

CHARTER

OF THE

# Town of Cheverly

PRINCE GEORGE'S COUNTY, MARYLAND

*As found in a 1978 Edition of the Code of the Town of Cheverly  
Supplemented through May, 1982*

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# CHEVERLY

## ARTICLE I Incorporation (See note (1))

### Section C-1. Corporate name; general powers.

The citizens of the Town of Cheverly are a body corporate, by the name of “The Mayor and Town Council of Cheverly,” with all the powers and privileges of a body politic and corporate, and by that name shall have perpetual succession; power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; power to adopt and use a common seal and flag, either of which may be altered at pleasure; authority to acquire property, real, personal and mixed, for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise; and authority to hold, use, manage, sell, lease or otherwise dispose of property belonging to the town as the public interest may require. The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be as is or shall be provided by the laws of the State of Maryland for state and county purposes. (Amended by Ord. No. 8-76.) (See notes (7) and (8) (See Notes (9) and (10))

## ARTICLE II Boundaries

### Section C-2. Boundaries, 1951 limits.

The boundaries of said town shall be as follows: Beginning at the northwest corner of the Cheverly properties; thence in a southerly direction with the western line of Sections 7, 10, 9 and 8 of said properties to the Tuxedo subdivision line and with the Cheverly-Tuxedo line in a southeasterly direction; thence with the eastern Tuxedo boundary in a southerly direction and across the right-of-way of the Pennsylvania Railroad to the point at which the eastern boundary line of the William P. Magruder tract extended intersects the southern right-of-way line of the Pennsylvania Railroad (which point is approximately 260 feet west of the highway bridge) and running in a southerly direction with the said east line of the William P. Magruder property and an extension thereof to intersect the center line of Reed Street; thence easterly with the center line of Reed Street to intersect the easterly line of 62nd Avenue; thence northerly with said easterly line of 62nd Avenue to intersect the southerly line of Lot Number 3 of the Harmon Tract as shown on plat recorded in Liber 22 at Folio 272; thence with the southerly and easterly lines of said Harmon Tract to a stone (being a corner of the Whitlentine Tract) marking the southwesterly corner of Section 12 Cheverly; thence with the westerly line of Section 12 Cheverly and an extension thereof to intersect the southern right-of-way line of the

Pennsylvania Railroad; then across the right-of-way line of the Pennsylvania Railroad in a northeasterly direction to a point 200 feet easterly of the point at which the eastern boundary of Section 1 of the Cheverly properties intersects the said northern right-of-way line of the Pennsylvania Railroad; then paralleling the eastern boundary line of Sections 1, 5 and 6 of the Cheverly properties and being at all points of the same 200 feet distant at right angles therefrom, to a point opposite the northeast corner of Section 6 Cheverly (the said northeast corner being within the Cheverly Gardens line); then running to the said northeast corner of Section 6 Cheverly, and with the northeastern boundary of Sections 3 and 4 Cheverly to the center of the Bladensburg–Landover Road; then along the center line of said Bladensburg–Landover Road in a westerly direction to the point at which this line intersects the northern boundary of the Firmin Tract; then with the northern boundaries of the Firmin and Whipple Tracts in a westerly direction to the point of beginning at the northwest corner of the Cheverly properties, all as shown on the plats of the Cheverly and colony subdivisions and additions thereto, and recorded in the land records of Prince George’s County, Maryland.

Section C–3. Annexation, 1951.

There is hereby annexed to the territory of the Mayor and Town Council of Cheverly, Maryland, a municipal corporation, and to same ward thereof that Blocks 59 and 64, in Section 9, of Cheverly, are now located or may be located under any new Charter adopted, that parcel of land adjacent and contiguous to the present Town of Cheverly in Prince George’s County, Maryland, described as follows: Being all of Blocks A, B, C, D and E, in the subdivision known as “Springmill Addition to Cheverly,” as per plat thereof recorded among the plat records of said Prince George’s County in Plat Book No. W.W. 16 at Folio No. 23, and in addition thereto, including all streets, roads, lanes and alleys as set forth on the hereinbefore–referred–to plat, and being all of the same land that lies adjacent and contiguous to Blocks 59 and 64, in Section 9, of Cheverly, as per plat thereof recorded among the plat records of said Prince George’s County in Plat Book B.B. 8 at Folio 31. (Added by Ch. 322, Section 1, Laws 1951.) (See note (2))

Section C–4. Annexation, 1958.

A. That the corporate boundaries of the Town of Cheverly be enlarged to include the hereinafter described tracts of ground, and the persons residing in the area and their property shall and they hereby are added to the corporate boundaries of the Town of Cheverly, Maryland. The area annexed and the inhabitants thereof shall, from and after October 18, 1958, be subject to the powers and jurisdiction of the Mayor and Town Council and shall be taken and considered as a part of the municipal corporation of Cheverly, Maryland; that all of the provision of the law of the State of Maryland applicable to the Town of Cheverly now in force or hereafter enacted or any ordinance of the Town of Cheverly now in force or which may hereafter be enacted and all existing and future ordinances of the Town of Cheverly shall be extended and made applicable to the annexed area and to the persons residing therein, and the persons residing in the area and their property shall be subject to the provisions of the Charter of the Town of Cheverly, Maryland, except that part which is annexed hereby and is zoned industrial shall be exempt from all real estate taxes of the Town of Cheverly until such land is improved, but not to exceed a period of five (5) years from October 18, 1958, and upon the further condition that for a period of ten (10) years commencing when such lot or parcel or tract is improved or when the five–year

period expires, whichever first occurs, the tax imposed by the Town of Cheverly upon such lot or parcel or tract shall be exactly one-half (1/2) of the regular town tax rate, and in the event the Council shall create more than one (1) town tax rate, the regular town tax rate referred to herein shall be construed to be the tax rate applicable to a majority of the lots upon which detached dwellings are located within such town, and provided further that the dedication or construction of streets abutting upon such lot or parcel or tract shall not be considered as making such lot or parcel or tract improved within the meaning of the provisions hereof. The area to be annexed lying north of the southern line of Euclid Street extended to the western boundary of the proposed annexation shall be a part of the Second Ward and the area to be annexed lying south of the southern line of Euclid Street extended to the western boundary of the proposed annexation shall be a part of the Third Ward of the Town of Cheverly.

B. Beginning at a point on the southerly right-of-way line of Mills Avenue (40 feet wide), said point lying on the extension of the back line of Block 50 and referred to as point "B," as shown on a plat of subdivision entitled "Cheverly, Section 8," recorded among the Land Records of Prince George's County, Maryland, in Plat Book SDH 3 as Plat 67 and running with the back line of Block 50, north 20° 15' 18" east 241.60 feet to a point, north 20° 05' 18" east 437.82 feet to a point, north 21° 15' 18" east 329.86 feet to a back corner of Lot 1332, Block 50 and a sixty-foot right-of-way as shown on said plat; thence along said back line north 20° 05' 18" east 6.82 feet to a point, north 21° 00' 00" east 181.50 feet to a point on the back line of Lot 1335, Block 50 of said plat, said point being also the southeast corner of the subdivision entitled "North Kenilworth" and recorded in Plat Book RNR 2 as Plat 2; thence running with the easterly line of "North Kenilworth" north 21° 02' 03" east 1261.80 feet to the northeast corner of North Kenilworth, said point being also the southeast corner of the subdivision entitled "Springmill Addition to Cheverly" and recorded in Plat Book WWW 16 as Plat 23; thence running with the dividing line of "North Kenilworth" and "Springmill Addition to Cheverly," north 68° 57' 57" west 918.58 feet to a point; thence leaving "North Kenilworth" and running with the westerly line of "Springmill Addition to Cheverly," north 21° 17' 40" west 34.31 feet to a point, north 18° 12' 30" east 194.65 feet to a point, north 63° 11' 10" east 32.90 feet to a point, north 02° 01' 30" east 99.01 feet to a point, north 29° 10' 50" east 197.83 feet to a point, north 06° 15' 30" east 189.76 feet to the northwest corner of "Springmill Addition to Cheverly;" thence leaving said plat and running with the 12th or south 65° 45' east 161.7 foot line of the Eugene and Ida Allen property reversed and rotated counterclockwise north 68° 08' 00" west 161.70 feet to a point; thence south 41° 15' 30" west 277.00 feet to a point; thence with the easterly line of a plat subdivision entitled "Capitol View" recorded in Plat Book RNR 2 at Plat 18, south 36° 15' 30" west 328.70 feet to a point; thence leaving the Eugene and Ida Allen property and running with the dividing line of "Capitol View" and the "Residue of the Daniel Hardy Estate," north 84° 26' 30" west 923.82 feet to a point within the right-of-way of the Washington-Baltimore Parkway, said point being 25.00 feet west of the easterly right-of-way line of said parkway; thence running twenty-five (25) feet west of and parallel to said easterly right-of-way line to include approximately an existing road south 29° 50' 20" west 324.94 feet to a point; thence south 29° 50' 20" west 204.79 feet to a point; thence south 28° 36' 10" west 83.56 feet to a point; thence south 27° 16' 48" west 234.19 feet to a point on the easterly right-of-way line of River Road, extended; thence with River Road south 4° 41' 23" east 47.21 feet to a point; thence 529.73 feet along the arc of a curve deflecting to the right having a radius of 725.05 feet and a long chord bearing and distance south 16° 14' 25" west 517.84 feet to a point; thence south 52° 49' 45" east

10.00 feet to a point; thence 19.68 feet along the arc of a curve deflecting to the right, having a radius of 735.07 feet and a long chord bearing and distance south 37° 56' 55" west 19.68 feet to a point of tangency; thence south 38° 43' 35" west 49.40 feet to a point on the northerly right-of-way line of the Baltimore and Ohio Railroad Company; thence running with said right-of-way south 34° 52' 16" east 1618.50 feet to a point at the southwest corner of the Ashe and McDonough Property; thence with the southerly line of said property south 69° 58' 20" east 954.64 feet to the place of beginning, containing 5,264,187 square feet or 120.85 acres. (Added by Resolution of 9-2-58.)

Section C-5. Annexation, 1961.

A. That the corporate boundaries of the Town of Cheverly be enlarged to include the hereinafter described tracts of ground and the persons residing in the area and their property shall and they hereby are added to the corporate boundaries of the Town of Cheverly, Maryland. The area annexed and the inhabitants thereof shall, from and after September 11, 1961, be subject to the provisions of the Charter of the municipal corporation of the Town of Cheverly, Maryland, and the powers and jurisdiction of the Mayor and Town Council, and shall be taken and considered as a part of the municipal corporation of Cheverly, Maryland; all of the provisions of the law of the State of Maryland applicable to the Town of Cheverly now in force or hereafter enacted or any ordinance of the Town of Cheverly now in force or which may hereafter be enacted and all existing and future ordinances of the Town of Cheverly shall be extended and made applicable to the annexed area and to the persons residing therein, and the persons residing in the area and their property shall be subject to the provisions of the Charter of the Town of Cheverly, Maryland. The area to be annexed lying south of the dividing line between the Fifth and Sixth Wards extended to the eastern boundary of the proposed annexation shall be a part of the Fifth Ward, and the area lying north of the aforesaid dividing line between the Fifth and Sixth Wards shall be a part of the Sixth Ward, both in the Town of Cheverly.

