

CHARTER

OF THE

Town of Millington

KENT AND QUEEN ANNE'S COUNTIES, MARYLAND

September 2002 Edition

(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 Corporate Powers and Limits

Section

- C1-1. General Corporate Powers.
- C1-2. Corporate Limits.

ARTICLE II Council

- C2-1. Number, Selection; Term.
- C2-2. Qualifications of Council Members.
- C2-3. Salaries.
- C2-4. Meetings.
- C2-5. Judge of Members' Qualifications.
- C2-6. Quorum.
- C2-7. Procedure; Journal of Proceedings.
- C2-8. Adoption of Resolutions and Ordinances.

ARTICLE III Mayor

- C3-1. Election; Line of Succession.
- C3-2. Salary.
- C3-3. Powers and duties.

ARTICLE IV Powers

- C4-1. General and Specific Powers; Savings Clause.
- C4-2. Exercise of Powers.
- C4-3. Enforcement of Ordinances.
- C4-4. Elected Office Malfeasance.

ARTICLE V Registration; Nominations; Elections

- C5-1. Qualifications of Voters, Registration.
- C5-2. Election Duties of Clerk-Treasurer.
- C5-3. Notice of Elections.
- C5-4. Certificate of Nomination.

- C5-5. Election of Council Members.
- C5-6. Conduct of Elections.
- C5-7. Special Elections.
- C5-8. Vote Count.
- C5-9. Preservation of Ballots.
- C5-10. Vacancies.
- C5-11. Regulation and Control of Elections.

ARTICLE VI

Finance

- C6-1. Clerk-Treasurer, Assistant Clerk-Treasurer.
- C6-2. Powers and Duties of Clerk-Treasurer.
- C6-3. Bond of Clerk-Treasurer.
- C6-4. Fiscal Year.
- C6-5. Submission of Budget to Council.
- C6-6. Adoption of Budget.
- C6-7. Appropriations.
- C6-8. Transfer of Funds, Amendments After Adoption of Budget.
- C6-9. Over-Expenditure Prohibited; Contracts and Bonds.
- C6-10. Lapse of Appropriations; Unexpended Funds.
- C6-11. Issuance and Signing of Checks.
- C6-12. Taxable Property.
- C6-13. Budget Authorized Levy.
- C6-14. Notice of Tax Levy; Tax Bills.
- C6-15. When Taxes Are Overdue.
- C6-16. Sale of Tax-Delinquent Property.
- C6-17. Possession of and Accounting for Fees.
- C6-18. Auditing.
- C6-19. Tax anticipation Borrowing.
- C6-20. Long-Term Borrowing.
- C6-21. Revenue Bonds.
- C6-22. Payment of Indebtedness.
- C6-23. Validity of Previous Bonds.
- C6-24. Purchasing and Contracts.

ARTICLE VII

Personnel

- C7-1. Clerk to the Council.
- C7-2. Town Attorney; Compensation; Legal Consultants.
- C7-3. Authority to Employ Personnel.
- C7-4. Retirement System.
- C7-5. Compensation of Mayor, Council, and Employees.
- C7-6. Employee Benefit Programs.

ARTICLE VIII
Public Ways and Sidewalks

- C8-1. Term Defined.
- C8-2. Control and Maintenance by Town; Exception.
- C8-3. Powers of Town Regarding Public Ways.
- C8-4. Powers of Town Regarding Sidewalks.

ARTICLE IX
Water and Sewers

- C9-1. Powers of Town.
- C9-2. Submission of Plans and Written Approval Required Prior to Construction of Structures in Public Ways; Penalty.
- C9-3. Removal of Obstructions Upon Notice; Use of Condemnation Powers.
- C9-4. Right of Entry on County Public Ways; Notification Required.
- C9-5. Connections to Water and Sewer Mains; Disposition of Cesspools, Privies and Wells.
- C9-6. Connection Charges.
- C9-7. Prevention of Waste or Improper Use of System.
- C9-8. Operation and Maintenance of Private Systems.
- C9-9. Extension of Water and Sewer Mains.
- C9-10. Right of Entry for Access to Installations.
- C9-11. Pollution of Water Supply Prohibited.
- C9-12. Contracts for Water or Sewage Removal.
- C9-13. Service Rates and Charges; Collection.

