during the emergency.

(g) *Bond.* The City Manager shall furnish a surety bond to be approved by the City Commissioners, said bond to be conditioned on the faithful performance of all the duties of the City Manager. The premium of the bond shall be paid by the city.

(h) *Compensation.* The City Manager shall receive such compensation as the City Commissioners shall fix pursuant to the terms of any contract of employment entered into between the city and the City Manager as provided for in a formal employment agreement. The City Manager's compensation shall not be reduced unless such a contingency is included in any formal employment agreement and all city employees' compensation is reduced. Any reduction will be covered by the terms of the formal employment agreement.

(i) *Personnel Duties.*

(1) All subordinate officers and employees of the offices, departments, and agencies of the city shall be appointed by the City Manager. Subject to the provisions of any adopted merit system, all subordinate officers and employees may be removed by the City Manager, or by the department head with the prior approval of the City Manager.

(2) Pending any changes pursuant to Paragraph (3) below, the city employee manual and personnel policies in effect on the date of enactment of this Charter Amendment shall remain in full force and effect.

(3) Upon the hiring of a City Manager and periodically thereafter as may be needed, one of his/her duties shall be a review of the City of Cambridge Personnel Policies, which shall include convening the Cambridge Personnel Review Committee to assist in determining if any changes in the City's personnel policies need to be made, and, if so, to make recommended changes for the City Commissioners to consider.

(j) *Savings Clause.* If any section, sub-section, or sentence, clause, or phrase of this Charter is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this Charter. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this Charter in which case the provisions of this Charter shall govern.

(k) *Effective Date.* The effective date of this Charter Resolution shall be February 3, 2015. (Res. No. CR–2014–01, 2–3–2015.)

Section 3–40. Title to property vested in commissioners.

The title to real, leasehold and personal property belonging to the town shall be vested in the commissioners, who shall have full power and authority to protect and preserve the same, and to proceed at law or in equity, as may be right, to recover the possession thereof or to recover damages for trespass upon or injury to the same, or to prevent injury thereto, and as well by ordinance to provide penalties for injuries thereto. The commissioners may hold in trust for the benefit of the sick and the indigent poor of the town gifts of money or other property, and they may invest and administer the same under the authority of the Circuit Court for Dorchester County, setting as a court of equity. (P.L.L., 1930, Art. 10, sec. 97; 1961 Code, sec. 78. 1900, ch. 339, sec. 80.) (See note (4))

Section 3–41. Meetings of commissioners in council hall.

The commissioners shall hold their meetings in a building or chamber to be called “The Council Hall” of Cambridge, as their regular place of meeting, and they shall not meet elsewhere except upon notice to all the commissioners, and unless three commissioners at least consent in writing to meet on any special occasion in a different place so designated; provided nothing herein shall prevent the commissioners from changing their regular place of meeting, but when they have adopted a place for their meetings generally they shall meet therein, except as above provided. (P.L.L., 1930, Art. 10, sec. 98; 1961 Code, sec. 79. 1900, ch. 339, sec. 81.)

Section 3–42. Borrowing to finance public facilities.

(a) *Definitions.* As used herein, the term “city” shall mean the body politic and corporate of the State of Maryland known as the Commissioners of Cambridge, and the term “public facilities” shall mean the following:

(1) the acquisition, establishment, design, construction, reconstruction, expansion, extension, alteration or repair of a water supply and distribution system, a sanitary sewer system, a storm water drainage system, a garbage and trash collection and disposal system and a sanitary sewage disposal plant, within or beyond the corporate limits of the city, including all sites, property rights, equipment and appurtenances reasonably necessary thereto;

(2) the construction, improvement, repair, opening, relocation, grading, resurfacing, widening, extension and drainage of all public roads, streets, highways and sidewalks in the city now or hereafter maintained and operated by or under the jurisdiction of the city, including the acquisition of necessary rights of way, the acquisition of equipment for highway construction, maintenance and repair and planning and engineering services; the planning, design, construction and reconstruction of free bridges constituting parts of said roads, streets or highways;

(3) the acquisition, establishment, design, construction, reconstruction, expansion, extension, alteration or repair of any buildings or structures to house any of the functions, operations or equipment of city government or administration, including fire engine houses and police stations,

together with all fixtures, furnishings and appurtenances therefor and any vehicles or equipment necessary and proper to the performance of municipal governmental powers and duties;

(4) the development of public parks, recreational areas and facilities, including the acquisition of land, property and water rights therefor, the construction, improvement and repair of roads, paths, ways, buildings, piers, ramps, bulkheads, beaches, launching facilities and other appurtenances or improvements appropriate to the full use thereof;

(5) the acquisition, establishment, design, construction, reconstruction, expansion, improvement, extension, alteration, operation or repair of public parking facilities.

(b) *Borrowing power.* In addition to any other borrowing powers contained in this Charter and notwithstanding any other provision of law, the City shall have power and authority, from time to time, to borrow money and incur indebtedness in order to finance the public facilities defined in subsection (a) hereof and to evidence such borrowing or indebtedness by the issuance of its tax anticipation notes, its bond anticipation notes, notes in anticipation of other sources of revenue or its general obligation coupon bonds without limitation as to the rate of interest notwithstanding any limitation as may appear in any other section of this Charter, the same to be issued, sold and delivered in accordance with the terms and conditions of an ordinance or ordinances passed subject, however to the following provisions, conditions and exceptions:

(1) no referendum shall be necessary for any issue of notes or bonds made pursuant to this section;

(2) if the ordinance or ordinances authorizing the issuance of said notes or bonds shall so specify, said notes or bonds may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids, any public general or public local law to the contrary notwithstanding;

(3) the issuance of said notes or bonds shall constitute a pledge of the full faith and credit of the Commissioners of Cambridge to the prompt payment, from ad valorem taxation and other revenues, which may be described in the authorizing ordinance or ordinances, of the principal of and interest on said notes or bonds. The maturing principal of and interest on general obligation bonds may be paid, in whole or in part, from the proceeds of such benefit assessments or connection charges as the city may properly, from time to time, impose and collect, but, in any event, the Commissioners of Cambridge shall annually levy upon all real and tangible personal property within its corporate limits ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on said notes or bonds, without limitation as to rate or amount, notwithstanding the limitation of any other law.

(c) *Storm drainage; parking facilities.* For the purpose of financing storm drainage systems or public parking facilities, as described in subsection (a) hereof, the city shall have power to exercise the authority contained in section 44 of article 23A of the Annotated Code of Maryland (1966 Replacement Volume) to create special taxing districts and to levy ad valorem taxes therein.

(d) *Any public purpose.* The city, without limitation to or by its other borrowing powers

and acting under and within the applicable provisions of this section, may borrow money for any lawful public purpose, including refunding any city obligations outstanding from time to time. (Ch. Admt. 5, Oct. 15, 1962; Ch. Amdt. 18, May 22, 1967; Ch. Amdt. 35, July 28, 1969, sec. 82A(b); Ch. Amdt. 87, May 9, 1977, sec. 1; Ch. Amdt. 90-77-6, Oct. 3, 1977, sec. 1.)

Section 3-43. Municipal utilities commission; establishment, powers.

