

CHARTER  
OF THE  
**Town of Federalsburg**

CAROLINE COUNTY, MARYLAND

*Revised April, 2004  
Res. No. 2004-03, 4-20-04*

(Reprinted November 2024)

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# FEDERALSBURG

## ARTICLE I Incorporation and General Powers

### Section C1-1. Incorporated; general powers; Mayor and Council.

The inhabitants of the Town of Federalsburg, in Caroline County, Maryland, are hereby constituted a body corporate under the name and title of the “Mayor and Council of Federalsburg,” and by that name shall have perpetual succession, sue and be sued, have and use a common seal which may be altered at pleasure, and shall have all of the powers incident to or that may attach to a municipal corporation, and shall have and possess all the rights, powers, property and duties vested in and devolving upon the Commissioners of Federalsburg, except as the same may be changed by this Charter. The said Mayor and Council of Federalsburg shall have the right to acquire property by gift, purchase, condemnation, or otherwise, and to dispose of the same by ordinance and legal conveyance. The Mayor and Council of Federalsburg shall consist of four Council members and the Mayor. (P.L.L., 1860, Art. 6, sec. 93; 1888, sec. 116; 1930, sec. 178. 1929, ch. 21, sec. 1; 1947, ch. 337, sec. 178.)

### Section C1-2. Boundaries.

The limits of the Town of Federalsburg, shall be as they have been or may hereafter be fixed from time to time, by Ordinance of the Mayor and Council, in accordance with the provisions of Article 23A of the Annotated Code of Maryland, and such additions and changes in the town limits shall be promptly surveyed, platted and recorded among the Land Records of Caroline County, Maryland;[.] (P.L.L., 1930, Art. 6, sec. 179. 1929, ch. 21, sec. 2; 1947, ch. 337, sec. 179; Res., Jan. 18, 1965, sec. 179.)

### Section C1-3. Mayor and Council; qualifications; tenure.

The government, corporate authority, rights, powers and privileges of the said Town shall be vested in and exercised by a Mayor and four Council members who shall be elected as hereinafter provided, who shall be qualified voters of the Town of Federalsburg for at least one year next preceding their election, and they shall serve a term of four (4) years (P.L.L., 1930, Art. 6, sec. 180. 1929, ch. 21, sec. 3; 1947, ch. 337, sec. 180; Res. No. 2023-01, 5-23-2023.)

## ARTICLE II Elections

### Section C2-1. Elections.

(a) *Date; time; terms.* On the fourth Tuesday in September 2023 an election shall be held between the hours of 7:00 a.m. and 7:00 p.m. under this Charter, for the election of the Mayor

and two (2) Councilmembers each from a different district. On the fourth Tuesday in September 2025 an election shall be held between the hours of 7:00 a.m. and 7:00 p.m. under this Charter for the election of two (2) Councilmembers each from a different district.

On the Tuesday after the first Monday in November, 2028, and upon the Tuesday after the first Monday in November every two (2) years thereafter, an election shall be held between the hours of 7:00 a.m. and 7:00 p.m. Notice of an election shall be printed in some newspaper of general circulation, published in Caroline County, or posted in three conspicuous places in the Town of Federalsburg for at least 10 days before the election. At an election, the one candidate for Council member from each district receiving the highest number of votes shall be elected for a four-year term as Council member. The candidate for Mayor at a Mayoral election receiving the highest number of votes shall be elected Mayor of Federalsburg for a four (4) year term. The term of the Mayor of Federalsburg shall hereafter be for four (4) years.

The Town shall be divided into two (2) legislative districts for the election of members of the Council. Each legislative district shall contain two (2) Councilmembers who shall be elected by the registered voters of that legislative district only. The legislative districts shall be established on a map adopted by Resolution by a majority of the Mayor and Council.

(i) Each legislative district shall consist of adjoining territory, be relatively compact in form, and include substantially the same population as other districts. Due regard shall be given to all constitutional standards in creating the legislative districts.

(ii) From time to time as based on the latest U.S. Census Bureau data and after public hearing, the Mayor and Council may reestablish boundaries of the legislative districts for elections of the members of the Council.

The term of the Mayor and two Councilmembers who are elected in September 2023 shall be extended until the fourth Monday in November 2028. The term of the two Councilmembers who are elected in September 2025 shall be extended until the fourth Monday in November 2030.

On the Tuesday after the first Monday in November, 2028, and on the same date every four (4) years thereafter, an election shall be held for Mayor and one (1) District 1 Councilmember and one (1) District 2 Councilmember. On the Tuesday after the first Monday in November, 2030, and on the same date every four years thereafter, an election shall be held for one (1) District 1 Councilmember and one (1) District 2 Councilmember.

(b) *Candidacy.* Candidates for District 1 Councilmember and District 2 Councilmember must reside in the legislative district in which they are elected to. All persons deciding to become a candidate for Mayor or Council member shall file with the Clerk of Federalsburg no later than 21 days prior to any election a written statement of such candidacy, accompanied by a petition signed by at least 10 duly qualified voters nominating such candidate, which written statement of candidacy and the voters' nominating petition shall be substantially in the following form:

CANDIDATE FOR NOMINATION FOR

\_\_\_\_\_  
Office.

