

CHARTER

OF THE

Town of Capitol Heights

PRINCE GEORGE'S COUNTY, MARYLAND

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CAPITOL HEIGHTS

ARTICLE I

Corporate Name, General Powers and Boundaries

Section 101. Corporate Name and General Powers.

The inhabitants of the Town of Capitol Heights within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of “The Town of Capitol Heights” with all the privileges of a body corporate. The Town may, by that name, sue and be sued, plead and be impleaded in any court of law or equity, and may have and use a common seal. The Town shall have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

Section 102. Corporate Boundaries.

The boundaries of the Town shall be: (1) as they existed immediately prior to the date of this charter, subject to all rights, reservations, limitations, and conditions as may be set forth in all prior resolutions of annexations in effect immediately prior to this charter; and (2) as the boundaries may be hereafter amended, as provided by law.

Section 103. Records and Description of Corporate Boundaries.

(a) The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court for Prince George’s County and the Director of the Department of Legislative Reference [Services] of the Maryland General Assembly.

(b) A copy of the courses and distances describing the corporate boundaries of the Town shall be on file in the Town offices and available for public inspection during normal business hours. A map showing the current corporate boundaries shall be maintained in the Town office and shall be available for public inspection during normal business hours.

Section 104.

The Town of Capitol Heights is a municipality with all the privileges of a body corporate in the State of Maryland, the Town has perpetual secession [succession], the corporate boundaries are as they exist immediately prior to the date of this revised Charter and are on file with [the] Clerk in the Circuit Court for Prince George’s County and the Director of the Department of Legislative Records [Services] with the Maryland General Assembly. The corporate boundaries of the Town are also on file in the Town of Capitol Heights, Maryland, and are available for public inspection.

ARTICLE II The Mayor and Council

Section 201. The Mayor and Council.

All legislative powers of the Town should be vested in the Mayor and Council. The qualifications for office of the Mayor and each Council are that each member shall have attained the age of at least 21 years, shall be a citizen of the United States, a resident of the Town of Capitol Heights for at least two years immediately preceding the date of election, and a qualified voter in the Town.

The Mayor and each Councilmember must maintain permanent residence in the Town during the term in office. The Charter provides for filling vacancies in forfeiture of office and removal proceeding, salaries, meetings, features of the Mayor and Council, procedures for enacting ordinances, votes, regular ordinances, and emergency ordinances. The keeping of public records and enumeration of the general powers of the Town, the exercise of those powers, enforcement of the laws, the maintenance of a file of ordinances, and an enumeration of mayoral powers and duties are set forth in the revised charter.

Section 202. Qualifications for Office.

The Mayor and each Councilmember shall have attained at least twenty-one (21) years of age and shall be a citizen of the United States, a resident of the Town of Capitol Heights for at least two (2) years immediately preceding the date of election, and a qualified voter in the Town pursuant to Section 301 of this Charter. The Mayor and each Councilmember shall maintain a permanent residence in the Town during their term of office.

Section 203. Mayor and Council to be Judge of Qualifications for Office.

The Mayor and Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office.

Section 204. Vacancies in Office.

In case of a vacancy in the office of Mayor or any Councilmember, for any reason, the remaining elected officials shall elect, by majority vote within 45 days of declaring a vacancy on the Council, a qualified person to fill the vacancy for the unexpired term. Any vacancies on the Council or the office of the Mayor shall be filled by the favorable votes of a majority of the remaining members of the Mayor and Council. The results of any such vote shall be recorded in the minutes of the Mayor and Council.

Section 205. Forfeiture of Office.

(a) The Mayor or a Councilmember shall forfeit office if he or she (1) lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony or, (4) fails

to attend three consecutive regular meetings of the Mayor and Council without being excused by the Mayor and Council.

(b) Prior to any forfeiture of office under this section, the Mayor and Council shall hold a public hearing on the matter. At the public hearing, any interested party may be heard and the facts shall be established as to whether an elected official shall forfeit office in accordance with this section.

(c) The forfeiture of office may, within 10 days of the action, be appealed to the Circuit Court for Prince George's County, Maryland by petition of the official who forfeited office. Upon filing of the petition, the court may stay the forfeiture pending the court's decision. Upon appeal, the court shall make a de novo determination of fact.

Section 206. Removal Proceedings.

(a) The Mayor or a Councilmember may be removed from office if he or she is accused of committing an offense involving malfeasance, misfeasance, or nonfeasance in office.

(b) In order to remove an elected official a petition shall be filed with the Mayor and Council. The petition shall state the specific reasons for removing an elected official from office and shall contain the signatures of at least 25 percent of the registered voters of the Town. Under each signature shall be typed or printed each petitioner's name and address. At the bottom of each page of the petition, the individual circulating the petition shall sign the page and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose name appears thereon sign the petition in his or her presence. Upon receipt of a petition, the Mayor and Council shall promptly refer the petition to the Prince George's County Board of Supervisors of Elections for verification of the appropriate number of registered voters' signatures and addresses. The County Board of Supervisors of Elections shall return to the Mayor and Council the petition with written findings as to the validity of the petition.