The Commissioners of Cambridge shall have the authority and power, by appropriate ordinance, to establish a municipal utilities commission for said city and to fix and determine and, from time to time, modify and amend, the powers and duties of said commission, the number and method of appointment of the members thereof and their qualifications, terms of office and compensation. Said commission shall consist of the mayor of [and] the Commissioners of Cambridge and two residents of Cambridge not otherwise employed by the Commissioners of Cambridge who shall be appointed as provided in said ordinance. The city engineer and the manager of any utility acquired or constructed pursuant to section 3-44 shall also serve as members of said commission, provided such membership shall be ex officio, without vote and without additional compensation. The Commissioners of Cambridge may, by any such ordinance, transfer and delegate to said commission, responsibility in whole, or in part, for the administration, management, operation, maintenance, repair and expansion of any water supply and distribution system constructed or acquired by the city, any sanitary or storm water sewer system or systems and any sewage disposal plant so acquired or constructed, and any other municipal public service utility so acquired or constructed. Said delegation may include:

(1) the right, without reference to any other law or ordinance, to employ and discharge necessary administrative, clerical, operating and maintenance personnel and to prescribe the terms and conditions of such employment and the compensation and duties of such employees;

(2) the right and duty, without reference to any other law or ordinance, to purchase and store an adequate quantity of all supplies, materials and equipment, including needed automobiles and trucks, necessary to the efficient and continuous operation, repair and extension of the systems under the control of said commission;

(3) the right to lease or acquire separate offices and secure storage space for the employees and property under the control of the commission;

(4) the right to establish and maintain, in its name, separate books of account and financial records as well as separate bank deposit accounts for all funds received and disbursed by the commission, together with the right to employ independent accountants to audit said books of account and records at regular intervals and the right to pay from the funds so received any and all obligations incurred by the commission in the operation, maintenance or extension of any utility as well as any and all obligations incurred by the city under any indenture or trust or other agreement securing any indebtedness with respect to the acquisition or construction of any utility under the control of the commission;

(5) the right to promulgate and enforce reasonable rules and regulations for the prompt collection or payment of all rates, service charges or fees for the service of, or connection with,

any utility under the control of the commission, including the allowance of discounts for prompt payment, the discontinuance of service after reasonable notice for overdue accounts and the filing and prosecution, in the name of the city, of claims in any appropriate court;

(6) the obligation to prepare and, from time to time revise, schedules of rates, fees or charges to be established, imposed, and charged for the services of, or connection with, any utility under the control of the commission, and to submit such schedules, with appropriate explanations, to the Commissioners of Cambridge for adoption and, after such adoption, to bill all persons served by any such utility on the basis of the schedules so adopted; provided, however, that the Commissioners of Cambridge may, by resolution or trust indenture, or otherwise, covenant to adopt, in whole or in part, schedules of rates, fees or charges recommended by a consultant to the commission, or to a trustee or other person representing the holders of bonds issued by the Commissioners of Cambridge to finance the acquisition or construction of any such utility in which event the obligation of the commission hereunder shall be deemed to be modified by, and subject to, said covenant;

(7) the obligation to prepare and submit to the Commissioners of Cambridge, at least thirty (30) days before the beginning of each fiscal year of the city, an operating financial statement of the commission for the preceding fiscal year, together with a budget for the ensuing fiscal year, such documents to show any available free net earnings or surplus for credit to the general funds of the city for appropriation for the ensuing fiscal year requested from the city and to be accompanied by sufficient supporting schedules to enable the Commissioners of Cambridge to determine the financial and operating status of the utilities under the control of the commission and its program of capital improvements. (P.L.L., 1930, Art. 10, sec. 104; 1961 Code, sec. 85. 1886, ch. 250; 1888, ch. 422; 1890, ch. 311; 1892, ch. 499; 1894, ch. 466, sec. 83; Res., August 31, 1959, sec. 104.)

Section 3–44. Water and sewer systems; property, powers.

The Commissioners of Cambridge are hereby authorized and empowered to acquire, by purchase or condemnation, as hereby provided, and to construct, reconstruct, repair and extend, both within and beyond the corporate limits of said municipality, a water supply and distribution system, a sanitary sewer system, a storm water drainage system and a sanitary sewage disposal plant, or said municipality may extend, alter and repair any of such existing systems so established or acquired by it and may operate and maintain any such system or systems so established, acquired or constructed. In conjunction with the authority hereby conferred, the Commissioners of Cambridge may take or acquire any land, structures, buildings, water courses, water rights or other property, either within or outside the municipality, either in fee or as an easement, for the construction, establishment, extension, alteration, maintenance or operation of any part or appurtenance of any of said systems. Such property may be acquired by gift, purchase or condemnation, but the taking of any such property by condemnation shall be conducted in accordance with the provisions of the Public General Laws of Maryland applicable to the condemnation of property by municipal corporations. However, the power hereby conferred shall extend to any property, right or interest belonging to any person or corporation whether such corporation be public or private, and whether such property, right or interest be impressed with a prior public or quasi-public use or not and, in the event any such condemnation proceedings are instituted by said municipality, then, following the expiration of ten (10) days after the return and recordation of the verdict or award, said municipality may enter and take possession of the property so condemned, upon first paying to the Clerk of the Circuit Court of Dorchester County

the amount of said award and all costs taxed to that date, notwithstanding any appeal or further proceedings on the part of the defendant, provided that, at the time of such payment, the said municipality shall give its corporate undertaking to abide by and fulfill any judgment in such appeal or further proceedings.

In furtherance and extension of the powers hereby conferred on the Commissioners of Cambridge, said municipality shall have the following powers:

(1) to exercise all powers with respect to the above described utilities heretofore or hereafter conferred on municipal corporations by the Public General Laws of Maryland;

(2) to promulgate and establish reasonable standards and controls for any private water or sewer systems in the municipality and to compel the abandonment or discontinuance thereof in the event such systems shall not conform to the regulations, standards and controls so promulgated;

(3) to acquire, by lease or purchase, any such private system or systems and to connect the same with the systems maintained and operated by the municipality;

(4) to delegate to a commission, created pursuant to section 3–43 of the Charter of Cambridge, all or any part of the administrative responsibility of said municipality for the operation, maintenance, repair and extension of any such system established by said municipality pursuant to the authority of this section;

(5) by ordinance, to adopt recommended schedules of rates, fees or charges for the use of or connection with any such system or systems, or to fix, alter or amend the same from time to time, such schedules of charges to be established, without the necessity of obtaining the approval of any other agency, on such reasonable, uniform and non-discriminatory basis as the Commissioners of Cambridge may select, and to contract with the trustee or other representative of the holders of any bonds issued by the city to finance the acquisition of any such system or systems; for the adoption of a schedule of rates, fees and charges recommended by such representative to produce the funds necessary to provide for the maintenance and operation of any such system or systems and for the payment of the principal of and interest on any such bonds;

(6) by ordinance, to prescribe the conditions under which the Commissioners of Cambridge or any commission established by it will construct extensions of any such systems to properties not served and the method or methods for financing the cost of any such extension;

(7) to adopt rules and regulations requiring property owners to make connection with the water supply, sanitary or storm water systems constructed or acquired by the city when any such system is ready for use by any such property owner and, further, to require abandonment of any private water or sewer systems in such manner as to render the same safe and sanitary, and to require replacement or repair of any private lines or fixtures deemed to be unsanitary or not in accordance with good health or safety standards, and to require the removal of any drain or storm water drains connected with the sanitary sewer system of said municipality;

(8) to regulate, control or prohibit, in the City of Cambridge, any private sewer

system interfering in any manner with the system or systems of the municipality or in any manner constituting a menace to the public health;

(9) to regulate and control the construction or installation by any corporation or individual of any main, conduit, pipe or other structure in any public way or street in Cambridge, and in any public highway outside Cambridge occupied by any portion of the water supply, sanitary or storm water sewer system of said municipality, so as to prevent interference with the maintenance and operation of any such system, and to require all individuals and corporations having mains, pipes, conduits or other structures in, on or over any such public way which impede the establishment, construction, reconstruction or operation of the water supply, sanitary or storm water sewer system of said municipality, upon reasonable notice, to remove or adjust the obstruction to the satisfaction of the city engineer or any commission of the Commissioners of Cambridge administering said systems and, if necessary, to exercise the powers of condemnation hereinabove conferred to remove any such obstructions;

(10) to enter upon any public way of Dorchester County (except state highways) for the purpose of constructing, reconstructing, installing or repairing any pipes, mains or other equipment, or doing any other things necessary to the establishment, maintenance, repair and operation of the water supply, sanitary and storm water sewer systems of said municipality, provided, however, that in taking any such action, the Commissioners of Cambridge or any agent or commission exercising the powers of said municipality shall comply in all respects with the Public Local Laws of Dorchester County and the Public General Laws of Maryland relating to or governing the installation of municipal utilities in any public ways;

(11) to delegate to any qualified employee or agent of the Commissioners of Cambridge or of any commission thereof, established pursuant to section 3–43 of the City Charter, while in the necessary pursuit of his official duties with regard to the water supply and sanitary or storm water sewer systems of said municipality, the right of entry at all reasonable hours and after reasonable advance notice to the owner, tenant or person in possession, upon any private premises and into any building in Cambridge or in those portions of Dorchester County served by the water supply and sanitary or storm water sewer systems of said municipality;

