

CHARTER

OF THE

Town of Hebron

WICOMICO COUNTY, MARYLAND

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HEBRON

ARTICLE I Incorporation

Section HC1-1. Incorporation and general powers.

The citizens of the Town of Hebron, in Wicomico County, Maryland, are hereby created a body corporate by the name of the "Commissioners of Hebron," with all the powers and privileges of a body politic and corporate, and by such corporate name shall have perpetual succession, sue and be sued, plead and be impleaded in any court of law or equity; may have and use a common seal; may purchase and hold real, personal and mixed property and sell and dispose of the same for the benefit of the town; and may own or lease suitable buildings for municipal purposes.

ARTICLE II Boundaries

(See notes (1) and (5))

Section HC2-1. Boundaries described.

The limits of said town shall be as follows: Beginning for the same at a point on the westerly line of the state road leading from Salisbury through the town of Hebron at the center of a ditch, which is the northerly line of the land of Isaac T. Wimbrow; thence running in a westerly direction and with the center of said ditch in a straight line a distance of 140 yards; thence running in a southerly direction through the said Wimbrow land on a line parallel with and 140 yards distant from the westerly side of the said state road to a point 150 feet north of the northerly side of Lillian Street; thence running in a westerly direction on a line parallel with said Lillian Street a distance of 186 yards to a point in the aforesaid Wimbrow land; thence running in a southerly direction between the mill properties and the canning house property of Bounds and Phillips to the northerly side of the county road known as the "Old Railroad" at a stone; thence running by and with the northerly line of said county road in an easterly direction and across the aforesaid state road to the center of a private road which leads through the Denila Wright land at a stone; thence in a northeasterly direction in a straight line to the northwest corner of the colored church property on the southerly side of Chestnut Street; thence running across said Chestnut Street on a perpendicular line to the northerly side thereof; thence running with said Chestnut Street in an easterly direction a distance of 175 yards; thence running in a northerly direction in a straight line to the point of intersection of the southerly side of Lillian Street with the center of the private land of Ira Ellis; thence running across said Lillian Street and continuing in the same direction for a distance of 160 yards to a point in the land of Ambrose Phippin; thence running through said Phippin land in a westerly direction to the southeast corner of the property of S. T. Culver, which fronts on the aforesaid state road; thence running by and with the easterly line of said Culver's property, the property of G. W. Holliday and others in a straight line to the center

of the aforesaid ditch; thence running by and with the center of said ditch and across the aforesaid state road to the point of beginning.

ARTICLE III **Elections**

Section HC3-1. Time of elections.

The regular elections for the election of Commissioners shall be held on the second Tuesday in April in each year. At the election held on the second Tuesday in April 1968, three (3) Commissioners shall be elected to serve for two (2) years. The two (2) Commissioners whose terms were to expire August 1, 1968, prior to this amendment, shall continue in office until the election held on the second Tuesday in April 1969. Thereafter, three (3) Commissioners shall be elected in even-numbered years and two (2) Commissioners shall be elected in odd-numbered years to serve for two (2) years. (Amended 5-15-67 by Res. No. 1, 1967.)

Section HC3-2. Voter eligibility.

Any person who shall be entitled to register and vote in any special or general election of the state of Maryland and who shall have resided in said town for the period of six (6) months next immediately preceding any town election or at the time of the election is and for at least one (1) year prior thereto has been assessed on the tax books of the town as the owner of real property of the value of at least one thousand dollars (\$1,000.) and who is registered to vote in accordance with the provisions of this Charter shall be a duly qualified voter of the town. Every duly qualified voter shall be entitled to vote in any and all town elections. In the event of multiple ownership, only two (2) owners of such property with the value of at least one thousand dollars (\$1,000.) shall be entitled to register and vote hereunder. (Amended 5-15-67 by Res. No. 1, 1967.)

Section HC3-3. Regulation of elections.

The Commissioners shall make all needful rules and regulations, not inconsistent with this Charter or the laws of the State of Maryland, for the election.

Section HC3-4. Judges of Election.

Judges of Election. The Commissioners shall appoint three (3) resident and qualified voters of the town to serve as Judges of Election. The first three (3) members shall be appointed on or before the first day of February 1968. The terms of the members shall be three (3) years, except that, of the three (3) members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years. Any vacancy during the unexpired term of a member shall be filled by the Commissioners for the remainder of the term. All members shall serve until their successors are appointed and qualified. The compensation of the Judges of Election shall be determined by the Commissioners. The Judges of Election shall install, conduct and maintain a system of permanent registration of

voters within the Town of Hebron and conduct the special and general elections held within the town in accordance with the provisions of this Charter and the ordinances of the Commissioners. The Judges of Election shall conduct a registration of the voters of Hebron on the first Monday of April 1968 and on the same day in every year thereafter. No person shall be allowed to vote at any municipal election unless he or she shall have been registered at the time of the original registration or on some succeeding registration day. The Judges of Election may designate additional days as registration days. The Commissioners are hereby authorized and empowered by ordinance to adopt and enforce all rules and regulations necessary for establishing and maintaining a system of permanent registration. Any person desiring to be a candidate for the office of Town Commissioner shall file his certificate of candidacy with the Chairman of the Judges of Election not later than ten (10) days prior to the date of the election of Town Commissioners. (Amended 5-15-67 by Res. No. 1, 1967.)

