

CHARTER

OF THE

Town of Landover Hills

PRINCE GEORGE'S COUNTY, MARYLAND

*As enacted by Charter Amendment Resolution No. 84-R-01
effective March 13, 1984*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I General Corporate Powers

Section

- 101. Corporate Name.

ARTICLE II Corporate Limits

- 201. Record of Corporate Boundaries.
- 202. Corporate boundary descriptions.
- 203. Ward boundary descriptions.

ARTICLE III Mayor and Council

- 301. Election; Term of Office.
- 302. Qualifications.
- 303. Remuneration.
- 304. Powers and Duties.
- 305. Vacancies.
- 306. Removal from Office.
- 307. Procedure of the Council.
- 308. Quorum.
- 309. Meetings.
- 310. Vice Mayor.
- 311. Ordinances; Passage, Publication and Filing.
- 312. Petitions for Referendum or Recall.

ARTICLE IV Administration

- 401. Authorization of Officers and Departments; Appointments.
- 402. Town Manager.
- 403. Town Clerk.
- 404. Town Attorney.
- 405. Authority to Employ Personnel.
- 406. Retirement System.
- 407. Compensation of Employees.
- 408. Employee Benefit Programs.
- 409. Legal Defense of Town Officials and Employees.
- 410. Establishment of a Merit System.

ARTICLE V General Powers

- 501. General Powers.
- 502. Specific Powers.
- 503. Exercise of Powers.
- 504. Enforcement and Penalties.
- 505. Municipal Infractions.

ARTICLE VI Registration, Nomination, and Elections

- 601. Voters.
- 602. Powers and Duties of Town Clerk.
- 603. Election Judges and Notice of Election.
- 604. Voter Registration.
- 605. Appeal.
- 606. Nomination petitions.
- 607. Election of the Mayor and Councilmembers.
- 608. Conduct of Elections.
- 609. Absentee Ballots.
- 610. Special Elections.
- 611. Vote Count.
- 612. Preservation of Tally Sheets and Ballots.
- 613. Regulation and Control; Runoff Elections.
- 614. Penalties.

ARTICLE VII Finance

- 701. Treasurer.
- 702. Powers and Duties of the Treasurer.
- 703. Bond of Treasurer.
- 704. Budget.
- 705. Budget Adoption.
- 706. Transfer of Funds.
- 707. Appropriations.
- 708. Over-Expenditure Forbidden.
- 709. Appropriations Lapse After One Year.
- 710. Checks.
- 711. Taxable Property.
- 712. Budget Authorized Levy.
- 713. Notice of Tax Levy.
- 714. When Taxes are Overdue.

- 715. Sale of Tax Delinquent Property.
- 716. Fees.
- 717. Audit.
- 718. Tax Anticipation Borrowing.
- 719. Authorization to Borrow Money.
- 720. Payment of Indebtedness.
- 721. Previous Issues.
- 722. Purchasing and Contracts.

**ARTICLE VIII
Public Ways and Sidewalks**

- 801. Definition of Public Ways.
- 802. Control of Public Ways.
- 803. Public Ways: Powers.
- 804. Sidewalks: Powers.
- 805. Placing Structures in Public Ways.

**ARTICLE IX
Special Assessments**

- 901. Powers: Special Assessments.
- 902. Procedures.

**ARTICLE X
Town Property**

- 1001. Acquisition, Possession, and Disposal.
- 1002. Condemnation.
- 1003. Town Buildings.
- 1004. Protection of Town Property.

**ARTICLE XI
General Provisions**

- 1101. Oath of Office.
- 1102. Official Surety Bonds.
- 1103. Prior Rights and Obligations.
- 1104. Effect of Charter on Existing Ordinances.
- 1105. Gender.
- 1106. Separability.

APPENDIX I
Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Additional powers.
- A1-104. Establishment of Urban Renewal Agency.
- A1-105. Powers withheld from the agency.
- A1-106. Initiation of project.
- A1-107. Preparation and approval of plan for urban renewal project.
- A1-108. Disposal of property in urban renewal area.
- A1-109. Eminent domain.
- A1-110. Encouragement of private enterprise.
- A1-111. General obligation bonds.
- A1-112. Revenue bonds.
- A1-113. Short title.
- A1-114. Authority to amend or repeal.

LANDOVER HILLS

ARTICLE I General Corporate Powers

Section 101. Corporate Name.

The inhabitants of the Town of Landover Hills within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of "Town of Landover Hills" with all privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal, to purchase, hold, use, lease and dispose of the real, personal and leased property for the benefit of the Town and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE II Corporate Limits

Section 201. Record of Corporate Boundaries.

The corporate limits or boundaries of the Town of Landover Hills on a plat thereof recorded in the office of the Clerk of the Circuit Court for Prince George's County.

The boundaries of said town shall be as follows:

Being all of those tracts of land comprising Sections Two (2), Three (3), Four (4) and Five (5), of the Subdivision known as Landover Hills, Prince George's County, Maryland," as per plat thereof duly recorded among the Plat Records of said county as follows:

Section 2, Landover Hills, B.B. No.S, Folio S

Section 3, Landover Hills, B.B. No.S, Folio 34

Section 4, Landover Hills, B.B. No.S, Folio 41

Section 5, Landover Hills, B.B. No.S, Folio 47

Also that parcel of land lying south of Shepherd Street, bounded on the west by an extension of the rear line of the lots in the Block lettered "S" of said subdivision; on the south by a right of way of the Pennsylvania Railroad, and on the east by a line intersects [intersecting] the easterly line extended of the lots in the Block lettered "W"; thence along the easterly line extended of said lots to the southeast corner of lot numbered eleven (11) in said Block lettered "W".

The following described Church properties were annexed to the Town of Landover Hills, Maryland, June 25, 1958:

(1) Landover Hills Baptist Church and Parsonage bordering on Block E of Section 2, of the Town and more particularly described as follows: Beginning for the same at the Northwest corner of the aforementioned parcel and running East, N 77° 41' 50" E., a distance of 187.23 feet, and thence along the arc of a curve deflecting to the right for a distance of 33.15 feet, and thence South, 20° 45' 5" E., total distance of 183.52 feet; thence west, N 82° 39' 49" E, for a distance of 160.86 feet along the south line of Lot Block 5 as per a plat of Bellemead Subdivision recorded in the land records of Prince George's County; thence north, N 20° 45' 25" W, for a distance of 137.54 feet to the point of beginning.