(12) to accept grants, gifts or loans of property or money from any state or federal agency for the purpose of providing assistance in financing the establishment, construction, reconstruction or extension of the water supply and distribution system of Cambridge and the storm water drainage and sanitary sewer and disposal systems of said city, and to make appropriate or necessary contracts with any such state or federal agency for the expenditure of any such grants, gifts or loans, or the repayment thereof;

(13) to sell, or otherwise dispose of, to any person or corporation, at the best price obtainable, any part of the water supply and distribution system of Cambridge, or of the sanitary sewer and disposal system, or of the storm water sewer system, provided that the property so sold or disposed of shall no longer be needed for public use as a part of any such system, and to make appropriate contracts or agreements restraining the power hereby conferred until all indebtedness incurred by the Commissioners of Cambridge with respect thereto shall be paid or retired, provided, however, that the Commissioners of Cambridge shall not have the power to sell any such system as an entirety without

first having obtained the approval of such sale by a majority of the qualified voters of said municipality at a referendum upon such question submitted at any general election in Cambridge, or at any special election in said city duly called and held for the purpose;

(14) to prescribe, by appropriate ordinance, appropriate penalties and fines for any person or corporation found guilty of violating any ordinance of the Commissioners of Cambridge adopted pursuant to the powers hereby conferred, or any rule or regulation properly and validly promulgated pursuant thereto. (1961 Code, sec. 86. 1935, ch. 461; Res., August 31, 1959, sec. 105.)

Section 3-45. Financing and constructing utilities.

The Commissioners of Cambridge (herein called the “city”), is hereby authorized and empowered to finance and pay for the acquisition, construction, reconstruction, repair and extension of the municipal utilities described in section 3-44 of this Charter in any one of the following ways or by any combination thereof:

(1) the city may expend for any of the foregoing purposes any revenues, funds or monies of the city, from whatever source derived and not otherwise appropriated, and may appropriate any such revenues, funds or monies to the commission created pursuant to section 3-43 of this Charter; for expenditure by it;

(2) the city may provide funds for the foregoing purposes by the issuance upon its full faith and credit of its general obligation bonds, pursuant to the authority of sections 31 to 37, inclusive, of article 23-A of the Annotated Code of Maryland (1957 Edition), as the same may from time to time be amended, provided any such bonds so issued pursuant to such authority may be made primarily payable, as to principal and interest, from the net revenues of any municipal utility with respect to which they are issued and any such bonds so issued with respect to any such utility may be sold by the city, in its discretion, by private negotiation or by solicitation of competitive bids at public sale, notwithstanding the limitations contained in section 34(4) of said article 23-A;

(3) pursuant to the authority of section 38 of said article 23-A of the Annotated Code of Maryland (1957 Edition) as the same may from time to time be amended, the city may provide funds for the foregoing purposes by the issuance and sale, at public sale or by private negotiation, of its revenue bonds, payable as to principal and interest solely from the revenues of any one or more of the municipal utilities described in section 3-43 of this Charter. With respect to any such revenue bonds, the city shall have and may exercise any of the powers, and may adopt any of the procedures, contained in sections 32 and 33 of said article 23-A and, in addition, the city shall have the following powers and may incur the following obligations:

(i) to the extent applicable, to exercise with respect to the revenue bonds authorized hereby all the powers conferred on the city by sections 3-56 to 3-61, inclusive, of the City Charter, which said sections are incorporated herein by reference;

(ii) to the extent applicable, to make covenants and agreements with respect to the revenue bonds authorized hereby and to incur obligations and agree to remedies for the benefit of the holders of such bonds, all as outlined in said sections 3-56 to 3-61 of the City Charter, so

incorporated herein;

(iii) notwithstanding any other law, to issue the revenue bonds, authorized hereby, without limitation as to the rate of interest and maturing within not more than forty (40) years from date of issue, and within such limitation to sell said bonds at, above or below the par value thereof;

(iv) to issue revenue refunding bonds with respect to any issue of revenue bonds issued pursuant to this section, and to secure such revenue refunding bonds in the same manner, and to confer on the holders thereof the same rights, as are provided herein for the holders of said revenue bonds. (1961 Code, sec. 87. Res., August 31, 1959, sec. 106; Charter Amdt. 42–71–2, April 19, 1971, 3(iii).)

#### Section 3–46. Sewage treatment plant and system.

The Commissioners of Cambridge, Maryland, or their successors in office, be, and they are hereby, authorized and empowered, in their discretion, to acquire the said seven (7) acres of land, more or less, together with the necessary rights of way or easements, located on the grounds of the Eastern Shore State Hospital, owned by the State of Maryland, by way of a gift, purchase, or exchange, to be represented by a deed from the Board of Public Works of Maryland, or by other proper officials of the State of Maryland, conveying said property to the Commissioners of Cambridge, Maryland, their successors in office, for the purposes hereinbefore recited, and the said Commissioners of Cambridge, Maryland, their successors in office, are further authorized and empowered, should they decide to install, construct, equip, maintain and operate said sewage treatment and disposal plant and intercepting sewers, to acquire by gift, purchase, lease or condemnation proceedings any other land or lands, rights of way or easements which may be necessary for the laying of pipes, or for the installing, constructing, equipping, maintaining and operating said sewage treatment and disposal plant and intercepting sewers, said land or lands, rights of way or easements being within or without the corporate limits of the City of Cambridge; and the said the Commissioners of Cambridge, Maryland, their successors in office, shall have police power over said land or lands, rights of way or easements, within or without the corporate limits of the City of Cambridge, which are used for the said purposes of a sewage treatment and disposal plant and intercepting sewers for the City of Cambridge. (1961 Code, sec. 88. 1935, ch. 461.) (See note (5))

#### Section 3–47. Water pipe across Cambridge Creek.

(a) *Unlawful acts.* It shall not be lawful for any master, owner or person in charge of any boat, canoe or vessel, or for any other person, to cast or throw overboard any anchor, ballast, scrape, dredge or other heavy instrument within ten feet on either side of the pipe or water main of the municipal utilities commission across Cambridge Creek in Dorchester County; provided, that the said municipal utilities commission shall keep the line of said pipe marked by placing at each end of said pipe a suitable sign indicating the location of said pipe.

(b) *Penalties.* Any person who shall violate any of the provisions of this section or who shall wilfully, maliciously or negligently destroy or injure said water pipe, or who shall remove, displace or injure any of said signs, shall be deemed guilty of a misdemeanor, and upon conviction

thereof, before any court of law, shall be fined not less than ten nor more than three hundred dollars, in the discretion of the court trying the same, or sentenced to not more than three months in the county jail, or both. (P.L.L., 1930, Art. 10, sec. 107; 1961 Code, sec. 89. 1894, ch. 506; 1900, ch. 339, secs. 2 and 3; Ch. Amdt. 81-74-34, March 27, 1974.)

Section 3-48. Harbor; obstruction to navigation.

It shall not be lawful to build or erect any wharf, pier, improvement, or any structure of any kind, in Cambridge Creek or its branches, or extend the same from either shore, or to extend any wharf, pier, or other improvement, already existing without first obtaining the approval of the Port Warden; and every person offending against the provisions of this section shall be deemed guilty of a public nuisance, and on indictment and conviction by a court of law shall be fined a sum equal to the cost of removing said nuisance; and to enable the court to determine the amount of the said fine, they shall at the time of the trial hear evidence of the probable cost of removing such nuisance; and if any person shall unload, discharge, or throw overboard any ballast, stones, shells, earth, sawdust, or other like matter, or suffer the same to run from his premises into the said creek or harbor as defined as aforesaid, or shall fill up or obstruct the navigation of the same, without first obtaining the approval of the Port Warden, he shall be deemed guilty of a public nuisance, and shall, on indictment and conviction as aforesaid, be punished by fine not to exceed \$500 at the discretion of the court, or be committed to the county jail for a period not more than six months, in the discretion of the court; provided, that this section shall not be construed to apply to such marine railways as are now or may hereafter be constructed to run into said creek, or to the obstructions and improvements necessarily incident thereto. (P.L.L., 1888, Art. 10, sec. 84; 1930, sec. 111; 1961 Code, sec. 93. 1878, ch. 70; Ch. Amdt. 67-74-20, March 27, 1974; Ch. Amdt. 106-84-5, § 1, 1-9-85.)

