CHARTER

OF THE

Town of Boonsboro

WASHINGTON COUNTY, MARYLAND

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BOONSBORO

ARTICLE I
Incorporation

Section 101. Corporate Name.

This charter is the municipal corporation charter of the Town of Boonsboro, Maryland, the corporate name of which is "The Mayor and Council of Boonsboro."

Section 102. Definitions.

The terms "town," "city," "municipality," or "municipal corporation" in this charter shall be construed as synonymous.

Section 103. Municipal Status.

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

Section 104. Description of corporate boundaries.

The corporate limits of the town of Boonsboro in Washington County MD are declared to be as follows: Beginning at a point in the East marginal line of Main Street, also known as U.S. 40A, where the said East margin is intersected by the North boundary of the property now or formerly owned by J.E. Moss and running thence along said Moss line north 53º 30′ east 355 feet, thence leaving the said Moss property and running North, 22º West 219.31 feet, more or less, to a point in Mousetown Road, thence the following four lines with Mousetown Road N 74º 57′ 20″ E 66.27 feet to a point, thence N 72º 30′ 09″ E 187.54 feet to a point, thence N 73º 24′ 07″ E 198.00 feet to a point, thence N 64º 48′ 42″ E 330.00 feet, thence leaving Mousetown Road and passing over an iron pipe found at a distance of 12.52 feet for a total bearing and distance of N 39º 06′ 45″ W 278.31 feet to an iron pipe found, thence N 57º 41′ 17″ E 155.89 feet to an iron pipe found, thence N 14º 26′ 12″ E 213.39 feet to an iron pipe found, thence N 18º 16′ 23″ E 169.97 feet to an iron pipe found, thence S 72º 53′ 03″ E 47.77 feet to an iron pipe found, thence N 02º 53′ 05″ W 105.13 feet to a 36″ oak tree, thence N 23º 29′ 17″ E 234.18 feet to an iron pipe found, thence N 85º 49′ 29″ W 363.42 feet to an iron pipe found, thence N 89º 53′ 37″ W 532.54 feet to an iron pipe found, thence S 32º 21′ 08″ W 214.40 feet to a rebar & cap found, thence S 72º 24′ 55″ W 123.80 feet to a rebar & cap found, thence S 69º 18′ 44″ W 208.79 feet to an iron pipe and surveyor's cap set, thence N 22º W 95.02 feet, more or less, thence north 22º east 1089′, thence north 6º 30′ east 792 feet passing on the west side of the residence now or formerly owned by Samuel Douglas, thence north 72º west 296.75 feet, thence parallel with the Wolfsville Road north 20º 50′ east 406.7 feet, thence south 82º 06º east 22.66 feet to a concrete monument, thence north 14º 26′ east 230.57 feet to a concrete monument, north 20º 18′ east 392.46 feet, thence north 24º 06′ east 185.28 feet to a point, thence south 76º 50′ east 441.57 feet to a post, thence north 19º 01′

east 337.7 feet to a post, thence north 77º 39′ west 184.0 feet to a stake, thence north 9º 27′ west 152.8 feet to a post in the south margin of the Boonsboro–Wolfsville Road, thence along said road north 70º 41′ west 114.2 feet to a point, thence south 70º 40′ west 93.8 feet to a point, thence south 52º 29′ west 138.67 feet to a point, thence north 77º 07′ west 14.1 feet into the Wolfsville Road, thence south 34º 31′ west 129.22 feet, thence leaving the road and running back therefrom south 68º 40′ west 224.14 feet, thence north 10º 10′ east 297.0 feet to a post, thence north 62º 23′ west 106.03 feet to a post, thence north 15º 07′ east 185.76 feet to a post, thence south 74º 53′ east 140.0 feet to the west margin of the Old Boonsboro Road, thence along it north 17º 19′ east 736.55 feet, thence leaving the road and running back therefrom north 62º 31′ west 254.24 feet to a post, thence north 26º 58′ east 379.5 to a post, thence north 43º 10′ east 418.44 feet to a post in the west margin of said Old Boonsboro Road, thence leaving the road and running north 58º 25′ west 861.0 feet to a post, thence north 32º 08′ east 635.48 feet to a post, thence north 50º 31′ west 365.1 feet to a post in the south margin of a private roadway, thence along the margin thereof north 78º 09′ west 763.48 feet to a post in the east margin of the Mapleville Road, thence along said road south 33º 55′ west 856.0 feet, thence south 33º 36′ west 260.0 feet, thence south 33º 31′ west 310.69 feet, thence south 25º 44′ west 400.27 feet, thence as corrected south 17º 53′ west 37.17 feet. thence leaving the Mapleville Road and running with the corporate limits reversed crossing the Herschel Dean tract in line with the school entrance north curb face north 69º 21′ 17″ west 681.2 feet, thence with the boundary between Joseph Moser and Herschel Dean south 15º 59′ 48″ west 594.32 feet thence with the Joseph Moser tract and along the western boundary of the L.A. Summers and Son subdivision south 27º 20′ 50″ west 274.06 feet to an iron pipe, a corner of the Joseph Moser tract, thence with the eastern marginal line of the 12 foot alley and the western boundary of the Thrift Loan Corporation property north 24º 53′ 10″ west 1707.96 feet to an iron pipe in the south marginal line of a gravel farm lane and with the south marginal line of said gravel farm lane and crossing U.S. 40A south 78º 58′ 40″ west 283.05 feet to an iron pipe, thence running with the western marginal line of U.S. 40A and crossing Maryland Route 68 south 24º 51′ 21″ east 78.67 feet, thence with the marginal line of Maryland Route 68, 15 feet perpendicularly distant from the center line thereof, north 88º 17′ 55″ west 165.04 feet to an iron pipe, thence continuing in a straight line North 88º 17′ 55″ West 56.25 feet to a re–bar and cap, thence continuing along the South marginal line of Maryland Route 68 North 88º 18′ 06″ West 295.00 feet to a point, thence along the same North 88º 38′ 18″ West 150.00 feet to an iron pin and cap set, thence leaving said road and running with the outlines of a 5 acre + tract of Austin Wood hereby established South 01º 21′ 42″ West 460.00 feet to an iron pin and cap set, thence along the same South 88º 38′ 18″ East 500.56 feet to intersect the outlines of the Clopper–Michael Post #10 American Legion, Inc. property, thence with the same 54º 22′ 18″ East 98.37 feet to a re–bar and cap, thence North 64º 59′ 42″ East 238.65 feet to intersect the forty–fifth (45th) or South 24º 48′ 09″ East 1246.49 feet line of the existing corporate boundary, thence running with said corporate boundary line South 24º 48′ 09″ East 744.43 feet to a stake at a fence corner and with the North boundary line of Kenneth Kerns tract and existing fence line south 79º 41′ 21″ west 1111.03 feet to an iron pipe, thence south 25º 48′ 59″ east 1879.75 feet to an iron pipe, and thence south 25º 48′ 59″ east 1086.42 feet, thence north 64º 11′ 01″ east 399.62 feet to an iron pipe, to intersect the south 16º 43′ 18″ east 1190.28 foot line of the existing corporate boundary, thence with said line south 16º 43′ 18″ east 915.17 feet, more or less, to intersect the thirteenth line of the original corporate boundary at or near the end of 270.69 feet in said line, thence with the lines of the original corporate boundary south 68º west 1719.31 feet, more or less, to the end of said thirteenth line and to intersect the eastern boundary of the lands north or formerly owned by G. Merlin Snyder, thence so as to include said lands north