(2) The Landover Hills Baptist Church parking lot, being the parcel contiguous to Lot 30 and Lot 4, Block 4, of Bellemead Subdivision and bounded on the west by 73rd Avenue, on the North by Buchanan Street and on the east by 74th Avenue, but more particularly described as follows: Beginning for the same at the southwest corner of the aforementioned parcel and running north, S 70° 20' 11" E, for a distance of 114.20 feet to an arc deflecting to the right for an additional distance of 23.74 feet; thence east, N 60° 39' 55" E, for a distance of 208.95 feet to an arc deflecting to the right for a distance of 34.67 feet; thence south, 20° E, for a distance of 131.96 feet; thence west, N. 79° 07' 47" E, for a distance of 129.91 feet; thence south for a distance of 34.87 feet; thence west, N 82° 39' 49" E, for a distance of 134.10 feet to the point of beginning.

(3) The Rectory of St. Mary's Catholic Church, being Lot 1, Block 1, of Bellemead Subdivision as recorded in Plat Book WWW 29–24 and more particularly described as follows: Beginning at the southwest corner of 74th Avenue and running north N 20° W, for a distance of 55.08 feet to an arc deflecting to the right for an additional distance of 28.16 feet; thence east, N 60° 39' 55" E, for a distance of 94.91 feet; thence south, N 29° 20' 05" W, for a distance of 93.63 feet; thence west, S 70° 59' 43" W, for a distance of 125.71 feet to the point of beginning.

(4) St. Mary's Catholic Church, convent, parking lot and adjoining playgrounds and more particularly described as follows: Beginning at a point on the southwest corner of the aforementioned parcel which is contiguous to Lot 1, Block D, Section 2, of Landover Hills, Maryland, and running north, S 20° 45' 20" E, for a distance of 62.71 feet; and thence in a northwesterly direction, S 49° 47' 12" E, for a distance of 35.89 feet, said lines being contiguous to the rear property lines of Lots 1 through 6 of Block D; thence running in an easterly direction, S 69° 57' 25" W, along the north line of Annapolis Road to a point of intersection where such north line meets the southwesterly line of Ardmore–Ardwick Road; thence in a southeasterly direction along the boundary of the southwesterly line of Ardmore–Ardwick Road to point of intersection with the northern boundary of Buchanan Street; thence proceeding in a westerly direction, N 60° 39' 55" E, to an arc which deflects to the right for a distance of 70.35 feet and then continuing in a westerly direction, N 77° 41' 50" E, for an additional 256.54 feet to the point of beginning, the property contained within these bounds being known as "St. Mary's Mission" and containing an aggregate of 8.506 acres, more or less.

C. Annexation of streets and roads contiguous to the annexed properties. The following streets, being contiguous to the property to be annexed, are described as follows:

(1) All of Buchanan Street contiguous to the property of St. Mary's church to a point where the southwest curblineline of Ardmore–Ardwick Road is extended to intersect with Buchanan Street; and thence proceeding westerly along the south curblineline of Buchanan Street to the point where Buchanan Street intersects with the existing Town boundaries of Landover Hills, Maryland.

(2) That portion of 73rd Avenue which is bounded on the north by Buchanan Street and on the south by an extension of the southern boundary line of Lot 4 in Block 5 in Bellemead Subdivision.

(3) That portion of 74th Avenue which is bounded on the north by Buchanan Street and on the south by the north line of Lot 3 in Block 4 of Bellemead Subdivision.

Section 202. Corporate boundary descriptions.

1986 Annexation: The boundaries of the Town are hereby extended by annexation of contiguous and adjacent land described as follows: Beginning at a point fifty (50) feet north of the center line of Annapolis Road at its intersection with the west curblineline extended of Ardmore–Ardwick Road: thence in a southerly direction to a point where the west curblineline of Ardmore–Ardwick Road extended intersects with the south curblineline of Buchanan Street: thence in a westerly direction to a point where the east property line extended of Lot 1, Block 1, of Bellemead Subdivision, as recorded in Plat Book WWW, 29–24, intersects, thence in a southerly direction to the southeast corner of said lot; thence in a westerly direction along the south property line of said lot to a point which, if extended, would intersect with the east curblineline of 74th Avenue; thence along the east curblineline of 74th Avenue to a point where the north property line of Lot 3, Block 4, extended intersects; thence in a westerly direction to the rear property line of Lot 3, Block 4, to the northwest corner thereof; thence in a southerly direction along the west property line of said lot to a point where it intersects with the north property line of Lot 30, Block 4, of Bellemead Subdivision; thence in a westerly direction along the northerly line of said lot to a point where the north property line of Lot 30, Block 4, if extended, would intersect with the east curblineline of 73rd Avenue; thence south along the east curblineline of 73rd Avenue to a point where the southerly property line of Lot 4, Block 5, as per the Plat of Bellemead Subdivision, intersects; thence in a westerly direction along the south property line of said lot to a point where it intersects with Lot 11, Block E, Section 2, of Landover Hills; thence in a southerly direction along the rear property line of 72nd Avenue to a point where, if extended, it would intersect with the Pennsylvania Railroad right-of-way; thence westerly along said right-of-way to a point, where, if the western rear property line of 70th Avenue were extended, it would intersect; thence in a northerly direction along said property line to the point of the northwest corner of Lot 8, Block S; thence in an easterly direction along said property line of said lot and extended to a point where the west curblineline of 68th Place, if extended, would intersect; thence in a northerly direction to the southeast corner of Lot 8, Block D; thence in an easterly direction to the southwest corner of an unnumbered lot in Block A, which intersects with Parcel C; thence in a northerly direction along the rear property line of Block A to a point fifty (50) feet south from the center

line of Annapolis Road; thence in a westerly direction along a [line] fifty (50) feet south and parallel to the center line of Annapolis Road to a point where the west curblin of 68th Avenue, if extended, bisects Annapolis Road; thence in an northerly direction along the west curblin of 68th Avenue and thence in an easterly direction fifty (50) feet north and parallel to the center line of Annapolis Road to the place of beginning.