B. Beginning at the intersection of the east boundary line of the Town of Cheverly with the south right-of-way line of Landover Road, said point being a point of curvature on 62nd Avenue in Lot 1, Block A, Cheverly Manors, and running thence with the south right-of-way line of Landover Road as shown on State Roads Commission of Maryland Plats Nos. 19121, 19612 and 19613, approximately 2,930 feet in an easterly direction to the west line of the Annapolis to Washington Expressway; thence running with the westerly right-of-way line of the Annapolis to Washington Expressway as shown on State Roads Commission of Maryland Plats Nos. 17235 to 17241 inclusive, approximately 325 feet in a southerly direction through Lots 1 and 24, Block 5, Lots 23, 24 and 25, Block 2, Landover Park; thence running approximately 2,325 feet in a southwesterly direction through Lots 5, 6 and 7, Lots 21, 32 and 33, Lots 42 and 55, Lots 64, 77 and 78, Lot 82, and Lots 96, 97 and 98, Cheverly Gardens; thence running approximately 450 feet with the southeasterly line of the Town of Cheverly Recreation Center; thence running approximately 2,500 feet with the southeasterly line of the Rea Property to intersect the easterly boundary line of the Town of Cheverly; thence with the said easterly boundary to the point of beginning; saving and excepting as follows:

- (1) The following plats of subdivision of Cheverly Manors:

(a) Cheverly Manors (Blocks A and B) recorded in Plat Book BB-9 as Plat No. 31.

(b) Cheverly Manors, Blocks C, D and E, recorded in Plat Book BB-9 as Plat No. 75.

(c) Cheverly Manors, Lots 18-21, Block D and Blocks F and G, recorded in Plat Book BB-12 as Plat No. 45.

(d) Cheverly Manors, Lots 22 and 23, Block D, recorded in Plat Book WWW23 as Plat No. 15.

(2) The following plats of subdivision of Rea Addition to Cheverly:

(a) Rea Addition to Cheverly, Portions of Blocks A and B, recorded in Plat Book WWW21 as Plat No. 33.

(b) Rea Addition to Cheverly, Parts of Blocks A and B, recorded in Plat Book WWW22 as Plat No. 7.

(3) All of the land conveyed from Senora Scott to Leon C. Rosenkrans, et ux, by deed dated February 3, 1936, and recorded February 5, 1936 in Liber 443 at Folio 55.

(4) Cheverly Gardens Lots 2, 3, 4, part of Lots 5, 6, 7 and 21, Lots 22, 23, 24, the easterly 40 feet by the full depth of Lot 25 and one-half of the width of Oak Street by the full frontage adjacent to the aforesaid Lots, recorded in Plat Book A as Plat No. 89. Total area is 133 acres more or less. (Added by Referendum of 6-26-61.) (See note (3))

Section C-5.1 Annexation, 1972.

That the corporate boundaries of the Town of Cheverly be enlarged to include the hereinafter described tract of ground and the persons residing in the area and their property shall and they hereby are added to the corporate boundaries of the Town of Cheverly, Maryland. The area annexed and the inhabitants thereof shall from and after the effective date of this resolution be subject to the provisions of the Charter of the municipal corporation of the Town of Cheverly, Maryland, and the powers and jurisdiction of the Mayor and Town Council and shall be taken and considered as a part of the municipal corporation of Cheverly, Maryland; that all of the provisions of the law of the State of Maryland applicable to the Town of Cheverly now in force or hereafter enacted or any ordinance of the Town of Cheverly now in force or which may hereafter be enacted and all existing and future ordinances of the Town of Cheverly shall be extended and made applicable to the annexed area and to the persons residing therein and the persons residing in the area and their property shall be subject to the provisions of the Charter of the Town of Cheverly, Maryland:

Being all of Lots 1 thru 4, inclusive, in Block B, Lots 1 thru 3, inclusive, in Block A, all of the 22-foot-wide widening strip for 63rd Avenue, all of Joslyn Place and all of 64th Avenue,

as shown on a plat of subdivision entitled "Portions of Blocks 'A' & 'B', Rea Addition to Cheverly," recorded among the Land Records of Prince George's County, Maryland in Plat Book WWW21 as Plat No. 33; and being all of Lots 5 thru 13, inclusive, in Block B, and all of Lots 4 thru 13, inclusive, a Block A, as shown on a plat of subdivision entitled "Parts of Blocks A & B, Rea Addition to Cheverly", recorded among the aforesaid Land Records in Plat Book WWW22 as Plat No. 7.

Beginning for the same at a point at the intersection of the easterly line of 63rd Avenue, 30 feet wide, with the northerly line of the aforesaid subdivision recorded in Plat Book WWW21 as Plat No. 33; thence running along the northerly line of said last mentioned subdivision and continuing the same course along the northerly line of the aforesaid subdivision recorded in Plat Book WWW22 as Plat No. 7,

(1) South 89° 58' 47" east 815.27 feet to a point; thence continuing along the northerly line of said last mentioned subdivision;

(2) South 74° 13' 17" east 94.36 feet to a point; thence running along the easterly line of said last mentioned subdivision;

(3) South 15° 46' 43" west 304.80 feet to a point; thence running along the southerly line of said last mentioned subdivision and continuing the same course along the southerly line of the aforesaid subdivision recorded in Plat Book WWW 21 as Plat No. 33;

(4) North 85° 41' 50" west 760.63 feet to a point; thence running along the westerly line of the aforesaid 22 foot wide widening strip for 63rd Avenue, the following two (2) courses and distances;

(5) North 04° 27' 10" west 122.82 feet to a point; and thence

(6) North 21° 32' 40" west 150.24 feet to the point of beginning; containing 239,281 square feet or 5.4931 acres. (Added by Resolution of 3-9-72.)

#### Section C-5.2 Annexation, 1978.

That the corporate boundaries of the Town of Cheverly be enlarged to include the hereinafter described tract of ground and any persons who may reside in the area and their property shall and they hereby are added to the corporate boundaries of the Town of Cheverly, Maryland. The area annexed and the inhabitants thereof shall from and after the effective date of this resolution be subject to the provisions of the Charter of the municipal corporation of the Town of Cheverly, Maryland, and the powers and jurisdiction of the Mayor and Town Council and shall be taken and considered as a part of the municipal corporation of Cheverly, Maryland; that all of the provisions of the law of the State of Maryland applicable to the Town of Cheverly now in force or hereafter enacted or any ordinance of the Town of Cheverly now in force or which may hereafter be enacted and all existing and future ordinances of the Town of Cheverly shall be extended and made applicable to the annexed area and to the persons residing therein

and the persons residing in the area and their property shall be subject to the provisions of the Charter of the Town of Cheverly, Maryland.

Being all of the land beginning at a point in the existing boundary line of the Town of Cheverly in Prince George's County, Maryland, said point being the northerly point of a 45.69 acre tract deeded to W. P. Magruder as recorded in liber 400, folio 280 and liber 174, folio 340, said point being also 260 ft west of the highway bridge as described in the 1951 boundary of the Town of Cheverly, said point also being the northerly point of a 780,260 sq ft tract of land conveyed by W. P. Magruder to the Washington Metropolitan Area Transit Authority.

Thence South 23° 18' 47" East, 731.23 ft. following the existing town boundary to a point in Beaver Dam Creek;

Thence following Beaver Dam Creek and the Southerly boundary of the WMATA property South 49° 13' 19" West, 52.23 ft;

Thence North 37° 10' 14" West, 57.10 ft;

Thence North 61° 18' 52" West, 60.42 ft;

Thence South 70° 47' 38" West, 129.18 ft;

Thence South 41° 25' 25" West, 56.68 ft;

Thence South 8° 54' 54" West, 51.62 ft;

Thence South 57° 18' 2" West, 48.13 ft;

Thence South 83[°] 00' 28" West, 106.78 ft;

Thence South 36° 27' 3" West, 54.70 ft;

Thence South 56° 31' 25" West, 74.33 ft;

Thence South 63° 10' 33" West, 393.83 ft;

Thence leaving Beaver Dam Creek and continuing along the west line of the Washington Metropolitan Area Transit Authority property, North 24° 10' 00" West, 732.42 ft to a point in the South right-of-way line of the Penn Central Railroad.

Thence, North 24° 10' 00" West, 245.83 ft across the Penn Central Railroad Company right-of-way and the WMATA right-of-way to the North right-of-way line of the Washington Metropolitan Area Transit Authority as condemned from the Penn Central Railroad.

Thence along the Washington Metropolitan Area Transit Authority north right-of-way the following courses and distances: North 72° 37' 11" East, 221.10 ft;

Thence North 67° 21' 25" East, 249.99 ft;

Thence North 59° 23' 14" East, 209.99 ft;

Thence North 71° 29' 4" East, 395.27 ft to the boundary line of the Town of Cheverly as described in the 1951 boundary;

Thence along the 1951 Town of Cheverly boundary South 216.60 ft to the place of beginning, containing 909,341 square feet or 20.875 acres more or less. (Added by Resolution No. 4-78, 3-9-78.)

### ARTICLE III Wards

#### Section C-6. Boundaries; Election Order and Councilmembers Holding Over.

(A) The Town of Cheverly shall be divided into six (6) wards, which shall, respectively, comprise the territory contained within the boundaries of the town, the lot lines hereinafter set forth, and the center line of the streets named as follows:

*First Ward:* All that area lying north and west of a line beginning at the northern boundary and Cheverly Avenue and running south along Cheverly Avenue until the point where Forest Road crosses Cheverly Avenue and, then west southwest along Forest Road to Greenleaf Road and then running northwest along Greenleaf Road to Tremont Avenue, then north on Tremont Avenue to Inwood Street, then west on Inwood Street in a straight line until the line ends at the western boundary.

*Second Ward:* All that area lying south and west of a line beginning at the intersection of the western boundary and the extended centerline of Inwood Street, running east to Tremont Avenue, then south on Tremont Avenue to Greenleaf Road, then southeast on Greenleaf Road until it joins Forest Road and then east on Forest Road to Belleview Avenue, then southeast along Belleview Avenue to Cheverly Avenue, then south on Cheverly Avenue to Euclid Street then west to Belleview Avenue and south along Belleview Avenue to Arbor Street (also known as Tuxedo Road) and then south on Arbor Street until the line ends at the southwestern boundary.

*Third Ward:* All the area contained in a line beginning at the northern boundary and Cheverly Avenue and running south on Cheverly Avenue to where Forest Road crosses Cheverly Avenue, then east on Forest Road to 64th Avenue, then north on 64th Avenue to Inwood Street, then northwest on Inwood Street to 63rd Avenue, then north-northwest on 63rd Avenue until it changes its name to 62nd Place, then along 62nd Place until the northern boundary, and then west along the northern boundary to Cheverly Avenue.