22º 20′ west 631.88 feet to a point, thence S 70º 31′ 33″ W 698.43′ to a post, thence N 07º 20′ 15″ E 540.26′ to an iron pin and cap found, thence S 76º 46′ 01″ W 529.13′ to an iron pin and cap found, thence S 71º 51′ 59″ W 407.68′ to an iron pin and cap found, thence N 08º 20′ 16″ W 227. 24′ to a fence post, thence N 07º 35′ 28″ W 274.83′ to a 24 inch blazed locust, thence N 08º 01′ 12″ W 441.79′ to a 30 inch blazed locust tree, thence N 05º 02′ 57″ W 499.02′ to a fence post, thence N 03º 14′ 42″ W 241.16′ to fence post, N 05º 54′ 42″ W 693.72′ to a fence post, thence N 06º 56′ 29″ W 159.75′ to a fence post, thence N 07º 34′ 51″ W 652, 14′ to a corner fence post, thence N 65º 34′ 23″ W 822.47 to a corner fence post, thence S 32º 10′ 44″ W 634.91 to an iron pin and cap found, thence S 12º 43′ 02″ E 989.60′ to a recovered stone and corner fence post, thence S 78º 45′ 14″ W 1292.15′ to an iron pin and cap set along the northeastern right–of–way line of Monroe Road, thence running with the eastern right–of–way line of Monroe Road S 01º 40′ 34″ E 303.07′, thence with a curve to the left having a radius of 322.00′, an arc length of 166.26′ and a bearing and distance of S 16º 28′ 06″ E 164.42′ to a point, thence S 31º 15′ 33″ E 412.70′ to a point, thence S 33º 12′ 16″ E 206.37′ to a point, thence S 29º 26′ 39″ E 88.44′ to a point, thence S 26º 43′ 56″ E 157.72′ to a point, thence S 29º 58′ 56″ E 223.72′ to a point, thence with a curve to the left having a radius of 221.00 feet, an arc length of 106.20′ and a chord bearing and distance of S 43º 44′ 33″ E 105.18′ to a point, thence S 57º 30; 34″ E 949.92′ to a point thence with a curve to the right having a radius of 500′, an arc length of 221.79′, and a chord bearing and distance of S 44º 48′ 03″ E 219.98′ to a point, thence S 32º 05′ 35″E 320.94′ to a point, thence S 27º 54′ 54″ E 421.62′ to a point, thence with a curve to the right having a radius of 515.00′, an arc length of 194.61′ and a chord bearing and distance of S 17º 05′ 03″ E 193.45 to a point, thence S 06º 17′ 24″ E 340.83′ to an iron pin and cap set, thence N 83º 26′ 39″ E 25′ to an iron pin and cap set, thence S 6º 32′ 51″ E 311.31″ to a point, thence S 04º 59′ 1″ E 108.05′ to a point, thence S 04º 14′ 27″ E 108.79′ to a pont **[**point**]** thence S 04º 59′ 1″ E 108.05′ to a pont **[**point**]**, thence S 04º 14′ 18″ E 18.82′ to an iron pin and cap set along the northern right–of–way line of Maryalnd **[**Maryland**]** Route 34, thence running along the northern right–of–way line of Maryalnd **[**Maryland**]** Route 34 S 89º 43′ 18″ E 161.60′ to an iron pin and cap set, thence N 63º 07′ 12″ E 48.57′ to an iron pin and cap set, thence N 62º 16′ 16″ E 48.58′ to an iron pin and cap set, thence N 61º 40′ 38″ E 8.03′ to an iron pin and cap set, thence crossing the highway south 26º 53′ 06″ east 150.15 feet to the south marginal line of the right of way for said highway, thence along said marginal line south 61º 06′ 59″ west 50.41 feet to a point, thence south 61º 57′ 10″ west 50.40 feet to a point, thence south 62º 41′ 13″ west 50.4 feet to a point, thence south 63º 25′ 16″ west 50.4 feet to a point, thence south 64º 09′ 19″ west 50.39 feet to a point, thence south 64º 54′ 02″ west 50.39 feet to a point, thence south 65º 36′ 43″ west 50.38 feet to a point, thence south 66º 21′ 27″ west 50.38 feet to a point, thence south 67º 04′ 49″ west 50.37 feet to a point, thence south 67º 44′ 47″ west 50.37 feet to a point, thence south 68º 37′ 42″ west 50.36 feet to a point, thence south 69º 19′ 43″ west 50.36 feet to a point, thence south 70º 01′ 43″ west 50.35 feet to a point, thence south 70º 50′ 33″ west 50.34 feet to a point, thence south 71º 25′ 44″ west 50.33 feet to a point, thence south 72º 21′ 24″ west 50.31 feet to a point, thence south 72º 29′ 15″ west 50.31 feet to a point, thence south 72º 54′ 08″ west 34.64 feet to a point and south 73º 49′ 07″ west 179.1 feet to a point, thence leaving the highway and running back therefrom along the existing fence lines south 65º 21′ east 546.74 feet to a post, thence south 41º 54′ east 828.0 feet to a post, thence south 2º 01′ east 822.0 feet to a point, thence south 80º 03′ east 124.8 feet to a post, thence north 22º 12′ east 1188.57 feet to a post, thence south 88º 37′ east 347.4 feet to a point, thence south 88º 13′ east 1035.8 feet to a post, thence north 13º 42′ east 545.42 feet to a point, thence north 7º 10′ east 630.32 feet to a point and north 4º 48′ east 403.04 feet, more or less, to intersect the lines of the original corporate boundary,