State of Maryland, Caroline County, to wit:

I, \_\_\_\_\_, hereby certify that I am now and have been for more than one year a resident of the Town of Federalsburg, Caroline County, Maryland, and that I am a qualified voter therein; that I am a candidate for the office of \_\_\_\_\_, to be voted upon at the town election to be held on the \_\_\_\_\_, 20\_\_\_\_, and I hereby request my name be printed upon the official ballot at said election as a candidate for said office.

(signed)\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public To the Clerk of Federalsburg:

We, the undersigned, citizens of the Town of Federalsburg, Caroline County, Maryland, and being duly qualified voters of said town, do hereby certify, that we do nominate \_\_\_\_\_, who has been a resident of the Town of Federalsburg, Caroline County, for more than one year, for the office of \_\_\_\_\_.

We do further certify that we and each of us shall vote for the said person nominated hereby.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Signatures of 10 petitioning voters.)

(c) *Election.* Immediately upon the expiration of the time of filing of petitions by the respective candidates, the Clerk of Federalsburg shall cause to be published in one or more newspapers published in Caroline County or posted in three conspicuous places in the Town of Federalsburg, the names of all the candidates as they are to appear upon the official ballot. (P.L.L., 1930, Art. 6, sec. 181. 1929, ch. 21, sec. 4; 1947, ch. 337, sec. 181; Res., Jan. 18, 1965, sec. 181; Res., Jan. 27, 1984; Res. No. 2009–02, 03–24–09; Res No. 2023–04, 5–23–2023.)

Section C2–2. Voters and registration.

(a) *Voters.* Every citizen of the Town of Federalsburg who has been a resident therein for thirty consecutive days next preceding any Town election and who was a qualified voter at the last preceding State or congressional election, or who may reach the age of eighteen years between the first Tuesday after the first Monday of November and the date of any town election as hereinbefore provided, shall be a duly qualified voter of the Town, and every duly qualified voter of the Town who is duly registered in accordance with the provisions of this Charter, shall be entitled to vote at any and all Town elections.

(b) *Registration.* The Town shall use the voter registration list prepared by Caroline County.

(c) *Precincts.* The Mayor and Council of Federalsburg may, from time to time, divide the said Town of Federalsburg into such precincts as they may deem advisable from time to time. They may require all persons living within said precincts to vote in the place or places so provided. Until such time as said Mayor and Council may so divide said town, all persons living within said town shall vote at the place provided by said Mayor and Council. (Res., Jan. 18, 1965, sec. 181A; Res., Jan. 27, 1984.)

Section C2-3. Absentee ballots; voter assistance.

(a) *Qualification:*[.] The following persons may vote as absentee voters in town elections:

(1) Any qualified voter in the Town who may be unavoidably absent from the Town for any reason on any town election day.

(2) Any qualified voter of the Town whose physical disability confines him/her to his/her home or will otherwise prevent him/her from being present and personally voting at the polls on any town election day.

(b) *Application for ballot.* –

(1) A qualified voter of the Town desiring to vote at any town election as an absentee voter shall make application in writing to the Town Clerk for an absentee ballot, which application must be received not later than five (5) calendar days before the election.

(2) Upon receipt of said application the Town Clerk shall promptly mail or deliver a ballot to the qualified applicant which shall be marked at the top “Absentee Ballot”. Underneath these words shall be printed the following instruction: “Mark Ballot by placing an X in the proper blank after each candidate or question that you wish to vote for.”

(3) Two envelopes shall be provided with the Absentee Ballot:

(i) *Return Envelope:* One envelope shall be known as the “Return Envelope” and shall be addressed “Judges of Town Election, Federalsburg, Maryland.”

(ii) *Ballot Envelope:* The other envelope shall be known as the “Ballot Envelope” and shall contain the town absentee ballot.

(4) All ballots must be received by the Judges of the town election not later than the closing of the polls on town election day. If it is not received prior to such closing, it will not be counted.

(5) The Judges of the town election shall not open or unfold any Ballot

Envelope prior to the closing of the polls and the beginning of the canvass of all ballots. No absentee ballot shall be rejected except by unanimous vote of the Judges of the Election.

(b) [(c)] *Assistance in marking ballot, etc.* – Any registered voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter’s choice. Any person rendering assistance pursuant to this subsection shall execute a certification to be included in the instructions prescribed by Maryland Annotated Code [the Annotated Code of Maryland], Election [Law] Article § 9–308.

(c) [(d)] Any reference to State law qualification in this Section shall be a continuing reference to any amendments and changes as they may be made in State law from time to time. (Unnumbered Res. No. 1, 7–26–94.)

Section C2–4. Emergency Absentee ballots.

(a) *Application for ballot.* –

(1) After the Tuesday preceding an election and on the day of the election prior to the time the polls close, any person registered and otherwise qualified to vote may apply, in person or through a duly authorized agent, as authorized in paragraph (4) of this subsection, who appears in person, at the office of the Board of Supervisors of Elections for an emergency absentee ballot if the person is eligible for an absentee ballot under the provisions of Maryland Annotated Code [the Annotated Code of Maryland], Election [Law] Article, § 9–304.

(2) The application shall be made under penalty of perjury but without formal oath, setting forth the reason why the voter is unable to be present at the polls on the day of the election.