(c) If the Mayor and Council is in receipt of a valid petition as certified by the County Board of Supervisors of Elections, the Mayor and Council may pass a resolution to hold a public hearing on the matter. The resolution shall name the elected official who may be removed, the specific charges for removal, and the time, date, and place of the public hearing. Upon passage of the resolution, the Mayor and Council shall forward a copy of the resolution signed by the Town Clerk to the elected official named in the resolution. The Mayor and Council may, by a majority vote, suspend from exercising the duties of office the charged official until the hearings are complete, provided the hearing or hearings shall be completed within 15 days of the decision to suspend the elected official.

(d) An elected official who is the subject of a petition for removal shall not have the right to vote in any matter involving his or her removal, but shall be regarded as a defendant. The Mayor and Council shall act as a board of inquiry and shall elect from its members a chairman to preside over the hearings. A quorum for the proceedings shall consist of a majority of the Mayor and Council. The Town Attorney shall act as prosecutor on behalf of the town. In the course of the hearings, the Mayor and Council shall have the power to:

- (1) administer oaths and affirmations,
- (2) issue subpoenas,
- (3) rule on offers of proof and receive relevant evidence,
- (4) take or have taken depositions,
- (5) regulate the course of the hearings, and
- (6) settle procedural issues by consent of both parties.

The defendant shall have sufficient opportunity to answer all evidence brought against the defendant.

(e) The defendant shall be immediately removed from office if a majority of the Mayor and Council votes to remove the elected official. The decision of the Mayor and Council may, within 10 days of removal, be appealed to the Circuit Court for Prince George's County, Maryland by petition of the removed official. Upon filing of the petition, the court may stay the removal pending the court's decision. Upon appeal, the court shall make a de novo determination of fact.

(f) Upon a final vote on the matter by the Mayor and Council, a suspended official who is not removed shall be entitled to resume the exercise of all rights and privileges of office, including the right to receive any amount of salary withheld during the period in which the official may have been suspended from office.

Section 207. Salary of the Mayor and Councilmembers.

The Mayor shall receive an annual salary of not more than six thousand dollars (\$6,000). Each Councilmember shall receive an annual salary of not more than four thousand eight hundred dollars (\$4,800). The compensation of the Mayor and Councilmembers may be changed by an affirmative vote of not less than two-thirds (2/3) of the members of the Mayor and Council, provided the salary specified at the time an elected official takes office shall not be changed during the period for which the official was elected.

Section 208. Meetings of the Mayor and Council.

Members of the Mayor and Council shall have power to meet and adjourn from time to time as they shall think proper, except that the Mayor and Council shall meet at least once in every month. The Mayor shall preside at all meetings and vote only in case of a tie vote. Special meetings shall be called by the Mayor or a majority of the members of the Mayor and Council. Except as may be provided by law, all meetings of the Mayor and Council shall be open to the public, and the rules of the Mayor and Council shall provide that the residents of the Town shall

have a reasonable opportunity to be heard at any public meeting in regard to any municipal questions.

Section 209. Quorum.

(a) Four Councilmembers and the Mayor shall constitute a quorum for the transaction of business.

(b) The Town Clerk shall be notified by a member in the event the member is unable to attend a regular meeting.

Section 210. Procedures of the Mayor and Council.

The Mayor and Council shall determine its own rules and order of business. It shall keep a permanent record of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time, if required by one of its members. The permanent record shall be open to public inspection, subject to reasonable regulation.

Section 211. Procedure for Enacting Ordinances.

(a) Except as otherwise provided in this charter, no ordinance shall be passed at the meeting at which it is introduced. An ordinance may be passed, or passed as amended, or rejected, or its consideration deferred to some specific future date at any regular or special meeting of the Mayor and Council held not less than six nor more than sixty days after the meeting at which an ordinance is introduced. An ordinance shall be passed and enacted into law by an affirmative vote of at least four members of the Council and, in the event of a tie, the Mayor.

(b) Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following its passage by the Mayor and Council.

(c) A fair summary of every ordinance excepting emergency ordinances shall be published at least once prior to the date of passage in a newspaper having general circulation in the town. A fair summary of every ordinance, including emergency ordinances, shall be published at least once within ten days after the date of passage in a newspaper having general circulation in the town.

Section 212. Emergency Ordinances.

When the Mayor and Council deems that immediate action is necessary for the preservation of the public peace, health, safety or welfare, the Mayor and Council may enact an emergency ordinance by an affirmative vote of at least five members of the Mayor and Council. Every emergency ordinance shall be plainly designated as such and shall contain a declaration stating that an emergency exists and describing the emergency in specific terms. An emergency ordinance may be enacted at the meeting at which it is introduced and shall become effective on

the date specified in the ordinance. All emergency ordinances shall have a date of termination not to exceed one year after enactment.

Section 213. Public Records.

All public records shall be permanently filed by the Town Administrator and shall be kept available for public inspection during normal business hours, subject to reasonable regulations.