Section 3-49. Harbor master; powers and authority.

The duly appointed harbor master shall have full power and authority, and it shall be his duty, to regulate said inner harbor, and the steamers, vessels and craft of all kinds entering therein, and to prevent the same from mooring or anchoring so as to obstruct navigation or interfere with the movements of one another, and to cause their removal from one point to another for that purpose; and upon the owner, captain or other person in charge neglecting or refusing to obey the authority of said harbor master, and persisting in anchoring or mooring his steamer, vessel or other craft at any point forbidden by him, or neglecting or refusing to remove the same when by said officer called on to do so, and upon the announcement of his official position, except steamers, vessels or other craft lying at wharf discharging cargo, or lying at wharf in employment, or by consent of owner of such wharf, the said harbor master shall have full authority to cause said steamer, vessel or other craft to be removed and to employ assistance therefor; and every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of law, shall be fined, not more than \$200 and costs for each offense; and when the said harbor master shall have been obliged to employ assistance in removing such steamer, vessel or other craft, the expense of the same shall be added to such costs. (P.L.L., 1888, Art. 10, sec. 85; 1930, sec. 112; 1961 Code, sec. 94. 1878, ch. 70; Ch. Amdt. 68-74-21, March 27, 1974.)

Section 3–50. Same; appointment; drawbridge.

On the fourth day of January in every year the county commissioners shall appoint some suitable person as harbor master, who may also be the keeper of any draw in any bridge over Cambridge Creek, to serve for one year; but nothing herein shall be construed so as to require the harbor master and keeper of the draw to be one and the same person; the incumbent for each year shall hold over until his successor is appointed; and in addition to the duties of harbor master, as prescribed in section 3–49, he shall order that no steamer shall enter or leave the harbor at a greater speed than five knots per hour, and in this order the harbor shall extend to the outer buoy and include the entire channel dug by artificial means; and any captain or other person in command of a steamer disregarding this order shall be deemed guilty of a misdemeanor, and upon conviction before a judge of the district court shall be fined and punished as in section 3–49. The draw keeper shall appoint one hour in the morning and one hour in the evening, that will the least interfere with the travel over said bridge, to open and close the said draw for boats and vessels to pass through, always keeping the draw securely closed except when a boat or vessel is actually passing through; and he shall give notice of said time of opening and closing the draw to all captains by handboards at said draw; and should any captain or other person attempt to pass his boat or vessel through at any other time except when the keeper shall open said draw, he shall be responsible for all damage that may be done to the draw or bridge and to persons or their property passing over said bridge at the time. The county commissioners shall pay such reasonable compensation for the performance of said duties as in their judgment is just and proper; provided, the salary of the harbor master as such shall not exceed fifty dollars per annum. (P.L.L., 1888, Art. 10, sec. 86; 1930, sec. 113; 1961 Code, sec. 95. 1882, ch. 126.) (See note (6))

Section 3–50A. Port Warden.

The Mayor with the approval of the City Council, may appoint a Port Warden, who shall have the power to determine upon and regulate all matters relating to the creation or building of wharfs or piers in Cambridge Creek and shall have the authority to promulgate specifications and regulations pertaining to the distance of the wharfs or piers or other improvements that may be extended into the waters of said Cambridge Creek, the materials of which they shall be constructed, the manner and form of construction, their location and such other matters as may pertain to said wharfs, piers or improvements. (Ch. Amdt. 105–84–4, § 1, 1–9–85.)

## **Municipal Electric Light and Power System.**

Section 3–51. Definitions.

(a) *Meanings.* As used in this sub-heading, and in any additions thereto or amendments thereof, the following words shall have the following meanings, unless the context shall clearly indicate that a different meaning is intended:

(b) *City.* The word “city” means the municipal corporation of the State of Maryland now known as “The Commissioners of Cambridge,” and shall include any governing body lawfully designated as a substitute for or successor to said municipal corporation as well as said municipal corporation itself if, at any time, the name or title thereof shall be lawfully changed.

(c) *Project.* The word “project” means an electric light and power generating plant and distribution system, the construction, maintenance and operation of which is herein authorized, including, but without limiting the generality of the foregoing, all lands, leases, franchises, rights, buildings, equipment, machinery, turbines, generators, engines and prime movers, whether powered by gasoline, coal, oil or other substance, poles, wires, conduits, transformers, tools, accessories, meters, appliances and other property and facilities necessary to or useful in the production of electric energy and power, its transmission to all lawful points of consumption and the determination and collection of charges therefor, together with lamps and other facilities required for lighting the streets, lanes, alleys, public places and public buildings of and in the city.

(d) *Cost of acquisition.* The term “cost of acquisition” means and shall include the cost of acquiring by purchase at such price as may be mutually agreed upon by the city and the owner or owners thereof, any facilities now in use in the city necessary to appropriate to, or which may properly be made a part of, a project, including the cost of any lands, properties, rights, easements and franchises, the cost of all machinery or equipment included within the definition of a project and including all or only a part of a complete project, said term also to embrace all costs incurred in financing the acquisition of all or any part of a project as hereinafter authorized, the costs of all engineering, legal or technical services necessary in the acquisition of all or any part of a project.

(e) *Cost of construction.* The term “cost of construction” means and shall include the cost of improving, repairing or modernizing all or part of a project acquired hereunder and also means and shall include the cost of building and assembling all or a part of a project, the cost of all machinery, land, easement, rights of way, equipment and material necessary to the construction of all or any part of a project, financing charges, interest prior to and during construction and for one year after the completion of construction, engineering and legal expenses, cost of surveys, plans, specifications, estimates of construction cost and of revenues, expenses necessary or incident to determining the feasibility and practicability of acquisition or construction, administrative, advertising and such other expenses as may be necessary or incident to the letting of construction contracts, to the revenue financing herein authorized and to the acquisition, construction and placing of a project in operation. (1961 Code, sec. 97. 1947, ch. 339, sec. 114A.)

### Section 3–52. General powers.

(a) *Authorized.* For the purpose of providing the residents of the City with adequate, efficient and dependable electric light and power service at reasonable rates, the city is hereby authorized, enabled and empowered:

(b) *Acquire projects.* To acquire by purchase or to construct, or to partly acquire and partly construct, and to improve, repair, reconstruct, own, operate and maintain a project, the distribution lines of which may be constructed to any point within the corporate limits of the city, as fixed by section 3–2 of this article;

(c) *Construction.* To construct, maintain and operate any lines, pipes or conduits, forming a part of the project, along, upon, under and across publicly owned lands and public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, after first

securing the proper assent, subject to such reasonable conditions as may be prescribed, of the United States, the State of Maryland, the County Commissioners of Dorchester County or of any other political subdivision or public body corporate or instrumentality having jurisdiction, ownership or control of any such lands, thoroughfares, roads, highways, streets, alleys, bridges and causeways, and, for the purpose of any such construction, maintenance and operation, to negotiate, contract for or acquire by purchase the right to cross, use in common or abut any lands, rights of way or easements of any public service company;

(d) *Borrow for acquisition.* To incur the cost of acquisition of, and to acquire, all or any part of a project and to finance said cost of acquisition by the borrowing of money on its full faith and credit, or by the borrowing of money repayable solely from the earnings of such project, or by a combination of both methods, all in accordance with the provisions of this sub-heading;

(e) *Borrow for construction.* To incur the cost of construction of, and to construct or contract for the construction of, all or any part of a project and to finance said cost of construction by the borrowing of money repayable solely from the earnings of such project;

(f) *Fix rates.* To distribute and sell for public and private consumption, within the corporate limits of the city as fixed by section 3–2 of this article, the energy produced by a project and to that end to fix and collect rates, fees and charges for such energy, which rates, fees and charges may be graduated or determined in accordance with volume of consumption or otherwise, and shall be fixed or determined on such a basis as to produce sufficient revenue after payment of costs of operation and maintenance to defray over a period of years any indebtedness incurred in the cost of acquisition or in the cost of construction, and to produce a reasonable return to the city;

(g) *Delegate duties.* To delegate the duties of operation and maintenance of any project to a commission appointed in the manner hereinafter prescribed;

(h) *Entry upon private property.* To authorize the commission hereinafter provided for, its agents or employees, to enter upon any private property in the city for the purpose of installing, servicing or repairing any equipment of the city or of a private person used to conduct and supply the energy distributed by and through a project and, also, for the purpose of periodic meter reading necessary to the determination of the amount of energy consumed;

(i) *Other acts necessary.* To do and perform any other acts and things which may be reasonably necessary, convenient or appropriate to the acquisition by purchase or construction of a project or its efficient operation, maintenance and repair.