Section HC3-5. Time, place and notice.

All elections hereunder shall be held within the town limits at such place or places as the Commissioners shall designate. At least ten (10) days prior to the holding of any election, the Commissioners shall give notice of the time and place or places of such election by handbills posted in at least five (5) public places in said town. The hours for such election shall be between the hours of 4:00 p.m. and 8:00 p.m.

Section HC3-6. Count and return.

After the polls have been closed, the ballots shall be publicly counted, and the said Judges shall, within two (2) days after such election, make a true and correct return of the results of said election under their hands and seals to be addressed and transmitted to the Commissioners along with the ballots. Said return shall be made a part of the records of the said Commissioners.

Section HC3-7. Tie elections.

If at any election it shall appear from the returns of the Judges of Election that two (2) or more persons voted for as Commissioner have received the same number of votes so that there is not a choice for the office, a new election shall be immediately proclaimed by the Commissioners to fill the vacancy from among such tie candidates, which election shall be held on ten (10) days' notice and in all respects as aforesaid, except as to day of election.

Section HC3-8. Persons elected to qualify.

The Commissioners shall qualify and take possession of their offices on the first regular meeting night in May immediately following their election, and the failure of any person so elected to appear and qualify within the time prescribed shall be deemed a refusal of the person failing to qualify to accept the office of Commissioner, whereupon the person receiving the next highest number of votes shall be declared duly elected. (Amended 5-15-67 by Res. No. 1, 1967.)

ARTICLE IV Town Commissioners

Section HC4-1. Number.

The government of said town shall be vested in five (5) Commissioners, who shall possess the qualifications, receive the compensation and have the powers and duties as set forth in this Article.

Section HC4-2. Qualifications.

Each Commissioner shall have attained the age of eighteen (18) years on the day of election, shall have resided within the corporate limits of Hebron for not less than six (6) months prior to the date of his election and shall have been a qualified registered voter of the town for six (6) months next preceding his election. The Commissioners must continue to reside within the town during the term of their office. (Amended 5-15-67 by Res. No. 2, 1967; 11-2-77 by Res. No. 1, 1977.)

Section HC4-3. Compensation.

The Commissioners shall receive such salaries for their services as the Commissioners may from time to time prescribe by ordinance; provided, however, that no salary ordinance shall become effective until after the expiration of the current terms of all Commissioners in office when such ordinance is passed. (Amended 11-19-80 by Res. No. 1, 1980.)

Section HC4-4. Allocation of duties.

The said Commissioners shall appoint one (1) of their number as President and one (1) of their number as Secretary and the same or another as Treasurer.

Section HC4-5. Powers and duties of the President.

The President of the Commissioners shall be the executive officer of the Town of Hebron, clothed with all the power necessary to secure the enforcement of all ordinances passed by the Commissioners under this Charter. He may call the Commissioners in special session when he is of the opinion that the public good may require.

Section HC4-6. Powers and duties of the Secretary.

The Secretary shall keep the minutes of the Commissioners in a well-bound book, which book shall be open to the inspection of anyone interested. He shall maintain a complete and well-indexed file of the ordinances of the Commissioners passed from time to time and of such correspondence and other records as shall be deemed desirable by the Commissioners.

Section HC4-7. Powers and duties of the Treasurer.

The Treasurer shall give such bond as the Commissioners may deem proper. He shall receive all moneys due the town, and he shall pay out such moneys only on the orders of the Commissioners, which orders shall be recorded in their minutes.

Section HC4-8. Vacancies.

Should a vacancy occur among the Commissioners during the term of their office, the remaining Commissioners shall have the power to fill the vacancy, and the new Commissioner so appointed shall hold office until the next regular or special election.

Section HC4-9. Quorum.

Three (3) Commissioners shall constitute a quorum for the transaction of business. (See note (2))

Section HC4-10. Clerk and/or Clerk-Treasurer. (See note (3))

Should the Commissioners deem that the best interests of the town require it, they shall have the power by ordinance to create the office of Clerk and/or Clerk-Treasurer and may assign to the Clerk and/or Clerk-Treasurer such duties as they may think fit. The said Commissioners may allow the said Clerk and/or Clerk-Treasurer such compensation as they may deem right and proper.

Section HC4-11. Clerk and/or Clerk-Treasurer: bond required. (See note (3))

The Clerk and/or Clerk-Treasurer, before entering upon his duties, shall give to the Commissioners such bond as shall be required for the faithful performance of his duties hereunder, and said bond, if required, shall be recorded among the records of the town.

Section HC4-12. Oath of town officers. (See note (3))

The Commissioners and Clerk and/or Clerk-Treasurer, before entering upon the duties of their offices, shall take an oath that they will diligently and faithfully, to the best of their judgment and ability, discharge the duties of their offices without favor, partiality or prejudice and will support the Constitution of the United States and of the State of Maryland.

ARTICLE V
Powers of Commissioners

Section HC5-1. General.

The Commissioners shall and are hereby granted authority to exercise all power relating to municipal affairs and to pass ordinances and take measures for the welfare, health, safety and

improvement of the town and to exercise the police power of the town. No enumeration of powers in this or any law shall be deemed to restrict the general grant of authority hereby conveyed, unless expressly so stated in such law. The following shall be deemed a part of the power conveyed upon the Commissioners in this Article.