Section 214. General Powers.

(a) 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 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) The Mayor and Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State for the following specific purposes. The enumeration of powers in this subsection is not to be construed as limiting the powers of the Town to the several subjects mentioned.

(1) *Advertising* – To provide for advertising for the purpose of the Town, for printing and publishing statements as to the business of the Town.

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

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

(4) *Appropriations* – To appropriate municipal monies for any purpose within the powers of the Mayor and Council.

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

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

(7) *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 buildings, fence, post, billboard, pole or other place within the Town.

(8) *Boards and Committees* – To appoint boards and committees that may be deemed necessary to the purposes of the Town.

(9) *Bridges* – To erect and maintain bridges.

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

(11) *Cemeteries* – To regulate or prohibit the interment of bodies within the Town and to regulate cemeteries.

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

(13) *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.

(14) *Cooperative Activities* – To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental functions.

(15) *Curfew* – To prohibit people from being in the streets, lanes, alleys or public places at unreasonable hours of the night.

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

(17) *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.

(18) *Disorderly Houses* – To suppress boarding houses, transit residences and facilities, bawdy houses, disorderly houses, and houses of ill fame.

(19) *Dogs, Cats and Other Animals* – To regulate the keeping of dogs, cats, and other animals in the Town and to provide whenever the County does not license or tax dogs, cats, and other animals, for the licensing and taxing of the same; to provide for the disposition of homeless dogs, cats, and other animals and dogs, cats, and other animals 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 when they are operated without a license.

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

(22) *Fees and Charges* – To establish and collect fees and charges for all franchises, licenses, and permits issued by the Town and for all governmental and proprietary functions of the Town.

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

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

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

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

(27) *Franchises* – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies and any other which may be deemed advantageous and beneficial to the Town, subject, however, to Maryland law; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television 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 subsection. No franchise shall be granted for a longer period than 10 years.

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

(29) *Garbage* – To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupant of the premises to place them conveniently for removal, and the Town will not be responsible for any damages incurred in the act of removing garbage or trash from the premises of any resident.

(30) *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 same for any lawful public purpose, agreeable to the conditions under which the gifts or grants were made.

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

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

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

(34) *Jail* – To establish and regulate a station house or lockup for temporary confinement of violators of the law and ordinances of the town or to use the County jail for such purposes.

(35) *Land Use* – To regulate land use and development within the corporate limits.

(36) *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.

(37) *Liens* – To provide that any valid charges, taxes, and assessment made against any real property within the Town shall be liens upon such property, to be collected as municipal taxes are collected.

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

(39) *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.

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

(41) *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.

(42) *Merit system* – To provide for a merit system for such Town employees as the Mayor and Council shall determine and to enact rules and regulations thereof.

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

(44) *Nuisances* – To prevent or abate by appropriate ordinances all nuisances in the Town which are so defined by common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health. In this connection, the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, slaughter-houses, cattle or hog pens, canneries and renderies.

(45) *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.

(46) *Parades* – To regulate the holding of meetings, processions and parades in town streets, parks or public places.

(47) *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.

(48) *Parking Meters* – To install parking meters on the streets and public places of the Town in such places as they shall be by ordinance determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must be first approved by the Commission.

(49) *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.

(50) *Police Force* – To establish, operate and maintain a police force.

(51) *Police Powers* – To prohibit, suppress and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefore, and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbance, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

(52) *Property* – To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structure thereon for the benefit of the Town and its inhabitants; and to convey any real or lease held 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.

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

(54) *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 to conflict with the laws of the State of Maryland or with this Charter.

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

(56) *Sweepings* – To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome material into any public way or onto any public or private property in the Town.

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

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

(59) *Voting Machines* – To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

Section 215. Exercise of Powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter[,] the Mayor and 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 manner as may be prescribed by ordinance.

Section 216. Enforcement.

To ensure the observance of the ordinances of the Town, the Mayor and Council shall have the power to provide that violation thereof shall be a misdemeanor or a municipal infraction and to affix thereto penalties that do not exceed the maximum penalties prescribed by law.

Section 217. File of Ordinances.

Ordinances shall be permanently filed by the Town Clerk and shall be kept available for public inspection, subject to reasonable regulation.

Section 218. Mayoral Powers and Duties.

(a) The Mayor shall be recognized as the head of the Town Government for all ceremonial purposes, by the courts for serving civil process and by the Governor for the purposes of military law. The Mayor shall execute all ordinances passed by the Mayor and Council. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of the office by the Mayor and Council, not inconsistent with this Charter.

(b) The Mayor shall appoint a Councilmember to serve as mayor pro tempore who, in the absence of the Mayor, shall exercise all of the powers provided to the Mayor by this charter, ordinance, or any other law, resolution, or regulation. In the event the mayor pro tempore is unable to serve, the next senior member of the Council shall serve as mayor pro tempore.

(c) All persons, not including the Mayor and Council, taking and subscribing to the oath of office provided in Section 901 of this Charter shall do so before the Mayor.