thence with said lines north 68º east 1640.84 feet, more or less, to the west boundary of the cemetery, thence along same south 22º east 577 feet, thence north 68º east 330 feet, thence leaving the cemetery and running south 22º east 643 feet, thence south 37º east 1063 feet, thence north 53º 30′ east 610 feet to the place of beginning. (P.L.L., 1930, Art. 22, sec. 43; 1957 Code, sec. 36; 1904, ch. 219, sec. 37; 1906, ch. 112, sec. 37; 1924, ch. 282; Res., May 13, 1963; Res., March 7, 1966; Res., Sept. 22, 1969; Res. (Amdt. No. 8), November 1, 1971; Res. (Amdt. No. 9), April 23, 1973; Res. (Amdt. No. 10), August 20, 1973.) (Res. unnumbered, 2–1–90) (Res. 94–01, July 31, 1994) (Res. 98–05, August 4, 1998.)

(a) Corporate boundaries include approximately 1.70 acres of land that was annexed by Resolution 3–88, effective 6–30–88, at Clopper–Michael Post #10 American Legion, Inc., more particularly described as:

Situate west of U.S. Alternate Route 40 and along the south side of Maryland Route 68 in Election District No. 6, Washington County, Maryland. (Res. No. 91–04, 12–25–90.) (See Note (1))

(b) Corporate boundaries include approximately 65.649 acres of land more particularly described as:

Situate along the northeast side of U.S. Route 40—A approximately 1/2 mile northwest of the intersection of Route 40–A and Maryland Route 66 as shown as Parcel 289 on Tax Map 68, in Election District 6, Washington County, Maryland. (Res. No. 91–02, 12–22–90; Res. No. 92–07, 10–28–92.) (See Notes (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12))

Section 105. Land excluded by de–annexation.

The following lands are excluded from the description of corporate boundaries in Section 104:

Beginning for the same at a point along the southerly margin of said Maryland Route 68 (Lappans Road) at the beginning of the S 00° 28′ 27″ E 1,166.90′ line on the existing Corporate Limits of The Town of Boonsboro, as shown on plat entitled “Annexation Plat, Austin A. Flook Annexation” dated December, 2005 and being on file among the records of The Town of Boonsboro, said point being at the northeasternmost corner of those lands as conveyed by Austin A. Flook unto Boonsboro Storage, LLC by deed dated June 9, 1998 and recorded among the aforesaid land records in Liber 1430, folio 130 and as shown on a plat of subdivision entitled “Combined Preliminary and Final Plat of Subdivision, and Forest Conservation Plan, for Boonsboro Storage LLC” and recorded among the Plat records of Washington County, Maryland in Plat 6721, and said point being on the southerly deed outlines of said Eleanor V. Lakin as recorded in Liber 1140, folio 55, thence leaving said existing town limits of The Town of Boonsboro and continuing along said southerly margin of Maryland Route 68 (Lappans Road), and also running with and binding on said plat outlines of Boonsboro Storage, LLC and of said deed outlines of Eleanor V. Lakin the following two (2) courses and distances:

N 68° 57′ 51″ W 272.50′ to a point, thence

N 49° 29′ 09″ W 929.26′ to a point at the northwestern most corner of said deed and plat outlines of Boonsboro Storage, LLC, thence leaving said deed and plat outlines of Boonsboro Storage, LLC and continuing along said southerly margin of Maryland Route 68 (Lappans Road) and with said lands of Eleanor V. Lakin

N 49° 29′ 09″ W 278.80′ to a point at the beginning of the ninth (9th) or N 5° W 84.7 perch line of said Eleanor V. Lakin deed as recorded in Liber 1140, folio 55, thence crossing over said roadway and running with and binding on a portion of said ninth (9th) line the following course and distance

N 05° 14′ 09″ W 57.32′ to a point, said point intended to be on the northerly margin of an existing 40′ right of way, 20′ from the center of the cartway, dated June 2, 1883 and recorded along with a plat of survey among the aforesaid land records in Washington County Road Book No. 2 at Page 69, thence leaving said ninth (9th) line of Lakin and crossing over said lands of Lakin along said existing northerly 40′ right of way line of Maryland Route 68 (Lappans Road) the following four (4) courses and distances

S 49° 29′ 09″ E 1,242.26′ to a point, thence

S 68° 57′ 51″ E 265.64′ to a point, thence

S 69° 05′ 20″ E 191.25′ to a point, thence

S 86° 33′ 49″ E 203.65′ to a point on the westerly deed outlines of the aforementioned Reese property recorded in Liber 1156, folio 1036 and in Liber 1152, folio 797, said Reese property as shown and depicted on a plat of subdivision entitled “Preliminary – Final Plat, Lot 1, To Be Conveyed By, Robert E. Lakin” as recorded among the aforesaid Plat records in Plat 3164, thence leaving said existing northerly 40′ right of way line of Maryland Route 68 (Lappans Road) and running with and binding on said deed Reese deed outlines the following three (3) courses and distances

N 07° 30′ 00″ W 243.39′ to a point, thence

N 82° 30′ 00″ E 176.69′ to a point on the westerly deed outlines of those lands as acquired by Austin A. Flook by a will recorded among the Will Records of the Register of Wills for Washington County, Maryland in Will Book Liber 25, folio 496, thence running with and binding on said lands of Flook the following four (4) courses and distances

S 07° 29′ 59″ E 287.58′ to a point, thence

S 04° 46′ 01″ E 30.44′ to a point on the existing Town of Boonsboro Corporate Limits situate on the southerly side of Maryland Route 68 (Lappans Road), thence running with and binding on said existing Town of Boonsboro Corporate Limits along the southerly side of said road the following three (3) courses and distances:

N 86° 33′ 49″ W 178.48′ to a point, thence

N 86° 33′ 49″ W 217.52′ to a point, thence

N 69° 05′ 19″ W 197.49′ to a point,

the place of beginning; containing 2.965 Acres, more or less. (Res. No. 2012–2, 6–17–10).