(3) Upon receipt of the application, the Board, if satisfied that the person cannot, in fact, be present at the polling place on the day of the election, shall issue to the applicant, or his/her duly authorized agent, an absentee ballot which shall be marked by the voter, placed in a sealed envelope, and returned, under seal, to the Board by the agent.

(4) If the applicant does not apply in person, the applicant shall designate a voter registered in the same county or town as agent for the purpose of delivering the absentee ballot to the voter, and the agent shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, was marked by the voter in the agent’s presence, was placed in a sealed envelope in the agent’s presence, and returned, under seal, to the Board by the agent.

(5) Any emergency ballot received by the Board shall be considered timely if received no later than the close of the polls on Town election day.

Section C2–5. Voting machines.

Voting machines shall be used in the conduct of municipal elections in the Town of

Federalsburg. The Clerk of Federalsburg shall cause to be printed such ballot labels for said voting machines in connection with any town election as will comply with the provisions of Article 33 of the Annotated Code of Maryland. In the event for any reason voting machines may not be available, then said Clerk shall cause to be printed such paper ballots as will comply with the provisions of said Article 33. (Res., Jan. 18, 1965, sec. 181B.)

Section C2-6. Judges of Election.

At the first Mayor and Council meeting in the month of April preceding an election, the Mayor and Council shall appoint such number of qualified voters of the Town of Federalsburg as to him/her may appear necessary to serve as Judges at said election, said election to be conducted in all respects as elections are conducted under the provisions of Article 33 of the Annotated Code of Maryland. Prior to conducting each such election, said Judges shall take the oath required of Judges by Article 33 of the Annotated Code of Maryland. Immediately after each such election the Judges appointed hereunder shall announce to all persons present the results of the election and shall return to the Clerk of Federalsburg under their hands the number of votes cast and for whom. Said Clerk shall file the same at once. (Res., Jan. 18, 1965, sec. 181C.)

Section C2-7. Elections; no nominations.

In the event that there shall be a failure to make any nomination for any one or more of the offices to be elected hereunder, then it shall be lawful to nominate a candidate or candidates, as the case may be, for such office or offices at any time prior to the holding of said election, provided a written statement of candidacy and nominating petition is filed. (P.L.L., 1930, Art. 6, sec. 182. 1929, ch. 21, sec. 5.)

Section C2-8. Same; tie votes.

If at any election for Mayor or Council member there shall be a tie vote between any candidate or candidates for the same office, a special election shall be called by the Mayor and Council and shall be conducted in the same manner as is provided for in § C2-1 of this Article. (P.L.L., 1930, Art. 6, sec. 183. 1929, ch. 21, sec. 6.)

## **ARTICLE III**

### **Mayor and Council**

Section C3-1. Mayor.

No person shall be elected as Mayor of said Town unless he/she shall have been a resident of said Town for at least one year prior to his/her election, and in the event that he/she shall remove from the corporate limits of said Town, then the said office of Mayor shall forthwith become vacant, and his/her successor shall be duly appointed as is provided in this article. The Mayor shall receive the annual salary to be established from time to time by Resolution of the Mayor and Council duly adopted pursuant to the requirements of § C3-6 of this Charter, and subject to the restriction that no increase may take effect during the term of office when such resolution is passed.

The Mayor's salary shall be paid semiannually, during the first pay period in October and the first pay period in April, with the first pay period to begin the October following the election. Beginning in 2028, the Mayor's salary shall be paid semiannually during the first pay period in December and the first pay period in April, with the first pay period to begin in December following the election. No other distributions, partial or otherwise, are authorized. (P.L.L., 1930, Art. 6, sec. 187. 1929, ch. 21, sec. 10; 1947, ch. 337, sec. 187; Unnumbered Res. No. 2, 7-26-94; Res. No. 2012-06, 6-18-12; Res. No. 2023-05, 5-23-2025.)

#### Section C3-2. Mayor's incapacity.

In the event the Mayor is incapacitated from the performance of his/her duties at any time on account of illness or necessary absence from the Town of Federalsburg, the President pro tempore of the Council shall as acting Mayor be clothed with and perform all of the duties incident to the office of Mayor. (P.L.L., 1930, Art. 6, Sec. 214. 1929, ch. 21, sec. 37.)

#### Section C3-3. Council members.

No person shall be elected as a Council member of said Town unless he/she shall have been a resident of said Town for at least one year prior to his/her election, and in the event that he/she shall remove from the corporate limits of said Town, then the said office of Council member shall forthwith become vacant and his/her successor shall be duly appointed as is provided by this article. No person shall be elected as a Council member to serve a particular legislative district unless he/she shall have been a resident of that district for at least one year prior to his/her election, and in the event that he/she removes from the legislative district that they serve, then the said office of Council member shall become vacant and his/her successor shall be duly appointed as provided by this Article.

The Council member shall receive an annual salary to be established from time to time by resolution of the Mayor and Council duly adopted pursuant to the requirements of § C3-6 of this Charter, and subject to the restriction that no increase may take effect during the current term of office, when such a resolution is passed. The Council members' salaries shall be paid semiannually, during the first pay period in October and the first pay period in April, with the first pay period to begin the December following the election. Beginning in 2028, the Councilmember's salary shall be paid semiannually during the first pay period in December and the first pay period in April, with the first pay period to begin in December following the election. No other distributions, partial or otherwise, are authorized. (P.L.L., 1930, Art. 6, sec. 188. 1929, ch. 21, sec. 11; 1947, ch. 337, sec. 188; Unnumbered Res. No. 2, 7-26-94; Res. No. 2012-06, 6-18-12; Res. No. 2023-05, 5-23-2023.)