All of that parcel being in the Second Election District of Prince George's County being part of that tract conveyed by William N. Cafritz, et al., to the Maryland Capital Park and Planning Commission by Deed dated July 20, 1961, as recorded in Liber 2609 at Folio 471, Outlot A, Block 10, Landover Estates, as shown in Plat Book WWW 55 at Plat 37 and Parcels B and C, Block 18, Landover Estates, as shown in Plat Book WWW 46 at Plat 57 all in the Land Records and being more particularly described as follows: Beginning at the point on the east Right of Way of Allison Street, said point being the north corner of Parcel B, Block 18, then with the dividing line with Section 5, Landover Hills, as recorded in Plat Book BB 8 at Plat 47; South $60^{\circ} 50' 48''$ East 1001.70 feet, then with the dividing line with Parcel B, Landover Estates, as recorded in Plat Book WWW 52 at Plat 34; South $33^{\circ} 43' 10''$ West 267.75 feet, then with the dividing lines with Block 18, Landover Estates, as recorded in Plat Book WWW 55 at Plat 37; South $33^{\circ} 39' 10''$ West 103.31 feet, then; South $58^{\circ} 13' 10''$ West 205.71 feet, then; South $60^{\circ} 45' 20''$ East 195.85 feet to Barton Avenue with a curve to the left having; A Radius of 175.00 feet, an Arc of 25.00 feet and a Chord of South $29^{\circ} 14' 39''$ West 25.00 feet, then with the dividing lines with the lots in Block 10 of the aforesaid Plat; North $77^{\circ} 55' 13''$ West 151.44 feet, then; South $00^{\circ} 34' 43''$ East 160.54 feet, then; South $25^{\circ} 12' 57''$ East 224.69 feet, then; South $87^{\circ} 40' 18''$ West 338.03 feet to Warner Avenue, then with the northeast Right of Way lines of Warner Avenue; North $02^{\circ} 19' 42''$ West 180.00 feet, then with a curve to the left having; a Radius of 460.07 feet, an Arc of 500.34 feet and a Chord of North $33^{\circ} 29' 01''$ West 476.04 feet, then; North $64^{\circ} 38' 20''$ West 42.65 feet, then with a curve to the left having; A Radius of 1030.00 feet, and Arc of 166.52 feet and a Chord of North $69^{\circ} 16' 13''$ West 166.33 feet, then with a curve to the right having; A Radius of 20.00 feet, an Arc of 29.81 feet and a Chord of North $31^{\circ} 11' 52''$ West 27.13 feet, then with the east Right of Way Lines of Allison Street with a curve to the left having; A Radius of 180.00 feet, an Arc of 85.56 feet and a Chord of North $02^{\circ} 06' 44''$ West 84.76 feet, then with a curve to the right having; a Radius of 220.00 feet an Arc of 68.39 feet and a Chord of North $06^{\circ} 49' 28''$ West 68.11 feet, then with the dividing lines with Parcel A, Block 18, Landover Estates, as recorded in Plat Book WWW 46 at Plat 57; South $87^{\circ} 55' 08''$ East 140.72 feet, then; North $30^{\circ} 04' 52''$ East 487.79 feet, then; North $60^{\circ} 50' 48''$ West 204.88 feet to Allison street, then with the east Right of Way Line of Allison Street with a curve to the right having; A Radius of 220.00 feet, an Arc of 31.24 feet and a Chord of North $45^{\circ} 10' 11''$ East 31.21 feet to the Beginning Point containing a computed area of 15.4464 acres. (CAR 85-R-17 1/30/86.)

The boundaries of the town are hereby extended by annexation of contiguous and adjacent land described as follows: Beginning at the intersection of the Town limits that now exist at the northwest corner of Lot 11; Block A with Annapolis Road Right of Way and thence running along 69th Avenue South $68^{\circ} 09'$ East 286.01 feet to a point and thence South $68^{\circ} 32' 40''$ East 70.00 feet to a point and thence South $68^{\circ} 40' 21''$ East 316.08 feet to a point and thence South $48^{\circ} 55' 43''$ East 27.60 feet to a point and thence South $30^{\circ} 13' 19''$ West 566.73 feet to a point and thence North $58^{\circ} 58' 47''$ West 256.59 feet to a point and thence North $34^{\circ} 13' 37''$

West 463.84 feet to an iron pipe and thence South 62° 32' West 109.93 feet to a point and thence South 63° 27' 27" West 116.62 feet to a point and thence North 29° 59' West 143.21 feet to a point on the South Right of Way line of Annapolis Road, thence running with said Right of Way Line North 59° 49' East 100 feet to a point and thence North 61° 01' East 135.24 feet to a point and thence North 65° 12' East 50 feet to a point and thence North 66° 43' East 100 feet to the point of beginning. (CAR 86-R-08 1/15/87.)

Section 203. Ward boundary descriptions. (See Note (1))

The Town of Landover Hills shall be divided into three (3) wards for election purposes as follows:

A. *First Ward.* The first ward shall embrace all of that part of the Town lying south of the center line of Taylor Street (as extended west-southwest to the Town's western boundary) from the western boundary to the center line of 72nd Avenue and encompassing the even numbered addresses on 72nd Avenue south of Taylor Street.

B. *Second Ward.* The second ward shall embrace all of that part of the Town lying between the center line of Varnum Street (as extended east to the Town's eastern boundary) and the center line of Taylor Street as well as the area east of that part of the center line of 72nd Avenue (the odd numbered addresses) running south of Taylor Street.

C. *Third Ward.* The third ward shall embrace all of that part of the Town lying north and east of the center line of Varnum Street (as extended east-northeast to the Town's eastern boundary). (Res. No. CA-02-02, 1-7-03.)

ARTICLE III
Mayor and Council

Section 301. Election; Term of Office.

A. *Mayor.* The Mayor shall be elected at large from the entire Town and hold office for a four-year term or until his successor is elected. The regular term of the Mayor shall expire immediately following the election of his successor. The Mayor holding office at the time this Charter becomes effective shall continue to serve the term for which he was elected. (CAR. 92-CAR-01, 03/16/92.)

B. *Council.* The Council of the Town shall be designated as the "Council of Landover Hills," consisting of a Mayor and six (6) Councilmembers, two (2) to be elected from each ward. The regular term of the Councilmembers shall be four (4) years or until their successors have been elected, except the term of office of the Councilmember from each Ward elected with the lowest number of votes in his/her Ward in the 1995 election shall serve a two (2) year term in accordance with the provisions of Article 6 Section 7 of this Charter. The regular terms of all Councilmembers shall expire immediately following the election of their successors. The

Councilmembers holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected. (CAR. 92–CAR–01; 03–16–92.)

Section 302. Qualifications

A. Mayor

The Mayor must have resided in the Town for at least one (1) year immediately preceding his election, be at least twenty–one (21) years of age, and must be a qualified voter of the Town. He must maintain a permanent residence in the Town during his entire term in office.

B. Council

Councilmembers shall have resided in their Ward for at least one (1) year immediately preceding their election and shall be qualified voters of the Town. They must maintain residence in the ward they represent during their entire term of office.

C. Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members.

Section 303. Remuneration.

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. The ordinance making any change in the salary paid to the Mayor and/or Councilmembers, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the next succeeding Mayor and/or Councilmembers.

Section 304. Powers and Duties.

A. Mayor

- (1) The Mayor shall be the chief executive officer of the Town.
- (2) The Mayor each year at the July meeting, shall report to the Town on the condition of municipal affairs.
- (3) The Mayor shall preside at all meetings of the Council, and shall have all the privileges of a Councilmember in debate and vote.
- (4) The Mayor shall be recognized as the head of the Town government for all ceremonial purposes.