*Fourth Ward:* All that area south and east of a line running from a point at the intersection of the eastern boundary and the rear lot line of 6435 Forest Road (Lot 19) along the northeast side lot line of the same lot, across Forest Road to the eastern side lot line of 6432 Forest Road, along the eastern side lot line of the same lot and running in a northwest direction along the rear lot lines of 6432, 6430, 6428, 6424, and 6422 Forest Road and continuing along the northern side lot line of 2803 Hillside Avenue, running along Inwood Street west to 64th Avenue and then south along 64th Avenue to Forest Road, and running west on Forest Road to Belleview Avenue, then southeast along Belleview Avenue to Cheverly Avenue, then south on Cheverly Avenue to Euclid Street then west to Belleview Avenue and south along Belleview Avenue to Arbor Street (also known as Tuxedo Road) and then south on Arbor Street until the line ends at the southwestern boundary.

*Fifth Ward:* All that area east and north of a line beginning at the northern boundary of the town at Landover Road and 63rd Place and running south on 63rd Place for approximately one half block to the boundary of the town that runs along the south side of the Cheverly Terrace Apartments, then north on Kilmer Street for a short distance until a point between 6507 and 6513 Landover Road in the Hanson Arms Apartments, and then east along the south wall of 6507, 6509 and 6511 Landover Road (Hanson Arms Apartments), then north to a point between 6505 and 6525 Landover Road and west, southwest to the rear lot line (the north corner) of 6604 Oak Street, and then along the rear lot line of that lot in an easterly direction until the boundary of the town.

*Sixth Ward:* All that area contained in a line beginning at the town boundary at Kilmer Street and Oak Street, then north on Kilmer Street for a short distance until a point between 6507 and 6513 Landover Road in the Hanson Arms Apartments and then east along the south wall of 6507, 6509 and 6511 Landover Road (Hanson Arms Apartments), then north to a point between 6505 and 6525 Landover Road and west, southwest to the rear lot line (the north corner) of 6604 Oak Street, and then along the rear lot line of that lot in an easterly direction until the boundary of the town and continuing along the eastern boundary of the town south until a point at the intersection of the eastern boundary and the rear lot line of 6435 Forest Road (Lot 19) along the northeast side lot line of the same lot, across Forest Road to the eastern side lot line of 6432 Forest Road, along the eastern side lot line of the same lot and running in a northwest direction along the rear lot lines of 6432, 6430, 6428, 6424, and 6422 Forest Road and continuing along the north side lot line of 2803 Hillside Avenue, running along Inwood Street and then along 63rd Place until the boundary of the town in the northwest corner of Gladys Noon Spellman Elementary School and from there in a northeasterly direction along the boundary of the town to the intersection of Oak Street and Kilmer Street.

(B) The first election under the wards as described in C-6(A), shall take place in May 1993. At that election councilmembers for all wards shall be elected for a two-year term. Thereafter elections shall be conducted according to the Charter and laws of the town of Cheverly. (Amended by Ordinance of 4-10-63; Amended by Res. No. 4-80; Amended by Res. No. C-1-90, 2-1-91; Amended by Res. No. 1-92, 5-1-92; Amended by Res. No. C-1-94, 7-1-94; Amended by Res. No. CA-2-02, 12-12-02.)

## ARTICLE IV Mayor and Council

### Section C-7. Mayor and Council: Vesting of responsibility; restrictions.

Except as otherwise herein vested by this Charter, the government of the town shall be vested in a Mayor and six (6) Councilmembers, the latter to be resident one (1) in each of the six (6) wards of the town. Neither the Mayor nor the Councilmembers shall hold any other remunerative office under the town during their terms of office; neither shall they, nor any officer of the town, either directly or indirectly, through the medium or agency of other persons, enter into a contract or contracts with the town nor derive any pecuniary benefit from such a contract or contracts; nor be reimbursed nor receive any compensation of any kind from the town other than the remuneration provided for pursuant to § C-10, and reimbursement for actual expenses incurred in representing the town at meetings or for other purposes as authorized by the Mayor and Council. (Amended by Ord. No. 8-76.)

### Section C-8. Mayor: Qualifications.

The Mayor of the town must be not less than twenty-five (25) years of age on or before the date of his or her election, a citizen of the United States, a resident of the Town of Cheverly and registered to vote in the Town of Cheverly elections, and shall have been a resident within the limits of the town for not less than six (6) months immediately preceding the date of his or her election. The Mayor may not hold any non-elected position of employment with the Town of Cheverly. (Amended by Ord. No. 8-76; Res. No. 88-2, 9-2-88; Res. No. CA-6-01, 12-28-01.)

### Section C-9. Council: Qualifications.

The Councilmembers of the town must be not less than twenty-one (21) years of age on or before the date they are elected, citizens of the United States, registered to vote in the Town of Cheverly elections, and shall have been residents within the limits of the town for not less than six (6) months immediately preceding the date of their election. Councilmembers must reside in the wards from which they are elected, such residency commencing either on the date of the submission of the petition for candidacy or forty-five (45) days immediately preceding the date of their election in the case of a write-in candidate. Such residency shall continue without interruption throughout their terms as councilmembers. Councilmembers may not hold any non-elected position of employment with the Town of Cheverly. (Amended by Ord. No. 8-76; Res. No. 88-3, 9-2-88; Res. No. CA-7-01, 12-28-01.)

### Section C-10. Mayor and Council: Term of office, vacancies, compensation.

A. The Mayor shall be elected for a period of three (3) years and each of the Councilmembers shall be elected for a period of two (2) years. They shall take office before the next council meeting succeeding their election by taking an oath before any officer of the State of Maryland, duly authorized to take an affidavit, to the effect that they will obey the Constitution of the United States and the Constitution and the Laws of the State of Maryland, and will fairly and impartially administer the duties of their respective offices, and such oaths

shall be filed among the records of the town. If an election is contested and appealed to the Circuit Court of Prince George's County, no candidates shall be seated in the contested office until the Circuit Court renders a decision.

B. In case the Mayor shall permanently change his/her place of abode from the town, or become otherwise unqualified to hold the office, he/she shall cease to be Mayor, and there shall exist a vacancy in said office to be filled as hereinafter provided. In case Councilmembers shall permanently change his or her place of abode from the wards he or she represents or become otherwise unqualified to hold the office, that person shall cease to be a Councilmember, and there shall exist a vacancy in said office to be filled as hereinafter provided. The absence of the Mayor or of any Councilmember from three (3) consecutive regular meetings of the Mayor and Town Council, without prior permission or good and sufficient reason, shall constitute a vacancy. A vacancy shall exist in the office of Mayor or Council member if the person in office is unable for six (6) consecutive months following an injury, accident or illness to resume his or her full duties or by reason of death, refusal to act, disqualification, recall or resignation. In the event of a vacancy occurring in the office of one or more Councilmembers, the Mayor and Council, or a majority of them for the time being, shall elect a Councilmember or Councilmembers as the case may be to fill such vacancy or vacancies until a successor or successors shall have been elected for the unexpired term(s) at the next regular town election and shall have taken office. (Res. No. 86-3, 10-31-86; Res. No. CA-8-01, 12-28-01.)

C. As soon as practicable after the regular town election for Councilmembers or after a vacancy occurs in the office of Vice Mayor, the Mayor and Council shall elect a Vice Mayor from among the Councilmembers. The Vice Mayor shall serve until the Mayor and Council elect a new Vice Mayor after the next regular town election for Councilmembers or until the Vice Mayor vacates the office, whichever occurs first. The Vice Mayor shall act as Mayor in the Mayor's temporary absence.

In the event a permanent vacancy occurs in the office of Mayor, the Vice Mayor shall assume the office of Mayor until the next regular town election, and a new Vice Mayor shall be chosen as herein provided. In the event a permanent vacancy occurs in the office of Mayor and there will be no regular town election within one (1) year and forty-five (45) days from the date the Vice Mayor first assumed the duties of the office of Mayor, the vacancy in the office of Mayor shall be treated as a temporary absence of the Mayor and the Mayor and Town Council shall call a special mayoral election as soon as practicable in all other instances, that next regular town election, a Mayor shall be elected to fill the remaining unexpired term, if any, in the office.

A vacancy thus created in the ward from which the Vice Mayor had been elected shall be filled by majority vote of the Town Council. The person thus chosen to fill the vacant council seat shall serve until the next town election. The Vice Mayor filling a vacancy in the office of Mayor may resume his or her council seat and the office of Vice Mayor for their respective unexpired terms, if any, without standing for election, after a Mayor has been elected and shall have taken office. (Res. No. 86-3, 10-31-86; Res. No. C-1-93, 4-2-93.) (Amended by Ord. No. 8-76.)

D. The Mayor and each Councilmember shall receive remuneration from the town in such amounts and under such conditions as may be determined by ordinance; provided, however, that the salary specified at the time a Mayor or Councilmember takes office shall not be changed during the term for which that Mayor or Councilmember was elected. (Res. No. 88-1, 7-29-88.)

Section C-10.1. Recall of elected officials.

The Mayor or a member of the Town Council may be recalled from office (removed) in accordance with the following procedure:

A. A petition signed by at least thirty percent (30%) of the registered voters of the Town of Cheverly in the case of the Mayor and thirty percent (30%) of the registered voters of the Councilmember's ward in the case of a Councilmember must be presented to the Mayor and Town Council at a regular town meeting stating a desire to have the named town official subjected to reaffirmation by a vote of the electorate. In the case of the Mayor, the vote of the full town electorate will apply. In the case of a Councilmember, the vote of the ward electorate will apply. A petition shall contain the name of only one (1) town official. The registered town voters signing said petition shall sign the same as their names appear on the town's election books, and under each signature shall be typed or printed each petitioner's name, address and ward in which he or she votes in town elections. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose names appear thereon sign the same in his or her presence.

B. The petition shall state specifically the justification for recall of the Mayor, or, as the case may be a Councilmember which shall be for one (1) of the following reasons:

- (1) Failure to uphold the oath of office.
- (2) Malfeasance in office.
- (3) Misfeasance in office.
- (4) Nonfeasance in office.

C. Upon receipt of a petition the Mayor and Council shall forthwith refer the petition to the Town Board of Election Supervisors for verification of the appropriate number of registered voters' signatures, addresses, and wards. The Board shall return said petition with their written findings as to required voters, addresses and wards to the Mayor and Council at its next regular meeting; and at their meeting, if the petition is authenticated, the Mayor and Town Council shall announce that (1) within thirty (30) days a public hearing will be held on the petition, and that (2) within forty-five (45) days a special election shall be held in order to allow, in the case of a Mayor, all registered voters of the town to vote on the petition, and in the case of a Councilmember, all the registered voters of his or her ward may vote on the petition.

D. The voting ballot will contain the officials' name and the choice of "reaffirm" or "remove;" in order for the official to be removed a majority of those voting must vote "remove."

The voting will be conducted in the same manner as prescribed herein for regular town elections; and, if removal results, the vacancy will be filled as herein prescribed. (Amended by Ord. No. 8-76.)

Section C-11. Mayor: Powers, duties.

A. The Mayor shall be the chief executive officer of the town. In emergencies during the temporary absence of the Town Administrator, or when such position is vacant, and for matters not specifically delegated to the Town Administrator the Mayor is vested with all the power necessary to secure enforcement of this Charter and all ordinances and resolutions passed under the provisions of this or any other Act, and to take such other actions under law as are necessary to protect life or property.