#### Section C3-4. Vacancy in office.

If any vacancy shall occur in the office of Mayor or Council by death, removal, resignation, failure to qualify or otherwise, the remaining Council members at their next regular meeting shall elect a suitable person as Mayor or Council member as the case may be that meets the candidacy qualifications to serve until the next election, who shall subscribe to the oath which shall be certified to and recorded as is provided in § C3-5. (P.L.L., 1930, Art. 6, Sec. 184. 1929, ch. 21,

sec. 7.)

Section C3–5. Oath in office.

Any person elected as Mayor shall, before he/she enters upon the discharge of his/her office make oath before the Clerk of the Circuit Court for Caroline County “that he/she will diligently and faithfully, without favor, partiality or prejudice, perform the duties of such Mayor of said town”, and a certificate showing the taking of said oath shall be returned by the said Clerk and filed and recorded among the proceedings of the said Mayor and Council of Federalsburg. After the Mayor has taken his/her oath, any newly elected Council members shall make oath before the Mayor “that he/she will diligently and faithfully, without favor, partially [partiality] or prejudice, perform the duties of such Council member of said town”. (P.L.L., 1930, Art. 6, sec. 185. 1929, ch. 21, sec. 8; 1947, ch. 337, sec. 185.)

Section C3–6. Meetings of Mayor and Council.

The Mayor and Council shall meet the first Monday of October following their election, except in 2028 and every two years thereafter, the Mayor and Council shall meet the fourth Monday of November, and shall hold office for their aforesaid terms of office from said date, and shall hold regular meetings on the first Monday of each and every month thereafter which shall be open to the public (except for lawful closed sessions), and may meet as often thereafter as may be necessary to the proper discharge of their official duties. The Mayor shall be the President of the Council and preside at its meetings, and shall have all the privileges of a Council member in debate and vote. He/She [He/she] shall have no power to veto any measure, but every resolution or ordinance passed by the Council must be signed by the Mayor or by three Council members and be recorded before the same shall be enforced. The Council may elect one of their members as President pro tempore, who shall in the absence or inability of the Mayor preside at the sessions, who for the time being shall be acting Mayor and have all the authority in law of the Mayor. Special meetings of the Council may be at any time convened by the Mayor or at the request of three members of that body. The Mayor of the Town of Federalsburg shall be the executive officer thereof, clothed with all the powers necessary to secure the enforcement of all ordinances of said town under this Charter. At all meetings of the Mayor and Council the Mayor and two Council members, or in the absence of the Mayor three Council members, present and voting shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary for the passage of an ordinance, law or resolution at all times. Upon every vote the ayes [yeas] and nays shall be called and recorded. (P.L.L., 1930, Art. 6, sec. 186. 1929, ch. 21, sec. 9; 1947, ch. 337, sec. 186; Res. No. 2023–05, 5–23–2023.)

Section C3–7. Powers.

(a) *General Powers.* The Mayor and 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 the Town

and visitors thereto and sojourners therein.

(b) *Specific Powers.* In addition to the general powers referred to above, the Mayor and Council shall expressly have the power to pass ordinances for the specific purposes enumerated in Article 23A, § 2 of the Annotated Code of Maryland, or corresponding future provision thereof, and enumerated in any other State law pertaining to the Mayor and Council of Federalsburg or to municipal corporations generally. In addition, the Mayor and Council shall have the power to pass ordinances not contrary to the laws and Constitution of this State.

Section C3–8. Removal of Mayor or Council member.

If a Mayor or Council member does not attend four consecutive regular monthly meetings, a majority of the remaining Mayor and Council members may vote to remove the absent Mayor or Council member, provided written notice of the potential removal is sent to the absent Mayor or Council member at least 15 days in advance, and the absent Mayor or Council member is given the opportunity to be heard on the potential removal.

Section C3–9. Recall of the Mayor or Council.

The Mayor or any Council member may be removed from office in accordance with the following procedure:

A. A petition signed by at least twenty–five percent (25%) of the registered voters of the Town of Federalsburg must be presented to the Mayor and Council at a regular meeting of the Mayor and Council stating a desire to have the named Mayor or Council member subjected to recall or reaffirmation by a vote of the electorate for one or more of the reasons set forth in section B, herein. The petition shall satisfy all of the requirements of Maryland law prescribed for petitions to Charter amendments. Only one person may be named in a petition. A petition may contain several pages, but each page shall contain the name and office of the official sought to be removed and the reason(s). Each signer shall sign his or her name as it appears on the town election records, and under each signature shall be typed or printed each petitioner’s name and residential address. All signatures on the petition shall be dated, and the petition shall not be valid unless signatures are within ninety (90) days of one another. At the bottom of each page of the petition, the person circulating the petition, who must be a qualified voter of the town, shall sign the page and make an affidavit before a notary public that he or she circulated the petition and saw each person whose name appears thereon sign his or her name in the circulator’s presence. All pages comprising such petition shall be assembled and filed as a single instrument.