(5) *Transfer of Mayoral Duties* – In the event the Mayor, for whatever reason, is unable to perform his official duties, he may, in writing, advise the Council and all Mayoral duties and powers shall be thereby transferred to the Vice Mayor. The Vice Mayor shall continue to serve in that capacity until the Mayor, by written advice to the Council, shall resume his duties and powers.

(6) The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, but not inconsistent with this Charter.

B. *Council*. Councilmembers shall have the following powers and duties:

(1) The Council shall have all legislative powers of the Town.

(2) The Council shall have such other powers and perform such other duties as may be prescribed by this Charter, or by ordinance, but not inconsistent with this Charter.

(3) The Council shall also have investigative powers regarding Town matters.

Section 305. Vacancies.

Vacancies in the office of Mayor or Councilmember, for any reason whatsoever, after advertising, shall be filled by a properly qualified person appointed by a majority of the remaining members of the Council. The appointment shall be for that portion of the unexpired term until the next regular Town election, at which point any unexpired time remaining shall be filled by election. Should the Council number less than four (4), the majority of the Council shall hold a special election as soon as legally possible to fill the vacant Council seats.

Section 306. Removal from Office.

Once properly elected, the Mayor or any Councilmember may be involuntarily removed from office only as provided in this Section.

A. Upon conviction of a felony.

B. Upon failure to attend three (3) consecutive monthly meetings of the Council without being properly excused by that Council.

C. Upon presentation to the Mayor of a petition for removal signed by not less than twenty percent (20%) of the qualified voters of the Ward in the case of a Councilmember, or in case of the Mayor, twenty percent (20%) of the qualified voters of the Town. Within sixty (60) days following receipt of the petition, a referendum on this question will be held and the concerned member or Mayor shall be removed if approved by a majority of the voters in the Ward or Town, as may be the case in question.

D. For reasons of death, refusal to act, disqualification or resignation. In such cases, the Council shall set forth, by resolution the reason for removal, declare the office to be vacant and proceed to fill that vacancy as provided elsewhere in this Charter. (Res. No. 89-R-04, 10-10-89.)

Section 307. Procedure of the Council.

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas, nays, or abstentions upon final action of any question, resolution or ordinance, or at any other time if required by any one member. The minutes shall be opened to public inspection.

Section 308. Quorum.

At all meetings of the Town Council, a majority of the members shall constitute a quorum for the transaction of business, and four (4) affirmative votes shall be necessary for the passage of an ordinance, law or resolution.

Section 309. Meetings.

All meetings of the Council, unless otherwise excepted by law, shall be open to the public, and the rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. All meetings of the Mayor and Town Council shall be held and conducted in accordance with the Maryland Open Meetings Law, as codified in the State Government Article of the Annotated Code of Maryland, as amended. (CAR-02-93.)

A. Regular Meetings.

The Council shall meet regularly at such time as may be prescribed by its rules but not less frequently than once a month.

B. Special Meetings.

Special meetings of the Town Council may at any time be convened by the Mayor, or at the request of three (3) members of that body, or as may be prescribed by its rules.

C. Organizational Meeting.

Every two (2) years, following the regular municipal elections, the Council shall, within 45 days, meet for the purpose of organization.

Section 310. Vice Mayor.

At the organizational meeting, the Council shall elect one (1) of its members as Vice Mayor.

Section 311. Ordinances; Passage, Publication and Filing.

A. No Ordinance shall be passed at the meeting at which it is introduced. At any Regular or Special meeting of the Council held not less than six (6) days nor more than sixty (60) days after the meeting at which an Ordinance was introduced, the ordinance shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency, the requirement that an Ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four (4) members of the Council. Every Ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days from the date of their passage unless otherwise provided therein. An emergency ordinance shall become effective on the date specified in the Ordinance. No Ordinance shall become effective until approved by the Mayor or passed over his veto by the Council. Ordinances shall be permanently filed by the Town Clerk in the Town Hall and shall be made available for public inspection. Ordinances shall be published at least twice in a newspaper or newspapers having general circulation in the municipality. (Res. 85-R-05; 6-04-85; CAR-02-93.)

B. If, before the expiration of twenty (20) calendar days following approval of any ordinance, a petition is filed with the Mayor containing the signatures of not less than twenty percent (20%) of the qualified voters of the Town and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Mayor and Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the Town at the next regular Town election or, at the discretion of the Mayor and the Council, at a special election occurring before the next regular election. No ordinance, or the part hereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof, requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provision of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 718, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provision of Section 902 of this Charter. The provisions of this section shall be self-executing. The Mayor and Council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res. No. 85-R-05, 6-4-85; Res. No. 89-R-05, 10-10-89.)

Section 312. Petitions for Referendum or Recall.

A. [ADD NEW LANGUAGE]

ARTICLE IV Administration

Section 401. Authorization of Officers and Departments; Appointments.

The Mayor and Council are authorized to establish such departments, boards, committees, and commissions as the Town government may require. The Mayor and Council may also appoint, by majority vote, heads of departments, and members of boards, committees and commissions. Such officers shall include, but not [be] limited to, a Town Manager, an Auditor, Chief of Police and a Town Attorney; and, they shall receive such compensation as may be authorized by the Mayor and Council. Such officers shall serve at the pleasure of the Mayor and Council; however, police officers shall be removed as otherwise provided by law. (Res. No. 89-R-06; 10-10-89; CAR 92-05, 06-15-92.)

Section 402. Town Manager.

The Town Manager 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, commissions, and committees which by law report directly to the Mayor and Council. The Town Manager shall administer personnel affairs of the Town. He shall be responsible for the enforcement of all personnel rules and regulations adopted by the Council. He shall exercise administrative control over all Town Departments and agencies. He shall nominate and recommend removal of, Department and Agency heads. He shall supervise, all other subordinate Town employees, on the basis of merit. The Town Manager may also head one or more departments with the approval of the Mayor and Council, and shall perform such other duties and functions as may be directed by ordinance or resolution. The Town Manager shall attend all meetings of the Mayor and Council and shall have the right to participate in discussion, but may not vote. The Town Manager is the resident agent of the town, authorized to accept service of process on behalf of the Town of Landover Hills. (CAR. 92-CAR-02, 06/15/92; Res. No. C-01-03, 1/6/04.)

Section 403. Town Clerk.

The Town Clerk shall serve as Clerk to the Council. At the direction of the Town Manager he shall attend meetings of the Council and keep a full and accurate account of the proceedings of the Council. He shall keep such other records and perform such other duties as may be required by this Charter or the Council. (CAR. 92-CAR-03; 06/15/92.)

Section 404. Town Attorney.