ARTICLE II
The Council

Section 201. Number of councilmembers; selection; term.

All legislative powers of the town are vested in a council consisting of five councilmembers, an assistant mayor, and a mayor. In addition to mayor, the two candidates receiving the highest number of votes for council shall be elected in 1988 and every successive four years thereafter. They shall hold office for a term of four years or until the succeeding council takes office. The assistant mayor and the remaining three candidates shall be elected to the council in 1990 and every successive four years thereafter. They shall serve for a period of four years and until their successors are elected and duly qualify. Councilmembers holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding council takes office under the provisions of this charter.

Section 202. Qualification of members.

The assistant mayor and each councilmember shall be a citizen of the United States, a resident of the town for at least three years immediately preceding election to office, and a registered voter of the town. Councilmembers shall be at least 21 years of age; the assistant mayor shall be at least 25 years of age.

Section 203. Salary of the Assistant Mayor and councilmembers.

The assistant mayor and each councilmember shall receive a salary which shall be specified from time to time by an ordinance passed by the council in the regular course of the business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected.

Section 204. Meetings of council.

The newly elected council shall meet on the first Monday of June following its election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the clerk upon the request of the mayor or majority of the members of the council. Except as otherwise permitted or required by statute, meetings of the council shall be open to the public pursuant to Title 3 of the General Provisions Article of the Annotated Code of Maryland, and the

rules of the council shall provide that residents of the town shall have reasonable opportunity to be heard in regard to any item of council business. Res. No. 2020–07, 9–1–2020).

Section 205. Council to be judge of qualifications of its members.

The council shall be judge of the election and qualifications of its members. By qualifications is meant those requirements for office as set forth in Sections 202 and 302 of this charter.

Section 206. President of council.

The mayor shall serve as president of the council. The mayor may take part in all discussions but may not vote unless the council is equally divided. In the absence of the mayor, the assistant mayor shall act as president of the council.

Section 207. Treasurer.

The council shall select one of its number to act as treasurer of the town, and another of its number to act as assistant treasurer. The assistant treasurer shall act in the absence of the treasurer. The treasurer shall share with the town manager financial responsibility for the town, and shall have the following duties:

(a) By means of an accounting system, and jointly with the town manager, keep a record of all funds, monies and revenues received and disbursed on behalf of the town.

(b) Co–sign with the mayor or assistant treasurer all checks for disbursement of town funds.

(c) Report at the end of each fiscal year and at such other times as the council may require on the complete financial condition of the town. (Res. No. 2020–04, 9–1–2020.)

Section 208. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance may be approved nor any other action taken by the council without the favorable votes of a majority of the whole number of members of the council.

Section 209. Rules and order of business; journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or any other matter if requested by any one member. The journal shall be open to public inspection.

Section 210. Passage of ordinance; publication; effective date.

No ordinance may be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the council. Every ordinance, unless it be passed by an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over the mayor's veto. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the town. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over the mayor's veto by the council.

Section 211. Veto.

All ordinances passed by the council shall be promptly delivered by the clerk to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. If the mayor disapproves any ordinance, he shall not sign it. The mayor shall return all ordinances to the clerk within fifteen days after delivery to him (excluding the first day, including the last day, and excluding any Sunday) with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four of the six members of the council within thirty–five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within fifteen days of its delivery, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by the mayor.

Section 212. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance, passage of any ordinance over a veto or failure to pass an ordinance over the mayor's veto, a petition is filed with the clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. The effectiveness of an ordinance requested for referendum, or any part of an ordinance requested for referendum, shall be suspended following the receipt of such petition. Unless disapproved at the election by a majority of the qualified voters voting on the question, an approved ordinance or an ordinance passed over a veto shall become effective on the day following the day of the election. An ordinance not passed over a veto shall become effective on the day following the day of the election if approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such

petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 717, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Section 1001 and Section 1002. The provisions of this section shall be self–executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 213. File of ordinances.

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

ARTICLE III
The Mayor

Section 301. Selection and term.

The mayor shall hold office for a term of four years, beginning on the first day the mayor takes the oath of office after his election and until a successor is elected and qualifies. The mayor holding office at the time the charter becomes effective shall continue to hold office for the term of which the mayor was elected until a successor takes office under the provisions of this charter.

Section 302. Qualifications.

The mayor shall be a citizen of the United States, at least 25 years of age, a registered voter, and a resident of the town for at least three years immediately preceding the election.

Section 303. Salary.

The mayor shall receive a salary as set from time to time by an ordinance passed by the council in the regular course of business. No change shall be made in the salary for any mayor during the term that the mayor was elected.

Section 304. Power and duties.

(a) *Generally*. The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

(b) *Appointments and removal of employees and heads of offices, departments and agencies*. Except for the town manager provisions for whose appointment and removal are contained in Section 601(a), the mayor, with the approval of the council, shall appoint the heads of all offices, departments, and agencies of the town government as established by this charter or by ordinance. All appointees shall be subject to removal by a vote of two–thirds of the whole council, or a vote of three councilmembers, with the approval of the mayor.

(c) *Reports and recommendations to council*. Each year at the first regular meeting after each annual election the mayor shall report to the council the condition of municipal affairs and make such recommendations as is deemed proper for the public good and the welfare of the town.

(d) *Veto*. The mayor shall have the power to veto ordinances passed by the council as provided in Section 211.

(e) The mayor shall co–sign with the treasurer or assistant treasurer all checks issued by the town. (Res. No. 2020–04, 9–1–2020.)