B. The petition shall state specifically the factual basis for the proposed recall of the Mayor or Council member, which shall be for at least one (1) of the following reasons:

- (1) Failure to uphold the oath of office;
- (2) Conviction of a criminal offense of a felony category;
- (3) *Misconduct in office.* For the purpose of this provision, “misconduct in

office” shall mean any willful, unlawful or wrongful behavior of a Mayor or Council member in relation to the duties [of] his or her office, but such conduct need not be criminal in nature to come within this provision;

(4) *Misfeasance while in office.* For purposes of this provision, “misfeasance” is defined as the “improper doing of an act which a person might lawfully do”; or

(5) *Malfeasance in office.* For purposes of this provision, “malfeasance” is defined as “the doing of an act which a person ought not to do at all.”

C. Upon receipt of a petition, the Mayor and Council shall forthwith verify the appropriate number of registered voters’ signatures. If the petition is so authenticated, the Mayor and Council shall announce that: (1) within thirty (30) days of receipt of the petition a public hearing will be held on that petition; and that (2) within sixty (60) days of receipt of the petition a special election shall be held in order to allow all registered voters of the Town to vote on the petition.

D. The voting ballot shall contain the Mayor or Council member’s name, a summary of the allegations set forth in the petition required by Section B. and the choice of “reaffirm” or “recall”. In order for the Mayor or Council member to be removed from office, a majority of those voting must vote “recall”.

E. The voting shall be conducted in the manner as prescribed in Article II of the Town Charter. If recall is voted by a majority of those voting, the Mayor or Council member in question shall immediately forfeit his/her office. The vacancy so created shall be filled in accordance with § C3–5 of the Town Charter except that the Mayor or Council member removed shall not be eligible for appointment to the office from which he/she has been removed. (Res. No. 2009–03, 5–6–09.)

#### Section C3–10. Referendum.

If, before the expiration of twenty (20) calendar days following the effective date specified in any ordinance, a petition is filed with the Town 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 Mayor and 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 Mayor and Council’s discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. Any ordinance, or part thereof disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance adopting a budget, making appropriations, or levying property taxes, or special benefit assessments. (Res. No. 2009–04, 3–4–09.)

## ARTICLE IV Officers and Employees

### Section C4-1. Officers and employees; appointment.

The Mayor, on the first Monday of May after a Mayoral election, may appoint, subject to confirmation by a majority of the Council, a Town Manager, Town Attorney, building inspector, Public Works Director, Main Street Manager, Grants Administrator, Chief of Police, and a Code Enforcement Officer, who shall serve at the pleasure of the Mayor and Council, subject to removal for cause. The Mayor and Council may provide for the appointment of such other officers or employees of said Town as it may be deemed necessary for the interests of said Town from time to time and to prescribe the terms, compensation and duties of such other additional officers and employees. (P.L.L., 1930, Art. 6, sec. 206. 1929, ch. 21, sec. 29.)

### Section C4-2. Same; vacancies filled.

In the event that a vacancy shall occur in any office created under this Charter or which shall be created by the Mayor and Council of Federalsburg pursuant to the power conferred in this Charter by death, removal, resignation, failure to qualify or otherwise, the Mayor shall as soon as convenient thereafter appoint another person to fill said office so vacated for the unexpired term, which appointment shall be submitted to the Council for confirmation and when confirmed the new appointee shall take office in the same manner as is heretofore provided, and shall have the same powers and duties as if he or she had been appointed in the first place and serve out the balance of said term. (P.L.L., 1930, Art. 6, sec. 208. 1929, ch. 21, sec. 31.)

## ARTICLE V Clerk

### Section C5-1. Clerk; appointment, term, duties.

At the first regular meeting of the Mayor and Council on the first Monday of May, 1929, and at the same time every second year thereafter, the Mayor shall appoint, subject to confirmation by a majority of the Council, one person who shall not be a member of the Council, to act as Clerk to the Council, collector of Town taxes and Treasurer, who shall be the same person and whose term of office shall be two years, subject to removal for cause, and until his/her successor is duly qualified. The said officer shall receive such salary and compensation as may be fixed by the Mayor and Council, and he/she shall perform all the duties imposed on him/her by ordinance of the Mayor and Council and by law, and shall be called "Clerk of Federalsburg". (P.L.L., 1930, Art. 6, sec. 189. 1929, ch. 21, sec. 12.)

### Section C5-2. Same; duties.

The said Clerk of Federalsburg shall keep a full and accurate account of the proceedings of the Mayor and Council in suitable book or books, and he/she shall keep the tax rolls of said town with the names of the owners of property arranged alphabetically, and he/she shall keep a

full and fair account of all money received by him/her and of all money paid out showing from whom or what source it was received and for what and to whom it was paid out, and he/she shall keep on deposit in some bank or banks of Federalsburg to be designated by the Mayor and Council to the credit of the Mayor and Council of Federalsburg, all money received or collected by him/her for taxes or from any other source belonging to the said corporation, and said money to be paid out on checks signed by the Clerk and countersigned by the Mayor or the President pro tempore of the Council, and shall be drawn only for such debts or purposes as may have been authorized or designated by the Council, and the said Clerk of Federalsburg shall make a full and complete report to the Mayor and Council of Federalsburg by the 15th of each and every month containing a full and complete statement of the financial condition of said town. (P.L.L., 1930, Art. 6, sec. 190. 1929, ch. 21, sec. 13.)