ARTICLE X
Special Assessments

- C10-1. Power of Town to Levy Special Taxes and Assessments.
- C10-2. Procedure.

ARTICLE XI
Town Property

- C11-1. Acquisition, Possession and Disposal.
- C11-2. Condemnation.
- C11-3. Acquisition and Maintenance of Buildings for Town Government.
- C11-4. Protection.

ARTICLE XII
General Provisions

- C12-1. Oath of Office.

- C12-2. Bonds.
- C12-3. Prior Rights and Obligations.
- C12-4. General Penalty.
- C12-5. Effect of Charter on Existing Laws and Rules.
- C12-6. Severability.

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.

MILLINGTON

ARTICLE I Corporate Powers and Limits

§ C1-1. General Corporate Powers.

The inhabitants of the Town included within the provisions of this Charter within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of the “Town of Millington” with all the 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 and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

§ C1-2. Corporate Limits.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court in the county in which the Town is located, the Commissioner of the Land Office and the Director of the Department of Legislative Services. In addition a copy of the courses and distance [distances] describing the corporate boundaries shall be on file in the office of the Mayor or of the Town Clerk. All the officials named in this Section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE II Council

§ C2-1. Number, Selection; Term.

All legislative powers of the Town shall be vested in a Council consisting of a Mayor and two (2) Council Members who shall be elected as hereinafter provided and who shall hold office for a term of three (3) years or until their successors take office. The regular term of Council Members shall expire on the first Monday in April following the election of their successors. Council Members holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter.

§ C2-2. Qualifications of Council Members.

Council Members shall have resided in the Town for at least six (6) months immediately preceding their election and shall be qualified voters of the Town.

§ C2-3. Salaries.

Each Council Member may receive an annual salary which shall be equal for all Council Members and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected. The ordinance making any change in the salary paid to the several Council Members, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

§ C2-4. Meetings.*Meetings of the Council.*

A. The newly elected Council shall meet at 8:00 p.m. on the first Monday in April following its election for the purpose of organization after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. A notice shall be published at least once in a newspaper of general circulation in the Town stating the date, time and place of regular meetings. Special meetings shall be called by the Clerk-Treasurer upon the request of the Mayor or a majority of the members of the Council.

B. All meetings of the Council shall be open to the public unless closed by the Council in accordance with State law. The rules of the Council shall provide that residents shall have a reasonable opportunity to be heard at any public meeting in regard to any municipal question.

§ C2-5. Judge of Members' Qualifications.

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

§ C2-6. Quorum.

Two (2) of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of two (2) members of the total number of members elected to the Council.

§ C2-7. Procedure; Journal of Proceedings.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection.

§ C2-8. Adoption of Resolutions and Ordinances.

A. *Definitions.*

A.1. “Resolution” shall mean a formal expression of opinion, will or intent adopted by a vote of the Council and, unless otherwise required by law, shall not have the force of an ordinance.

A.2. “Ordinance” shall mean a legislative enactment adopted in a manner prescribed by this section that shall have the full force of law.

B. A proposed ordinance or proposed resolution may be introduced by any Council member at any public meeting of the Council.

C. The Council shall not vote on the passage or amendment of any proposed ordinance at the meeting in which it is introduced. The Council may (1) pass, (2) amend and pass, (3) reject, or (4) defer consideration of a proposed ordinance at any meeting of the Council held not less than 6 days nor more than 60 days after the meeting at which the ordinance was introduced. Every ordinance passed by the Council must be signed by at least two (2) Council Members before it becomes effective.

D. All ordinances passed by the Council shall be promptly delivered by the Clerk-Treasurer to the Mayor for the Mayor’s approval or disapproval. If the Mayor approves any ordinance, the Mayor shall sign it. If the Mayor disapproves any ordinance, the Mayor shall not sign it. The Mayor shall return all ordinances to the Clerk-Treasurer within six (6) days after delivery from the Council (excluding the first day, including the last day, and excluding any Sunday) with his or her approval or disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of two (2) Council Members within thirty-five (35) calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within six (6) days of its delivery, it shall be deemed approved by the Mayor and shall become law in the same manner as an ordinance signed by the Mayor. Upon adoption, a fair summary of the ordinance shall be immediately published in a newspaper of general circulation in the Town and posted on an official bulletin board to be maintained by the Council in a public place.

E. Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of twenty (20) calendar days following adoption by the Council and approval by the Mayor or passage by the Council over the Mayor’s veto, unless a later effective date has been specified therein.

F. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all the Council Members present. An emergency ordinance may be enacted when it is necessary for the immediate preservation of the public peace, health, safety, or welfare. Notwithstanding § C2-6, no action shall be taken unless at least two (2) Council Members are present. An emergency ordinance may become effective immediately upon adoption or on a later date as specified

therein. No emergency ordinance shall levy any tax or authorize borrowing; abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; sell any public property or land; or create any vested right or interest. Every emergency ordinance shall be plainly designated as such and shall describe the emergency in clear and specific terms. Upon adoption, a fair summary of the emergency ordinance shall be immediately published in a newspaper of general circulation in the Town and posted on an official bulletin board to be maintained by the Council in a public place. All emergency ordinances shall have a date of termination not to exceed one (1) year after enactment.

G. *Referendum.*

G.1. Upon approval of any ordinance, the qualified voters of the Town may file a petition with the Town Manager/Clerk–Treasurer requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the City for their approval or disapproval. To be valid, the petition must be submitted before the expiration of twenty (20) calendar days following the approval of the ordinance and contain the signatures of at least twenty percent (20%) of the qualified voters of the Town. After receipt of the petition and verification of the signatures by the Town Manager/Clerk–Treasurer, the Council shall have the ordinance, or the part petitioned to referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, at the Council’s discretion, at a special election occurring before the next regular election.

G.2. Except for an emergency ordinance, no ordinance or the part thereof petitioned to referendum shall become effective following the receipt of such petition until approved at referendum by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof petitioned to 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 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 petitioned to referendum, shall be suspended until approval by a majority of the qualified voters voting on the question at any election.

G.3. The provisions of this section shall not apply to any ordinance, or part thereof, or action of the Council levying property taxes for the payment of indebtedness, or the adoption of the annual budget, but the provisions of this Section shall apply to any ordinance, or part thereof, levying special assessment charges.

G.4. Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provisions of this Section shall be self–executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

ARTICLE III
Mayor

§ C3-1. Election; Line of Succession.

At its organizational meeting, the Council shall elect, by majority vote, one (1) of its members as Mayor and shall establish a line of succession to the office of Mayor. The Mayor shall preside at all meetings of the Council in accordance with parliamentary procedure, except that the Mayor may vote on all questions before the Council.

§ C3-2. Salary.

The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which the Mayor was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

§ C3-3. Powers and duties.

A. The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.

B. The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments and agencies of the Town government as established by this Charter or by ordinance.

C. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

D. The Mayor shall have complete supervision over the financial administration of the Town government. The Mayor shall assist the Clerk-Treasurer in the preparation of the annual budget and submit it to the Council. The Mayor shall supervise the administration of the budget as adopted by the Council. The Mayor shall supervise the disbursement of all moneys and have control over all expenditures to assure that the budget appropriations are not exceeded.

E. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of the Office of the Mayor by the Council, not inconsistent with this Charter.

ARTICLE IV Powers

§ C4-1. General and Specific Powers; Savings Clause.

A. *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 the Town and visitors thereto and sojourners therein.

B. *Specific Powers.* The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state for the following specific purposes:

B.1. *Advertising.* To provide for the purposes of the Town for printing and publishing statements as to the business of the Town.

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

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

B.4. *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the Council.

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

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

B.7. *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the Town.

B.8. *Bridges.* To erect and maintain bridges.

B.9. *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the Town and to grant building permits for the same; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and

inspections; and to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or in part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down.

B.10. *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

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

B.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.

B.13. *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

B.14. *Curfew.* To restrict the times during which people may be in the streets, lanes, alleys, or public places of the Town.

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

B.16. *Departments.* To create, change and abolish offices, departments or agencies other than offices, departments and agencies established by this Charter and 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.