B. The Mayor shall act as President of the Council during the term of office, and shall have all the privileges of a councilmember in debate, and the right to vote for Vice Mayor, or in case of a tie, or to provide four (4) affirmative votes. During the temporary absence of the Mayor, the Vice Mayor shall have authority to perform all duties of the Mayor and shall serve as President pro tem of the Council. The Vice Mayor, while presiding in the temporary absence of the Mayor, shall retain the right to vote as a member of the Council but cannot additionally exercise the Mayor's prerogative to vote in case of a tie or to provide four affirmative votes. (Amended by Ord. No. 8-76; Res. No. 86-4, 10-31-86.)

Section C-12. Council: Powers, duties.

A. All legislative powers of the town are vested in the Council.

B. The Council shall appoint or approve the appointment of all officers of the town as herein or hereinafter provided.

C. The Council shall determine by ordinance or otherwise its own organization, rules, procedures and order of business.

D. No Councilmember shall give instructions or orders to any officer or employee of the town, or otherwise interfere with the administrative service of the town. However, nothing in this or any other Act shall be construed to abridge the right of the Council as a body to inquire or investigate as it deems necessary in order to carry out its powers and responsibilities, and to see that the charter and laws of the town are faithfully executed. (Amended by Ord. No. 8-76.)

Section C-13. Meetings of the Mayor and Council.

A. (1) *Regular and Special Meetings.* The Mayor and Town Council shall hold regular meetings at least once a month in some convenient place in the town. They shall hold such special meetings as they may think necessary for the proper performance of their official

duties. All regular and special meetings shall be open to the public, and the Council shall provide all residents a reasonable opportunity to be heard at such meetings with regard to any municipal question. Special meetings will be called by the Town Clerk when requested by the Mayor or a majority of the Councilmembers, and a notice of any such meeting will be posted in a public place.

(2) *Worksessions.* The Mayor and Town Council may also hold such worksessions as the Mayor and Town Council deem appropriate to administratively discuss and perform town business. Provided reasonable notice to the public [public] is given of such worksession, the Mayor and Town Council may also conduct all town business at the worksession, including the introduction or passage of ordinances, resolutions or motions as the Mayor and Town Council deem appropriate.

B. Except as provided by Sections C-10 and C-11, a majority of the members of the Council shall be necessary to constitute a quorum for the transaction of business. The Mayor is a member of the Council for the purpose of constituting a quorum.

C. Nothing contained herein shall be construed to prevent the Mayor and Town Council or its various committees and boards from holding, pursuant to State law, closed sessions from which the public is excluded, but no ordinance or resolution or other formal action shall be adopted or taken at a closed session. (Amended by Ord. No. 8-76; Res. No. C-1-95, 7-28-95; Res. No. CA-4-01, 12-28-01.)

#### Section C-14. Adoption and amendment of local laws: Cheverly Code.

The Mayor and Council shall provide for government of the town by the adoption and amendment of local laws through ordinance or resolution. Such laws shall be codified in a logical system of pagination and numeration to be known as the "Cheverly Code." No ordinance or charter amendment shall be passed at the meeting at which it is introduced. At any public meeting of the Mayor and town council held not less than six (6) nor more than ninety (90) days after the meeting at which an ordinance or charter amendment was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance or charter amendment must be passed not less than six (6) nor more than ninety (90) days after the meeting at which it was introduced may be suspended by the affirmative vote of the greater of either (a) two-thirds (2/3) of the quorum present or (b) four (4) members of the Council. In such a vote the Mayor may supply a fifth affirmative vote if such is necessary. No amendment to the Charter and no ordinance shall be considered by the Council until reduced to writing and made available for public inspection at a meeting, and no such amendment or ordinance shall be adopted without at least four (4) affirmative votes and the signatures of those voting in favor thereof affixed to the written ordinance or resolution. (Amended by Ord. No. 8-76; Res. No. 1-91, 1-31-92; Res. No. CA-5-01, 12-28-01.)

Section C-14.1. Non-Binding Referendum Questions and Special Inquiries

A. A referendum question or a special inquiry not otherwise provided for in this Charter, may be placed on the ballot in any town election according to the procedures outlined herein. All such referendum questions and special inquiries, unless they are made binding on the Mayor and Town Council by any other section of this Charter or by county, state or federal law, shall be advisory and shall neither bind nor obligate the Mayor and Town Council or the Town to enact any ordinance, resolution or motion or to perform any act or function whether it be legislative, administrative or judicial.

*B. Definitions.*

1. “Referendum question” is a questions [question] which is voted on in a town election and which is placed on the ballot upon the submission to the Mayor and Town Council of a valid petition by voters of the Town. The subject matter of a referendum question may be any governmental matter or issue whether or not it is a matter or issue over which the Mayor and Town Council have authority.

2. “Special inquiry” is a question which is voted on in any town election and which is placed on the ballot upon the sole initiative of the Mayor and Town Council. The subject matter of a special inquiry must be a matter over which the Mayor and Town Council have authority.

*C. Special inquiry procedure.*

1. The Mayor and Town Council, upon their own action and without a formal petition, may order by resolution a special inquiry to be placed on the ballot in any regular or special town election, provided that the question involves a matter over which the Mayor and Town Council have authority.

2. The resolution shall fix the day and hours for the election at which the special inquiry shall be voted on and the exact language to appear on the ballot and shall specify whether a special election shall be conducted.

3. Ordinarily, any special election shall be held no less than thirty (30) days after the adoption of the resolution.

*D. Referendum question procedure.*

1. Not less than twenty percent (20%) of the registered voters of the Town may sign a petition to the Mayor and Town Council to place a referendum question on the ballot, so long as each page of petition contains identical language describing the question sought to be placed on the ballot and each page contains a certification of the authenticity of the signatures on that page.

2. As soon as possible after the Board of Elections has certified the required number of signatures on the petition, the Mayor and Town Council shall hold a hearing to determine, among other matters, whether the petition, or part or part(s) thereof, is applicable to this section and shall fix, by resolution, the day and hours for the election at which the nonbinding referendum question shall be voted on and the exact language to appear on the ballot.

3. If the referendum question is a matter over which the Mayor and Town Council have authority, the Mayor and Town Council in their sole discretion shall designate either the next regular town election or a special election.[.] In the event a special election is designated, such special election shall be held within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing for the referendum question. If the referendum question is matter or issue over which the Mayor and Town Council do not have authority, they shall designate the next regular town election.

4. Prior to the enactment of the resolution the Town Administrator in consultation with the Town Attorney may edit or revise the language of any petition for a referendum question to be placed on the ballot in order to clarify the referendum question and to avoid misleading or confusing language.

*E. Post election.*

The Mayor shall announce the results of the vote on the referendum question or special inquiry at the next regular meeting of the Mayor and Town Council. (Res. No. C-2-94, 1-27-95, Res. No. CA-1-03, 1-29-04.)

Section C-15. Revisions and amendments to Charter: Effective date, referenda.

A. Adoption of revisions and amendments to the Charter shall be by resolution of the Council or by referendum based on petition of twenty (20) per cent or more of the registered voters of the town as provided by State Law. A complete and exact copy of revisions and amendments adopted by Council resolution shall be posted at the Cheverly Community Center for a period of forty (40) days following its adoption by the Council or its petition by the voters. A fair summary of such revisions or amendments shall be published in a newspaper of general circulation in the town four (4) times at weekly intervals within such period.

B. Revisions or amendments adopted by resolution of the Council so posted and published shall become and be considered a part of the town Charter and in all respects to be effective and observed as such upon the fiftieth (50th) day after being adopted by the Council, unless on or before the fortieth (40th) day after being so adopted there shall be presented to the Town Council, or mailed to it by registered mail, a petition signed by twenty per cent (20%) or more of the qualified voters of the town calling for a referendum as prescribed by State Law.

C. Within sixty (60) days after receipt of a valid petition for referendum, the Mayor and Council shall fix the day and hours for the election at which questions shall be decided. This may be at either the next regular municipal general election or at a special election, in the discretion of the Mayor and Council. In the event a special election is designated, it shall be held within a

period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing for the referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines when the question is submitted to the voters of the Town of Cheverly.

D. If a majority of those who vote on any question so submitted to the voters of the Town of Cheverly shall cast their votes in favor of the proposed Charter revisions or amendments, the Mayor shall so proclaim publicly within ten days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed Charter revisions or amendments shall become a part of the Charter of the town according to its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed Charter revisions or amendments, the Mayor likewise shall so proclaim, adding to his proclamation the statement that the proposed Charter revisions or amendments contained in said question are null and void and of no effect whatsoever. (Amended by Ord. No. 8-76.)

Section C-16. Ordinances: Effective dates, referenda.

A. Every ordinance shall become effective at the expiration of thirty (30) calendar days after its passage unless the effective [effective] date be extended by the terms of the ordinance to a date no later than sixty (60) days from the date of passage. Notwithstanding the foregoing, when the Mayor and Town Council enact the budget ordinance containing the anticipated revenues and the appropriations and expenditures for the upcoming fiscal year, they may by majority vote shorten the time between the passage and the effective date of the budget ordinance to not less than twenty (20) days. No ordinance shall be effective unless a fair summary of each ordinance shall be published at least once in a newspaper of general circulation in the Town of Cheverly in the period between its passage and the effective date and a complete copy of the ordinance shall be available for public inspection at the office of the Town Clerk during the aforesaid period. It shall be recorded by the Town Clerk, and no money shall be expended by the Treasurer pursuant to any ordinance, resolution or order of the Mayor or Town Council until full and complete entry has been made by the Treasurer in the proper books of record.

B. If within the time between the date of passage and the effective [date] of any town ordinance, a petition protesting against said ordinance, signed by not less than ten percentum (10%) of the registered voters of the town, shall be filed with the Mayor and Town Council, such ordinance shall be immediately suspended, and the Mayor and Town Council shall reconsider it, and if it be not repealed, the Mayor and Town Council shall submit it to a vote of the duly qualified voters of said town at the next election; provided, however, that if the next election shall occur more than ninety (90) days after the date of passage of said ordinance the Mayor and Town Council shall call a special election for the purpose of deciding whether said ordinance shall or shall not become a law, and the same shall become operative or repealed by the majority of the votes cast in this election.

C. If a majority of those who vote on any question relating to an ordinance referendum so submitted to the voters of the Town of Cheverly shall cast their votes in favor of the proposed ordinance, amendment, or amendments, the Mayor shall so proclaim publicly within ten (10)

days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed ordinance, amendment, or amendments shall become a part of the laws of the town, according to its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed ordinance, amendment or amendments, the Mayor likewise shall so proclaim, adding to his proclamation the statement that the proposed ordinance, amendment or amendments contained in said question are null and of no effect whatsoever. (Amended by Ord. No. 8-76; Res. No. 87-1, 4-3-87; Res. No. CA-3-98, 1-1-99.)

## ARTICLE V

### Elections

(See note (4))

#### Section C-17. Election authority.

For the purpose of conducting municipal elections in the Town of Cheverly, the Mayor and Town Council shall have full power by ordinance, and as hereinafter provided by this Article, not in conflict with the laws of the State of Maryland, to provide for the registration of voters for, and the conduct of town elections. All such elections shall make provision for voting by absentee ballot and for write-in candidates. (Added by Ord. No. 1-78.)