Section C5-3. Same; bond.

The Clerk of Federalsburg shall provide a bond with such corporate surety and in such amount as the Mayor and Council may be [by] ordinance require, and the Town shall pay for such bond. Such bond shall be conditioned on the faithful performance of the duties of the Clerk of Federalsburg, and that he/she will well and faithfully receive, account for and disburse all moneys placed in his/her hands or received by him/her for the use of the said town, and shall well and truly pay over to his/her successor in office or to the order of the Mayor and Council of Federalsburg all said moneys and shall perform all other duties of his/her office according to law and the ordinances of the Mayor and Council of Federalsburg. (P.L.L., 1930, Art. 6, sec. 191. 1929, ch. 21, sec. 14.)

Section C5-4. Same; deputy.

The said Clerk of Federalsburg may appoint, together with the advice and consent of the Mayor of Federalsburg, a deputy to perform, together with himself/herself, the duties of said office, and whose term of office and compensation shall be fixed by the Mayor and Council of Federalsburg. (P.L.L., 1930, Art. 6, sec. 192. 1929, ch. 21, sec. 15.)

## **ARTICLE VI**

### **Police**

Section C6-1. Police officers.

The Mayor and Council may provide for the appointment of such number of police officers of said Town as it may be deemed necessary for the interests of said Town from time to time, who shall hold office for such period and be subject to removal upon such terms and conditions as the Mayor and Council may by ordinance provide and, in the absence of such provision, shall serve at the pleasure of the Mayor and Council, and whose duties and compensation shall be such as are prescribed by law and by ordinance or resolution of the Mayor and Council of Federalsburg from time to time, and who shall within the limits of said town and have all the police powers of sheriffs, constables, state police, police officers, and peace officers as such officers now have and hereafter may be granted within Caroline County, and it shall be their duty to enforce the resolutions and

ordinances of the Mayor and Council of Federalsburg and the laws of the State of Maryland in relation to crimes and misdemeanors committed within the limits of said town, and the regular police officers before entering upon the duties of their office shall each take and subscribe before a Notary Public of Caroline County an oath to well and faithfully, without partiality or prejudice, perform the duties of his/her office in all things according to the laws of the State and the ordinances of the Mayor and Council of Federalsburg, and to enforce said laws and said ordinances to the best of his/her ability, which oath shall be certified to by the Notary Public before whom it shall be taken and filed with the Clerk of Federalsburg. (P.L.L., 1930, Art. 6, sec. 202. 1929, ch. 21, sec. 25; 1947, ch. 337, sec. 202; Res., Jan. 18, 1965, sec. 202.)

Section C6-2. Special police.

The Mayor, or in his/her absence or disability the President pro tempore of the Council, may appoint special police officers with all the powers of the regular police officers for a term not exceeding thirty (30) days whenever the exigency of the occasion requires it, and their duties and powers shall be the same as those of the regular police officers. (P.L.L., 1930, Art. 6, sec. 204. 1929, ch. 21, sec. 27.)

**ARTICLE VII  
Parks and Recreation**

Section C7-1. Holding property; parks.

The Mayor and Council of Federalsburg shall have the power to hold real, personal and mixed property for the use and benefit of said corporation, and shall have the power to establish a public system of parks, public squares and playgrounds for the recreation, interest and amusement of its citizens, and may convey and dispose of the same or any part thereof, and to receive property by gift, devise or deed in trust for any municipal object. (P.L.L., 1930, Art. 6, sec. 220. 1929, ch. 21, sec. 43.)

**ARTICLE VIII  
Streets and Sidewalks**

Section C8-1. Streets and sidewalks.

*Powers.* The Mayor and Council of Federalsburg may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public street or way or part thereof, bridges, curbs, and gutters.
- (2) Grade, lay out, construct, open, extend, and make new town public streets or ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town

public street or way or part thereof.

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

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

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

(7) Name town public streets or ways.

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

#### Section C8–2. Condemnation.

The Mayor and Council of Federalsburg may acquire by condemnation proceedings as prescribed by the Annotated Code of Maryland, Real Property Article § 12–101 *et. seq.*, any private road or roads whatsoever, or rights of drainage or sewerage or any private property for public use, whether belonging to private individuals, partnerships or corporations, and including any avenues, roads, lanes, thoroughfares, rights or interests, piece or parcel of land, privileges or easements, that the Mayor and Council of Federalsburg may deem desirable or necessary for public purposes. (P.L.L., 1930, Art. 6, sec. 213. 1929, ch. 21, sec. 36; Res., Jan. 18, 1965, sec. 213.)

## ARTICLE IX Drainage and Water Systems

#### Section C9–1. Water system.

The Mayor and Council of Federalsburg are hereby authorized and empowered to construct, establish and maintain a water supply system in and for the Town of Federalsburg, in Caroline County, State of Maryland, or in their discretion to acquire by purchase or condemnation, the property, real and personal, rights and franchises, of any person or persons, partnership or corporation now furnishing water to the citizens of Federalsburg, for the purpose of furnishing an adequate and proper supply of water in said town for all private and municipal purposes. (P.L.L., 1930, Art. 6, sec. 227. 1927, ch. 603, sec. 1.)