Section HC5-2. Taxes.

The Commissioners shall have power to levy, assess and collect taxes and to borrow money within the limits provided by this Charter and to levy and collect assessments for benefits conveyed.

Section HC5-3. Improvements.

The Commissioners shall have power to make and maintain public improvements and to acquire property within or without the corporate limits necessary for such improvements.

Section HC5-4. Public ways. (See note (3))

The Commissioners shall have power to have control over all alleys, sidewalks, ditches and public rights-of-way within the corporate limits of the Town of Hebron not maintained by the State of Maryland or Wicomico County and to provide for grading, mending and perfecting the same. Nothing in this section, however, shall be construed to impose upon the Commissioners of Hebron the duty or responsibility to maintain or repair any streets, roads or highways within the corporate limits of the said town or in any way change, alter or diminish the existing or future duties and responsibilities of the State of Maryland or Wicomico County in respect to the streets, roads or highways within the corporate limits of the Town of Hebron.

Section HC5-5. Opening public ways.

The Commissioners shall have power to open, close and alter alleys, sidewalks, ditches and public rights-of-way not maintained by the State of Maryland.

Section HC5-6. Police powers.

The Commissioners shall have power to enforce within the corporate limits police, health, sanitary, fire, traffic, parking and other similar regulations not in conflict with the laws of the State of Maryland.

Section HC5-7. Licenses.

The Commissioners shall have power to issue licenses and collect fees therefor, subject to any restrictions imposed by the law of the State of Maryland.

Section HC5-8. Penalties. (See note (3))

The Commissioners shall have power to enact ordinances and make regulations not in conflict with the laws of the State of Maryland and to impose fines and imprisonment in the county jail, or both, for the violations of such ordinances or regulations. No fine shall exceed one hundred dollars (\$100.), nor shall any imprisonment exceed thirty (30) days for any single offense.

Section HC5-9. Property.

The Commissioners shall have power to acquire property, real or personal, within or without the boundaries of the town for any public purpose, in fee simple, lease or leasehold interest or estate or any other interest or estate by purchase, gift, bequest, devise, lease or otherwise, and to own, manage or control and to sell, exchange, transfer, mortgage or dispose of any such real or personal property or any interest therein as the interest of the town may require.

Section HC5-10. Other powers.

The Commissioners shall have power to have and to execute any and all powers that are now given to a municipality, except the City of Baltimore, or that may be given to them by the General Laws of the State of Maryland or that are or may be given to municipalities in Wicomico County by the local laws of the State of Maryland.

Section HC5-11. Codifications.

The Commissioners shall, by ordinance, provide for the codification of all ordinances which may have been or may be passed and for the typing or printing thereof, and the typed or printed ordinances so issued by the authority of the Commissioners may be read in evidence.

Section HC5-12. Buildings. (See note (3))

The Commissioners of Hebron may purchase and hold any property, real, personal or mixed, for the town purpose and dispose of the same for the benefit of said town and may erect suitable buildings for municipal purposes.

ARTICLE VI
Taxes, Assessments and Expenditures

Section HC6-1. Tax rate. (See note (3))

The Commissioners shall have power to levy and collect taxes in the town not exceeding, for general purposes in any one (1) year, an amount as deemed necessary on each one hundred dollars (\$100.) of assessable property, all of which taxes shall be levied during the month of May in each and every year. The taxes so levied shall be due and in arrears on the first day of October

succeeding the levy and shall bear such interest and penalty as the Commissioners shall by ordinance provide.

Section HC6-2. Collection of taxes.

The Commissioners shall, during the month of May in each and every year, levy the taxes authorized to be levied by law and shall enter upon their records their warrant to the Treasurer for the collection thereof. Such taxes shall thereupon be collected as herein provided.

Section HC6-3. Special assessments; levy.

The Commissioners of Hebron are hereby empowered to levy a special assessment to the front-foot rule of apportionment of the cost for public improvements for the construction of sidewalks, gutters, ditches, drains and curbs which have been constructed or may hereafter be constructed in the Town of Hebron. The levy of said special assessment shall be made against the properties that have been improved or benefited by said public improvement, and each assessment shall thereupon become a lien upon such abutting property for the amount of improvements or benefits assessed against said property. The Commissioners shall give at least ten (10) days' notice of such assessment and shall give to any qualified owner of real property who is assessed as owner of any interest, jointly or severally, in Hebron, the opportunity to be heard thereupon, and said owner shall have a right to appeal therefrom within twenty (20) days to the Circuit Court of Wicomico County on all matters pertaining to such assessments. Such assessments shall be due and payable in equal semiannual installments, the number to be determined by the Commissioners but in no event to exceed ten (10) payments. The first installment thereof shall become due and payable sixty (60) days next succeeding the date of notice of such special assessment. Said special assessment shall be collected in the same manner provided by law for the collection of delinquent taxes and shall bear the same interest and penalties.

Section HC6-4. Expenditure.

All money received on account of said special assessment shall be treated as a special fund and shall be kept in a separate account and fund and shall not be expended for any purpose other than the liquidation and redemption of bonds or other evidence of debt, and, after the payment of any indebtedness, the surplus, if any, in such special fund or account shall be transferred to the general fund of the Commissioners of Hebron.