B.17. *Disorderly houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

B.18. *Dogs.* To regulate the keeping of dogs in the Town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

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

B.21. *Filth.* To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

B.22. *Finances.* To levy, assess and collect ad valorem property taxes, to expend municipal funds for any public purpose and to have general management and control of the finances of the Town.

B.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; to install and maintain fire plugs where and as necessary and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

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

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

B.26. *Gambling.* To restrain and prohibit gambling.

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

B.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.

B.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.

B.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 health, provided that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any public general or local law relating to the subject of health.

B.31. *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber 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 moneys.

B.32. *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the Town or to use the county jail for such purpose.

B.33. *Licenses.* Subject to any restriction 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 and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

B.34. *Liens.* To provide that any valid charges, taxes or assessments made against any real property within the Town shall be liens upon such property, to be collected as municipal taxes are collected.

B.35. *Lights.* To provide for the lighting of the Town.

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

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

B.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.

B.39. *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

B.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 be herein specifically named or not; to 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.

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

B.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.

B.43. *Parking meters.* To install parking meters on the streets and public places of the Town in such places as it 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 Roads Commission of Maryland must first be approved by the Commission.

B.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.

B.45. *Police force.* To establish, operate and maintain a police force.

B.46. *Police powers.* To prohibit, suppress and punish within the Town all vice, gambling and games of chance; prostitution and solicitation therefore and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; and all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

B.47. *Property.* To acquire, by conveyance, purchase or gift, real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the Town and its inhabitants and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the Town.

B.48. *Quarantine.* To establish quarantine regulations in interests of the public health.

B.49. *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

B.50. *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 cleaning sidewalks.

B.51. *Sweepings.* 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.

B.52. *Taxicabs.* To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

B.53. *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

B.54. *Voting machines.* To purchase, lease, borrow, install and maintain voting machines for use in Town elections.

B.55. *Zoning.* To exercise the powers as to planning and zoning conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.

B.56. *Animals.* To regulate the keeping of and provide for the licensing of all animals in the Town; and, to authorize the impounding, keeping, sale, destruction, or redemption of homeless animals on which no license fee is paid.

B.57. *Parades.* To regulate the holding of meetings, processions and parades in Town streets, parks, or other public places.

B.58. *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.

§ C4-2. Exercise of Powers.

For the purpose of carrying out the powers granted in this Article 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 is not prescribed, then in such manner as may be prescribed by ordinance.

§ C4-3. Enforcement of Ordinances.

To ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof shall be a misdemeanor or an infraction and shall have the power to affix thereto penalties as provided in and pursuant to § C12-4. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance or resolution passed under the authority of this Charter shall have the right of appeal within ten (10) days to the Circuit Court of Kent and Queen Anne's Counties. The Council may provide that, where the violation is of a continuing nature and is persisted in, 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.

§ C4-4. Elected Office Malfeasance.

A member of the Council may be removed upon conviction of a felony, being declared mentally incompetent by the Circuit Court, or by extended absenteeism (defined as missing 50% of the regularly scheduled meetings of two per month within a six month time period). Removal is only effective after an advertised public hearing and majority vote of remaining Council members. (Res. No. 2006-13, 1-25-07.)

ARTICLE V

Registration; Nominations; Elections

§ C5-1. Qualifications of Voters, Registration.*Qualifications of Voters.*

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty (30) days, and (d) is registered to vote in the Town in accordance with provisions of this Charter, is a qualified voter of the Town.

Registration.

A. Provided that persons meet the voter qualifications enumerated in this Charter, registration to vote by the Kent County Board of Elections or the Queen Anne's County Board of Elections shall be deemed registration for Town elections and the Clerk-Treasurer shall accept the list of registered voters provided by either board of elections as a valid registration list for the Town. County voter registration forms shall be made available at the Town offices during normal business hours.

B. No person shall be entitled to vote in a Town election unless he/she is duly registered to vote at least thirty (30) days prior to that election.

§ C5-2. Election Duties of Clerk-Treasurer.

The Clerk-Treasurer shall be in charge of all Town elections and shall not be a candidate for any elective office during his appointment as Clerk-Treasurer.

§ C5-3. Notice of Elections.