ARTICLE III

Registration, Nominations, and Elections

Section 301. Voters.

Every person who meets all of the following requirements is a qualified voter of the town and may vote in town elections:

- (a) is a citizen of the United States;
- (b) is at least eighteen (18) years of age;
- (c) has resided within the corporate limits of the Town for thirty (30) days preceding any Town election; and
- (d) is registered to vote at least 30 days prior to the election and registered in accordance with the provisions of state and county law.

Section 302. Registrations.

(a) Registration with the Prince George's County Board of Elections shall be deemed registration for town election, provided that the person so registered meets the voter qualification required by this charter.

(b) There shall be a registration in the Town of qualified persons not registered to vote in accordance with subsection (a) of this section on the second Monday in March in every even numbered year. If necessary for the performance of registration or the convenience of the citizens of the Town, the Mayor and Council may designate additional days as registration days.

(c) Provided a person is registered in accordance with this section and is otherwise a qualified voter, registration shall be permanent. No person shall be entitled to vote in Town elections unless the person is registered in accordance with this section.

(d) Except as may be provided in this section, it shall be the duty of the Town Clerk to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of Town, and persons who have not voted in a Town election for three (3) consecutive years.

Section 303. Appeal.

If any person is aggrieved by the action of the Town Clerk in refusing to register any person or on in striking off the name of any person, or is aggrieved by any other action involving Town elections, the person may appeal to the Mayor and Council. Any decision of the Mayor and Council upon such appeals may be appealed to the Circuit Court for Prince George's County within thirty days of the decision or action of the Mayor and Council.

Section 304. Election of the Mayor and Council.

On the first Monday in May of 1998 and every four years thereafter on the first Monday in May the qualified voters of the Town shall elect one person as Mayor and six persons as councilmembers to each serve for a term of four years, or until a successor qualifies for office.

Section 305. Nominations.

(a) At least fifteen days before any Town election, the Mayor shall issue a proclamation calling the legally qualified voters of the Town in convention for the purpose of nominating candidates for the office of Mayor and the office of Councilmember. The Town Clerk shall be the clerk of the convention. Only the persons nominated at the convention shall be eligible to have their names appear on election ballots.

(b) Before the name of any candidate for an elective office shall appear on the election ballots, the candidate must within three days after the convention in which nominated file with the Mayor and Council or Town Clerk the candidate's consent in writing to be a candidate for the office for which named.

(c) The names of all candidates nominated for office and who are to appear on the ballots shall be posted in at least three public places in the Town at least ten (10) days before the election. It shall be the duty of the Town Clerk to post publicly the names of the candidates nominated for office.

Section 306. Conduct of Elections.

All Town elections shall be conducted in the manner prescribed by the Mayor and Council.

Section 307. Notice of Nomination Conventions and Elections.

The Mayor shall give at least two weeks notice of every town convention at which candidates for Mayor and Council shall be nominated and of every town election. Notice shall include an advertisement of the election or convention, published in at least one newspaper of general circulation in the Town and by posting the advertisement in some public place or places in the Town.

Section 308. Absentee Voting.

Any registered voter is entitled to vote in any municipal election by absentee ballot under conditions established by the Mayor and Council. The Mayor and Council shall provide the procedure to vote by absentee ballot, which shall include provisions for the transmittal and receipt of applications for absentee ballots, envelopes, instructions, and printed matter to enable absentee voters to vote.

Section 309. Vote Count.

(a) Within five hours after the closing of the polls, the Town Clerk, or a person appointed by the Mayor and Council, shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town Administrator who shall record the results in the minutes of the Mayor and Council. The candidate for Mayor and the six candidates for Council with the highest number of votes in the general election shall be declared elected.

(b) In the case of a tie between any candidates for an elected office in which the tie has a bearing on who shall be declared elected, those candidates shall participate in a special election pursuant to Section 306 of this Charter.

Section 310. Preservation of Ballots.

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

Section 311. Regulation and Control.

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

Section 312. Registration, Nominations and Election.

The revised Charter addresses the definition of voters, registration, sets for the election procedures for the Mayor and Council to include nominations, conduct of elections, notice of nomination convention and election, absentee voting, vote counting, preservation of balance, regulation control and appeals.

ARTICLE IV
Personnel

Section 401. Authority to Employ Personnel.

The Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the Town government.

Section 402. Retirement System.

The Town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible.

Section 403. Compensation of Employees.

The compensation of all employees and officers of the Town shall be set from time to time by a resolution passed by the Mayor and Council, subject to the restrictions imposed upon establishing the salaries of the Mayor and Council.

Section 404. Employees Benefits Program.

The Town is authorized and empowered by ordinance to provide for or participate in hospitalization or any other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the Town for such programs.

Section 405. Town Clerk.

The Town Clerk shall be appointed by the Mayor and Council and serve as Clerk to the Mayor and Council. The Town Clerk shall attend every meeting of the Mayor and Council at the request of the Mayor and Council and keep full and accurate account of the proceedings of the Mayor and Council. The Town Clerk shall keep such records and perform such other duties as may be required by this Charter or the Mayor and Council.