Section HC6-5. Computation.

In all cases where the property to be assessed for public improvements, under the provisions of this Article, is located at the intersection of two (2) streets, and in case the improvements are extended along the side of said property, the Commissioners of Hebron, in addition to the assessment made for such improvements along the front of said property shall make such further assessment for the benefit and improvements along the side of said property. In all cases in which the question shall arise as to the street upon which the said property may front, the decisions of the Commissioners in regard thereto shall be final and conclusive. The

said Commissioners are hereby authorized to make reasonable adjustments and allowances in assessing benefits which, in their judgment, are equitable, fair and just in such cases, as may be necessary to prevent the working of undue and unnecessary hardships. The provisions of this section or any other section relating to assessments for improvements shall not apply to maintenance of improvements, for which there shall be no special assessment made.

Section HC6-6. Assessable basis.

No part of any farmlands which are included within the corporate limits shall be taxed hereunder without the consent of the owners so long as said farmlands shall be used for agricultural purposes; provided, however, that any farmland not previously taxed shall be taxable by the Commissioners if said land shall be subdivided into building lots, regardless of the use thereafter of all or part of the land so subdivided for agricultural purposes.

Section HC6-7. Expenditure limits. (See note (3))

The Commissioners shall not expend or contract to expend in any one (1) fiscal year more money than the amount received from taxes and other sources during that year, except from special assessments and for the erection of buildings or purchase of equipment for municipal purposes, provided further that the Commissioners shall be authorized and required to create and maintain a sinking fund for the repayment of any expenditure in excess of the amount received from taxes and other sources in any one (1) fiscal year.

**ARTICLE VII
Supervisor**

Section HC7-1. Appointment; duties.

There may be appointed annually by the Commissioners, preferably from among the residents of the said town, one (1) person as Supervisor, whose duty it shall be to superintend the improvement of the town and who shall perform such other duties as the Commissioners may prescribe, and he shall be allowed such compensation as shall be fixed by them.

**ARTICLE VIII
Ordinances; Recovery of Fines**

Section HC8-1. Style of ordinances.

The style of all ordinances shall be "Be it enacted and ordained by the Commissioners of Hebron."

Section HC8-2. Recovery of fines. (See note (3))

All actions and prosecutions for the violations of any rules, ordinances or regulations shall be instituted in the name of the Commissioners of Hebron against offending parties, and all fines recovered in such suits, actions or prosecutions for the breach of any rule, ordinance or regulation of the Commissioners of Hebron before the District Court of Wicomico County shall be collected by the Court and paid over to the Commissioners every month.

ARTICLE IX

Water

Section HC9-1. Water system construction.

The Commissioners of Hebron, Maryland, are hereby authorized, empowered and directed to establish and construct a water supply system for said town, within and without the town limits; to do any and all work, including preliminary work and the employment of an engineering and clerical force, necessary for the carrying out of the provisions of this Article; and, for the purposes of this Article, to issue bonds on the faith and credit of said town for the payment of said water supply system and to acquire by purchase or condemnation whatever property or rights-of-way within or outside the corporate limits of said town that they may deem necessary and proper.

Section HC9-2. Contract.

The Commissioners of Hebron, hereinafter designated as the "authorities," shall proceed as soon as possible after June 1, 1947, to employ such engineering and other help as they deem necessary for the purpose of preparing surveys, plans, specifications and estimates for a water supply system for said town. Upon the completion of said estimate, the authorities shall advertise in at least one (1) newspaper in the County of Wicomico and one (1) newspaper in the City of Baltimore for the receipt of bids for the construction of said water supply system, either in whole or in part, as in their judgment may be deemed proper. Said advertisement shall state the time and place for the opening of bids, and all bids must be sent under seal, accompanied by a certified check of such amount as the said authorities may deem necessary and proper. The contract shall be awarded to the lowest responsible bidder, and the authorities are empowered and authorized to enter into such agreement or contract with said successful bidder as to safely indemnify the Town of Hebron against any and all loss which may ensue from the construction of said water supply system. They shall demand bond of the successful bidder to whatever extent they deem necessary and proper, but in no case shall the amount thereof be less than the contract price.

Section HC9-3. Issue of bond.

For the purpose of providing funds for the construction, establishment, improvement, enlargement, major maintenance and extension of said water supply system and for the purchase or condemnation of properties and rights-of-way, said authorities are authorized and empowered

to issue notes and bonds in such amounts as they may deem necessary to carry on said work or any part of it. Said notes and bonds may be of such type and denomination and bear such rate of interest as said authorities may determine, provided that the interest on said notes and bonds shall be payable semiannually and said notes and bonds shall mature at a period not exceeding forty (40) years from date of issuance; shall be forever exempt from state, county and municipal taxation; and shall be a lien upon all assessable property within the said Town of Hebron. The notes and bonds may be dated as the authorities decide and may be either serial notes and bonds or sinking fund notes and bonds, and the authorities are authorized and empowered to sell the notes and bonds in any way they may deem proper, either locally, over the counter or by advertising, to a responsible underwriter after advertisement, if this latter method is elected. Said notes and bonds may be sold to any agency of the State of Maryland or the United States of America on such terms as the authorities may determine. (Amended 5-2-79 by Res. No. 1, 1979.)