(j) *Proviso.* Provided, however, that the powers granted by this sub-heading shall be exercised at all times by the city subject to the full jurisdiction, power and authority of the public service commission of this state and only with the consent and approval of said public service commission first had and obtained; and provided further that none of said powers (except the right to employ and pay out of the city's general funds the engineering, scientific and legal assistance authorized in section 3–53 hereof) shall be exercised by the city unless and until the acquisition, construction, maintenance and operation of the project referred to in this sub-heading, and the issuance of the general bonds or revenue bonds, or both, likewise referred to therein, have been consented to

and authorized and approved by said public service commission. (1961 Code, sec. 98. 1947, ch. 339, sec. 114B.) (See note (7))

Section 3–53. Technical assistance and construction contracts.

In connection with the acquisition by purchase or construction, or partial acquisition by purchase and partial construction of a project, the city may employ a competent consulting engineer to make a study of a proposed project, to report on the feasibility thereof or upon the feasibility of a substitute plan for the acquisition by purchase or construction of said project, and to prepare detailed plans and specifications for such construction. The city is authorized to pay said engineer for his services from its general funds, not otherwise appropriated, and if said project is thereafter acquired, constructed or extended or partly acquired and partly constructed, to reimburse itself for such payments out of the proceeds of the sale of the bonds hereinabove authorized to finance said cost of acquisition or cost of construction. The city is likewise authorized and empowered, in the same manner, to employ such other professional and technical assistance as it may deem necessary and appropriate and to pay for such services and assistance in the same manner. If all, or any part of a project costing more than \$5,000.00, is to be constructed, the city may contract for such construction, the contract or contracts, however, not to be entered into until competitive bids therefor have been called for by advertisement published for at least two weeks in one or more newspapers published in Dorchester County. If such competitive bids are called for, the city shall furnish all prospective bidders with copies of identical and complete plans and specifications upon which to make their bids and shall name in said advertisement a time when and a place where the bids will be opened and considered, and shall reserve in said advertisement the right to reject any and all bids and the right to require a satisfactory surety bond conditioned on completion of construction. The city shall accept the bid of the lowest responsible bidder and award a suitable contract for such construction to said lowest responsible bidder unless all bids are rejected or unless the city, acting on the advice of its City Engineer, publicly finds that the proposal or product of a higher bidder is superior and will serve the community better. (1961 Code, sec. 99. 1947, ch. 339, sec. 114C.)

Section 3–54. Details of operation.

If and when construction or acquisition of a project is definitely contracted for the city shall delegate to a public commission the powers herein conferred on the city of operation, maintenance, repair, improvement and reconstruction of such project, as well as the powers to distribute and sell the electric energy produced thereby and to charge and collect for such energy the rates, fees and charges fixed by the city. Said commission shall be known as the municipal utilities commission and shall consist of three members, all residents of Cambridge, one of whom shall be appointed as chairman, and shall be established by municipal ordinance which, in addition to the provisions hereof, shall prescribe its duties in detail and the compensation of the members thereof. The members of said commission shall be appointed by a majority vote of the Commissioners of Cambridge for initial terms of ten, eight and six years each and thereafter for equal terms of ten years, and one of the members so appointed shall be affiliated with the principal minority party in the city. Any person appointed to said commission may be removed therefrom for misfeasance or malfeasance in office by a two-thirds vote of the Commissioners of Cambridge after due notice to such person of the charges against him and a public hearing on such charges, and any vacancy on said commission created by removal, resignation or death of a member shall be filled by the Commissioners of Cambridge for the unexpired term for

which such member was appointed. Said commission shall collect and hold on behalf of the city all charges, fees and rates realized from the operation of the project and shall disburse or deduct from the fund so created all costs and expenses, or reserves therefor, of operation, maintenance, insurance and repair. Subject to approval by the Commissioners of Cambridge, said commission may employ such consulting, technical, operating and clerical personnel as may be needed for the most economical and efficient operation of the project. Every six months the commission shall make a report to the city of its operations, including a financial statement and every three months it shall pay over to the city the net revenues from the project after deduction of the disbursements, expenses and reserves above provided for. The city shall first use the revenues so derived from the project for servicing its outstanding revenue or general obligation bonds issued in connection with the project as hereinafter provided, and after making the payments, if any, necessary for that purpose, the city may add the balance of said net revenues to its general funds for appropriation to any lawful municipal purpose. (1961 Code, sec. 100. 1947, ch. 339, sec. 114D.)

#### Section 3–55. General obligation bonds.

If the city shall determine that all or any part of a project be acquired by purchase, and if it shall also determine that all or any part of the cost of acquisition shall be borne by the city, it may finance said cost of acquisition by borrowing the requisite sum or sums of money on its full faith and credit, evidencing such borrowing by the issuance and sale at public or private sale of its general obligation bonds in par amount equal to the amount of such borrowing. Such bonds shall be authorized by ordinance and shall be issued in such form as said ordinance may prescribe, provided, however, that said bonds may be issued on a sinking fund or on a serial maturity plan, and if on a serial maturity plan, the last maturity shall not be longer than thirty years from the date of issue. Said bonds shall bear interest at a rate not to exceed four per centum per annum. Said bonds are hereby exempted from the provisions of Sections 34, 35 and 36 of Article 31 of the Code of Public General Laws of Maryland (1939 Edition) and no limitations on the taxing powers of the city shall constitute any limitation on its power hereby granted to levy upon all assessable property within the corporate limits of the city ad valorem taxes, without limit as to rate or amount, sufficient in each year to provide funds for the payment of the principal and interest of said bonds. Such taxes shall be levied and collected in the same manner as other ad valorem taxes of the city are levied and collected in the same manner as other ad valorem taxes of the city are levied and collected and shall have the same priority and lien as such other taxes. Said bonds and the interest paid thereon in the hands of the persons entitled thereto, from time to time, shall be and remain exempt from all state, county and municipal taxation of any kind and nature whatsoever in the State of Maryland. Notwithstanding the provisions hereof for the issuance of such bonds on the full faith and credit of the city and the payment of the principal and interest of the said bonds from the ad valorem taxes hereby authorized to be levied, such principal and interest shall, to the extent possible, be paid in any year that any of said bonds are outstanding from any surplus revenues or net profits of the project, with respect to which said bonds were issued, not needed for the payment of the principal and interest of the revenue bonds hereinafter authorized. Said general obligation bonds may be made redeemable before maturity in whole or in part at the option of the city, at such price or prices and under such terms and conditions as may be fixed by the city at the time of issuance and the funds for such redemption may be provided by the issue and sale of additional revenue bonds as hereinafter authorized. If said bonds are issued on a sinking fund plan, deposits into said sinking fund shall, to the extent available, be made from the surplus of net revenues of the project with respect to which said bonds were issued, and if, at maturity, said sinking fund is inadequate for the

payment of all of said bonds, the additional funds necessary for such payment shall, if possible, be provided by the issuance of additional revenue bonds in the manner hereinafter authorized. The authority conferred by this section shall cease and determine if the cost of acquisition or cost of construction of a project for the city shall be initially financed by the issuance of revenue bonds, and said authority shall be exhausted by one issue of general obligation bonds hereunder. Unless they are inappropriate or in conflict with the provisions of this section, the provisions of section 3–56 specifying the terms and conditions of the revenue bonds shall be applicable to the general obligations bonds above authorized. (1961 Code, sec. 101. 1947, ch. 339, sec. 114E.) (See note (8))

Section 3–56. Revenue bonds.