#### Section C-18. Officials to register voters and conduct elections.

A. There shall be a Board of Election Supervisors, consisting of three (3) members who shall be appointed by the Mayor subject to approval of the Council for two (2) year terms. Two (2) members shall be appointed at the first council meeting in January of every even-numbered year, and one member shall be appointed at the first council meeting in January of every odd-numbered year. The Mayor shall designate one of these to serve as Chairman. The members of the board shall be Cheverly residents and registered voters for town elections and shall not hold or be candidates for any town elective or other appointive office during their term of office. Prior to assuming the duties of office, each member of the board shall take an oath before any officer of the State of Maryland, duly authorized to take an affidavit, to the effect that he will obey the Constitution of the United States and the constitution and the laws of the State of Maryland, and the laws of the town of Cheverly, and will fairly and impartially administer the duties of his office. A vacancy on the board shall be filled by the Mayor subject to approval of the Council for the remainder of the unexpired term.

B. Subject to modifications and qualifications not in conflict with this Article and enacted by ordinance, the board shall be responsible for the registration of voters, certification of candidates, and town elections. In order to carry out such duty, the board shall have the power to make and publish regulations, pursuant to and not in conflict with the provisions of this Article, regarding the conduct of such functions. And further, the board shall act as judge and arbiter of all disputes and controversies arising from the administration of the town election laws. For the exercise of such powers, a majority of two (2) shall be sufficient for quorum and decision. Appeals from the actions and decisions of the board may be taken as otherwise provided by law.

The board shall meet at regular intervals as it prescribes and shall be authorized to hold such special meetings as the board may require, and all such meetings shall be open to the public. (Ch. Amd. 86-1, 4-4-86.)

C. To assist the board in the registration of voters and in the conduct of elections, the Council shall annually in January appoint the necessary number of election judges and clerks, who shall themselves be registered voters of Cheverly. Judges and clerks shall perform such duties as are prescribed for them by the board. The board shall supervise the duties of election judges and clerks and are authorized to perform such duties when circumstances require.

D. Board members, judges and clerks may, at the pleasure of the majority of the Mayor and Council, be removed from office and successors appointed. Compensation of the members of the board of supervisors of elections and judges of elections and expenditure for their duty shall be determined by the Council annually. (Added by Ord. No. 1-76.)

Section C-18.1. Registration of voters.

A. In order to qualify as a voter in the Town of Cheverly a person shall be a citizen of the United States; shall have resided in the Town of Cheverly for at least thirty (30) days prior to the day of any general or special election; shall be eighteen (18) years old on or before the day of any general or special election; and shall not have been convicted of a disqualifying crime or be under guardianship for mental disability, as provided in Md. C. A. Art. 33, § 3-4(c) and (d).

B. Registration may be made by becoming a registered voter of Prince George's County or by the following procedures. Persons qualified to vote in the Town of Cheverly elections may register to vote in person or by mail. There shall be no registration of voters by the Town Board of Election Supervisors during the period beginning thirty (30) days prior to or fifteen (15) days after any election. Registration in person may be completed on such dates and at such special registration sites as may be established by the Board of Election Supervisors. The dates and sites of such special registrations shall be generally published to town residents at least five (5) days prior to such dates. To register by mail, residents may call the town office during normal business hours and request that a registration application be sent, or request in person the registration application at the town office. The individual requesting such registration application shall give the clerk his or her name, address and telephone number. When the completed mail registration application is returned to the town office, the date received shall be noted thereon and a notice of receipt shall be sent by unforwardable mail within three (3) business days. The information on the returned application, when properly certified by the board, shall be transferred to a permanent registration card. The voter then shall, when he appears to vote at any general or special election day, affix his signature to the permanent registration card, thus completing his registration. Special arrangements to secure the signature of a disabled applicant by other means may be made by the board. The original mail registration application shall be preserved by the board until the person has signed the permanent registration card, but no longer than five (5) calendar years from the date received. (Ch. Amd. 86-2, 4-4-86.)

C. All registrations shall be permanent. However, if a registered voter for town elections has not voted at least once at a general or special election in the town, county, or State, within the

preceding five (5) calendar years (such number of years to be determined by counting back from December 31 of any given year), if the voter has been convicted of a disqualifying crime or is under guardianship for mental disability, if the voter is no longer a resident of the Town of Cheverly, or has died, it shall be the duty of the Board of Election Supervisors, during the month of January of each year, to cause the registration of such voter for town elections to be cancelled and stricken from the registration books of the town; provided, however, that the registration of any person shall not be cancelled during his or her service in the armed forces of the United States which service causes such person to reside outside of Cheverly; and provided further, that such service in the armed forces that causes such person to reside outside of Cheverly shall not be taken into account for purposes of cancelling the registration of such person for failure to vote within the previous five (5) calendar years. A notice of such cancellation and the reason(s) therefor shall be sent to the address of record of the voter, notifying said voter to show cause within fourteen (14) days from date of such notice why his/her name should not be removed from the registry. (Added by Ord. No. 1-76.) (Ch. Amd. 86-2, 4-4-86.)

D. However, if a person is a registered voter of Prince George's County, it shall be sufficient for purposes of complying with the provisions of C-18.1C that the Board of Election Supervisors for Prince George's County conforms to the laws and regulations governing such board regarding the cancelling or striking of names from the registration records. This cancelling or striking shall be sufficient to strike such names from the registration records of the town of Cheverly. (Ch. Amd. 86-2, 4-4-86.)

E. All registered voters of Prince George's County who meet the qualifications stated in subsection (a) of this section and are so registered before the period beginning thirty (30) days prior to any town election are registered voters for that town election. (Ch. Amd. 86-2, 4-4-86.)

#### Section C-18.2. Candidates.

A. Any person desiring to be a candidate for an elective office under the terms of this subtitle shall file, not fewer than forty-five (45) days previous to the date of election, with the Ethics Commission a financial disclosure statement under oath and, with the Board of Election Supervisors, a petition under oath setting forth the following:

- (1) That said candidate is a registered voter of the town,[:]
- (2) That said candidate will have attained the required age for the office he or she is seeking on or before election day,[:]
- (3) That said candidate has been a resident of the town for not fewer than six (6) months immediately preceding the date of election,[:]
- (4) The ward in which said candidate resides[:] and
- (5) The name of the office sought[:] provided, a candidate for Council shall reside in the ward where such person seeks office; and provided further that no person may be a candidate for more than one office at any one election.

[B.] The board shall certify petitions meeting the terms of this section and shall cause to be given general publicity within the town the names of certified candidates with the names of the offices they seek, and shall post all of such names and offices conspicuously at the polls. (Added by Ord. No. 1-76; Res. No. 86-5; 10-31-86; Res. No. 88-4, 9-3-88; Res. No. 2-91, 1-31-92.)

Section C-18.3. Election procedure.

A. All elections to fill the office of Mayor and Ward Councilmembers, and for other purposes, shall be by ballot or voting machines. An election to fill the offices of Mayor and Ward Councilmembers shall be held on the first Monday in May of every year, beginning on the first Monday in May, 1976. The Mayor shall be elected by the combined vote of all the wards of the town, and the Ward Councilmembers shall be elected by the votes of the wards in which they dwell. The candidate for each office who shall receive the greater number of votes than any other candidate for said office shall be declared elected, and in the event of a tie vote, a special election shall be held within forty-five (45) days to elect one (1) of the candidates so tied.

B. No person shall be allowed to vote in any election in the town except those persons whose names appear upon the registration books of the town, and who reside in the town on election day. Any qualified voter is entitled to vote in town elections by absentee ballot if the requirements established therefor are met. A voter whose registration has been cancelled shall not thereafter be eligible to vote except by registering again as in this Charter provided.

C. In all town elections, it shall be the duty of the Board of Elections to give public notice of the times, place and purpose thereof. Such public notice shall be given on the government access cable channel, in the town newsletter, in a newspaper of general circulation within the town and in the town's public notice advertisement currently located at Forest Road and Cheverly Avenue. Such public notice shall be given at least [ten] (10) days before the date of election, and in the case of notice on the government access cable channel and the public notice advertisement such notice shall continue to be advertised until the date of the election. In the discretion of the Board, notices may also be posted in such public places in each ward in such manner as the Board may determine. In elections to fill the offices of Mayor and Ward Councilmembers, the polls shall be opened at 7:00 A.M., and closed at 8:00 P.M. The Board of Election Supervisors may authorize periods of excused absence of up to four (4) hours between the hours of 7:00 A.M. and 4:00 P.M., on election day for judges and members of the Board. Immediately upon closing of the polls, the judges of the election shall proceed to count the ballots, but no ballot cast by a voter dwelling in one ward for a candidate for the office of Councilmember of another ward, and no ballot cast for more than one candidate for the office of Mayor, shall be counted. The counting of the ballots or checking of the votes on voting machines shall be announced publicly, and written returns fully completed and signed by the judges of election and the Board of Election Supervisors, and sealed in an envelope with the names of said judges and board signed thereon. One (1) copy of such returns shall be sent to the Mayor of the town and one (1) copy to the Town Clerk for filing among the records of the town. Any judge or member of the board who declines to sign said return shall prepare, sign and seal in an envelope and send as aforesaid an individual return, giving his reason therefor. The ballots shall then be

returned to the ballot boxes from which they were removed, a paper seal with the signatures of the judges and board thereon shall be pasted upon said ballot boxes in such manner that the boxes cannot be opened without breaking said seal, and in the event voting machines are used in lieu of the paper ballots, the voting machines, upon completion of the tabulation of the votes cast, shall be sealed as provided by law for general elections of state and county officials. There shall be no postponement or adjournment of the above actions until they all are completed. Said voting machines or boxes, sealed as aforesaid, shall then be retained by the board for periods of seven (7) days, exclusive of Sundays and legal holidays, in the case of machines, and six (6) months in the case of ballots, after which periods of time the machines shall be unsealed, and the boxes shall be opened and the ballots destroyed, and the board shall record a certificate of the fact of destruction; provided, however, that if there be a contest of the election, said ballots shall not be destroyed nor voting machines unsealed until after the decision of the Circuit Court for Prince George's County. (Res. No. C-2-95, 3-1-96.)

D. Any candidate at said elections may contest the same and the Circuit Court for Prince George's County shall have jurisdiction to determine such contest. Each judge of the Circuit Court may adopt such modes of proceedings and adjudging costs in cases of contested election as to him shall seem most satisfactory.

No such contest shall, however, be considered unless the petition for the same is filed in the Circuit Court of Prince George's County within seven (7) days, exclusive of Sundays and legal holidays, after the public announcement by the board of the result of the election. (Added by Ord. No. 1-76.)