Section HC9-4. Retirement of bonds.

For the purpose of retiring the bonds issued under this Article and of paying interest thereon, said municipal authorities may raise the necessary funds to meet such obligations by levying a tax against all the assessable property within the municipality, served annually, so long as any of the said bonds are outstanding or may provide for the whole or any part by the levy of a front-foot assessment charge on all property abutting on a street, road, alley or right-of-way in which a water main is laid or may provide for both the levy of a tax and the levy of a front-foot assessment charge, as above-mentioned. The tax so levied shall be sufficient in amount to meet the interest on said bonds as it becomes due and to pay the principal thereof as they mature or such part of said amount as may not be raised by annual front-foot assessment as herein after provided in Section HC9-5, said tax to be determined, levied and collected in the same manner as in the case of other municipal taxes. The taxes levied under this Article shall have the same priority rights bear the same interest and penalties and in every respect be treated the same as other municipal taxes. In order that the prompt payment of interest and the proper provision for the payment of the principal of the bonds issued under this Article shall be assured, the prompt and proper performance of the duties imposed upon the tax-levying authorities is specifically enjoined, and any failure upon the part of any person or person, body corporate or agent to perform the proper acts and duties in connection with the levy and collection of the necessary taxes or the use of any of the funds collected by virtue of this section for any purpose other than for the payment of the principal and interest on said bonds shall hereby be declared a misdemeanor and punishable as other misdemeanors are punishable by Section HC9-16 of this Article.

Section HC9-5. Front-foot assessments. (See note (3))

For the payment of all or part of the interest on and all or part of the principal of the bonds as they mature and not provided for in the receipts as collected under the provisions of § HC9-4, the authorities may levy a front-foot assessment on all property abutting on a street, road, alley or right-of-way in which a water main is laid. Said assessments shall be payable annually during the life of the bonds and sufficient in aggregate amount to pay any part or all of the interest on outstanding bonds and to provide for their retirement. Said authorities may

provide for the extinguishment by property owners of annual front-foot benefit charges upon such terms as they may deem wise, provided that any such arrangement shall provide properly for the necessary payments on the outstanding bonds. The municipal authorities may change the front-foot assessment rates from year to year as may become necessary, but the rate for any one (1) year shall be uniform for all property so assessed within the municipality. Said authorities shall notify in writing all assessed property owners as to the amount of their assessment, naming in said notice a time and place when and where said owners will be heard. The benefit charge assessed against any property shall be final, subject only to revision at said hearing. The authorities, in the case of corner lots, irregular-shaped lots and shallow lots fronting on more than one (1) street and also in the case of small acreage and agricultural property, may determine upon such lengths of frontage for assessment as they deem reasonable and fair. Front-foot assessment charges, as above-specified, shall be a first lien on property against which they are assessed, subject only to prior state and county charges, and, upon complaint of the authorities before the District Court of Wicomico County or the Circuit Court for Wicomico County in which said land is situated, shall be enforced by a judgment and usual execution thereon. No front-foot benefit charge shall continue as a lien for a period longer than two (2) years from the date upon which the same became in default, unless it is reduced to a judgment and duly recorded among the records of the Clerk's office in the county in which said land is situated. Said benefit charges shall be in default after sixty (60) days from the date of levy, and said levy and any judgment obtained as a result of the default of payment thereof shall bear interest at the rate of one percent (1%) per month from and after the time said levy is in default.

Section HC9-6. Water connections.

The authorities shall provide a water connection for each and every property abutting upon a street or right-of-way in which, under this Article, a water main is laid, which connection shall be extended, as required, from the water main to the property line of the abutting lot, said water connection to be constructed by and at the sole expense of said authorities. When any water main is declared by said authorities to be complete and ready for the delivery of water, every abutting property owner, after due notice, shall make connection of all water plumbing with said main within such reasonable time as may be prescribed by said authorities. Any violation of the provisions of this section shall be a misdemeanor punishable under § HC9-16.

Section HC9-7. Service rates.

For the purpose of providing funds for maintaining, repairing and operating the water system constructed under the provisions of this Article, including overhead expense and power depreciation allowance, the authorities shall have full power and authority to make such service rates as they may deem necessary, chargeable against all properties served by a water supply system under their ownership. Service rates shall be subject to change from time to time as said authorities deem necessary. Said rates shall be payable at such times and shall be subject to such penalties for nonpayment as said authorities may determine, and they shall be collectible against the owner of the property served in the same manner as other debts are collectible at law.

Section HC9-8. Plumbing regulations.

The authorities shall be empowered and authorized to formulate and cause to be effective such rules and regulations as they may deem necessary for maintaining and operating the water supply system under their control and may formulate and put into effect plumbing regulations which shall govern the installation and alteration of all plumbing arrangements on private property. Said authorities may require that no plumbing work be done on any private property without the receipt of a permit and without the payment of such charge as they may deem reasonable. Any violation of any rule or regulation promulgated under authority of this section shall be a misdemeanor punishable under § HC9-16.

Section HC9-9. Acquisition of property.