At least fourteen (14) days but not more than twenty (20) days prior to each Town election, the Clerk-Treasurer shall provide notice of the upcoming election at least once a week for two (2) weeks in a newspaper of general circulation within the Town and by posting a notice thereof in some public place or places in the Town.

§ C5-4. Certificate of Nomination.

A. Persons may be nominated for elective office in the Town by filing a certificate of nomination signed by five (5) registered voters in the Town. Such certificate shall state the following:

- A.1. The office for which the candidate is seeking the nominations.
- A.2. The name of the candidate.
- A.3. A statement that the signers of the certificate are registered voters.
- A.4. The signers support the nomination of the named candidate.

B. The certificate shall be filed with the Clerk at least thirty (30) calendar days prior to the election. No person shall file for nomination to more than one (1) elective Town public office nor hold more than one (1) elective Town public office at any one (1) time. No person shall be allowed to be a write-in candidate at the time of election who has not previously filed notice as required herein. Write-in candidates must file with the Clerk-Treasurer twenty-one (21) days prior to the election date.

C. While serving as a council member, no council member may hold any other elected public office.

D. If an election is uncontested, the Clerk-Treasurer is authorized and directed to cancel the election and certify the candidates to be duly elected to office. (Res. No. 2006-14, 1-25-07.)

§ C5-5. Election of Council Members.

On the second Saturday in March in every year, the qualified voters of the Town shall elect one (1) person as Council member to serve for a term of three (3) years.

§ C5-6. Conduct of Elections.

It shall be the duty of the Clerk-Treasurer to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Clerk-Treasurer shall keep the polls open from 12:00 noon until 8:00 p.m. on election days or for longer hours if the Council requires it, and if an election is uncontested, the hours shall be from 12:00 noon until 5:00 p.m.

§ C5-7. Special Elections.

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

§ C5-8. Vote Count.

Within two (2) hours after the closing of the polls, the Clerk-Treasurer shall determine the vote cast for each candidate or question and shall certify the results of the election to the Mayor of the Town and shall record the result in the minutes of the Council. The candidate for Council Member with the highest number of votes in the general election shall be declared elected as Council Member. The counting of ballots shall be open to the public.

§ C5-9. Preservation of Ballots.

All ballots used in any Town election shall be preserved for at least six (6) months from the date of the election.

§ C5-10. Vacancies.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy for the unexpired term. Any vacancies on the Council shall be filled by the favorable votes of a majority of the remaining members of the Council. The results of any such vote shall be recorded in the minutes of the Council.

§ C5-11. Regulation and Control of 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 nomination and Town elections and for the prevention of fraud in connecting therewith and for a recount of ballots in case of doubt or fraud.

ARTICLE VI

Finance

§ C6-1. Clerk-Treasurer, Assistant Clerk-Treasurer.

There shall be a Clerk-Treasurer appointed by the Mayor with the approval of the Council and such Assistant Clerk-Treasurer as it deems necessary. The Clerk-Treasurer shall serve at the pleasure of the Council. The compensation of Clerk-Treasurer shall be determined by the Council. The Clerk-Treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Clerk-Treasurer under the direct supervision of the Council.

§ C6-2. Powers and Duties of Clerk-Treasurer.

Under the supervision of the Council, the Clerk-Treasurer shall have authority and shall be required to:

A. Prepare at the request of the Council an annual budget with the assistance of the Mayor that will be submitted by the Mayor to the Council.

B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

C. Maintain a general accounting system for the Town in such form as the Council may require, not contrary to state law.

D. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the Mayor.

E. Ascertain that all taxable property within the Town is assessed for taxation.

F. Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the Town and all other revenues for whose collection the Town is responsible and receive any funds receivable by the Town.

G. Have custody of all public moneys belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.

H. Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in this Charter.

§ C6-3. Bond of Clerk-Treasurer.

The Clerk-Treasurer shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require.

§ C6-4. Fiscal Year.

The Town shall operate on an annual budget. 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 tax year, the budget year and the accounting year.

§ C6-5. Submission of Budget to Council.

The Clerk-Treasurer, on such date as the Council shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of

anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk–Treasurer, open to public inspection by anyone during normal business hours.

§ C6–6. Adoption of Budget.