Section 406. Town Attorney.

The Mayor and 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 advisor of the Town and shall perform such duties in this connection as may be required by the Mayor and Council. The Town shall have the power to employ such additional legal consultants as it deems necessary from time to time.

Section 407. Appointment of Town Administrator.

The Town Administrator shall be appointed by majority vote of all members of the Mayor and Council for an indefinite term, and serve at the pleasure of the Mayor and Council. The Town Administrator shall be chosen by the Mayor and Council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice of the duties of office. The Town Administrator shall be the Chief Financial Officer of the Town.

Section 408. Powers and Duties of the Town Administrator.

(a) The Town Administrator shall be responsible to the Mayor and Council for the proper administration of the town government and for carrying out the policies determined and approved by the Mayor and Council. The Town Administrator shall have the power and shall be required to perform such duties as may be required of the Town Administrator by the Mayor and Council, not inconsistent with any law or ordinance.

(b) As the chief financial officer of the Town, the Town Administrator shall perform the following duties under the supervision of the Mayor and Council:

- (1) prepare an annual budget for consideration of the Mayor and Council;
- (2) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded;

- (3) maintain a general accounting system for the Town in such form as the Mayor and Council may approve;
- (4) submit at the end of the fiscal year, and at such other times as the Mayor and Council may require, a complete financial report;
- (5) ascertain that all taxable property within the Town is assessed for taxation;
- (6) receive any funds receivable by the Town and collect all revenues, taxes, special assessments, license fees, liens, and all other revenues, including utility revenues, for which the Town may be responsible;
- (7) have custody of all public monies 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; and
- (8) perform any other duty in relation to the fiscal or financial affairs of the town as required by law, this charter, ordinance, or the Mayor and Council.

Section 409. Bond of Town Employees.

The elected officials, Town Administrator and any employee handling municipal funds shall be bonded in such amounts as the Mayor and Council shall determine. The premiums of the bonds shall be paid by the Town.

Section 410. Multi-functions.

In the discretion of the Mayor and Council, the Mayor and Council may permit an employee of the Town to serve in more than one position, job classification, or function.

Section 411. Personnel.

The revised Charter addresses personnel and grants the Town authority to employ personnel, set forth a retirement system, provide for the compensation of employees and set forth an employee benefits program, itemize its positions that may be filled to include Town Clerk, Town Attorney, Town Administrator, enumerating the duties of the Town Administrator, set forth the bond of Town employees, and provide for the permissible multifunctions.

ARTICLE V Finances

Section 501. Fiscal Year.

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

Section 502. Budget.

The Mayor and Council at least thirty-two days before the beginning of any fiscal year, shall compile, draft and establish a proposed budget to be presented to the public. The proposed 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.

Section 503. Budget Adoption.

Before formally adopting the proposed budget, the Mayor and Council shall hold a public hearing on the proposed budget after at least one notice thereof in some newspaper or newspapers having general circulation within the Town at least two weeks prior to the date of the public hearing. At any time after the public hearing, the Mayor and Council may amend the proposed budget by adding or deleting items or increasing or decreasing the amounts of specific items contained in the proposed budget. Where the Mayor and Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Mayor and Council shall be necessary for adoption. The adopted budget shall be effective on the first day of the fiscal year and shall be a public record in the office of the Town Administrator, open to public inspection by anyone during normal business hours.

Section 504. Appropriations.

No public money shall be expended without having been appropriated by the Mayor and Council. From the effective date of the budget, the amounts stated in the budget shall be and become appropriated for the purposes named therein.

Section 505. Amendments after Budget Adoption.

(a) *Supplemental appropriations.* The Mayor and Council may make supplemental appropriations. Supplemental appropriations shall be made from unexpended and unencumbered funds set aside for contingencies in the budget; revenues received from anticipated sources but in excess of budget estimates; or revenues received from sources not anticipated in the budget.

(b) *Emergency appropriations.* To meet an emergency declared pursuant to Section 212 of this charter, the Mayor and Council may make emergency appropriations from sources provided in Section 505 of this Charter. To the extent unappropriated revenues are unavailable to meet the emergency, the Mayor and Council by ordinance may authorize the issuance of emergency notes, which may be renewed from time to time. Emergency notes and renewals issued pursuant to this subsection shall not be paid later than the last day of the next fiscal year succeeding that in which the emergency appropriation was made. The total emergency appropriation in any fiscal year shall not exceed five percent of all appropriations, including debt service, made in the budget for the fiscal year.

(c) No funds shall be expended for any purpose other than that for which they are appropriated, except by a vote of five members of the Mayor and Council.

Section 506. Over-Expenditure Forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the 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 shall be voidable. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts or lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 507. Appropriations Lapse After One Year.

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

Section 508. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed jointly by the Mayor and any person designated by the Mayor and Council to sign such checks, with the approval of a voucher of the Town Administrator.