Said authorities, whenever they deem it necessary, may take or acquire any land, structures, buildings, watercourses, water rights or other property, either within or outside the municipality, either in fee or as an easement, for the construction, establishment, extension, alteration, maintenance or operation of any part or appurtenance of said water supply system, this to be done by the purchase of the same from the owner or owners or, upon the failure to agree, by the condemnation of the same proceedings in the Circuit Court for Wicomico County as now provided for condemnation of land by public service corporations in Article 33A of the Code of Public General Laws of Maryland, and said authorities may, at the same time, condemn the interest of any tenant, lessee or other person having an interest in said property. At any time after ten (10) days after the return and recordation of the verdict or award in said proceedings, the said authorities may enter upon and take possession of said property so condemned upon first paying to the Clerk of the Court the amount of the said award and all costs and taxes to date, notwithstanding any appeal of further proceedings upon the part of the defendant. At the time of said payment, however, they shall give their corporate undertaking to abide by and fulfill any judgment on such appearance or further proceeding.

Section HC9-10. Condemnation of private systems.

The authorities are authorized and empowered to take over, by purchase or condemnation, any privately owned water supply system. Such condemnation proceedings shall be in accordance with the provisions of § HC9-9. When any such private system is taken possession of, said authorities may extend or alter and maintain or operate said system in conjunction with their general system, and thereafter all properties along the lines of said privately owned systems so taken over shall stand in the same relation, bear the same benefit assessment and be subject to the same regulations and penalties as though the system so acquired had been constructed and put into operation by said authorities; provided, however, that said authorities may take into account and compensate for any portion of the cost of constructing the privately owned system that they may determine to have been paid by properties abutting upon any portion of said system. Whenever there is in existence a privately owned water supply system which, in the judgment of said authorities, is unfit as a whole or in part for incorporation into the general system established by said authorities, said authorities may disregard the existence of said system or unfit part thereof, and all the provisions of this Article relating to systems constructed by said authorities shall apply to said extensions.

Section HC9–11. Entrance upon highway.

Said authorities may enter upon any highway for the purpose of installing, extending, altering, maintaining and operating a water supply system and may construct or repair in any such highway a water main or any appurtenance thereof upon the receipt of a permit from the proper authorities, provided that, whenever any highway is disturbed, said highway shall be repaired and left by said authorities in the same or a not inferior condition to that existing before entry, and provided further that all costs incident thereto shall be borne by said authorities.

Section HC9–12. Obstruction of system.

A. All individuals, firms and corporations having buildings, conduits, pipes, tracks or other physical obstructions in, over or under the public road, streets or alleys of the county or municipality which shall block or impede the progress of the municipal water supply system while in process of construction, establishment, alteration or repair shall, upon reasonable notice from the authorities of said municipality, promptly so shift, adjust, accommodate or remove the same at their own cost and expense as to fully meet exigencies occasioning such notice; and, should the exigencies of any case involve the taking in a constitutional sense of the franchise or right in the exercise of which such obstruction had its origin, the municipality shall be empowered to condemn an easement in said franchise or right.

B. Any individual, firm or corporation, before laying any pipe or conduit under the public highways in any municipality, shall present to the proper municipal authorities adequate plans showing the size, type and location of any pipe or conduit to be laid and shall not lay any such pipe or conduit until said plans have been approved and a permit issued by said authorities. Any such pipe or conduit shall be laid in accordance with the approved plan.

C. Any proposed deviation from said plans shall be subject to the approval of said authorities.

D. In case any new pipe or conduit is laid without the receipt of a permit or not in accordance with the approved plan or any approved deviation therefrom, the individual, firm or corporation so laying said pipe or conduit shall, upon notice from said authorities, remove it or readjust it to the satisfaction of said authorities, but any conduits or pipes laid by individuals, firms or corporations in accordance with approved plans and the terms of permits given under this section, if they interfere with the construction of water mains installed by said authorities, shall be removed or readjusted by said authorities without cost to said individuals, firms or corporations.

Section HC9–13. Street lines and grades.

Said authorities shall be empowered and authorized to establish, and enforce compliance with such establishment, street lines and grades wherever they may deem it necessary or expedient so to do for the proper construction, establishment or extension of a water supply system under their control. Street lines and grades established by individuals, firms or

corporations shall be approved by said authorities wherever they deem it necessary for the proper construction, establishment or extension of a water supply system at the time of such establishment or at a future time, and, if any street lines or grades are established by individuals, firms or corporations without such approval, said authorities may refuse to give water service to the properties abutting on streets the lines and grades of which have been so established.

Section HC9-14. Entry upon private premises.

Any employee or agent of said authorities shall have the right of entry, at all reasonable hours, upon any private premises and into any building within their jurisdiction while in the pursuit of his official duties, and any restraint or hindrance offered to such entry by an owner or tenant or agent of said owner or tenant shall be a misdemeanor punishable under § HC9-16.

Section HC9-15. Contracts.

Said authorities shall have full power and authority to enter into any contracts or agreements with other municipal authorities, or with county, state or federal authorities with respect to obtaining water supply sources or with respect to any other matter necessary or advisable for the proper or economical construction, establishment, maintenance or operation of a water supply system.