(a) *Authorized.* The revenue bonds authorized to be issued hereby shall not constitute a debt of the city or a pledge of its faith and credit but such bonds, and the interest thereon, shall be payable solely from the revenues of a project. The city is hereby authorized and empowered by ordinance, at one time and from time to time, to borrow money to pay the cost of acquisition or the cost of construction or both of a project and to issue its revenue bonds in the manner hereinafter prescribed to evidence such borrowing. Each of such bonds shall contain a statement on its face to the effect that the city is not obligated to pay the same or the interest thereon except from the revenues of a project and that the faith and credit of the city are not pledged to the payment of the principal and interest of the bonds. Before issuing any such revenue bonds, the city shall make or obtain (1) an estimate of cost of acquisition of a project or the cost of its construction or both to be defrayed by the money to be realized from the issuance of such bonds, (2) an estimate of the annual revenues of the project and (3) an estimate of the annual cost of maintaining, repairing and operating the project, and no money shall be borrowed and no revenue bonds issued to evidence such borrowing unless the city is satisfied from such estimates that the annual revenues of the project will be sufficient to pay the cost of maintaining, repairing and operating it and, also, the interest on such bonds and the principal thereof as such interest and principal shall become due.

(b) *Form.* Such revenue bonds shall be dated, shall bear interest at such rate or rates not exceeding four percentum per annum, payable semi-annually, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the city, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions as may be fixed by the city prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The city shall determine the form of the bonds and the interest coupons to be attached thereto, the manner of executing the bonds and coupons, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions hereof shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state to the extent provided by section 33 of article 31, Code of Public General Laws of Maryland (1939 Edition). Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest, and for the reconversion of any of the bonds registered as to both principal and interest into coupon bonds. Such bonds may be issued without

regards to any limitation on indebtedness prescribed by any other law and shall not be included in the amount of bonds which the city may be authorized to issue under any statute or under its Charter. The city may sell such bonds in such manner and for such price as it may determine to be for the best interest of the city, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than four per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any redemption premium. Such bonds shall not be subject to the provisions of sections 34, 35, and 36 of article 31, Code of Public General Laws of Maryland (1939 Edition).

(c) *Use of proceeds.* The proceeds of such bonds shall be used solely for the payment of the costs of acquisition or construction of the project they are issued to defray, or applied to the sinking fund created for the payment of such bonds, and such proceeds shall be disbursed in such manner and under such restrictions, if any, as the city may provide. There shall be and there hereby is created and granted a lien upon such moneys until so used in favor of the holders of such bonds or the trustee hereinafter provided for in respect of such bonds. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than said costs, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the ordinance or in the trust agreement hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority over the bonds first issued for the project. If the proceeds of bonds issued for the project shall exceed said costs the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds.

(d) *Temporary bonds; replacement of bonds.* Prior to the preparation of definitive bonds, the city may, under like restrictions, issue interim receipts, interim certificates, or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The city may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specified and required hereby.

(e) *Tax exemption.* Said revenue bonds and the interest paid thereon, in the hands of the persons entitled thereto, from time to time, shall be and remain exempt from all state, county and municipal taxation of any kind and nature whatsoever in the State of Maryland.

(f) *Restrictions.* The ordinance providing for the issuance of the revenue bonds and the trust agreement hereinafter authorized, may also contain such limitations upon the issuance of additional revenue bonds, with respect to the project, as the city may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such ordinance or trust agreement. (1961 Code, sec. 102. 1947, ch. 339, sec. 114F.) (See note (9))

#### Section 3–57. All moneys to be trust funds.

All moneys received by the city, its municipal utilities commission or by any bank or trust company, acting as trustee or depository, pursuant to the authority hereof, whether as proceeds from the sale of revenue bonds, or as rates, charges, fees and other revenues, shall be deemed to be trust

funds, to be held and applied solely as provided herein. The city shall, in the ordinances authorizing the issuance of general obligation or revenue bonds, or in any trust agreement covering revenue bonds provide that all persons or officials receiving payment of the proceeds of the sale of such bonds and the rates, charges, fees and other revenues to be received from the project shall act as trustees of such funds, and hold and apply the same to the purposes hereof, subject to such regulations as such ordinance or trust agreement may provide. (1961 Code, sec. 103. 1947, ch. 339, 114G.)

Section 3–58. Trust agreement.

In the discretion of the city, each and any issue of revenue bonds may be secured by a trust agreement by and between the city and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of this State. Such trust agreement may pledge or assign the net rates, fees, charges and revenues to be received, but shall not convey or mortgage the project or any part thereof. Either the ordinance providing for the issuance of revenue bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the city in relation to the acquisition, construction, improvement, maintenance, operation, repair and insurance of the project, and the custody, safeguarding and application of all moneys, and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues of the project or other moneys pertaining thereto be satisfactory to such purchasers. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the city. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the city may deem reasonable and proper for the security of bondholders. Except as herein otherwise provided, the city may provide, by ordinance or by such trust agreement, for the payment of the proceeds of the sale of the bonds to such officer, commission, board or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out [the] trust agreement may be treated as a part of the cost of maintenance, operation and repair of the project. (1961 Code, sec. 104. 1947, ch. 339, sec. 114H.)

Section 3–59. Revenues of project.

All rates, fees and other charges and all other revenues derived from the project, except such part thereof as may be required by the municipal utilities commission to pay the cost of maintaining, repairing and operating the project, including reserves therefor, and as may be allocated to such expenses in the ordinance authorizing the issuance of revenue bonds or in the trust agreement, or such part of said revenues as may be required by such ordinance or trust agreement, shall be set aside at such regular intervals as may be provided in such ordinance or such trust agreement, in a sinking fund which shall be pledged to, and charged with the payment of, (1) the interest upon such revenue bonds as such interest shall fall due, (2) the principal of the revenue bonds as the same shall fall due, (3) the necessary charges of paying agents for paying the principal and interest, (4) any premium upon bonds retired by call or purchase as herein provided, and (5) the principal and interest of any general

obligation bonds issued hereunder. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the ordinance authorizing the issuance of the revenue bonds or in the trust agreement, but, except as may otherwise be provided in such ordinance or trust agreement, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. The moneys in such sinking fund shall be applied to the purchase or redemption of revenue and general obligation bonds in accordance with the provisions of the ordinance authorizing the issuance of the revenue bonds or of the trust agreement. All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued. (1961 Code, sec. 105. 1947, ch. 339, sec. 114–I.)

#### Section 3–60. Remedies of bondholders and trustee.

(a) *Grant.* Any holder of any revenue bonds issued under the provisions hereof or any of the coupons attached thereto, and the trustee under the trust agreement, if any, except to the extent the rights herein given may be restricted by the ordinance passed before the issuance of the revenue bonds or by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Maryland or granted hereunder or under such ordinance or trust agreement, and may enforce and compel the performance of all duties required hereby, or by such ordinance or trust agreement to be performed by the city or by any officer thereof, including the fixing, charging and collecting of the rates, fees and other charges for the use of the project or for the services and energy furnished thereby.

(b) *Default.* In the event the city shall default in the payment of the principal of or the interest on any of the revenue bonds as the same become due, whether at maturity or upon call for redemption, and such default shall continue for a period of sixty days, or in the event that the city or any of its officers, agents or employees shall fail or refuse to comply with the provisions hereof or shall default in any agreement made with the holders of the revenue bonds, any holder of such bonds, subject to the provisions of the ordinance authorizing the same or the trust agreement, or the trustee therefor, shall have the right to apply in any appropriate judicial proceeding to any court of competent jurisdiction, for the appointment of a receiver of the project, whether or not all bonds shall have been declared due and payable and whether or not such holder or trustee is seeking or has sought to enforce any other right or to exercise any other remedy in connection with such bonds, and upon such application the court may appoint such receiver.

(c) *Restrictions on receiver.* Notwithstanding anything in this section to the contrary, any such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character belonging to and useful for the project, and the authority of any such receiver shall be limited to the operation and maintenance of the project in receivership and no court shall have jurisdiction to enter any order or decree requiring or permitting such receiver to sell, mortgage, or otherwise dispose of any such assets. (1961 Code, sec. 106. 1947, ch. 339, sec. 114J.)