## **ARTICLE VI**

### **Officers, Departments, Boards and Commissions**

(See note (5))

#### Section C-19. Authorization of officers and departments; appointments.

The Mayor and Council are authorized to establish by ordinance or resolution such departments, boards and commissions, and to appoint by majority vote of the Mayor and Council, heads of departments, and members of boards and commissions as the government of the town may require. Such officers shall include but not be limited to a Town Administrator, a Treasurer, a Town Clerk and a Town Attorney and shall receive such compensation as may be authorized by the Mayor and Council. Except for the Treasurer and the Town Clerk, such officers shall serve at the pleasure of the Mayor and Council and may be removed by a majority vote of the Mayor and Council. (Added by Ord. No. 9-76.) (Res. No. C-1-97, 6-27-97.)

#### Section C-20. Town Administrator.

The Town Administrator shall be the chief administrative officer of the town, and shall be directly responsible to the Mayor and Council for the administration of all departments, offices and agencies of the town, except for those boards and commissions which by law report directly to the Mayor and Council. The Town Administrator may also hold the title and fill the

position of Treasurer, and shall perform such other duties and functions as may be directed by ordinance or resolution. The Town Administrator shall attend all public and executive meetings of the Mayor and Council and shall have the right to participate in discussion, but may not vote. (Added by Ord. No. 9-76.)

Section C-21. Treasurer.

The Treasurer shall be responsible for providing safe and accurate receipt, custody and disbursement of all moneys and property accruing to the benefit of the town; shall keep accurate accounts of all receipts, disbursements and transfers of money and property; shall render monthly statements of the accounts to the Mayor and Council; and shall submit the accounts to them upon their order for audit. Upon entering on the duties of the office, the Treasurer shall execute and deliver to the Town Administrator a bond, conditioned upon the faithful performance of the duties of the office. Such bond shall be at the expense of the town in such amount as the Town Administrator shall fix, and the sureties shall be approved by the Mayor and Council. (Added by Ord. No. 9-76.) (Res. No. C-1-97, 6-27-97.)

Section C-22. Town Clerk.

The Town Clerk, under direction of the Town Administrator, shall attend all public meetings of the Mayor and Council, shall keep the minutes thereof, and shall keep a record of all ordinances and resolutions of such body. Such minutes and records shall be available for inspection, in the Town Clerk's presence, by any resident of the town. The Town Clerk shall keep the assessment books and, subject to procedures established by the Treasurer, shall collect all taxes and other receipts and deposit same to the credit of the town; shall be custodian of other town files and records; and shall perform such other duties as may be prescribed by ordinance or resolution of the Council, or by order of the Town Administrator. Before entering on duties of the office, the Town Clerk shall execute and deliver to the Town Administrator a bond, conditioned upon the faithful performance of the duties of the office. Such bond shall be at the expense of the town in such amount as the Town Administrator shall fix, and the sureties shall be approved by the Mayor and Council. (Added by Ord. No. 9-76.) (Res. No. C-1-97, 6-27-97.)

## **ARTICLE VII**

### **Powers**

Section C-23. Powers.

A. The Mayor and Town Council shall have and are hereby granted authority to exercise all powers relating to municipal affairs and to pass ordinances and take such measures not contrary to the Constitution and laws of the State of Maryland as they may deem necessary for the good government and improvement of the town; for the protection and preservation of the town's property, rights, and privileges; for keeping town property in good condition; for the preservation of peace and good order, and the exercise of police powers; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the

town. The Mayor and Town Council shall have, in addition, the power to pass ordinances, not contrary to the laws and Constitution of the State, for the specific purposes which follow, but the enumeration of such specific purposes is not to be construed as limiting the powers of the town to the purposes mentioned.

(1) To levy, assess and collect taxes and to borrow money on the credit of the town, and to levy and collect special assessments for benefits obtained, as hereinafter provided for by this Charter; to accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeable to the conditions under which the gifts or grants were made.

(2) To appropriate and expend funds for any purpose deemed to be public and to affect the safety, health and general welfare of the town and its occupants, provided that funds not appropriated shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated.

(3) To provide a merit system for the appointment and compensation of town employees not elected or appointed as officers of the town, members of boards and commissions, election judges, or heads of offices and departments; to provide retirement or pension systems and group insurance plans for town officers and employees, or for inclusion of its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe; to provide financial and related protection and services for its officials, appointees and employees and their families and estates in circumstances where they are sued or threatened with suit as a result of public actions taken in their official capacity, unless deliberate wrong-doing is involved, and this will cover tort liabilities and other suits including protection against double jeopardy in the case of consecutive suits brought first against the public official, per se, and then against the official as a private person.

(4) To make agreements with other municipalities, Prince George's County and other governmental authorities for the joint performance of or for cooperation in the performance of any governmental function.

(5) To provide, for the purpose of proper protection of the health, good order and peace of the town, for the licensing, regulation or restraining of amusements and theatrical exhibitions, cabarets, dances and other gatherings for social or recreational purposes to which the general public is invited, admission is charged, or a hall is rented.

(6) To make reasonable regulations in regard to buildings, fences and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and to appoint a building inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspections 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.

(7) To license, regulate, restrain or prohibit the erection or maintenance of signs, billboards and posters of every kind and description on any building, tree, fence, post, billboard, pole, or other place within the town.

(8) To regulate or prohibit the construction and maintenance of artificial ponds, pools and lakes on any property within the town.

(9) To grant and regulate franchises for utilities, transportation, communication, and any other purposes which may be deemed advantageous and beneficial to the town, subject to such limitations as the state laws may provide.

(10) To require persons about to undertake work which might harm or damage any person or property within the town, 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 such person or property.

(11) 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.

(12) 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.

(13) To regulate the use of public ways, sidewalks and public places in such manner as to protect the health and safety of residents of and visitors to the town.

(14) To prevent and remove nuisances and obstructions from the streets, sidewalks, lanes and alleys of the town and from properties adjoining same; and to regulate and provide means for the collection and removal of garbage, trash, rubbish and other refuse matter within the limits of the town, to compel the occupant or owner of any premises, building, or outbuilding situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition, and after reasonable notice to the owner or occupant to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(15) To make, regulate and maintain public improvements, and to acquire property in or outside the corporate limits necessary for such improvements, including grading, paving, repairing, draining, laying out, extending, opening, closing, straightening or relocating any of the streets, sidewalks or alleys in the town or immediately adjacent thereto; the location, size and design of catch basins; the location, cross section and grade of storm drains, the materials of which they shall be constructed and the formula according to which the town may or may not participate in the cost of construction.

- (16) To erect and maintain bridges.
- (17) To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.
- (18) To regulate or prohibit the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other waste, refuse, or unwholesome materials into any public way or on any public or private property in the town.
- (19) To preserve and protect the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to prevent and remove all nuisances; and to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health.
- (20) To provide, maintain, and operate community and social services, public parks, gardens, playgrounds, municipal musical organizations, and other recreational facilities and programs to promote the health, welfare, recreation and enjoyment of the residents of the town.
- (21) To regulate or prohibit the keeping of dangerous animals or reptiles, or cattle, horses, swine, fowl, sheep or goats within the town, and to restrain dogs and other household pets from running at large on the streets, including their impoundment, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.
- (22) To regulate the speed, weight and operation of or prohibit the use of, motorcycles, motor bikes, motor scooters, buses, trucks, motor vehicles, locomotives and other motorized and operator propelled vehicles within the town limits.
- (23) To regulate or prohibit unreasonable noises which disturb the peace and quiet of any resident of the town.
- (24) To regulate or prohibit the parking or storing of vehicles, boats, trailers, materials and equipment on public property or in public places; to install parking meters on the streets and public places of the town and to lease, own, construct, operate, and maintain parking lots and other facilities for off-street parking.
- (25) To prohibit the youth of the town from being in the streets, lanes, alleys, or other public places at unreasonable hours of the night.
- (26) 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; to issue regulations concerning fire hazards or any other similar things which may endanger persons or property; and to take other measures to control and prevent fires within the town.
- (27) To establish, operate and maintain a police force; to prohibit, suppress, and punish within the town all vice, gambling and games of chance, prostitution and solicitation therefor;

vagrancy, disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness. The town police officer or officers shall, within the corporate limits of the town have the same power, and proceed in the same manner when arrests are made, as members of the Prince George's Police are authorized in similar cases in which the State of Maryland is a party. It shall also be the duty of the town police to enforce all town ordinances and to preserve the peace and good order of Cheverly and the town police are hereby authorized to make the necessary arrests or to issue summonses in so doing.

(28) To establish fines, penalties and punishments for the breach of town ordinances, not to exceed five hundred dollars (\$500.00) fine and/or ninety (90) days in jail, or both, in addition to costs; and to recover said fines or penalty by an action in debt. Imprisonment for violation of an ordinance shall be in the town jail if one is provided, or in the county jail, and the Superintendent of the Prince George's County Police and/or the Director, Prince George's County Department of Corrections shall receive and confine any person so committed, and the Mayor and Town Council is authorized to pay the costs of such imprisonment.

(29) To establish procedures for the enforcement of ordinances.

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

(B) (i) The Mayor and Town Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this article a municipal infraction is a civil offense.

(ii) A fine not to exceed four hundred dollars (\$400.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed four hundred dollars (\$400.00) for each repeat offense, and each day a violation continues shall constitute a separate offense. (Res. No. 88-5, 9-30-88.)

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

(iv) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Amended by Ord. No. 5-78.)

B. The roads, streets, avenues, boulevards, alleys or parks, which now are or shall hereafter be shown on any plat or addition to the platted part of said town, as public highways or parks, and accepted by the Mayor and Town Council as such, are hereby made and declared to be public streets, avenues, boulevards, alleys or parks of said town, and shall be, from time to time, improved and repaired as the public interest may require and the resources of the town justify. (Amended by Ord. No. 8-76; Ord. No. 5-78.)

Section C-24. Authority for borrowing; payment of indebtedness.

(a) The Mayor and Town Council of Cheverly 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, notes or other evidences of indebtedness in the manner prescribed in this section.

(b) As determined by an provided in the authorizing ordinance of the Mayor and Town Council, the bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law;

(2) For a price or prices which may be at, above or below the par value of the bonds, notes, or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved by the Mayor and Town Council; and

(4) For either cash or other valuable consideration.

(c) The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(d) The power and obligation of the Town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this section shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation as to rate or amount. The full faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this section, whether or not such pledge be stated in the bonds,

notes or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Amended by Ord. No. 8-76; Res. No. 3-81; Res. 2-92, 4-9-92.)

Section C-25. Performance of acts necessary to issue and sell debt and to carry out public improvements authorized.

The Mayor and Town Council are hereby authorized to perform all acts not specifically mentioned herein which may be necessary to issue and sell said bonds, notes or evidences of indebtedness authorized by Section C-24 hereof, to provide for the payment of the principal thereof and the interest thereon, and to arrange for the planning and construction of roadways, alleys, curbs, sidewalks, gutters, storm sewers, street lighting, bridges, parks, playgrounds, recreation areas and other public improvements, structures and buildings, and for the acquisition of sites therefor, and for the acquisition of equipment to provide essential public services, and for other proper public purposes as provided for herein. The funds derived from the sale of said bonds, notes or evidences of indebtedness, or issuance of tax anticipation notes shall be deposited in some one or more banking institutions in the State of Maryland, and in the case of funds involving assessable improvements, shall be subject to withdrawal by the Town Treasurer only when countersigned by the Mayor and one (1) member of the Town council. (Amended by Ord. No. 8-76; Res. No. 3-91, 12-11-91; Res. No. 2-92, 4-9-92.)