The Mayor and Council may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Council or the Mayor. His compensation shall be determined by the Council. The Town shall have the power to employ other legal consultants as it deems necessary from time to time. (Res. No. 85-R-07; 6/4/85.)

Section 405. Authority to Employ Personnel.

The Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government. All subordinate officers and employees of the offices, departments, and agencies of the Town government, other than those appointed by the Council under the authority of Section 401 above, shall be appointed and removed by the Town Manager in accordance with the rules and regulations of any merit system which may be adopted by the Council. (CAR. 92-CAR-04; 06/15/92.)

Section 406. Retirement System.

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

Section 407. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by Resolution passed by the Council, except that the salaries of the Mayor and Council shall be established as provided elsewhere in this Charter.

Section 408. Employee Benefit Programs.

The Town is authorized and empowered, by Resolution, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public monies of the Town for such programs. (CAR-02-93.)

Section 409. Legal Defense of Town Officials and Employees.

The Town may provide for proper legal defense of its officials and employees, past and present, when they are parties to suits arising from the lawful performance of their duties. The Town may comply with this section by paying the costs of insurance policies or other programs offering such protection. The Town attorney may be used in this defense or the Town Council may provide special legal counsel when it would be appropriate or convenient for the Town Attorney to conduct the defense. (Res. No. 89-R-7, 10-10-89.)

Section 410. Establishment of a Merit System.

A. The Mayor and Council shall have the power to adopt by resolution such rules and regulations governing the operation of a merit system for all employees of the Town of Landover Hills as it deems desirable or necessary. This system shall provide the means to recruit, select, develop and maintain an effective and responsive work force which will meet the social, economic and service requirements of the citizens of the Town of Landover Hills. Among other

things, these rules and regulations may provide for competitive examination, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. (CAR 92–CAR–92; 07–20–92.)

B. A policy of nondiscrimination is established. All personnel actions shall be made without regard to race, sex, color, religion, national origin or political affiliation and shall be based on objective measurements of merit and fitness. (CAR. 92–CAR–92; 07–20–92.)

ARTICLE V

General Powers

Section 501. General Powers.

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

Section 502. Specific Powers.

The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of the State of Maryland for the specific purposes provided in the remaining subsections of this section.

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

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

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

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

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

(6) *Band* – To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof. (Res. No. 85–R–86, 6–4–85.)

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

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

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

(10) *Code Enforcement Office* – To establish, operate, and maintain a code enforcement office and to appoint code enforcement officers.

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

(12) *Community Services* – To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(13) *Cooperative Activities* – To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of any governmental function.

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

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

(16) *Departments* – To create, change and abolish offices, departments, or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(17) *Disorderly Houses* – To suppress bawdy houses, disorderly houses and houses of ill fame.

(18) *Dogs* – To regulate the keeping of dogs in the Town, and to cooperate with the County in the licensing of all dogs; to provide for the disposition of homeless dogs and dogs which have not been licensed.

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

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

(21) *Filth* – To compel the owner or occupant of any premises or building within the Town, when such has become filthy or unwholesome, to abate or clean the condition; and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper Town officials and assess the expense of such against such property; making it collectible by taxes or against the occupant or occupants.

(22) *Finances* – To levy, assess and collect all lawful and municipal taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Council; to borrow money in accordance with the provisions of this Charter.

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

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

(25) *Franchises* – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television systems, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article 23 and Article 78 of the Annotated Code of Maryland, (1957 edition, as amended). No franchise shall be granted for a period longer than fifty (50) years.

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

(27) *Garbage* – To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste and unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(28) *Grants-in-Aid* – To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

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

(30) *Health* – To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances and to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to the health; that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Department of Health and Mental Hygiene and the Health Department of Prince George's County, or any public, general or local law relating to the subject of health.

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

(32) *Jail* – To establish and regulate a station house or lock-up for the temporary confinement of violators of the laws and ordinances of the Town or to use the County Jail for such purposes.

(33) *Licenses* – Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(34) *Liens* – To provide that any valid charges, taxes or assessments made against any real or personal property within the Town, shall be liens upon such property, to be collected as municipal taxes are collected, reserving to the Town the right to also proceed by way of personal suit against the property owner(s) for such collection.

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

(36) *Livestock* – To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(38) *Minor Privileges* – To regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(39) *Noise* – To regulate or prohibit any disruptive or disturbing sounds.

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

(41) *Obstructions* – To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining hereto, or any other places within the limits of the Town.

(42) *Parking Facilities* – To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

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

(44) *Parks and Recreation* – To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(45) *Personal Expenses* – The town may appropriate money to reimburse officials and employees of the Town for necessary personal expenses incurred in the performance of their official duties. No official or employee may receive any other compensation from the Town beyond their lawfully established salary.

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

(47) *Police Powers* – To enforce all ordinances and laws of the Town and State equally within the limits of the Town; to enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the Town and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(48) *Property* – To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

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

(50) *Regulations* – To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(51) *Restrictions* – Neither the Mayor nor any of the Councilmembers shall hold any other office under the corporation during their respective terms of office, neither shall they nor any other officer or employee of the corporation, either directly or indirectly through the medium or agency of other persons, enter into any contract or contracts with the corporation. (Res. No. 85-R-09, 6-4-85.)

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

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

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

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

(56) *Saving Clause* – The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

Section 503. Exercise of Powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 504. Enforcement and Penalties.

To ensure the observance of the Town ordinances and regulations, the Council shall have the power to provide that violation thereof shall be a misdemeanor, unless otherwise declared to be an infraction, and shall have the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1000.), or imprisonment not exceeding six months, or both such fine and imprisonment. The Council may provide that, where the violation is of a continuing nature, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (CAR-01-93; 08-02-93.)

Section 505. Municipal Infractions.

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 of Maryland or other ordinance. For purposes of this Article, a municipal infraction is a civil offense, the penalty for infractions shall be a maximum of \$400. Violators may pay the fine to the Town or, upon notice of five (5) days prior to the date the fine is due, may elect to stand trial for the offense. Penalties are set forth in Section 28-2 of Chapter 28 of the Code of the Town of Landover Hill [Hills]. (CAR 01-93; 08-02-93.)

ARTICLE VI

Registration, Nomination, and Elections

Section 601. Voters.

Every person who: (1) is a citizen of the United States, (2) is at least eighteen (18) years of age, (3) resides within the corporate limits of the Town, and (4) is registered in accordance with the provisions of this Charter, is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote in all Town elections. (CAR No. 86-R-04, 5/6/86; CAR No. 89-R-02, 10/10/89.)

Section 602. Powers and Duties of Town Clerk.

A. The Town Clerk shall be responsible for the registration of voters and nomination records for individuals seeking elected office in the Town of Landover Hills.