Section 509. 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, shall be 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 510. Budget Authorizes Levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. The Mayor and Council shall set the tax rates for real and personal property by resolution prior to the adoption of the annual budget.

Section 511. Notice of Tax Levy.

Immediately after the levy is made by the Mayor and Council in each year, the Town Administrator shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town.

Section 512. Taxes Constitute a Lien.

All taxes levied under Section 510 of this Charter shall be a lien on any and all property of the person, incorporation, or entity against whom they are levied.

Section 513. When Taxes Are Overdue.

The taxes provided for in Section 510 of this Charter shall be due and payable as provided in the Tax – Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears at the rate specified by State law, and there shall be imposed in addition thereto a penalty as enacted by the Mayor and Council by ordinance. All taxes not paid in arrears one year after the date on which they are due and payable shall be collected as provided in Section 514.

Section 514. Sale of Tax Delinquent Property.

Property on which the Town taxes have not been paid and which are in arrears as provided by this Charter shall be referred to Prince George's County for the sale of tax delinquent property as provided by State law. All property listed thereon shall, if necessary, be sold for taxes by this County official, in the manner prescribed by State law.

Section 515. Fees.

All fees, monies, grants, and forfeitures 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 516. Audit.

The financial books and accounts of the Town shall be audited annually.

Section 517. Tax Anticipation Borrowing.

During the first six months of any fiscal year, the Town shall have the power to borrow in anticipation of collection of the property tax levied for the fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such indebtedness. Tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and shall be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipated notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Mayor and Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipated notes.

Section 518. Authority to Issue Bonds.

(a) *General Obligation Bonds.* The Mayor and Council shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds. The power and obligation of the Town to pay any and all general obligation bonds, notes, or other evidences of indebtedness issued by it under this authority shall be unlimited. The Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes or other evidences of indebtedness and interests thereon, without limitation of amount. Except as otherwise provided, the full faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes or other evidences of indebtedness issued under this charter, whether or not such pledge shall be stated in the general obligation bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. Prior to the issuance of general obligation bonds, the Mayor and Council shall enact an ordinance stating the public purpose for which the proceeds of the bonds are to be expended.

(b) *Revenue Bonds.* The Mayor and Council shall have the power to issue revenue bonds for one or more revenue-producing projects that serve a proper public purpose. Prior to the issuance of revenue bonds, the Mayor and Council shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds are to be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. The faith and credit of the town shall not be pledged for the payment of revenue bonds.

Section 519. Previous Issues.

All bonds, notes, or other evidence 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 in full force and effect as if herein fully set forth.

Section 520. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Town Administrator. The Mayor and Council shall provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts.

Section 521. Finances.

The Charter addresses the issues of finances, sets forth a fiscal year, provides for a budget and budget adoption, the issues of an appropriations amendment to a budget adoption, forbids over expenditure of money, provides an appropriations lapse after one year, provides for the payment of the Mayor, and any person designated by the Mayor and Council shall sign checks with the approval of a voucher of the Town Administrator. The new Charter sets up taxable property definition, authorizes the levy and sets forth a tax system to include budget participation, liening of property, the collection of overdue taxes, sale of tax delinquent property, specifically authorizes the Mayor and Council to issue bonds and engage in purchasing contracts.

ARTICLE VI

Public Ways and Sidewalks

Section 601. Public Ways and Sidewalks (Definition).

The term “Public Ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section 602. Control of Public Ways.

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Highway Administration or Prince George’s County. 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 603. Public Ways – Powers.

The Town shall have the power to:

- (a) establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridge, curbs and gutters;
- (b) grade, lay out, construct, open, extend, close and make new Town public ways;
- (c) grade, straighten, widen, alter, improve or close up any existing Town public way or part thereof;

(d) pave, surface, repave, or resurface any Town public way or part thereof and to provide for all necessary removal therefrom of ice, snow and debris;

(e) install, construct, reconstruct, repair and maintain curbs/or gutters along any Town public way or part thereof;

(f) construct, reconstruct, maintain and repair bridges;

(g) name or rename town public ways; and

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

Section 604. Sidewalks – Powers.

The Town shall have the power to:

(a) establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part or part thereof on Town property along any public way or part thereof;

(b) grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof;

(c) require that owners of any property abutting on a sidewalk keep the sidewalk clear of ice, snow and other obstructions; and

(d) 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.

Section 605. Defines Public Ways and Sidewalks.

The Charter sets forth the powers that the Town has concerning the maintenance of public property.

ARTICLE VII
Special Assessments

Section 701. Special Assessment Power.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon

such property. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

Section 702. Procedures.

The procedure for special assessment, wherever authorized in this Charter, shall be as follows:

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

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

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

(d) All special assessment charges shall be levied by the Mayor and Council by ordinance. Before levying any special assessment charges, the Mayor and Council shall hold a public hearing. The Town Administrator shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agent or attorneys, may appear before the Mayor and 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 Town Administrator shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and no more than 30 days after the Town Administrator shall have completed publication and service of notice as provided in this section. Following the hearing the Mayor and Council in its discretion, may vote to proceed with the project and may levy the special assessment.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of the County within ten days after the levying of any assessment by the Mayor and Council.