#### Section 3–61. Revenue refunding bonds.

The city is hereby authorized to provide by ordinance for the issuance of its revenue refunding bonds for the purpose of refunding any general obligation or revenue bonds then outstanding and issued under the provisions hereof. The issuance of such revenue refunding bonds, the maturities and other details thereof, and the duties of the city in respect to the same, shall be governed by the foregoing

provisions hereof insofar as the same may be applicable; provided, however, that no revenue refunding bonds shall be issued except in exchange for general obligation or revenue bonds to be refunded thereby or in the amount necessary to provide for the payment of matured general obligation or revenue bonds or bonds maturing or redeemable within six months or unmatured general obligation or revenue bonds which can be acquired for retirement, including any redemption premium and accrued interest thereon. (1961 Code, sec. 107. 1947, ch. 339, 114K.)

Section 3–62. Use of revenues after payment of bonds.

Upon the final payment of all revenue bonds or revenue refunding bonds issued with respect to the project, all rates, fees or other charges thereafter received or collected by the municipal utilities commission in the operation of such project shall be first applied by said commission to the costs of maintenance, operation, repair and insurance of such project as hereinabove provided, and the balance of any such receipts and collections remaining after the payment of such costs and the establishment of adequate depreciation reserves shall become the absolute property of the city to be used by it for any public purpose. All funds held by any trustee under any trust indenture, executed as hereinabove authorized, shall, upon the final payment of any such revenue bonds or revenue refunding bonds with respect to the project, be paid to the city and may be applied by the city to any public purpose. (1961 Code, sec. 108. 1947, ch. 339, sec. 114L.)

Section 3–63. Project tax exempt.

So long as the city shall retain title to the project, such project and the revenues derived therefrom shall be and remain exempt from all taxation of any kind and nature whatsoever by this state or by any county or municipality of this state. (1961 Code, sec. 109. 1947, ch. 339, sec. 114M.)

Section 3–64. Exclusive operation.

As soon as the project shall have been completed and put in operation, the city may provide by ordinance that there shall be no lighting at municipal expense of the streets, alleys, squares, lanes, highways, public buildings or other public places within the corporate limits of the city except by electrical or other appliances owned, operated and maintained by said project. The municipal utilities commission may contract to sell power to any other municipality, county or public body at approved rates, and the revenue derived from such sales shall be treated as part of the revenues of the project. (1961 Code, sec. 110. 1947, ch. 339, sec. 114N.)

Section 3–65. Sale of project.

The city shall be without power or authority to alien, lease, sell or otherwise dispose of a project unless provisions for such sale, lease or disposition shall be made by ordinance and submitted to and approved by a majority of the voters of the city at a regular or special election called for that purpose upon such notice and in the same manner as other regular and special elections are held, and so long as the city shall retain title to said project and shall maintain and operate the same as herein provided, to powers heretofore granted to the city to grant franchises for the purpose of supplying electric energy to the residents of Cambridge are hereby suspended. (1961 Code, sec. 111. 1947, ch. 339, sec. 114–O.)

Section 3–66. Contributions.

In addition to funds that may be received from the sale of its general obligation and revenue bonds, or in lieu thereof, the city may accept from any federal agency, grants of money for a project, and it may borrow all or a part of its requirements from any such federal agency pursuant to the authority hereof and in the manner prescribed hereby. (1961 Code, sec. 112. 1947, ch. 339, sec. 114P.)

Section 3–67. Additional powers.

Notwithstanding any of the foregoing provisions, the city may exercise, in aid of a project, any and all powers which it may now or may hereafter possess under the laws of the State of Maryland, and may pass such ordinances, from time to time, to further the project provided the same are not inconsistent with the powers hereby granted. (1961 Code, sec. 113. 1947, ch. 339, sec. 114Q.) (See note (10))

## **Redevelopment – Urban Renewal**

Repealed. See Appendix I

## **Taxicabs**

Section 3–79. Definition.

The term “taxicab” as used in this sub-heading shall embrace any motor vehicle for hire designated to carry six (6) persons or less, including the driver, operated upon any public street or highway in the City of Cambridge, or, on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along public streets or highways in said city, as may be directed by the passenger or passengers so being transported; provided that nothing in this subtitle shall be construed to include as taxicab a motor vehicle operated, with the approval of the Public Service Commission of Maryland, on fixed routes and schedules. (1961 Code, § 125; 1949, Ch. 414, § 115A.)

Section 3–80. Authority to regulate and license.

In order to protect the public health, safety and welfare of the citizens of the City of Cambridge and other persons who may use taxicab facilities therein, the Commissioners of Cambridge is [are] hereby authorized and empowered by ordinance to fix requirements for the ownership and operation of taxicabs in the corporate limits of Cambridge and to provide for inspection and licensing of taxicabs, their owners and operators. The regulation herein provided for the taxicab industry in Cambridge shall be in addition to any regulation by the Commissioner of Motor Vehicles of Maryland or the Public Service Commission of Maryland. Any person, firm or corporation subject to this subtitle who shall be dissatisfied with any ordinance of the Commissioners of Cambridge, enacted pursuant to the authority therein conferred, may commence any action in the Circuit Court for Dorchester County

against said commissioners to vacate and set aside any such ordinance on the ground that the regulation, practice, act or service established by such ordinance is unreasonable or unlawful. The decision of the circuit court shall be appealable to the Court of Appeals of Maryland by either party. (1961 Code, § 126; 1946, Ch. 414, § 115B.) (See note (11))

Section 3–81. Penalty provisions.

Any person, firm or corporation violating any ordinance promulgated under the authority of this subheading shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) for each offense. In addition, the Commissioners of Cambridge, upon proof of any violation of any ordinance promulgated under this subtitle, shall have authority to revoke or suspend any license issued under the authority thereof after according reasonable opportunity to the licensee to be heard in his, her or its defense. (1961 Code, § 127; 1949, Ch. 414, § 115C.) (See note (12))

## **Industrial Development**

Section 3–82. Industrial and commercial development.

The Commissioners of Cambridge shall have the same authority to provide funds for industrial development and in the same manner as counties are authorized by Article 45–A of the Annotated Code of Maryland (1957 Edition) entitled “Industrial Development.” In addition thereto the Commissioners of Cambridge shall have the authority to apply for loans and/or grants and to make loans and/or grants to private businesses or concerns as authorized by Sections 460 through 466, inclusive, of Article 41 of the Annotated Code of Maryland as the same is now or may hereafter from time to time be amended. (Charter Amdt. No. 16, 4–20–65; Charter Amdt. No. 98–79–5, § 1, 11–27–79.)

## **Infractions and Misdemeanors.**

Section 3–83. Enforcement of ordinances.

(a) To ensure the observance of the ordinances of the city, the council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten (10) days to the circuit court of the county in which the fine, forfeiture or penalty was imposed. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) (1) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the

state or other ordinance. For purposes of this section a municipal infraction is a civil offense.

(2) A fine not to exceed one hundred dollars (\$100.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed two hundred dollars (\$200.00) for each repeat offense, and each day a violation continues shall constitute a separate offense.

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

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Charter Amdt. No. 93-78-3, 7-24-78.)

## **General Powers**

### Section 3-84. General Powers.

In addition to all powers granted to the Council by this Charter or any other provision of law, the Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph. (Res. No. 100-82-1, Nov. 20, 1982.)



**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**  
(See Note (13))

Section A1–101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban renewal project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include—
- (1) acquisition of a slum area or a blighted area or portion thereof;
  - (2) demolition and removal of buildings and improvements;
  - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this 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;

(7) the preservation, improvement or embellishment of historic structures or monuments; and

(8) the acquisition of open land to be used among other things for low and moderate income housing projects. (Ch. 358 of Acts of 1969.)

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

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

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

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

(j) “Municipality” shall mean the Commissioners of Cambridge, a municipal corporation of this State.

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional

powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and 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 such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

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

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited to, the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, as aforesaid, and for the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities or services, in connection with urban renewal projects; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, county or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds[;]

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

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

deem reasonable and appropriate;

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

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

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

(9) to exercise all or any part or combination of powers herein granted. (Ch. 358 of Acts of 1969.)

#### Section A1-103. Establishment of Urban Renewal Agency.

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

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix.