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

ARTICLE IV
Powers of the Town

Section 401. Powers of the council enumerated.

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

(2) *Specific powers*. The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of the State and/or to this charter for the specific purposes provided in the remaining subsections of this section.

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

(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 moneys for purposes within the powers of the council.

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

(8) *Billboards*. To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, 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.

(9) *Boards, commissions and committees*. To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the ordinance or resolution which creates it.

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

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

(13) *Codification of ordinances*. To provide for the codification of ordinances.

(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 function.

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

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

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

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

(21) *Explosives and combustibles*. To regulate or prevent the storage of gunpower **[**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.

(22) *Fees and charges*. Subject to the limitations imposed by the provisions of applicable law, to establish and collect reasonable fees and charges:

(a) For the franchises, licenses or permits authorized by law to be granted by a municipal corporation; or

(b) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation. (Res. No. 2020–08, 9–1–2020.)

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

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

(25) *Fire*. To contribute funds as specified in the annual budget to volunteer fire companies and rescue squads serving the town, and to require said volunteer fire companies and rescue squads to submit detailed statements of the expenditures of such funds biannually in January and July of each year; 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; and to take other measures to control and prevent fires in 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 to the limitations and provisions of applicable law; to grant one or more exclusive or non–exclusive franchises for a community antenna system, cable television system, or communications system that utilizes any public right–of–way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates, rules and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty years. (Res. No. 2020–09, 9–1–2020.)

(28) *Garbage*. To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to a designated point; 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.

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

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

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

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

(33) *Licenses*. Subject to any restrictions imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the

town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

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

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

(36) *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.

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

(38) *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.

(39) *Noise*. To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or any unusually loud noises which may disturb the public peace.

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

(41) *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.

(42) *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.

(43) *Parking meters*. To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof.

(44) *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.

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

(46) *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 leashold **[**leasehold**]** property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

(47) *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.

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

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

(50) *Taxicabs*. To license, tax, and regulate public taxicabs, drivers and all other persons pursuing like occupations.

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

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

(53) *Zoning*. To exercise the powers as to planning and zoning conferred upon municipal corporations generally in the Land Use Article of the Annotated Code of Maryland, subject to the limitations and provisions of said article. (Res. No. 2020–10, 9–1–2020.)

(54) *General authority*. In addition to all the 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 section.

Section 402. Exercise of powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such a manner as may be prescribed by ordinance.

Section 403. Enforcement of ordinances.

To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise declared to be a municipal infraction, and has the power to affix thereto penalties of a fine not exceeding $500 or imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Any person subject to any penalty has the right of appeal within ten days to the circuit court of the county in which the 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.

ARTICLE V
Municipal Elections

Section 501. Qualifications of voters.

Every person who is a citizen of the United States, is at least eighteen years of age, and who is registered to vote in Washington County and who resides in Boonsboro is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

Section 502. Board of supervisors of elections.

There shall be a Board of Supervisors of Elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in March every four years beginning in 1990. The terms of members of the Board of Supervisors of Elections begin on the first Monday in March in the year in which they are appointed and run for four years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as chairperson. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The Board of Supervisors of Elections shall appoint a disinterested person not affiliated with the town to verify votes as they are counted after each election. Compensation, if any, shall be determined by the Mayor and Council. (Res. No. 2004–06, 11–23–04.)

Section 503. Removal of members.

Any member of the board may be removed for good cause by the council, if in the judgement of the council the member is not properly performing or will not properly perform the duties of the position. Before removal, a written copy of the charges against the member of the board shall be given to the member, and there shall be a public hearing on the charges before the council if the member of the board so requests within ten days after receiving the written copy of the charges.

Section 504. Duties.

The board shall be in charge of nominations and all town elections. With the approval of the mayor and council, the board may appoint election clerks or other employees to assist it in any of its duties.

Section 505. Notice of elections.

The board of supervisors of elections shall give at least two weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section 506. Appeal from action of board of supervisors of elections.

If any person is aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action that person may appeal to the mayor and council. Any decision or action of the mayor and council upon such appeals may be appealed to the circuit court for the county within the time allowed for such appeals.

Section 507. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a petition with the clerk of the town on or before the second Monday in April, by the close of regular business hours, next preceding the general town election. Candidates for mayor shall file a petition signed by at least twenty qualified voters of the town, together with a filing fee of $2.00. Candidates for assistant mayor or council shall file a similar petition signed by at least ten qualified voters and taxpayers of the said town, together with a filing fee of $1.00. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

Section 508. Election of mayor and councilmembers.

On the second Tuesday in May in every second even–numbered year from 1988, the qualified voters of the town shall elect one person as Mayor, and two Councilmembers to serve terms of four years. On the second Tuesday in May in every second even–numbered year from 1990, the qualified voters of the town shall elect one person as Assistant Mayor and three persons as Councilmembers to serve for terms of four years. (Res. No. 2004–06, 11–23–04.)

Section 509. Conduct of elections generally.

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballot or voting machines. The ballots or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. Persons desiring to vote shall make a clear and distinct mark adjacent to the name of the person on the ballot for whom they desire to vote. In no event shall a voter vote for more than one candidate for Mayor or more than two or three candidates for Councilperson, depending on the election year. The Board of Supervisors of Elections shall keep the polls open from 7 a.m. to 8 p.m. prevailing time on election days or for longer hours if the Council requires it. (Res. No. 2004–06, 11–23–04.)

Section 510. Special elections.

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

Section 511. Vote count.

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the clerk of the town, who shall record the results in the minutes of the Council. In accordance with Section 502, the disinterested person appointed by the Board of Supervisors of Elections will make the final determination of any questionable ballot. In 1988 and every successive four years, the candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two candidates receiving the highest votes for Council Member shall be elected and serve for a term of four years and until their successors are elected and qualify. In 1990 and every successive four years the candidate for Assistant Mayor receiving the highest number of votes will be declared Assistant Mayor, and the three candidates for Council receiving the highest number of votes in the general election shall be declared elected as Council Members. (Res. No. 2004–06, 11–23–04.)

Section 512. Preservation of ballots.