#### Section C9–2. Drainage systems.

The Mayor and Council of Federalsburg shall have the power to pass ordinances and resolutions providing for the construction, extension, maintenance and operation of sanitary sewerage and storm water drainage systems and to assess the costs and expense thereof in whole or in part upon the owner or owners of the abutting property, which costs and expenses for said improvements shall be a lien upon the abutting property and shall be collectible in the same manner

as other Town taxes are now collectible in the Town of Federalsburg as prescribed by law. (P.L.L., 1930, Art. 6, sec. 211. 1929, ch. 21, sec. 34.)

Section C9-3. Same; rates and charges.

The Mayor and Council of Federalsburg shall have the power to pass ordinances and resolutions to provide for the rates, rents, and charges for the use and service of sewer, drainage, and water supply systems, which rates, rents and charges are hereby declared to be and made liens upon the property used or served by such sewer, drainage, and water supply systems until paid, and the same shall be collectible in the same manner as other municipal taxes are now collective [collected] in the Town, as prescribed by law. (1935, ch. 16.)

**ARTICLE X**  
**Planning and Zoning**

Section C10-1. Zoning.

The Mayor and Council of Federalsburg shall have the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

Section C10-2. Subdivisions.

The Mayor and Council of Federalsburg shall have the power to regulate all subdivisions of land within the corporate limits of the Town of Federalsburg, and for the purpose of carrying into effect this subsection no plat or plan of any such subdivision upon which any street, alley, lane, avenue, thoroughfare or public highway small [shall] have been laid out, shall be received by the Clerk of the Circuit Court for Caroline County for record among the Land Records of said Caroline County until the said plat or plan has been approved in writing by the Mayor and Council of Federalsburg, and said approval stamped thereon. The Mayor and Council of Federalsburg shall have power to prescribe rules and regulations governing the filing of plats or plans for such subdivision and requiring all properties so subdivided to have permanent markers or boundary stones placed at all street intersections, and to regulate and establish the width and grades for all streets, alleys, lanes, avenues, thoroughfares, public highways or sidewalks so laid out in any subdivision. The Mayor and Council also have the right to pass an ordinance providing for plumbing and building codes in said town and to make regulation for plumbing installations and permits therefor within the limits of said town. (P.L.L., 1930, Art. 6, sec. 216. 1929, ch. 21, sec. 39; 1947, ch. 337, sec. 216.)

## ARTICLE XI Taxation and Finance

### Section C11-1. Taxes.

The Mayor and Council of Federalsburg in the month of June of each year shall levy an annual ad valorem tax on all of the property in the corporate limits of said Town, subject to assessment for municipal taxation, said tax to consist of a levy without limitation sufficient in each year to provide said municipal corporation with the moneys necessary for the general purposes of said corporation and to enable the Town to pay the principal of, and interest on all funded or other indebtedness of said municipal corporation due and payable prior to the next annual tax levy, which said tax shall be alien on all of said property, real, personal, and mixed, within said municipal corporation until paid, and said total ad valorem tax shall be due and payable on or before the first day of October in the year in which levied, and on all such taxes not paid on or before the first day of October shall incur interest, which rate shall be set from time to time by the Mayor and Council. Any such taxes not paid by the next succeeding January 1st shall incur an additional three percent interest, which shall be over and above the interest that was chargeable beginning in the previous October 1st. The taxes, fees, and interest set forth above shall be in addition to any administrative fee imposed by Caroline County for the collection of municipal taxes. (P.L.L., 1920, Art. 6, sec. 193. 1929, ch. 21, sec. 16; 1947, ch. 337, sec. 193; 1951, ch. 67; Res., Nov. 9, 1959, Sec. 193.)

### Section C11-2. List of taxpayers.

As soon as the Mayor and Council shall proceed to ascertain the amount to be levied for the use of said corporation and shall fix the annual rate of taxation, the Clerk of Federalsburg shall cause to be made a book containing an alphabetical list of the taxpayers in said town, together with the aggregate assessment of each and the amount of taxes due and owing from each taxpayer under said levy and assessment. (P.L.L., 1930, Art. 6, sec. 196. 1929, ch. 21, sec. 19.)

### Section C11-3. Borrowing power.

The Mayor and Council of Federalsburg shall have the authority to borrow on behalf of the town such sums of money as it deems proper for municipal purposes. To that end, the Mayor and Council may pledge the full faith and credit of the town and execute and deliver notes, bonds or other obligations of the town, at a rate or rates of interest as the Mayor and Council deem appropriate, whether variable or fixed, and with such other terms and conditions as the Mayor and Council deem appropriate. The Mayor and Council shall have the authority to sell bonds, notes, or other evidences of indebtedness at, above or below the face par value thereof, by public sale or private negotiated sale without advertisement or publication of notice of sale or solicitation of competitive bids, and the Mayor and Council by ordinance may determine notwithstanding any contrary limitations restrictions contained in Article 23A of the Annotated Code of Maryland § 31 *et seq.*, or any other provision of public general law of Maryland as the same now exists or may from time to time hereafter be amended. (P.L.L., 1930, Art. 6, sec. 217. 1929, ch. 21, sec. 40; 1947, ch. 337, sec. 217; Res., Nov. 9, 1959; Res. No. 2008-02, 7-22-08.)

Section C11-4. Audits.