Section HC9-16. Violations and penalties. (See note (3))

Every act or omission designated as a misdemeanor in this Article, unless otherwise stated, shall be punishable before the District Court of Wicomico County or the Circuit Court for Wicomico County within which such offense is committed, that action being brought by warrant or indictment upon the oath or information of any municipal official or any agent or municipal authorities, and the offender shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.) or thirty (30) days in the county jail, or both, in the discretion of the Court. Where such act or omission is of a continuing nature and is persisted in violation of the provisions of this Article or of any rule or regulation formulated thereunder, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of such offense subsequent to the first or any succeeding conviction.

Section HC9-17. Referendum on bonds.

(Repealed 5-2-79 by Res. No. 2, 1979.)

Section HC9-18. Tax to service bonds.

Whenever the bonds of [or] any part of the bonds authorized by this Article are sold, the Commissioners of Hebron may levy upon the assessable property of Hebron annually, so long as any of said bonds are outstanding, such sum of money in addition to the tax rate authorized by § HC6-1 hereof as may be necessary to pay the interest on the said bonds and to retire the said bonds at maturity.

Section HC9–19. Repealer.

All Acts and parts of Acts inconsistent with the provisions of this Article be and the same are hereby repealed to the extent of their inconsistency, provided that nothing herein contained shall be taken as restricting any control which the State Board of Health of Maryland is empowered to exercise.

ARTICLE X Sewers

Section HC10–1. Bonds: issue.

The Commissioners of Hebron are hereby authorized, empowered and directed to construct and establish a sewerage system and sewage treatment plant for the Town of Hebron, and, for the purpose of providing funds therefor, the Commissioners of Hebron are hereby authorized and empowered to borrow from time to time a sum or sums of money as said Commissioners may deem to be necessary to carry out such projects and to issue bonds upon the full faith and credit of the Town of Hebron. Said bonds shall be serial bonds issued upon a serial maturing plan and in such denominations as shall be determined by the Commissioners. Said bonds may be redeemable before maturity at the option of the Commissioners at such price and under such terms and conditions as may be fixed by the Commissioners prior to the issuance of said bonds, shall bear interest at a rate per annum to be determined by said Commissioners, said interest being payable semiannually, shall mature in no more than forty (40) years after date of issue and shall be forever exempt from state, county and municipal taxation. The issuance of such bonds shall not be subject to any limitation or conditions contained in any other law, and the Commissioners shall sell said bonds by solicitation for competitive bids at public sale after the publication of the notice of sale in a newspaper of general circulation in said town and such other publication as said Commissioners may specify, in the form prescribed by resolution of said Commissioners, by two (2) insertions thereof over a period of not less than ten (10) days next preceding [preceding] the date fixed for such sale. (Amended 5–2–73 by Res. No. 1, 1973.)

Section HC10–2. Benefit assessments, charges and collections.

A. *Benefit assessments.* For the purpose of paying the interest and principal of the bonds issued by the Commissioners, as provided in § HC10–1 of this Article, to pay for the sewerage system and sewage treatment plant for the Town of Hebron, the Commissioners are hereby authorized and directed to fix an annual assessment on all properties, improved or unimproved, which are directly benefited by the installation. The annual assessment shall be made upon the front-foot basis, and the first payment shall be collected during the fiscal year of said town in which the construction is completed.

B. *Classifications.* All property subject to benefit assessments for said sewer shall be divided into four (4) classes: agricultural, industrial, commercial and residential. The Commissioners shall, in writing, notify all owners of said properties of which class their respective properties fall into and of the charge determined therefor, naming also in said notice a time and place when and at which said owner will be heard. Such notice may be mailed to the

last known address of the owner or served in person upon any adult occupying the premises or, in the case of vacant or unimproved property, posted upon the premises. The classification of and the benefit assessed against any property as made by the Commissioners shall be final, subject only to revision at said hearing. The Commissioners may change the classification of property from time to time as said properties change in the uses to which they are put. Benefit charges shall be as nearly uniform as is reasonably practical for each class of property for any one (1) year.

C. *Method of fixing benefit charges.* Benefit charges for sewerage construction shall be based for each class of property upon the number of front feet abutting upon the street, lane, road, alley or right-of-way in which the sewer is placed; provided, however, that in the case of any irregular-shaped lot abutting upon a street, lane, road, alley or right-of-way in which there is or is being constructed a sewer at any point, said lot shall be assessed for such frontage as the Commission may determine to be reasonable and fair, provided further that no lot in a subdivision property shall be assessed on more than one (1) side unless said lot abuts upon two (2) parallel streets, and provided further that corner lots may be averaged or assessed upon such frontage as the Commissioners may deem reasonable and fair. When land is assessed as agricultural land, no assessment shall be made even though a sewer is constructed through it or in front of it until such time as the sewer connection is made, and, when so made, every connection shall become liable to a front-foot assessment as may be determined by said Commissioners for agricultural land.

D. *Duration and reduction.* The annual amount of any benefit charge may be reduced from time to time by the Commissioners in their discretion if costs and conditions are deemed by them to justify such reduction. Said benefit charges shall be paid annually by all properties against which a benefit has been assessed as long as any of the bonds remain outstanding for payment of which the benefit charge was originally imposed. The Commissioners shall at any time permit a connection with the sewer by a property owner whose property does not abut on said sewer and who had not previously thereto paid a benefit charge for the construction of said sewer, provided that said Commissioners shall classify said property and determine a front-foot charge to be paid by said property owner as though his or her property abutted on said sewer; and, in the event of such connection being made, said property owner and said property as to all charges, rates and benefits shall stand in every respect in the same position as if said property abutted upon a sewer line.