Before adopting the budget, the Council shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the municipality. 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. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

§ C6–7. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

§ C6–8. Transfer of Funds, Amendments After Adoption of Budget.

Amendments After Adoption of Budget.

A. *Supplemental Appropriations.* If during the fiscal year the Clerk–Treasurer certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

B. *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the Council may make emergency appropriations by emergency ordinance in accordance with the provisions of § C2–8 of this Charter.

C. *Transfer of Funds.* Any transfer of funds between major appropriations for different purposes must be approved by the Council before becoming effective.

D. *Procedure.* The authorization of supplemental and emergency appropriations or transfer of funds shall require a two–thirds (2/3) vote of the entire Council in accordance with state law.

§ C6–9. Over–Expenditure Prohibited; Contracts and Bonds.

No officer or employee shall, during any budget year, expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the

expenditure of money for any purpose in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be 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 in 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.

§ C6-10. Lapse of Appropriations; Unexpended Funds.

All 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.

§ C6-11. Issuance and Signing of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk-Treasurer and shall be countersigned by the Mayor. In the absence of the Mayor, checks may be countersigned by a member of the Council. In the absence of the Clerk-Treasurer, checks may be issued and signed by the Mayor and countersigned by a member of the Council.

§ C6-12. 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. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

§ C6-13. Budget Authorized Levy.

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

§ C6-14. Notice of Tax Levy; Tax Bills.

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

§ C6-15. When Taxes Are Overdue.

The taxes provided for in § C6-14 of this Charter shall be due and payable as provided in the Tax – Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. Taxes shall bear interest while in arrears and shall be subject to additional penalties as authorized by State law. Any interest or penalty rates to be imposed by the Town shall be established by ordinance. All taxes not paid and in arrears one year after the date on which they are due and payable shall be collected as provided in § C6-16.

§ C6-16. 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 § C6-15 of this Charter shall be turned over by the Clerk-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.

§ C6-17. Possession of and Accounting for 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.

§ C6-18. Auditing.

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

§ C6-19. 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 not 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 per centum (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 powers to regulate all matters concerning the issuance and sale of tax anticipation notes.

§ C6-20. Long-Term Borrowing.

A. In addition to the authority provided for in § C6-19 of this Charter with respect to tax anticipation borrowings, the Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this section.

B. As determined by or provided for in the authorizing ordinance or resolution of the council, the bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

B.1. By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law (which competitive bids may be delivered by electronic or facsimile means or any other commercially reasonable manner determined by the Council by ordinance or resolution);

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

B.3. At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Council; and

B.4. For either cash or other valuable consideration.

C. The ordinance or resolution that authorizes the bonds, notes or evidences of indebtedness may provide for their redemption prior to maturity and for the manner of publishing or otherwise giving notice of such redemption.

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

E. The official signatures and seals affixed to any of the bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

F. The provisions of this § C6–20 shall not apply to any tax anticipation borrowing in accordance with § C6–19 of this Charter.

G. All bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter, as amended, 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.

§ C6–21. Revenue Bonds.

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

§ C6-22. 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 the authority of this Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

§ C6-23. Validity of Previous Bonds.

All bonds, notes or other evidence of indebtedness validly issued by the Town previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth.

§ C6-24. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Clerk-Treasurer. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000.00) shall be made on written contract. The Clerk-Treasurer shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the lowest responsible bidder, taking into consideration such factors (but not by way of limitation) as quality of goods and work, time of delivery or completion and past performances of the bidder. 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 for or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the Town may require.

ARTICLE VII

Personnel

§ C7-1. Clerk to the Council.

The Clerk-Treasurer shall serve as Clerk to the Council. The Clerk-Treasurer shall attend every meeting of the Council and keep a full and accurate account of the proceedings of the Council. The Clerk-Treasurer shall keep such other records and perform such other duties as may be required by this Charter or the Council.

§ C7-2. Town Attorney; Compensation; Legal Consultants.

The Mayor, with the approval of the 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 adviser of the Town and shall perform such duties in this connection as may be required by the Council or the Mayor. His/Her compensation shall be determined by the Council. The Town shall have the power to employ such legal consultants as it deems necessary from time to time.

§ C7-3. 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.

§ C7-4. Retirement System.