The Mayor and Council of Federalsburg shall annually, at the end of the fiscal year of said town, have all books and accounts of said corporation audited by some competent person or persons, and shall have said books and accounts of said corporation audited at such other time or times as they may deem proper and necessary. (P.L.L., 1930, Art. 6, sec. 218. 1929, ch. 21, sec. 41.)

## **ARTICLE XII**

### **Fines and Penalties; Liens**

Section C12-1. Misdemeanors.

Whenever in this Charter or in any resolution or ordinance adopted pursuant to this Charter or otherwise lawfully adopted, an act or omission to act is declared to be unlawful or a misdemeanor, any person found guilty of such act or omission to act shall be subject to a fine or imprisonment or both according to the limits set forth in said resolution or ordinance, but in no event shall the fine or imprisonment exceed the limits set forth in Article 23A, § 3(a) of the Annotated Code of Maryland (the "Code"), or corresponding future provision thereof. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38 § 4 of the Code, or corresponding future provision thereof. Each day on which such act or omission to act occurs shall constitute a separate offense. (Amended 5-7-2001 by Res. No. 01-05.)

Section C12-2. Municipal infractions.

Whenever in this Charter or in any resolution or ordinance adopted pursuant to this Charter or otherwise lawfully adopted, an act or omission to act is declared to be a municipal infraction, it shall be a civil offense, and any person found guilty of such act or omission to act shall be guilty of a municipal infraction and shall be subject to a fine according to the limits set forth in said resolution or ordinance, but in no event shall the fine exceed the limits set forth in Article 23A, § 3(b) of the Code, or corresponding future provision thereof. Each day on which such act or omission to act occurs shall constitute a separate offense. (Amended 5-7-2001 by Res. No. 01-05.)

Section C12-3. Liens.

In addition to any other remedies available at law, the Mayor and Council may provide by ordinance that any valid charges, taxes or assessments made against any real property within the Town shall be liens upon such property collectible in the same manner in which municipal taxes are collected.

## ARTICLE XIII Miscellaneous Provisions

### Section C13-1. Prior rights.

This Charter shall not affect or impair any right vested or acquired and existing at the time of the passage of this Charter; nor shall this Charter impair, discharge or release any contract, obligation, duty, liability or penalty whatever now existing. 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 been passed. No tax levied or any proceeding taken for the collection of any such tax or the enforcement of the payment of the same before the passage of this Charter shall in any manner be affected by the passage of this Charter, and the mode of procedure in any such matter shall be the same as if this Charter had not been passed. (P.L.L., 1930, Art. 6, sec. 223. 1929, ch. 21, sec. 46.)

### Section C13-2. Prior laws and ordinances.

All Charter provisions, ordinances and regulations of the Town and state [State] law in force and effect at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent with the provisions of this Charter, shall remain in full force and effect until amended or repealed by law.

### Section C13-3. Separability.

Each section of this Charter and every part of said section are hereby declared to be individual sections, and the holding of any section or sections or part or parts thereof to be void, ineffective or unconstitutional for any cause shall not be deemed to affect any other section or part thereof. (P.L.L., 1930, Art. 6, sec. 226. 1929, ch. 21, sec. 49.)

**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**  
(See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum area” means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban renewal project” 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.

(f) “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.

(g) “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 whatever land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

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

(i) “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.

(j) “Municipality” means Mayor and Council of Federalsburg, a municipal corporation of this State. (Ch. 640, 1996.)

#### Section 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;

(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.

Section 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:

(a) 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:

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

(2) 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

(3) 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;

(b) 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;

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

(1) 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;

- (2) To levy taxes and assessments for those purposes;
  - (3) 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
  - (4) 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;
- (d)
- (1) To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects;
  - (2) To mortgage, pledge, hypothecate or otherwise encumber that property; and
  - (3) 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 such insurance;
- (e) 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 whatever conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;
- (f) 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;
- (g) 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;
- (h) 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
- (i) To exercise all or any part or combination of the powers granted in this appendix.

Section 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.

Section A1-105. Powers withheld from the Agency.

The Agency may not:

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

(b) Issue general obligation bonds pursuant to Section A1-109 of this appendix; or

(c) Appropriate funds, and levy taxes and assessments pursuant to Section A1-103(c) of this appendix. (Ch. 640, 1976.)

Section A1-106. Initiation of project.

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

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

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

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

Section 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. Prior to its approval of an urban renewal project, the municipality shall submit the plan to the planning body of the municipality for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within the 60 days, then without the recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing; shall generally identify the urban renewal area covered by the plan; and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

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

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

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

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

(c) Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms. (Ch. 640, 1976.)

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

(a) The municipality may sell, lease or otherwise transfer real property or any interest

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

(b) The municipality may 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.

(c) 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.

#### Section 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.

Section 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.

Section 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.

Section 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 its 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 or any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this subheading, and by a mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

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

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

- (1) Shall bear a date or dates;
- (2) Mature at a time or times;

- (3) Bear interest at a rate or rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium or 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 bond 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 deemed conclusively considered 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. (Ch. 640, 1976.)

Section A1-113. Short title.

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

Section A1-114. Authority to amend or repeal.

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

## NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Federalsburg in Chapter 495 of the Acts of the General Assembly of 1975.

Further changes to this power were made by Chapter 640 of the Acts of 1976.

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