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

Section 513. Vacancies.

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. In case of a vacancy in the office of mayor for any reason, the council shall elect a qualified person to fill the vacancy for the unexpired term, and until such vacancy is filled, the assistant mayor shall discharge the duties of the office of mayor pro tempore. In case of a vacancy in the office of assistant mayor for any reason, the council shall

elect a qualified person to fill the vacancy for the unexpired term. Any vacancies on the council or in the office of mayor or assistant mayor shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council. (Res. No 2009−05, 2−23−10.)

Section 514. Recall elections; recall of the mayor, assistant mayor, or a councilmember.

a. The mayor, assistant mayor, or councilmember may be removed by the qualified voters of the town for failure to perform the duties of this office as such duties are set forth in this charter. The procedure to effect the removal of such persons from office shall be as set forth herein.

b. *Petition*. A petition signed by not less than twenty percent (20%) of the qualified registered voters of the town shall be presented to the board of supervisors of elections, setting forth that the officeholder in question has failed to perform the duties of his office and specifying the instances of such failure and requesting an election to vote upon the recall of the officeholder. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. All papers composing said petition shall be assembled and filed as one instrument, with endorsements thereon of the names and addresses of three persons designated as filing said petition.

c. *Effect of Petition*. Within ten days from the filing of said petition the board of supervisors shall certify that the petition has the number of signatures of voters and meets the requirements set forth above. If the board of supervisors certifies that the petition meets these requirements, the council shall, by resolution, order an election to be held on a date not more that forty–five days from the date of the certificate from the date of the board of supervisors of elections' certificate. The question to appear on the ballot shall include the name of the officeholder in question, the office which he or she holds, and shall request a "yes" or a "no" vote as to his/her removal from that office. The ballot question shall not specify, or in any way refer to or imply, the reasons for which removal is being sought.

d. *Results of Election*. If a majority of the voters in the special election vote in favor of recalling the officeholder in question, upon certification of the results of the election by the board of supervisors of elections to the council, said office shall thereupon be declared vacant by the council, and shall be filled by the council in the manner prescribed by this charter.

Section 515. Regulation and control by council.

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

Section 516. Absentee Ballots.

Any qualified voter registered to vote is entitled to vote in all town elections by absentee ballot. The town shall prescribe the procedures to so vote.

Section 517. Penalties.

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

Section 518. Run–off elections.

Should any election conducted pursuant to Article 5 of the Charter result in two or more candidates for an elective office receiving an equal number of votes, such that the outcome of the election may not be determined, the Board of Supervisors of Elections shall call for a special election at the earliest possible date, but not earlier than fourteen days nor later than sixty days after the date of the election in which the tie vote occurred. Notice of the election shall be given in accordance with Section 505 of the Charter. Registration shall remain open prior to the run–off election in the manner provided in the Charter. The conduct of the election shall be in accordance with Section 509 of this Charter. The ballots or voting machines shall set forth the name of each candidate who shall have received an equal number of votes, in alphabetical order, with no party designation of any kind. The ballot or voting machine shall not provide for write–in candidates. The procedure following the election shall be in accordance with Section 511 of this Charter as to any elective office in which the provisions of this section are applicable, the results of the election even if previously certified to the clerk of the town, shall not result in a declaration of election with respect to the office or offices in which the election provided for in this section is conducted, but the incumbent official or officials shall remain in office until the new official or officials for such position or positions have been elected. Except as otherwise provided in this section, the rules applicable to special elections shall apply. In the event two or more candidates in a run–off election receive an equal number of votes, such that the election is not decided, the Council shall, by a majority vote, excluding candidates who appeared on the ballot or voting machine in a run–off election, select and declare elected one of the candidates in the run–off election. (Res. No. 2004–06, 11–23–04.)

ARTICLE VI
Administration

Section 601. Town Manager.

a. *Appointment, tenure, removal*. The town manager shall be appointed by the mayor with approval of a two–thirds (2/3) majority vote of council for an indefinite term. A two–thirds (2/3) majority vote of all members of the council shall be required for removal.

b. *Qualifications*. The town manager shall be chosen on the basis of executive and administrative qualifications with reference to knowledge of or experience with the duties of the office. The person shall furnish to the Town for approval a surety bond in an amount to be

prescribed by the council and approved by the town attorney. The bond shall be conditioned on the faithful performance of duties. The bond premium shall be paid by the town.

c. *Compensation*. The town manager shall receive such compensation as the council fixes from time to time.

d. *Duties and responsibilities*. The town manager shall be responsible to the mayor and council for the proper administration of all affairs of the town. To this end, the town manager shall:

(1) Supervise the purchase of all goods for which funds are provided in the budget; let contracts necessary for operation or maintenance of town services for amounts as set forth in council resolutions; receive sealed bids for large purchases or contracts; present them to the council for approval, and advise the council on the bids.

(2) Supervise the work of all town employees and serve as personnel officer of the town and, in this capacity, formulate personnel rules and regulations to be approved by council, and maintain all personnel records and administer all polices **[**policies**]** and rules regulating town personnel.

(3) Prepare the annual budget in conjunction with the treasurer and submit it to the mayor and council with a message describing its important features; share with the treasurer financial responsibility for the town; administer the budget after adoption; prepare a budget projection prior to the beginning of each fiscal year; prepare and submit to the council at the end of each fiscal year a comprehensive annual report.

(4) Attend all meetings of the council, take part in the discussion of all matters before the council, but shall not be entitled to vote in any council actions.

(5) Be responsible for acquiring and maintaining liability and property insurance on all city properties as well as health insurance for town employees and other insurance as the council may from time to time decide the town should acquire.

(6) Perform whatever duties are necessary to insure that all laws, provisions of this charter and acts of the mayor and council are faithfully executed.

Section 602. Clerk.

a. *Selection and term*. The clerk shall be appointed by the mayor with the approval of the council and shall serve at the pleasure of the council.

b. *Compensation.* The clerk shall receive such compensation as the council fixes from time to time.

c. *Duties*. The clerk shall be under the supervision of the town manager. The clerk shall have the following duties and any other duties as assigned by the town manager:

(1) Insure that all taxable property in the town is assessed and collect all taxes, special assessments, license fees, liens and other revenues of the town.