Section C-26. Benefit assessments authorized.

Whenever the Mayor and Town Council determine that the abutting properties benefit therefrom, they shall have the power to assess against the abutting property and collect from the owners thereof the initial cost of constructing roadways, alleys, curbs, sidewalks, gutters and street improvements, including the costs of street and public alley intersections and the installation of street lighting, all construction costs, including that for drains and culverts where necessary, excavation, preparation of preliminary plans, advertising for bids, and all costs for the preparation of ordinances pertaining to the improvements of any such street, cost for verification of title, and cost for preparation of assessment collection rolls to be supplied for the use of the Town Treasurer. Whenever the Mayor and Town Council determine that the initial costs of any project defined by this section, or part thereof, are of general public benefit, then the Mayor and Town Council may authorize such costs to be paid from town funds. (Amended by Ord. No. 8-76.)

Section C-27. Benefit assessments: Procedure.

The Mayor and Town Council shall levy against each parcel of land abutting benefiting roadways, alleys, curbs, sidewalks, gutters and street improvements, an assessment for a share of the total cost assessed on such initial or original improvements equal to the proportion thereof, that the number of feet in said parcel abutting on said improvement bears to the total assessable frontage on the part of said street so improved; provided, however, that where the property abuts on two (2) or more streets, where such improvements are made or about to be made, the Mayor and Town Council of Cheverly shall have full power and authority to adjust assessments to be made against such lots for the cost of improvements herein authorized abutting such lot or lots to such an amount as shall be just and equitable, and the costs of improvements thus exempted shall

be included in the assessment to be made against the abutting property included in the project, and such adjustments as made by the Mayor and Town Council of Cheverly shall be final and conclusive; and provided further that, where the topography of a street makes the pro rata front foot assessment basis inequitable and where all the lots, despite variable front foot basis, share equally in the benefits, the Mayor and Town Council of Cheverly shall have full power and authority to assess the cost of improvements on a per lot basis, with each lot sharing equally in the cost of improvements and such assessments as made by the Mayor and Town Council of Cheverly shall be final and conclusive. (Amended by Ord. No. 8-76; Ord. No. 8-79.)

Section C-28. Benefit assessments: Collection.

Such assessments, when made, shall constitute a tax lien upon such abutting property and shall bear interest at the same rate as the rate of interest on any issue of bonds, certificates of indebtedness or tax anticipation notes related thereto and the principal of such assessment shall be payable in not to exceed twenty (20) equal annual installments from the date of said assessment, and at the time of the payment of each of the said installments, there shall be due and payable the interest on such installment and on the balance of the principal then unpaid. In addition to said interest, any assessment or part thereof remaining due and unpaid after ninety (90) days from date said installment is due shall also accrue a penalty of one (1) per centum for each month or fraction thereof until paid or a sale for default shall have finally been ratified by the court, and any unpaid balances, interest and penalties shall be enforced and collected by the Mayor and Town Council in the same manner as town taxes are now enforced and collected, as now or hereafter prescribed and required by law. Before any assessment is levied hereunder, the Mayor and Town Council shall mail notices to the best obtainable address of the owners of all properties involved in an assessment and shall also give two (2) weeks' notice to the owners of all abutting property, by advertisement, published at least once a week in one (1) or more newspapers having a general circulation in the Town of Cheverly. Such letters and advertisement shall state the date on which assessment shall be made and warn all abutting owners to appear at the time and place stated in said advertisement to show cause, if any there be, why said assessment should not be made as proposed. Any person aggrieved by the action of the Mayor and Town Council of Cheverly shall have the right to appeal to the Circuit Court of Prince George's County, Maryland, provided such appeal is taken within thirty (30) days next succeeding the day on which said assessment is made. (Amended by Ord. No. 8-76; Res. No. 3-81; Res. No. 9-81.)

Section C-29. Taxes: Levy, collection, assessments.

The Mayor and Town Council of Cheverly shall levy, on or before the 30th day of June for each year, the taxes for the year beginning the first day of July on real estate and business (including utilities) personal property at such rates as they may find necessary for anticipated expenses for the coming fiscal year. The rates shall be set each year as a part of the annual budget process and shall be levied on each one hundred dollars (\$100.00) assessed valuation based upon the State and County assessments for all purposes, provided the rate for real property taxes shall not exceed fifty cents (\$0.50) per one hundred dollars (\$100.00) assessed valuation and the rate for personal property taxes shall not exceed one dollar (\$1.00) per one hundred dollars (\$100.00) assessed valuation.

All improvements which become substantially completed between July 1 and September 30 in any year shall be assessed for taxes, and such improvements shall be subject to municipal taxation in said year on the basis of three-fourths ( $3/4$ ) of the regular assessment made for state and county purposes for said year. All improvements which become substantially completed between October 1 and December 31 in any year shall be assessed for taxes, and such improvements shall be subject to municipal taxation in said year on the basis of one-half ( $1/2$ ) of the regular assessment made for state and county purposes for said year. In the case of buildings under construction, the term “substantially completed” shall mean when the building is under roof, plastered (or ceiled) and trimmed.

Real estate situated within an area annexed between July 1 and September 30 in any year shall be assessed for taxes and shall be subject to municipal taxation in said year on a basis not to exceed three-fourths ( $3/4$ ) of the regular assessment made for state and county purposes for said year. Real estate situated within an area annexed between October 1 and December 31 in any year shall be assessed for taxes and shall be subject to municipal taxation in said year on a basis not to exceed one-half ( $1/2$ ) of the regular assessment made for state and county purposes for said year.

All taxes so levied shall be a lien on any and all property of the person, partnership or corporation against whom or which they may be levied, and the taxes so levied shall be due and payable the first day of July next succeeding the levy thereof, and shall be in arrears on the first day of the succeeding October and from and after that date they shall bear interest at the rate of two-thirds of one per centum ( $2/3$  of 1%) for each month or fraction thereof until paid, in accordance with Article 81, Section 48 of the Annotated Code of Maryland, as it may be amended. In addition to said interest, after October 1 there shall also accrue a penalty of one per centum (1%) for each month or fraction thereof until paid or a sale for default shall have been finally ratified by the court. (Amended by Ord. No. 8-76; Res. No. 5-78; Res. No. 4-81; Res. No. CA-2-01, 12-28-01; Res. No. CA-1-06, 3-4-06.)

#### Section C-30. Tax bills.

The Town Clerk of Cheverly shall be the Collector of all taxes and special assessments levied, and shall have full power to enforce payment thereof, as hereinafter provided in Section C-30 [C-31] of this Charter. It shall be the duty of the Town Clerk, within thirty (30) days after the beginning of the fiscal year, to notify each person against whom any tax has been levied by placing a tax bill showing the amount due, in the United States mail with sufficient postage prepaid, addressed to such person or owners at their last known address as it appears upon the tax roll of said town. The non-presentation of such tax bill shall not affect the validity of any proceedings to enforce the collection of taxes. (Amended by Ord. No. 8-76.)

#### Section C-31. Tax sales: Procedure, assessments.

The Town Clerk of Cheverly is authorized to enforce the collection of all taxes and/or special assessments levied by the Mayor and Council of Cheverly, and in default thereof, in

accordance with the provisions of Sections 70–123, inclusive, of Article 81 of the Annotated Code of Maryland (1957 Edition), and as amended by the General Assembly.

Until a final decree is passed under the provisions of Sections 70–123, inclusive, of Article 81, aforesaid, foreclosing all rights of redemption in any property certified by the Town Clerk of Cheverly to the Treasurer of Prince George’s County, Maryland, and sold by the Treasurer, and until a deed to said property is executed and delivered to the holder of the certificate of sale, such property shall continue to be assessed by the Mayor and Town Council of Cheverly as though no sale has been made, whether the County or some other entity or person holds the certificate of sale. All taxes accruing subsequent to the date the Town Clerk of Cheverly certified to the Treasurer for Prince George’s County, Maryland, all taxes then due it, together with interest and penalties thereon, shall be additional liens against the property. The Town Clerk of Cheverly, upon receipt of a notice from the Treasurer of Prince George’s County, Maryland, that the Treasurer intends to hold a tax sale of property upon which taxes are in arrears, in addition to certifying all taxes assessed on property not heretofore certified to said Treasurer, shall in a separate statement report all subsequent accrued taxes assessed on property heretofore certified to the Treasurer for which payment has not been received. The said statement shall contain a reference to the date the property was initially certified to the Treasurer of Prince George’s County, Maryland, the date the subsequent taxes became in arrears, the names of the person who last appears as the owner of said property on the tax rolls of the Town of Cheverly. The amounts so certified to the Treasurer of Prince George’s County, Maryland, shall be collected before a deed is delivered by the Treasurer, as hereinbefore provided. (Amended by Ord. No. 8–76.)

Section C–32. Fiscal year; financial statement.

The fiscal year of the Town of Cheverly shall be from July 1 to June 30 of each year; and it shall be the duty of the Mayor and Town Council to have prepared within ninety (90) days after the expiration of each fiscal year a detailed statement of the financial condition, including all receipts and expenditures made for any purpose during the fiscal year just completed and a detailed statement on the status of all outstanding debts of the town, funded or unfunded, or bonded, and this detailed statement of the financial condition of the town shall be published at the first opportunity after the expiration of the ninety (90) days referred to above, in a newspaper published in Prince George’s County with general circulation in the town. (Amended by Ord. No. 8–76.)

Section C–33. Copies of Charter, ordinances.

It shall be the duty of the Mayor and Town Council to make available to the public at cost, at the Town Clerk and Treasurer’s office, copies of the Town Charter and the town ordinances, other than assessment ordinances, certified by the Mayor as to their correctness and kept-up-to-date [kept up-to-date] by supplements made within thirty (30) days from the passage of any ordinance or amendment to this Charter. (Amended by Ord. No. 8–76.)

**Section C-34. Prior ordinances.**

All ordinances, resolutions and Acts of the Mayor and Town Council adopted and taken under the authority of Sections 187-228, inclusive, of the Code of Public Local Laws of Prince George's County (Flack's Edition, 1943), being a part of Article 17 of the Code of Public Local Laws of Maryland, title "Prince George's County," subtitle "Cheverly," herein repealed by this Act, shall remain in full force and effect, and be valid, insofar as they may be compatible with Sections C-1 through C-35 herein enacted, until such time as the Mayor and Town Council may specifically repeal each or all of them as the public interest may demand. (Amended by Ord. No. 8-76.)

**Section C-35. Separability.**

If any clause, sentence, paragraph or section of this subtitle shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall not affect or impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof so found unconstitutional or invalid. If for any clause, sentence, paragraph or section of this subtitle shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid in any particular application, and the clause, sentence, paragraph or section of this subtitle shall be constitutional and valid when otherwise applied, such adjudication shall not affect, impair or invalidate said clause, sentence, paragraph or section, but shall be confined to the particular application so found unconstitutional or invalid. (Amended by Ord. No. 8-76.)