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

§ C7-5. Compensation of Mayor, Council, and Employees.

The compensation of the Mayor and Council of the Town shall be set from time to time by the Mayor and Council, subject to the restrictions imposed upon establishing the salaries of the Council and Mayor. The compensation of employees shall be set from time to time by the Mayor and Council in accordance with the current budget line item for employee compensation.

§ C7-6. Employee Benefit Programs.

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

ARTICLE VIII
Public Ways and Sidewalks

§ C8-1. Term Defined.

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

§ C8-2. Control and Maintenance by Town; Exception.

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.

§ C8-3. Powers of Town Regarding Public Ways.

Regarding public ways, the Town shall have the power to:

- A. Establish, regulate and change from time to time the grade lines, width and construction materials of any Town public way or part thereof, bridges, curbs and gutters.
- B. Grade, layout, construct, open, extend, and make new Town public ways.
- C. Grade, straighten, widen, alter, improve or close up any existing Town public way or part thereof.
- D. Pave, surface, repave, or resurface any Town public way or part thereof.
- E. Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.
- F. Construct, reconstruct, maintain, and repair bridges[.]
- G. Name Town public ways.
- H. Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

§ C8-4. Powers of Town Regarding Sidewalks.

Regarding sidewalks, the Town shall have the power to:

- A. Establish, regulate, and change from time to time the grade lines, width and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.
- B. Grade, layout, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.
- C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

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

**ARTICLE IX
Water and Sewers**

§ C9–1. Powers of Town.

The Town shall have the power to:

- A. Construct, operate, and maintain a water system and water plant.
- B. Construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- C. Construct, operate, and maintain a stormwater drainage system and stormwater sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations and structures of the above plants and systems.
- E. Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all the things it deems necessary for the efficient operation and maintenance of the above plants and systems.

§ C9–2. Submission of Plans and Written Approval Required Prior to Construction of Structures in Public Ways; Penalty.

Any public service corporation, company or individual, before beginning any construction 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. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Town may order it removed.

§ C9–3. Removal of Obstructions Upon Notice; Use of Condemnation Powers.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the Town or in the county which impede the establishment,

construction or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in § C11-2.

§ C9-4. Right of Entry on County Public Ways; Notification Required.

The Town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or stormwater sewers provided for in this Charter. Unless required by the county, the Town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

§ C9-5. Connections to Water and Sewer Mains; Disposition of Cesspools, Privies and Wells.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners, after reasonable notice, shall be required to connect all fixtures with the water or sewer main. The Town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed.

§ C9-6. Connection Charges.

The Town may make a charge, the amount to be determined by the Council, for each connection made to the Town's water or sewer mains. This charge shall be uniform throughout the Town but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

§ C9-7. Prevention of Waste or Improper Use of System.

In order to prevent any leakage or waste of water or other improper use of the Town's water system or sewage disposal system, the Town may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use.

§ C9-8. Operation and Maintenance of Private Systems.

The Town may, by ordinance, provide that no water supply, sewerage or stormwater drainage system and no water mains, sewers, drains or connections therewith shall be constructed or operated by any person or persons, firm, corporation, institution or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not

and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town.

§ C9-9. Extension of Water and Sewer Mains.

The Town shall have the power to extend its water or sewerage systems beyond the Town limits.

§ C9-10. Right of Entry for Access to Installations.

Any employee or agent of the Town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the Town, shall have the right of entry for access to water or sewer installations, at all reasonable hours and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the Town or in the county served by the Town's water or sewage disposal system.

§ C9-11. Pollution of Water Supply Prohibited.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the Town water supply system.

§ C9-12. Contracts for Water or Sewage Removal.

The Town, if it deems it advisable, may contract with any party or parties inside or outside the Town to obtain water or to provide for the removal of sewage.

§ C9-13. Service Rates and Charges; Collection.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Clerk-Treasurer, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

ARTICLE X
Special Assessments

§ C10-1. Power of Town to Levy Special Taxes and 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 water mains, sanitary sewer mains, stormwater sewers, 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 assessment. The cost of any project to be paid, in whole or in part, by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town and any other item of cost which may reasonably be attributed to the project.

§ C10-2. Procedure.