(2) Receive all funds, monies, and revenues for the town, and disburse them promptly on order of the town manager and the treasurer by means of preparing checks to be co–signed by the mayor and treasurer.

(3) Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(4) Maintain an orderly record and filing system of all official town documents.

(5) Keep all official town documents, including the proceedings of the mayor and council.

(6) Provide the town manager with any information needed to prepare the budget.

Section 603. Town attorney.

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

Section 604. Authority to employ personnel.

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

Section 605. Retirement system.

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

Section 606. Compensation of employees.

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

Section 607. Employee benefit programs.

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

ARTICLE VII
Finance

Section 701. Fiscal Year.

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

Section 702. Budget.

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

Section 703. Adoption of Budget.

Before adopting the budget the council shall give two (2) weeks' notice thereof in a newspaper of general circulation within the town. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The affirmative vote of at least a majority of the full number of members of the council is necessary for adoption.

Section 704. Appropriation.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 705. Transfer of funds.

Any transfer of funds between major appropriations for different purposes by the treasurer or town manager must be approved by the council before becoming effective.

Section 706. Overexpenditures forbidden.

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

Section 707. Appropriations lapse after one year.

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

Section 708. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the mayor and countersigned by the treasurer or assistant treasurer. (Res. No. 2020–04, 9–1–2020.)

Section 709. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 710. Budget authorizes levy.

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

Section 711. Notice of tax levy.

Immediately after the levy is made by the council in each year, the clerk shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. The clerk shall make out and mail or deliver in person to each taxpayer or taxpayer's agent at the last known address a bill or account of the taxes due from the taxpayer. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is

assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on the taxpayer's property.

Section 712. When taxes are overdue.

The taxes provided in this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate established by the council for each month or fraction of a month until paid. All taxes not paid and in arrears shall be collected as provided in Section 713. (Res. No. 2020–05, 9–1–2020.)

Section 713. Sale of tax–delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by Section 712 of this charter shall be turned over by the clerk to the official of the county responsible for the sale of tax–delinquent property as provided in state law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by state law.

Section 714. Fees.

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

Section 715. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 16–305 of the Local Government Article of the Annotated Code of Maryland. (Res. No. 2020–11, 9–1–2020.)

Section 716. Tax anticipation borrowing; sale of municipal bonds or notes.

(a) Authority to borrow.

(1) The Town may borrow money and incur indebtedness upon the faith and credit of the town, from time to time, for any public purpose, provided that the total outstanding long term indebtedness does not exceed at any one time a total of ten per centum (10%) of the assessed valuation of the taxable real property of the town, unless a public referendum is held. Borrowing or indebtedness may be evidenced by the sale and inssuance **[**issuance**]** of its general obligation bonds, tax anticipation notes or other evidences of indebtedness (hereinafter sometimes collectively referred to as "bonds") in the manner hereinafter prescribed.

(2) During the first 6 months of any fiscal year the town may borrow in anticipation of the collection of the property tax imposed for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing.

(3) Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than 6 months after the beginning of the fiscal year in which the notes or other evidences of indebtedness are issued.

(4) No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed 50 percent of the property tax imposed for the fiscal year in which the notes or other evidences of indebtedness are issued.

(5) All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued.

(6) The mayor and council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

(b) Public sale; notice of sale; price; issuance for cash or other valuable consideration; signatures and seals; marketing agreements.

(1) Municipal bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids, as determined by the resolution or ordinance authorizing the issuance of the bonds or notes.

(2) (i) Any public sale of municipal bonds or notes may be held only after one or more insertions of a notice of the sale in either a newspaper of general circulation in the town or a publication having a circulation primarily among the investment and financial community.

(ii) The first insertion of the notice of sale shall be published at least 10 days before the date fixed for the sale.

(3) (i) Municipal bonds or notes issued under this subsection may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes, as provided in the authorizing resolution or ordinance.

(ii) The resolution or ordinance that authorizes the municipal bonds or notes may provide for prior redemption of the bonds or notes.

(iii) Municipal bonds or notes may be issued, sold, and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing resolution or ordinance.

(4) Municipal bonds or notes may be issued for either cash or other valuable consideration.

(5) The official signatures and seals affixed to any municipal bonds or notes may be imprinted in facsimile.

(6) The town may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for securing any tendered option granted to holders.

Section 717. Payment of indebtedness.

The power and obligation of the town to pay any and all notes or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for payment of such notes or other evidences of indebtdness **[**indebtedness**]** and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all notes or other evidences of indebtedness issued under the authority of this charter, whether or not such pledge be stated in the notes or other evidences of indebtedness, or in the ordinance authorizing their issuance, with the exception that the mayor and council have the authority not to pledge the full faith and credit of the town in support of revenue bonds.

Section 718. Previous issues.

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

Section 719. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the mayor and council. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than an amount to be specified by an ordinance of the mayor and council shall be made on written contract. The town manager shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The town manager may reject all bids and readvertise with the approval of the mayor and council. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require.

ARTICLE VIII
Public Ways and Sidewalks

Section 801. Definition of public ways.

The term "public ways" as used in this charter includes all streets, avenues, roads, highways, public thoroughfares, lands, and alleys.

Section 802. Control of public ways.

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

Section 803. Powers of town as to public ways.

The town may:

(1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, and any and all bridges, curbs, and gutters.

(2) Grade, lay out, construct, open, extend, and make new town public ways.

(3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.

(4) Pave, surface, repave, or resurface any town public way or part thereof.

(5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.

(6) Construct, reconstruct, maintain, and repair bridges.

(7) Name town public ways.

(8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 804. Powers of town as to sidewalks.

The town may:

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

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

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

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

ARTICLE IX
Reserved

(Res. No. 2020–03, 9–1–2020.)

ARTICLE X
Special Assessments

Section 1001. Power of town to levy special assessments.

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction and paving of public ways and sidewalks or parts thereof; and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost theeof **[**thereof**]**, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project.

Section 1002. Procedure.

(a) *Provided*. The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

(b) *Assessment of cost*. The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the council.