**ARTICLE VIII**  
**Storm Water and Surface Water Drainage**  
(See note (6))

**Section C-36. Authorization for work.**

The Mayor and Town Council of Cheverly is hereby authorized, when in its judgment it is deemed expedient or necessary, to plan, design, construct, maintain and operate a system for the control and disposition of surface waters, including storm water [stormwater] drainage within the limits of the Town of Cheverly, and for such purpose, said Mayor and Town Council is given all the power and authority, including the right to condemn, heretofore given it by law, in the construction and maintenance of its roadways, alleys, curbs, sidewalks and gutters, and the right and authority to negotiate with any public agency or property owner and to make contracts with such agency, including the Washington Suburban Sanitary Commission or property owner. (Added by Ord. No. 9-76.)

**Section C-37. General plan.**

The Mayor and Town Council shall prepare, as soon as it deems it expedient, a comprehensive general plan for the control and disposition of surface waters within the limits of the said Town of Cheverly, and shall thereupon divide said town into drainage areas or sections

determined, as near as may be, by topography or the natural flow of surface waters. (Added by Ord. No. 9-76.)

Section C-38. Hearing on proposal.

The said Mayor and Town Council may determine, upon petition or its own motion, that one (1) or more areas within the town limits of Cheverly, in the interest of the public health, welfare and safety, is in need of a storm water [stormwater] or surface water drainage system. After having made said determination, the Mayor and Town Council shall advertise in not less than two (2) issues in any newspaper published in the county having a general circulation in the Town of Cheverly, that the Mayor and Town Council has determined to construct in the area determined upon, or a part thereof, a drainage system, giving in said advertisement the approximate cost and the general area affected, and advising those interested that a hearing will be held by the Mayor and Town Council at a time and place named in said advertisement, at which all interested parties will be heard. The Mayor and Town Council shall be prepared to exhibit at such hearing a plan for said drainage area or a part thereof, including the length and size of pipes and the approximate cost and the specific area to be affected by any tax or assessment levied for the construction of said system. If, after such hearing, the Mayor and Town Council determine that the public health and welfare requires the construction of said system, it shall thereupon proceed with such construction, either by contract, publicly advertised or by its own force or under its own supervision, as it deems desirable and more economical. (Added by Ord. No. 9-76.)

Section C-39. Borrowing power.

To effectuate the construction of storm water [stormwater] sewers within the Town of Cheverly and areas immediately adjacent thereto, the Mayor and Town Council of Cheverly, Maryland, are hereby authorized and empowered to borrow from time to time on the credit of the town, and to issue bonds or certificates of indebtedness therefor, which shall be payable on or before twenty (20) years from the date of issuance, with interest thereon to be at the most favorable combination of low rates and of service conditions obtainable by securing competitive proposals from at least three (3) banking institutions in the State of Maryland, which are insured by the Federal or State government, payable semi-annually, unless of shorter duration than at the maturity of said obligation. The funds derived from the sale of said bonds or certificates of indebtedness shall be deposited by the Mayor and Town Council of Cheverly, Maryland, in one or more safe banking institutions in the State of Maryland, to be determined by them and to be subject to withdrawal by the Treasurer only when countersigned by the Mayor and one (1) member of the Town Council. Out of said funds shall be paid only the proper expenses for the negotiation, sale and liquidation of said bonds or certificates of indebtedness and for the planning or construction of storm water [stormwater] sewers and drainage systems, as provided for herein. (Added by Ord. No. 9-76; Amended by Res. No. 3-81; Res. No. CA-3-01, 12-28-01.)

Section C-40. Sale of bonds.

The Mayor and Town Council of Cheverly, Maryland, are hereby authorized to do all acts not specifically mentioned herein which may be necessary to issue and sell said bonds or

certificates of indebtedness, provide for the payment thereof and the interest thereon, and to arrange for the construction of storm water [stormwater] sewers and drainage systems, as provided for herein. The bonds or certificates of indebtedness hereunder shall be the direct obligation of the Mayor and Town Council of Cheverly, Maryland, and the said corporation shall be responsible therefor. (Added by Ord. No. 9-76.)

Section C-41. Benefit assessments.

For the purpose of providing for the payment of the principal and the interest on the bonds or certificates of indebtedness so issued by the Mayor and Town Council for the construction of drainage systems, there shall be levied by the Mayor and Town Council a special assessment, to be known as a drainage system assessment, against all of the properties within said drainage area served by said system, whether immediately or remotely, which the Mayor and Town Council determine to be specially benefited by said system, based on the area or on the assessed value of all of the property belonging to any owner within said drainage area and so benefited, which tax or assessment shall be uniform throughout the area affected. The special assessment aforesaid shall be on either an area basis or on an assessed value basis, whichever is deemed more equitable and just by the Mayor and Town Council of Cheverly, and such selection as made by the Mayor and Town Council shall be final and conclusive. Such tax or assessment shall be levied annually in a sufficient amount to meet the principal and interest requirements of the bonds or certificates outstanding, the proceeds of which went into the construction of the drainage system, and such tax or assessment may be graduated from year to year as the bonds are retired; provided, however, before any such tax assessment is levied, the Mayor and Town Council of Cheverly shall mail to the best obtainable addresses of the owners of all properties within said drainage district or part thereof upon which it is proposed to levy a tax or assessment, notice that said tax or assessment is to be levied and shall also give two (2) weeks' notice of such proposed tax or assessment by an advertisement published at least once a week in one or more newspapers having general circulation in the Town of Cheverly. Such advertisement and letters shall inform said property owners of the opportunity to be heard thereon at a time and place fixed in said notice. At such hearing the Mayor and Town Council may adjust said tax or assessment, maintaining, however, a rule of uniformity as to the base rate or percentage of levy. Such levy or assessment, when made, shall constitute a tax lien upon all of the properties within said drainage area, as determined by the Mayor and Town Council of Cheverly, and shall bear interest at the same rate as the rate of interest on any issue of bonds, certificates of indebtedness or tax anticipation notes related thereto from and after thirty (30) days from the date of each annual levy or assessment. In addition to said interest any assessment or part thereof, including interest and penalties remaining due and unpaid, after ninety (90) days from the date said payment is due shall also accrue a penalty of one (1) percent for each month or fraction thereof until paid or a suit for default shall have been finally ratified by the Court, shall be enforced and collected by the Mayor and Town Council in the same manner as town taxes are now enforced and collected, as now or hereafter prescribed and required by law. Notwithstanding any of the foregoing, nothing in this section shall prevent the Mayor and Town Council of Cheverly from paying for any project, in whole or in part, from town funds if they deem the project, or part thereof, to be of general public benefit. (Added by Ord. No. 9-76; Amended by Res. No. 3-81; Res. No. 9-81.)

Section C-42. Approval by Sanitary Commission.

No drainage plan, system or design shall be adopted, or any drainage system constructed, except for the protection of an individual's home, by any person, firm or corporation unless such plan or design has been approved by the Washington Suburban Sanitary Commission. (Added by Ord. No. 9-76.)

Section C-43. Contributions from subdivision.

The Mayor and Town Council may require any owner or developer of a subdivision or tract of land upon which dwellings, apartments, stores or other buildings are to be erected, to contribute what it deems to be a fair share of the cost of a drainage project before it approves or constructs such projects, such contributions to be paid in cash before construction begins or secured to the satisfaction of the Mayor and Town Council; and said Mayor and Town Council may construct any part of an approved drainage project, provided the person or company interested contributes not less than one-half (1/2) of the cost thereof. (Added by Ord. No. 9-76.)

## **APPENDIX I**

### **Urban Renewal Authority for Slum Clearance**

#### Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (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 Cheverly, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area 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 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.

#### Section A1-102. Powers.

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

(b) These projects shall be limited:

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

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

Section A1-103. Additional powers.

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

(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.

Section A1–104. Establishment of Urban Renewal Agency.

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

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

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

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

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

Section A1–105. Powers withheld from the agency.

The agency may not:

(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.

Section A1–106. Initiation of project.

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

(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.

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

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

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

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

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

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

(c) Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for

the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

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

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in the plan, the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. In any instrument 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 operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

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

Section A1–109. Eminent domain.

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

Section A1–110. Encouragement of private enterprise.

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

Section A1–111. General obligation bonds.

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

Section A1–112. Revenue bonds.

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

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

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

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

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

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

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it

has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively to have been planned, located, and carried out in accordance with the provisions of this appendix.

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

Section A1-113. Short title.

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

Section A1-114. Authority to amend or repeal.

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

## NOTES

(1) Articles I through VII hereof are derived from Chapter 137, Laws 1951 (Sections 187 through 217 of Article 17 of the Code of Public Local Laws of Maryland), as amended. Amendments are indicated by a history note appearing in parentheses () at the end of the amended section. The absence of such a note indicates that the section is derived, unamended, from said Chapter 137. As to the derivation of Article VIII, see the note at the beginning of this article.

(2) Section 2 of Ch. 322, L1951 reads as follows: And be it further enacted, that all of the provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the Town of Cheverly which are now in force or may hereafter be enacted, and all the existing ordinances of the Town of Cheverly, shall be, and the same are, hereby extended and made applicable to such portion of Prince George's County as is, under the provisions of this section, annexed to and made a part of the said Town of Cheverly; nothing herein or elsewhere in this section shall affect the power of the Mayor and Town Council of Cheverly to amend or repeal any ordinance existing at the date of passage of this Act, or to enact and ordain any ordinance which, at the date of passage of this Act or hereafter, it may be authorized to enact and ordain.

(3) The above annexation was approved by a vote of 45 "for" and 18 "against" at a referendum on September 11, 1961.

(4) Former article V, consisting of Sections C-17 and C-18, was repealed by Ordinance No. 1-76, which added Sections C-17; and C-18, was repealed by Ordinance No. 1-76, which added Section C-17 and C-18.3 in lieu of the former sections.

(5) Former article VI was repealed by Ordinance No. 9-76, which added this article in lieu thereof.

(6) The original article VIII was derived from Chapter 337, Laws 1949. That article was repealed by Ord. No. 9-76, which added this article in lieu of the original.

(7) Resolution 1-95, effective February 27, 1995, annexed several parcels of land, containing 6.7552 acres of land. The Resolution, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section.

(8) Resolution CA-2-95, effective December 26, 1995, provided for the annexation of 2.6306 acres of land, more or less (Kilmer Street properties). The Resolution, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section of this charter, and the metes and bounds of the annexed property that were attached to the resolution are on file with the Department of Legislative Services.

(9) Resolution CA-1-98, effective March 29, 1998, provided for the annexation of 7.2333 acres of land, more or less (William R. Conway properties). The Resolution, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section of this charter and the metes and bounds of the annexed property that were attached to the resolution are on file with the Department of Legislative Services.

(10) Resolution CA-2-98, effective April 26, 1998, provided for the annexation of 1.7875 acres of land, more or less (Capital View Subdivision). The Resolution, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section of the charter, and the metes and bounds of the annexed property that were attached to the resolution are on file with the Department of Legislative Services.

(11) CA-1-02, effective August 25, 2002, provided for the annexation of 2.68868 acres of land, more or less. The Resolution, however, failed to provide for the change in the boundary description that is contained in this charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section of the charter.

(12) 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 Cheverly in Chapter 631 of the Acts of the General Assembly of 1996.