E. *Collection and liens of benefit charges.* All benefit assessments shall be payable to the Treasurer of the Commissioners of Hebron immediately upon being levied and shall be overdue and in default after sixty (60) days from that date, at which time the Treasurer of said town may proceed to enforce payment thereof, and the said benefit charge or any judgment or decree obtained as a result of defaults in payment thereof shall bear interest at the rate of one percent (1%) per month from and after said time that the benefit assessment or other charges are in default. Annual benefit assessments or charges shall be a first lien upon the property against which they are assessed, until paid, any statute of limitations to the contrary notwithstanding, subject only to prior state, county and town taxes; and, if any property shall be sold for state, county and/or town taxes or all three (3) by the Director of Finance of Wicomico County, Maryland, as provided in Article 81 of the Annotated Code of Maryland (1969 Edition) and the

amendments thereto, said Director shall collect said benefit charges. If any liens, benefit assessments or other charges remain unpaid for sixty (60) days after becoming due, they may be collected by an action of assumpsit or by a bill in equity to enforce such liens, and any judgment or decree obtained where the defendants have been served by subpoena or in any other manner provided by law shall have the force and effect of a judgment in personam; and the Treasurer, on behalf of the Commissioners, may sue for collection of town taxes and such benefit charges. Any judgment or decree obtained by the Town Treasurer shall have the same priority as the charge or assessment for which it was obtained. In addition to any other methods of collection herein provided, the Town Treasurer shall have the right to enforce collection of any benefit assessments or ad valorem taxes in the same method and manner and by the same procedure provided for the collection of state, county and town taxes. (Added 5-2-73 by Res. No. 2, 1973.)

Section HC10-3. Tax to service bonds.

The Commissioners of Hebron shall annually levy upon all assessable property liable to taxation in the Town of Hebron at the regular tax-levying period an amount sufficient to meet and pay the interest on said bonds so issued and outstanding and to meet and pay the principal of said bonds as they shall become due, which tax shall be levied and collected and shall have the same priority rights, bear the same interest and penalties and in every respect be treated as other town taxes now are. Said amount so levied and collected shall be kept in a separate fund for the payment of said interest and principal and for no other purpose whatsoever.

Section HC10-4. Power to acquire and operate.

The said Commissioners shall have authority to design, construct, maintain and operate a sewerage system and sewage treatment plant and to acquire by gift, purchase, lease or condemnation all lands, either in fee or as an easement, improvements, watercourses and water rights necessary therefor.

Section HC10-5. Surveys; contract.

The said Commissioners shall cause surveys, studies, plans, specifications and estimates to be made for the establishment and construction of a sewerage system and a sewage treatment plant, including sewer trunk lines, force mains, lateral sewers, intercepting sewers and pumping stations. The sewage treatment plant may be located within or outside the corporate limits. Whenever plans shall have been completed for this project or any part thereof and the said Commissioners shall have decided to proceed with the construction thereof, they shall advertise by notice in such newspapers as they may deem proper for bids for the construction of said work, in part or as a whole, as in their judgment shall appear advisable. The contract shall be let to the lowest responsible bidder or the Commissioners may reject any and all bids, and if, in their discretion, the prices quoted are unreasonable, they may readvertise the work or any part thereof or may do any part or all of the work by day labor. All contracts shall be protected by such bonds, penalties and conditions as the said Commissioners shall require, all of which shall be enforceable in any court of competent jurisdiction.

Section HC10-6. Service rates.

For the purpose of providing funds for maintaining and operating the sewerage system and sewage treatment plant contemplated by this Article, including overhead expense and depreciation allowance, the Commissioners of Hebron are hereby authorized, empowered and directed to make such service rates or charges as may be necessary, chargeable against all properties having a connection with any water pipe or sewer main under the ownership of the said Commissioners. Said rates shall be uniform throughout the Town of Hebron, but subject to change from time to time as necessary. These rates and charges shall be in addition to the rates, rents or charges for the furnishing of water or other municipal services. (See note (4))

NOTES

(1) On 12-18-67 the Commissioners adopted Res. No. 3, 1967 for the purpose of annexing to the Town of Hebron a certain area of land situated contiguous to and binding upon the southerly, easterly and northeasterly limits of the town. This resolution is not included in the Charter but is on file in the town offices.

(2) Former Section 124, which immediately followed this section and which provided for bailiffs, was deleted during codification.

(3) Amended during codification; see Ch. 1, General Provisions, Art. III, of the Hebron Code.

(4) Former Section 162, which immediately followed this section, concerning referendum on bonds, was repealed 5-2-73 by Res. No. 3, 1973.

(5) Resolution 2004-1, effective July 31, 2004, provided for the annexation of 38.05 acres of land, more or less. Resolution 2004-3, effective November 20, 2004, provided for the annexation of 1.26 acres of land, more or less. Resolution 2004-4, effective January 1, 2005, provided for the annexation of 403.18 acres of land. These resolutions, however, failed to provide for the change in the boundary description that is contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this Charter.