B. The Town Clerk shall keep a permanent record on residents of the Town who are eligible to vote in Town elections. The Council may appoint election clerks or assign employees to assist the Town Clerk in any of these duties.

C. The general return sheets (tally sheets) produced by the voting machines and collected from ballot boxes shall be kept by the Town Clerk for [six] (6) months from the date of said election. After the sixth month has elapsed, the Town Clerk may open the sealed envelope containing the general return sheets and destroy them. (Res. No. 89-R-02, 10-10-89; CAR 92-06.)

Section 603. Election Judges and Notice of Election.

A. Prior to the date of any election provided under this Charter, there shall be appointed by the Mayor and Town Council two (2) judges of election and two (2) clerks of election who shall conduct the election in accordance with the provisions of this Charter. The rules and procedure of conducting the election shall be governed by the laws of the State of Maryland on any question not provided for in this Charter. In the event any judge or clerk after appointment is unable to serve, or declines to serve, the Mayor shall name someone to take his or her place. At least seven (7) days before any election, the Mayor and Town Council shall cause to be posted in a public place in each of the Wards of said Town, notices of said election, designating the time and place or places for voting and the hour the polls will be open.

B. There shall be a separate ballot for each Ward on which ballot shall contain the names of the candidates for Mayor, and Councilmember from that particular Ward, with a provision for writing in a name following the names of the candidates for each office, and with a square opposite each name and opposite said blank on each printed absentee ballot for the "X" mark of the voter. (Res. 89-R-02; 10-10-89.)

C. Suitable ballot boxes or voting machines, polling places, printed ballots, tally sheets, etc., shall be provided by the Mayor and Town Council. The Landover Hills Council shall announce in a public meeting not less than 21 days prior to the scheduled election the voting apparatus which shall be used. (Res. 89-R-02; 10-10-89.)

D. The Mayor and Town Council shall cause the registration book or books to be delivered to the Judges of Election prior to the opening of the polls, and only those persons who are duly registered shall be permitted to vote.

Section 604. Voter Registration.

A. A voter who resides within the corporate limits of the Town and is registered with the Board of Elections Supervisors of Prince George's County shall be deemed registered for Town elections. (92-CAR-06.)

B. In addition, qualified persons may register to vote in Town elections during regular hours at the Town Hall or by appointment with the person(s) designated by the Town Council. In addition, any qualified resident may register by mail upon requesting an application for voter

registration from the Town Office. Voters may be registered at any time up to thirty (30) days prior to an election, and on at least one (1) day per week until 8:00 p.m. for a period of thirty (30) days prior to the close of registration. No person is entitled to vote in Town elections unless he is registered.

C. There shall be published public notice of days, hours, and places of registration in a newspaper of general circulation or in a notice mailed to all residents.

D. A valid Prince George's County voter registration card and/or the voter's name on the Town of Landover Hills official voter registration list shall serve as proof of registration. Registration for municipal elections does not qualify a person to vote in County, State and Federal elections.

E. Notice shall be provided to any voter whose registration is canceled due to non-voting for a period of five (5) years. (Res. No. 86-R-09, 2/3/87; Res. No. 89-R-02, 10/10/89, CAR 06-92.)

Section 605. Appeal.

If any person is aggrieved by the action of the Town Clerk or Election Judges in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may, in turn, be appealed to the Circuit Court of Prince George's County within thirty (30) days of the decision or action of the Council.

Section 606. Nomination petitions.

A. Any person wishing to be a candidate for an elected office under the terms of this Charter must submit to the Town Clerk not less than forty-five (45) days nor more than ninety (90) days prior to the election a petition under oath in support of his/her candidacy setting forth the following:

- I. The candidate is a registered voter of the Town;
- II. The candidate will have attained the required age for the office he/she is seeking on or before the election day;
- III. The candidate has been a resident of the Town for one year immediately preceding the date of election;
- IV. The ward in which the candidate resides and the number of years he/she resided in that ward; and
- V. The name of the office sought.

B. A candidate for Council shall have resided in the ward where such person seeks office for at least one year prior to the date of the election.

C. No person may be a candidate for more than one office at any one election.

D. Upon receipt of the petition, the Town Clerk shall verify the information on the petition and verify that all the provisions of the Charter and this Chapter have been met. He/she shall then prepare a list of the qualified candidates for publication as required.

E. In accordance with the Ethics Ordinance, as amended, each qualified candidate will submit a financial disclosure statement with their Petition.

F. Notice of names of candidates shall be published in a newspaper or newsletter of general circulation in the Town not less than twenty (20) days nor more than forty-five (45) days prior to the election and by posting a notice in some public place or places in [the] Town. (CAR No. 86-R-06, 7-29-86; CAR No. 89-R-02, 10-10-89; Res. No. C-01-02, 7-9-02.)

Section 607. Election of the Mayor and Councilmembers.

A. On the second Tuesday of May of 1995 all Councilmembers and the Mayor shall stand for election. The Councilmember from each Ward who is elected with the highest number of votes in his/her ward in the election held on the second Tuesday of May of 1995 shall serve a four (4) year term. The Councilmember from each ward who is elected with the second highest number of votes in his/her ward in the election held on the second Tuesday of May of 1995 shall serve a two (2) year term. The seats of Councilmembers serving a two (2) year term shall be filled at an election held on the second Tuesday of May of 1997. The Mayor elected in 1995 shall serve a four (4) year term. (CAR 92-CAR-01; 03/16/92.)

B. On the second Tuesday in May of 1997 and every four (4) years thereafter, the qualified voters of each Ward shall elect one (1) Councilmember for a term of four (4) years each. (CAR 92-CAR-01; 05/05/92.)

C. On the second Tuesday in May of 1995 and every four (4) years thereafter, the qualified voters of the Town shall elect a Mayor for a term of four (4) years and the qualified voters of each Ward shall elect one (1) Councilmember for terms of four (4) years each. (CAR 92-CAR-01; 03/16/92.)

D. In the event that there is a vacancy to be filled in any ward at the time of a regularly scheduled election, that vacancy shall be filled in the regularly scheduled election in accordance with Chapter 3 Section 5. The Councilmember from each Ward who is elected with the highest number of votes in his/her ward in the election shall serve a four (4) year term. The Councilmember from each Ward who is elected with the second highest number of votes in his/her ward in the election shall fill the unexpired term of the vacancy. (CAR 92-CAR-01; 03/16/92.)

Section 608. Conduct of Elections.

A. Elections shall be on a non-partisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with provisions of this Charter, arranged in alphabetical order by office and with no party designation of any kinds [kind].

B. It shall be the duty of the Election Judges to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and/or voting machines. The Election Judges shall keep the polls open from 2:00 P.M. until 9:00 P.M.

Section 609. Absentee Ballots.