(f) Special assessments may be made payable in annual or more frequent installments over such a period of time, not to exceed 40 years and in such manners as the Mayor and Council may determine. The Mayor and 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 Mayor and Council.

(g) All special assessment installments shall be 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.

(h) All special assessments shall be billed and collected by the Town Administrator or in a manner prescribed by the Mayor and Council.

Section 703. Special Assessment for Refuse Collection and Disposal.

(a) In addition to the aforementioned taxes described in the foregoing subsections of this Charter, the Mayor and Council of Capitol Heights are hereby authorized and empowered to levy and collect annually a special revenue assessment for each residential dwelling located within the Town. The money derived from such special revenue assessment shall be used exclusively for the establishment and maintenance of a refuse collection and disposal service within the corporate limits of the Town. The Mayor and Council are further authorized and empowered to contract specially with the owners of multi-family structures and commercial property for the collection and disposal service to be established and maintained by the Mayor and Council either as a municipal operation or by contract with such person, firm or corporation, as may be satisfactory to the Mayor and Council. The Mayor and Council are hereby authorized and empowered to pass such ordinances as they may deem necessary from time to time in order to provide for the proper collection and disposal of said refuse and to prescribe the violation of town ordinances. The Mayor and Council are authorized and empowered to levy and collect the special revenue assessment provided for in this subsection in the same manner provided in the Charter and amendments thereto for the collection of taxes in the Town of Capitol Heights. The money realized from such special revenue assessment shall be kept by the Town Clerk and in a Special Revenue Fund and shall be used for no purposes other than that specified herein. Any surplus arising from such assessment in any year shall be considered by the Mayor and Council in making the levy for the succeeding year and such surplus shall be used, together with the money realized from the new levy, for the purposes set forth herein.

(b) Nothing contained herein shall be deemed to preclude the Mayor and Council from providing the services set forth in this subsection and they are expressly authorized to provide same by contracting with such persons, firms or corporations as they deem satisfactory.

Section 704. Special Assessments.

The Charter addresses special assessments of the authority to enact special assessments and to levy and collect taxes in the form of special assessments on properties in a limited and determinable way.

ARTICLE VIII

Town Property

Section 801. Town Property – Acquisition, Possession, and Disposal.

The Town may acquire real, personal, or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise, and may sell, lease, or otherwise dispose of any property belonging to the Town. All municipal property funds, and franchises of every kind belonging to or in 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. All acquisitions and disposal of Town property shall comply with the latest Contract and Procedures/Procurement Manual.

Section 802. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by State law.

Section 803. Town Buildings.

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

Section 804. Protection of Town Property.

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

Section 805. Town Property.

The Charter provides how the Town may acquire property, how it may condemn property, rights to the condemnation of property, and provides for the power to acquire all Town buildings and/or maintain and protect Town property.

ARTICLE IX
General Provisions

Section 901. General Provisions – Oath of Office.

(a) Before entering upon the duties of their offices, the Mayor, the Council, the Town Administrator, and all other persons elected or appointed to any office for 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 Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgement, diligently and faithfully; without partiality or prejudice, execute the office of, according to the Constitution, Laws of this State, and ordinances of Prince George’s County and the Town of Capitol Heights.”

(b) The Mayor and Council shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George’s County or before one of the sworn deputies of the Clerk.

Section 902. 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 judgement as if this Charter had not become effective.

Section 903. Misdemeanors.

(a) Unless otherwise explicitly provided, a violation of an ordinance shall be a misdemeanor.

(b) Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the Circuit Court for Prince George’s County by a fine[,] imprisonment or both, not to exceed the maximum misdemeanor penalty prescribed by state law.

(c) The party found guilty of a misdemeanor shall have the right to appeal to the extent provided for by state law.

(d) Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 904. Municipal Infraction.

(a) The Mayor and Council may declare that a violation of a Town ordinance shall be a municipal infraction, unless a violation is declared to be a felony by state law or other ordinance, and affix penalties thereto not to exceed the maximum penalty for a municipal infraction prescribed by State law. For purposes of this Charter, a municipal infraction is a civil offense.

(b) Any person receiving a citation for a municipal infraction may choose to stand trial for the infraction in a manner prescribed by State law.

(c) Each day a violation continues shall constitute a separate offense.

Section 905. Effect of Charter on Existing Ordinances.

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

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

Section 906. Separability.

If any section, or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not effect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 907. General Provisions.

The Charter provides for the oath of office that must be taken by all Town officials and employees, sets forth the oath of office, prior rights and obligations, misdemeanors, municipal infraction, effect of Charter on existing ordinances, and separability.

APPENDIX

Redevelopment – Urban Renewal

(This appendix, enacted for Capitol Heights pursuant to Article III, Section 61 of the Constitution of Maryland as Chapter 903 of the 1964 Laws of Maryland, may be amended or repealed only by the General Assembly of Maryland.)