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

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

#### Section A1-104. Initiation of Project.

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

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas; [and]
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

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

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality with sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

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

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

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

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

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this appendix. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The

municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may dispose of real property in an urban renewal area to any person, who owned real property which was acquired by the municipality as part of the urban renewal project, without regard to the provisions of subsection (b) above. (Ch. 194, Acts of 1968.)

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

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

#### Section A1-107. Eminent Domain.

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

#### Section A1-108. Encouragement of Private Enterprise.

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

#### Section A1-109. General Obligation Bonds.

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

#### Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable,

as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this state having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

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

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

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at no less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provisions of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

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

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political sub-divisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

#### Section A1-111. Separability.

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

#### Section A1-112. Short Title.

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

#### Section A1-113. Authority to Amend or Repeal.

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

## NOTES

(1) The Charter of the City of Cambridge confers upon its commissioners the power to appoint a city engineer and a city attorney, and the provisions thereof authorizing the mayor to veto ordinances are not applicable thereto. *Jackson v. Cosby et al*, 179 Md. 675, 22A.2d 453 (1941).

Persons appointed by the Commissioners of the City of Cambridge as city engineer and city attorney, neither of which offices was created by the Legislature, and neither of whom received any commission, nor is required to file any official bond, and who exercise no powers, except such as are derived from the commissioners, are mere employees and not public officers required to take the oath of office prescribed by the Maryland Constitution, art. 1, sec. 6. *Jackson v. Cosby et al*, 179 Md. 675, 22A.2d 453 (1941).

(2) Ch. 483 of 1933 added a new section 63A to the Charter of Cambridge as published in Article 10 of the 1930 Edition of the Code of Public Local Laws. The section has expired by limitation, and it is not here codified. It read as follows: "63A. To borrow money on negotiable paper or certificates of indebtedness executed by the Commissioners of Cambridge, Maryland; provided the sum so borrowed shall at no time exceed the sum of Ten Thousand Dollars (\$10,000.00) unless otherwise expressly authorized by law; the authority to borrow the sum of Ten Thousand Dollars (\$10,000.00) provided for in this section is in addition to the right of the said Commissioners of Cambridge, Maryland; to borrow Ten Thousand Dollars (\$10,000.00) as provided for in Section 63 of Article 10, of Flack's Code of Public Local Laws of Maryland, 1930 Edition, title "Dorchester County," sub-title "Cambridge," which was enacted by the Acts of 1927, Chapter 38, Section 26. "This increase of Ten Thousand Dollars (\$10,000.00) in the borrowing capacity of the Commissioners of Cambridge, Maryland, as herein provided, shall extend for a period of three (3) years from the date of the passage of this Act."

(3) A fire zone and building ordinance of the City of Cambridge, which prohibits the erecting, repairing or remodeling of any building therein enumerated, without first obtaining a permit therefor from the city commissioners, is a valid exercise of the police power conferred upon the city. *Engel v. Cambridge*, 180 Md. 82, 22A. 2d 922 (1941).

Action of the city commissioners of Cambridge in refusing to grant a permit for the construction of a brick building to be used as a garage, salesroom and service station for repairing automobiles, was not discriminatory merely because other permits for other garages had been issued several years before, without objections being filed thereto, and prior to the erection of most of the residences in the neighborhood. *Engle v. Cambridge*, 180 Md. 82, 22A. 2d 922 (1941).

Action of the city commissioners, in refusing a permit for a brick building to be used as a garage, made after a hearing at which a number of citizens who objected to the granting of such permit were present, was not arbitrary. *Engle v. Cambridge*, 180 Md. 82, 22A.2d 922 (1941).

An amendment to this section in ch. 422 of the Acts of 1931 was vetoed by the Governor. See pp. 1083 and 1452, 1931 Session Laws.

(4) Thus in the Act of 1900.

(5) See the preamble to ch. 461 of 1935, which explains at length the reasons for enacting this Act. See also ch. 421 of 1935, which authorized the State Board of Public Works to convey to Cambridge a seven acre tract for use as a sewage treatment and disposal plant.

(6) The preamble to ch. 339 of 1947 was as follows:

“Whereas, the Commissioners of Cambridge have concluded that the public health, safety and welfare and the commercial and industrial growth in said municipality can best be promoted by the operation by said municipality of all facilities therein located for the generation and distribution of electricity for public and private consumption; and

“Whereas, it is desirable that said municipality be granted all needful authority to implement said conclusion by all lawful means, to the end that its objective may be achieved, provided the Public Service Commission of Maryland shall find such operations to be in public interest. . .”

(7) The Commissioners of Cambridge, who have been granted authority to construct or acquire an electric light and power generating and distributing system can bring a suit for a declaratory decree that the Eastern Shore Public Service Company is without a franchise to serve the citizens of Cambridge with electricity as it has been doing. If the municipality exercises the powers granted to it by Chapter 339 of the Acts of 1947, both it and the Eastern Shore Public Service Company are subject to the general supervisory powers of the Public Service Commission as “electric corporations.” *Cambridge v. Eastern Shore Public Service Company*, 192 Md. 334, 64A.2d 151 (1949).

This and the following sections cited in *Poe v. Baltimore City*, 301 Md. 241, 216A.2d 710 (1966).

(8) Sections 34, 35 and 36 of Article 31 of the Code of the Public General Laws of Maryland (1939 Edition) are now codified as Sections 9, 10, and 11 of Article 31 in the 1971 Replacement Volume of the Annotated Code.

(9) Section 8 of Article 31 in the 1971 Replacement Volume of the Code replaced Section 33 of Article 31. Sections 9, 10, and 11 of Article 31 in the 1971 Replacement Volume replaced Sections 34, 35 and 36 of Article 31.

(10) Sec. 2, ch. 339 of 1947, provided that “the provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had said unconstitutional provisions not been included therein.”

(11) The Commissioners of Motor Vehicles should be replaced by a reference to the Motor Vehicle Administration.

(12) Charter Amendment No. 15, July 1, 1963, proposed to add a new section 127A to the Charter of Cambridge as codified in the 1961 Dorchester County Code, relating to discrimination in places of public accommodation. It was petitioned to referendum and defeated at a special election held on October 1, 1963, by a vote of 1,724 “for” and 1,994 “against.”

(13) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Cambridge in Chapter 618 of the Acts of the General Assembly of 1961. Further changes to this power were made by Chapter 194 of the Acts of 1968 and Chapter 358 of the Acts of 1969.

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

Formerly, the urban renewal powers appeared as Sections 3–68 through 3–78, inclusive, of this Charter.

(14) Resolution A–2000–02, effective April 12, 2001, provided for the annexation of 60.19 acres of land. Resolution A–2000–03, effective February 22, 2001, provided for the annexation of 7.28 acres of land. Resolution A–2003–02, effective April 8, 2004, provides for the annexation of certain land. Resolution A–2003–03, effective November 6, 2003, provided for the annexation of 9.009 acres of land. Resolution A–2003–04, effective March 25, 2004, provided for the annexation of certain parcels of land. Resolution A–2003–05, effective November 6, 2003, provided for the annexation of 103.571 acres of land. Resolution A–2003–06, effective August 26, 2004, provided for the annexation of 1061.72 acres of land. Resolution A–2004–01, effective March 31, 2005, provided for the annexation of 5.539 acres of land. Resolution A–2005–01, effective August 25, 2005, provided for the annexation of 162.902 acres of land. Resolution A–2005–02, effective July 5, 2005, provided for the annexation of 15.932 acres of land. Resolution A–2006–01, effective April 13, 2006, provided for the annexation of 6.92 acres of land. Resolution A–2006–02 and Resolution A–2006–02 Addendum, effective November 26, 2010, provided for the annexation of 116.16 acres of land. Resolution A–2006–03, effective February 10, 2007, provided for the annexation of 695.32 acres of land. Resolution A–2007–01, effective July 13, 2007, provided for the annexation of 78.2698 acres of land, more or less. Resolution A–2009–1, effective November 13, 2009, provided for the annexation of 124.281 acres of land, more or less. These resolutions, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this charter.

(15) Resolution CR–2005–01, effective January 17, 2006, repealed subsection (e) of Section 3–21 of this charter but did not provide for renumbering of the section.