A. Any qualified voter registered to vote in the Town of Landover Hills shall be entitled to vote in any municipal election by absentee ballot.

B. The Town Clerk shall mail absentee ballots to qualified voters, at the request of those voters, not more than fifteen (15) days or less than 2 days prior to the elections.

Section 610. Special Elections.

All special Town elections shall be conducted by the Election Judges in the same manner and with the same personnel, as far as practicable, as regular Town elections.

Section 611. Vote Count.

The Election Judges shall begin counting the votes immediately after the polls have closed. All votes shall be counted to include the regular ballot and absentee ballots. Once the actual vote count begins, no persons shall enter or leave the room in which the vote count is being conducted until completion of the vote count. The method and means of the vote count shall be in accordance with the Maryland Election Code, as amended from time to time, depending upon the type of voting equipment or method used in the election. The Election Judges shall complete the vote count within twenty-four (24) hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the Town Council. The candidate for election to the position of Mayor with the highest number of votes shall be declared elected. The candidates for Councilmember in each Ward with the highest number of vote [votes] shall be declared elected. A tie vote shall be decided by special election between the tied candidates within thirty (30) days. (Res. No. 89-R-02, 10-10-89.)

Section 612. Preservation of Tally Sheets and Ballots.

Tally sheets, printed ballots, and records used in any Town election shall be preserved for at least six (6) months from the date of the election. (Res. No. 89-R-02, 10-10-89.)

Section 613. Regulation and Control; Runoff Elections.

The Council shall have the power to provide, by ordinance, in every respect not covered by the provisions of this Charter, for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection therewith and for a recount of ballots and/or votes cast by ballot boxes or voting machines in case of doubt or fraud. (Res. No. 89-R-02, 10-10-89.)

Section 614. Penalties.

Any person who: (1) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will, or will tend to, affect fraudulently any registration, nomination or election, shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

ARTICLE VII

Finance

Section 701. Treasurer.

There shall be a treasurer appointed by the Town Manager. His compensation shall be determined by the Council. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Town Manager. (CAR-02-93.)

Section 702. Powers and Duties of the Treasurer.

The powers and duties of the Treasurer shall be as prescribed by the Council or as indicated elsewhere in the Charter.

Section 703. Bond of Treasurer.

The Town will bear the costs of the fidelity bond required of the Treasurer. (Res. No. 85-R-10, 6-4-85.)

Section 704. Budget.

A. The Mayor shall prepare or have prepared and submit a budget to the Council for their approval. Any budget submitted shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures.

Any budget approved and accepted by the Council shall be a public record kept in the office of the Town Hall, open to public inspection by anyone during normal business hours.

B. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the budget year and the accounting year. (Res. No. 85-R-11, 6-4-85; Res. No. 89-R-08, 10-10-89.)

Section 705. Budget Adoption.

Before adopting any budget submitted, the Council shall hold a public hearing thereon after two (2) weeks notice thereof in some newspaper or a newsletter having general circulation within the Town. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. A favorable vote of at least a majority of the entire Council shall be necessary for adoption. (Res. No. 85-R-12, 6-4-85.)

Section 706. Transfer of Funds.

Any transfer of funds among appropriations in the adopted budget must be approved by the Mayor and Council before becoming effective.

Section 707. Appropriations.

No public money may, at any time, be expended without having been appropriated by the Council.

Section 708. Over-Expenditure Forbidden.

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

Section 709. Appropriations Lapse After One Year.

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

Section 710. Checks.

The Mayor and Council shall designate by ordinance [ordinance] those persons who shall be authorized to sign checks issued on behalf of the Town in payment of salaries and other municipal obligations; provided, however, that such checks shall at all times require the signatures of at least two persons, at least one of whom shall be a member of the Council. (Res. No. CAR-3-96, 12-10-96.)

Section 711. Taxable Property.

All real property and all tangible personal property within the corporate limits of the Town or personal property which may have a situs there by reason of the residence of the owner therein is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes. The tax shall be levied on all taxable property within the Town provided, that household furniture, and tangible personal property not held or employed for purposes of profit or in connection with any business, profession, or occupation shall not be subject to taxation for municipal purposes. No authority is given by this section to impose taxes on any property which is exempt from taxation by an Act of the General Assembly. The Town may also collect all lawful municipal taxes. (Res. No. Ord 90-O-01; CAR-2-90, 11-20-90 – see note (1); CAR -1-90, 9/29/90.)

Section 712. Budget Authorized Levy.

From the effective date of any budget submitted and approved, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

Section 713. Notice of Tax Levy.

Immediately after the levy is made by the Council in each year, the Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real property on which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Res. No. 85-R-08, 6-4-85.)

Section 714. When Taxes are Overdue.

(a) The taxes provided for in Section [Sections] 711 and 712 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October except as otherwise provided for herein.

(b) A property owner may elect a semiannual payment of property taxes on owner-occupied residential property. Such an election shall apply to property tax due for the year following transfer of the property and each subsequent tax year. A property owner electing a semiannual payment schedule shall pay a service charge, as established, with the second installment. Payments due under a semiannual schedule is [are] due for the first installment on July 1 of the tax year and may be paid without interest on or before September 30 of the tax year; and for the second installment, on January 1 of the tax year and except for the service charge, may be paid without interest on or before January 31 of the tax year.

(c) All taxes overdue and in arrears shall bear interest at the rate of two-thirds of one percent ($\frac{2}{3}$ of 1%) for each month or fraction of a month, compounded monthly, until paid. All taxes not paid and in arrears shall be collected as provided in Section 715 of this Charter. (Res. No. 85-R-13, 6-4-85; CAR-02-93; Res. CAR-02-95, 1-9-96.)

Section 715. Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 714 of this Charter shall be turned over by the Town Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in State law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by State law.

Section 716. Fees.

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

Section 717. Audit.

The financial books and accounts of the Town shall be audited annually by a certified public accountant.

Section 718. Tax Anticipation Borrowing.

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid no later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty percent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 719. Authorization to Borrow Money.

A. The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes or other certificates of indebtedness in the manner prescribed in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title "Municipal Corporations," subtitle "Creation of Municipal Public Debt."

B. In addition to any other borrowing powers contained in this Charter and notwithstanding any other provision of law, the Town shall have the power and authority, from time to time, to borrow money upon the faith and credit of the Town for general administration purposes and payment of its obligations, and for financing municipal improvements or purchases of property, structures, or equipment and improvements, such sum or sums of money as may be necessary provided that the total outstanding long-term indebtedness does not exceed at any time a total of fifteen percent (15%) of the assessed valuation of the taxable real property in the Town. (Res. No. CAR-2-96, 9-3-96.)

Section 720. Payment of Indebtedness.