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 per centum (25%) of the assessed value of the property after giving effect to the benefit accruing 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 Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated costs of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their 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 a newspaper of general circulation in the Town. The Clerk-Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk-Treasurer shall have completed publication and a 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 for the county within ten (10) days after the levying of any assessment by the Council.

F. Special 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 to be determined by the Council.

G. All special assessment 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 all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

H. All special assessments shall be billed and collected by the Kent County Office of Budget and Finance. (Res. No. 2006-12, 1-25-07.)

ARTICLE XI

Town Property

§ C11-1. Acquisition, Possession and Disposal.

The Town may acquire real, personal or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in 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.

§ C11-2. Condemnation.

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

§ C11-3. Acquisition and Maintenance of Buildings for Town Government.

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

§ C11-4. Protection.

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 XII General Provisions

§ C12-1. Oath of Office.

A. Before entering upon the duties of their offices, the Mayor, the Clerk–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; and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and 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 the county or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

§ C12-2. Bonds.

The Clerk–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.

§ C12-3. Prior Rights and Obligations.

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

§ C12-4. General Penalty.

A. *Misdemeanors.*

Every act or omission which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the Circuit Court of Kent and Queen Anne’s Counties by a fine, imprisonment, or both, not to exceed the maximum misdemeanor penalty prescribed by State law.

B. *Municipal Infractions.*

B.1. The Council may declare that a violation of a Town ordinance shall be a municipal infraction, unless that violation is declared to be a felony by State law or other ordinance, and affix penalties thereto not to exceed the maximum penalty for a municipal infraction prescribed by State law. For purpose of this Section, a municipal infraction is a civil offense.

B.2. Any person receiving a citation for a municipal infraction may choose to stand trial for the infraction in a manner prescribed by State law.

B.3. Each day a violation continues shall constitute a separate offense.

§ C12-5. Effect of Charter on Existing Laws and Rules.

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

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

§ C12-6. Severability.

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 section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

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

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum area” means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
- (1) acquisition of a slum area or a blighted area or portion of them;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban renewal area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

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

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

(i) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” means the Town of Millington.

Section A1-102. Powers.

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

(b) These projects shall be limited:

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

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

(3) To sell, lease, convey, transfer or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity.

(c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

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

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

Section A1-103. Additional Powers.

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

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

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

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

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

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

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

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

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

(2) to levy taxes and assessments for those purposes;

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

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

(d) (1) To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects;

(2) to [To] mortgage, pledge, hypothecate or otherwise encumber that property; and

(3) to [To] ensure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

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

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

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

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

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

Section A1–104. Establishment of Urban Renewal Agency.

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

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

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

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

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

Section A1–105. Powers Withheld From the Agency.

The agency may not:

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

(b) Issue general obligation bonds pursuant to Section A1–109 of this appendix.

(c) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–103(c) of this appendix.

Section A1–106. Initiation of Project.

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

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

(b) locates and defines the slum or blighted areas; and

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

Section A1-107. Preparation and Approval of Plan for Urban Renewal Project.

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

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

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

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

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

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

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

Section A1-108. Disposal of Property in Urban Renewal Area.

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

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

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

Section A1–109. Eminent Domain.

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

Section A1–110. Encouragement of Private Enterprise.

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

Section A1–111. General Obligation Bonds.

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

Section A1–112. Revenue Bonds.

(a) In addition to the authority conferred by Section A1–111 of this appendix, the municipality shall have [the power] to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix: provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from 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 such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of the bonds.

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

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

- (1) shall bear a date or dates;
- (2) mature at a time or times;
- (3) bear interest at a rate or rates;
- (4) be in a denomination or denominations;
- (5) be in a form either with or without coupon or registered;
- (6) carry a conversion or registration privilege;
- (7) have a rank or priority;
- (8) be executed in a manner;
- (9) be payable in a medium or [of] 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 or trust indenture or mortgage issued pursuant to it.

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

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

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be deemed conclusively considered to have been planned, located and carried out in accordance with the provisions of this appendix.

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

Section A1-113. Short Title.

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

Section A1-114. Authority to Amend or Repeal.

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

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Millington in Chapter 80 of the Acts of the General Assembly of 1976.

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