(c) *Amount*. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accuring **[**accruing**]** to the property therefrom, nor shall any special assessments be levied which causes **[**cause**]** the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty–five per centum (25%) of the assessed value of the property after giving effect to the benefit accurring **[**accruing**]** thereto from the project or improvement for which assessed.

(d) *Uniformity of rates*. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

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

(f) *Right to appeal*. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Washington County within ten days after the levying of any assessment by the council.

(g) *Payments; interest*. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

(h) *When due; lien on property; collection*. All special assessment installments are overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

(i) *Clerk*. All special assessments shall be billed and collected by the clerk.

ARTICLE XI
Town Property

Section 1101. Acquisition, possession and disposal.

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

Section 1102. Condemnation.

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

Section 1103. Town buildings.

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

Section 1104. Protection of town property.

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

ARTICLE XII
General Provisions

Section 1201. Oath of office.

(a) *Oath required*. Before entering upon the duties of their offices, the mayor, the council members, the town manager, the clerk, the treasurer, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation: "I, ..., do swear (or affirm as the case may be), that I will support the Maryland Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ....., according to the Constitution and laws of this State."

(b) *Before whom taken and subscribed*. The mayor shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the mayor.

Section 1202. Offical **[**Official**]** bonds.

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

Section 1203. Conflict of interest.

No person elected and qualified as mayor, assistant mayor or council member, or any other person holding any office by election, appointment or otherwise, under the provisions of this charter shall during the term of his office, be interested directly or indirectly, in any contract in which the town is a party or is interested.

Section 1204. Prior rights and obligations.

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

Section 1205. Effect of charter on existing ordinances.

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

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

Section 1206. Separability.

If any section or part of a section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of a section so held invalid appears, except to the extent that an entire section or

part of section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

APPENDIX I
Urban Renewal Authority for Slum Clearance

A1–101. Definitions.

(a) In this appendix the following words have the meanings indicated.

(b) "Blighted area" means an area or single property in which the building or buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

(c) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(d) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(e) "Municipality" means the town of Boonsboro, Maryland.

(f) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.

(g) "Slum area" means any area or single property where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or morals.

(h) "Urban renewal area" means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

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

(j) "Urban renewal project" means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:

(1) Acquisition of a slum area or a blighted area or portion of them;

(2) Demolition and removal of buildings and improvements;

(3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;

(4) Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;

(5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

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

A1–102. Powers.

(a) The municipality may undertake and carry out urban renewal projects.

(b) These projects shall be limited:

(1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;

(2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and

(3) To sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public, or quasi–public corporation, partnership, association, person, or other legal entity.

(c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

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

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

A1–103. Additional powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A1–104. Establishment of Urban Renewal Agency.

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

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

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

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

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

A1–105. Powers withheld from the agency.

The agency may not:

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

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

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

A1–106. Initiation of project.

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

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

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

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

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

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

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

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

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

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

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

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

(a) The municipality, by ordinance, may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees

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

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

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

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

A1–109. Eminent domain.

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

A1–110. Encouragement of private enterprise.

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

A1–111. General obligation bonds.

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

A1–112. Revenue bonds.

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

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in Title of the Local Government Article of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

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

(1) Shall bear a date or dates;

(2) Mature at a time or times;

(3) Bear interest at a rate or rates;

(4) Be in a denomination or denominations;

(5) Be in a form either with or without coupon or registered;

(6) Carry a conversion or registration privilege;

(7) Have a rank or priority;

(8) Be executed in a manner;

(9) Be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);

(10) Be secured in a manner; and

(11) Have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

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

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

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

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

A1–113. Short title.

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

A1–114. Authority to amend or repeal.

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

NOTES

(1) Charter Resolution 91–04, effective 12–25–90, and Annexation Resolution 91–02, effective 12–22–90, purport to amend Section 104, but these resolutions did not clarify how the boundary description is to be amended. Subsections (a) and (b) are added to Section 104 in order to accommodate the goals of the resolutions.

(2) Resolution 92–07, effective October 28, 1992, states in the short title that the purpose is to "amend and reenact with corrected survey description a certain resolution to enlarge the corporate boundaries of the Town by adding thereto 65.649 acres of land, more or less, of Boonsboro West, a partnership, adopted on November 5, 1990." The resolution that appears to be amended is Resolution No. 91–02, effective December 22, 1990.

(3) Resolution 2005–01, effective April 21, 2005, provides for the annexation of 29.523 acres of land, more or less. This resolution, however, failed to provide for the change in the boundary description that is contained in this Charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers sections of this Charter.

(4) Resolution 2006-01, effective February 11, 2007, provides for the annexation of 94.36 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(5) Resolution 2006-03, effective May 18, 2006, provides for the annexation of 32.489 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(6) Resolution 2006-04, effective February 11, 2007, provides for the annexation of 96.1918 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(7) Resolution 2006-07, effective February 11, 2007, provides for the annexation of 35.8062 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(8) Resolution 2006-08, effective February 11, 2007, provides for the annexation of 41.64 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(9) Resolution 2006-09, effective February 11, 2007, provides for the annexation of 388.32 acres of land, more or less. This resolution, however, failed to provide for a change in the

boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(10) Resolution 2006-10, effective February 11, 2007, provides for the annexation of 5.51 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(11) Resolution 2006-11, effective February 11, 2007, provides for the annexation of 213.30 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(12) Resolution 2006-12, effective February 11, 2007, provides for the annexation of 70.25 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this charter. Therefore, this annexation resolution is simply noted pursuant to the municipal general powers sections of this Charter.

(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 Town of Boonsboro in Chapter 73 of the Acts of the General Assembly of 2005.

(14) Article IX was repealed by Resolution 2020–03, effective September 1, 2020.

(15) Resolution 2020–02, effective April 13, 2020, requires safety precautions during the municipal election in light of the COVID–19 state of emergency.

(16) Resolution 2020–12, effective September 1, 2020, purported to amend Section A1–112 of this Charter. However, that section is within Appendix I. Urban Renewal Authority for Slum Clearance, which may only be amended by the General Assembly. Therefore the changes purported to be made by Resolution 2020–12 are not shown.