Section 90–0. Redevelopment – Urban Renewal.

Section 90–1. Definitions.

(a) *Terms.* The following terms wherever used or referred to in this subheading shall have the following meanings, unless a different meaning is clearly indicated [indicated] by the context:

(b) Federal Government shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(c) Slum Area shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any other combination of these factors, are detrimental to the public safety, health or morals.

(d) Blighted Area shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

(e) Urban Renewal Project shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include—

(1) acquisition of a slum area or a blighted area or portion thereof;

(2) demolition and removal of buildings and improvements;

(3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal objectives of this subheading 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 shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

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

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

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

(j) Municipality shall mean Mayor and Common Council of Capitol Heights, a municipal corporation in the State of Maryland.

Section 90–2. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, give [gift], condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public organization, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this subheading are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled

to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any powers granted by the subheading is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expenses [expended] and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and 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 subheading and to adopt or approve, modify and amend such plans, which plans may include but shall no [not] be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and apply for, accept and utilize grants of funds from the Federal Government for such purposes;

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

(3) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this subheading including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County, or other public bodies, or from any sources, public or private, for the purposes of this subheading, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

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

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

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

(7) To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; provided the same shall be approved by the Maryland–National Capital Park and Planning Commission, and to make exceptions from city and town building regulations, but not county building inspector or his equivalent;

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

(9) To exercise all or any part or combinations of powers herein granted.

Section 90–3. Establishment of Agency.

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

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section 90–4 of this subheading.

(2) The power to issuer [issue] general obligation bonds pursuant to Section 90–9 of this subheading.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section 90–2(3) of this subheading.

Section 90–4. Initiation of Project.

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

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;

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

Section 90–5. Preparation and approval of plan.

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

(B) *Modification.* An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest

as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchase [purchaser], or proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall formally be approved by the municipality as in the case of an original plan.

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

Section 90–6. Disposal of Property in Area.

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

(B) *Same; notice.* The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to

private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this subheading. Thereafter, the municipality may execute and deliver contracts, deeds, leases, and other instruments and take all steps necessary to effectuate such transfers.

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

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

Section 90–7. Eminent Domain.

Condemnation of land or property under the provisions of this subheading shall be in accordance with the procedure provided in Article 33A of the Annotated Code of Maryland (1957 Edition. As amended) and acts amendatory thereof or supplementary thereto.

Section 90–8. Encouragement of Private Enterprise.

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

Section 90–9. 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 limitation prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section 90–10. Revenue Bonds.

(A) *Issue.* In addition to the authority conferred by Section 90–9 of this subheading, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bond for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this subheading; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from [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 such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(B) *Provisions.* Bonds issued under this section shall not constitute an indebtedness within the meaning of any [any] constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization[,] issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland (1967 Edition, as amended). Bonds issued under the provisions of this sub-heading are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income, shall be exempted from all taxes.

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

(D) *Sale.* Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of

not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

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

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

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

Section 90–11. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this subheading by the municipality known as Capitol Heights shall not conflict with, and must conform to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting [affecting] a change in zoning shall be reviewed by the Maryland–National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the district council.

Section 90–12. Separability.

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

Section 90–13. Appendix Amendment.

The new Charter maintains all existing ordinances which are not in conflict with the Charter. The Town has enacted, pursuant to Article III, Section 61, of the Constitution of Maryland, Chapter 903 of the 1964 laws in Maryland to provide for redevelopment and urban renewal projects in the Town.

Redevelopment includes specific rules authorized to carry out urban renewal projects set forth by the Town of Capitol Heights, the issuance of dispersal of property and the issuance of bonds to reflect the urban renewal project.

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 property in which a 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 Capitol Heights, Maryland.
- (f) (1) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic.
- (2) “Person” includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “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.
- (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 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.
- (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 in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
- (4) Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; 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 such insurance;

(5) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into 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;

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

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

(8) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of

remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

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

A1-104. Establishment of urban renewal agency.

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

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

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

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

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

A1-105. Powers withheld from the agency.

The agency may not:

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

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

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

A1-106. Initiation of project.

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

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

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

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

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

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. 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.

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

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

by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this sub-heading. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may 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, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

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 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, in accordance with the resolution, trust indenture, or mortgage under which the bonds are issued, contain information concerning:

- (1) Date or dates;
- (2) Time or times of maturity;
- (3) Interest at a rate or rates not exceeding 6% per annum;
- (4) Denomination or denominations;
- (5) Form either with or without coupon or registered;
- (6) Conversion or registration privilege;
- (7) Rank or priority;
- (8) Manner of execution;
- (9) Payability in terms of redemption (with or without premium);
- (10) Manner of security; and

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

(d) These bonds may be sold at public sales 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 be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may be sold at private sale at not 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 Act shall be known and may be cited as the Capitol Heights 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) 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 Capitol Heights in Chapter 903 of the Acts of the General Assembly of 1965.