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 Charter 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 of amount. The 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 all authority of this Charter, whether or not such pledges be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Res. No. 85-R-08, 6-4-85.)

Section 721. Previous Issues.

All bonds, notes, or other evidences of indebtedness issued by the Town of Landover Hills, Maryland previous to the effective date of Charter Resolution CAR-01-96 and all ordinances and resolutions passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Res. No. 89-R-09, 10-10-89; Res. No. CAR-2-96, 9-3-96.)

Section 722. Purchasing and Contracts.

The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids and/or contracts.

A. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars shall be made utilizing competitive bids and written contracts. The Council shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance. The contract, in writing, shall be

awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Council shall have the right to reject all bids and readvertise. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

B. Expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving five thousand dollars (\$5,000.00) or less, but more than one thousand dollars (\$1,000.00) need not be made utilizing competitive bids, but shall be made on written contracts, approved by the Council. In the event that one thousand dollars or less is involved, no written contract is required.

C. All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning and surveying, shall be negotiated by the Council.

D. Whenever the State of Maryland or any Department thereof, Prince George's County, the Metropolitan Washington Council of Governments or member government, or any political subdivision of the State of Maryland has conducted a bid and awarded a contract authorizing local governments to purchase the item for that bid price, the Town Manager is authorized to purchase the item for that bid price from the successful bidder, without having to conduct bidding for the Town of Landover Hills, as long as the Town Manager independently makes inquiries [inquiries] and documents market conditions information and determines that the bid price is competitive. No purchase shall be made pursuant to this paragraph without the Town Manager having, at least seven (7) days in advance of executing the purchase documents, so informed the Town Council of her intention to make a purchase. (CAR 94-CAR-01; 12/19/94.)

ARTICLE VIII

Public Ways and Sidewalks

Section 801. Definition of Public Ways.

The terms [term] "public ways" as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 802. Control of Public Ways.

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the Town.

Section 803. Public Ways: Powers.

The Town shall have the power:

A. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridges, curbs and gutters.

B. To grade, lay out, construct, open, extend, and make new Town public ways.

C. To grade, straighten, widen, alter, improve, or close any existing Town public way or part thereof.

D. To pave, surface, repave, or resurface any Town public way or part thereof.

E. To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.

F. To construct, reconstruct, maintain, and repair bridges.

G. To regulate traffic on Town public ways.

H. To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 804. Sidewalks: Powers.

The Town shall have the power:

A. To establish, regulate, and change from time to time the grade lines, width and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.

B. To grade, layout, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.

C. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

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

Section 805. Placing Structures in Public Ways.

Any public-service corporation, company, or individual, before beginning any construction of or placing of, or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. The planting of any material is strictly prohibited in the public right-of-way. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. (CAR-02-93.)

ARTICLE IX

Special Assessments

Section 901. Powers: Special Assessments.

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

Section 902. Procedures.

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

A. The cost of the project being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Council.

B. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five [percent] (25%) of the assessed value [of the] property after giving effect to the benefit according thereto from the project or improvement for which assessed.

C. When desirable, the affected property may be divided into different classes to be charged different rates, but except for this, any rate shall be uniform.

D. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Treasurer shall cause notice to be given stating the bearer and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessments may be paid, the method to be used in apportioning the costs and the limits of the proposed area of assessment. The notice shall also state the time and place at which all interested persons or their agents or attorneys may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in an [a] newspaper of general circulation in the town. The Treasurer shall present at the hearing a certificate of publication and mailing and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) days and not more than thirty (30) days after the Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

E. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of the county within ten (10) days after the levying of any assessment by the Council.

F. Assessments may be made payable in annual or more frequent installments over such period of time, not [to] exceed ten (10) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate determined by the Council.

G. All special assessments installments shall be overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property, and overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

H. All special assessments shall be billed and collected by the Treasurer.

ARTICLE X

Town Property

Section 1001. Acquisition, Possession, and Disposal.

The Town may acquire real, personal or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the town. All municipal property, funds and franchises of every kind belonging to or in the possession of the town, by whatever prior name known, at the

time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof.

Section 1002. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as in [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 shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the “Real Property” Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts 1974.

Section 1003. Town Buildings.

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

Section 1004. Protection of Town Property.

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

ARTICLE XI General Provisions

Section 1101. Oath of Office.

A. Before entering upon the duties of their offices, the Mayor, the Councilmembers, the Clerk, the Treasurer, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation.

“I _____ do swear (or affirm, as the case may be) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and to support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and Laws of this State.”

B. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George’s County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath shall do so before the Mayor.

Section 1102. Official Surety Bonds.

The Clerk, the Treasurer and such other officers or employees of the Town as the Council or this Charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town.

Section 1103. Prior Rights and Obligations.

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

Section 1104. Effect of Charter on Existing Ordinances.

A. All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed in accordance with provisions of authority granted in this Charter.

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

Section 1105. Gender.

Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

Section 1106. Separability.

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

APPENDIX I

Urban Renewal Authority for Slum Clearance

A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area or single property in which the building or buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the Town of Landover Hills, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area or single property where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or morals.
- (h) “Urban renewal area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.
- (i) “Urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate any land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.
- (j) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
- (1) Acquisition of a slum area or a blighted area or portion of them;

- (2) Demolition and removal of buildings and improvements;
- (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
- (4) Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
- (7) The preservation, improvement, or embellishment of historic structures or monuments.

A1-102. Powers.

- (a) The municipality may undertake and carry out urban renewal projects.
- (b) These projects shall be limited:
 - (1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
 - (2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
 - (3) To sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public, or quasi-public corporation, partnership, association, person, or other legal entity.
- (c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

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

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

A1-103. Additional powers.

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

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

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

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

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

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

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

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

reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

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

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

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

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

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

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

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

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

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

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

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

A1-104. Establishment of Urban Renewal Agency.

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

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

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

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

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

A1-105. Powers withheld from the agency.

The agency may not:

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

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

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

A1-106. Initiation of project.

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

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

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

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

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

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

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

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

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

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

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

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

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential,

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

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

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

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

A1-109. Eminent domain.

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

A1-110. Encouragement of private enterprise.

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

A1-111. General obligation bonds.

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

A1-112. Revenue bonds.

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

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the

provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in 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.

A1-113. Short title.

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

A1-114. Authority to amend or repeal.

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

NOTES

(1) Resolution Number CA-02-02 purportedly amended Section 204 of the Charter. However the language of the section amended in the Resolution is found in Section 203 of the Charter and there is no Section 204. Accordingly, the changes have been made to Section 203.

(2) Resolution Number C-01-06 purportedly enacted Section 313 of the Charter. However, since there was no Section 312, Section 313 has been renumbered as Section 312.

