

CHARTER

OF THE

# Town of Oxford

TALBOT COUNTY, MARYLAND

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# **OXFORD**

## **ARTICLE I**

### **The Municipal Corporation**

#### **General Corporate Powers**

##### Section C1-1. Incorporation and General Powers.

The inhabitants of Oxford within the corporate limits legally established from time to time are hereby constituted a body corporate by the name of "The Town of Oxford" 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.

## **ARTICLE II**

### **Corporate Limits**

##### Section C2-1. Filing of Corporate Limit Descriptions.

The courses and distances showing the exact corporate limits of the Town of Oxford shall be filed at all times with the Clerk of the Circuit Court for Talbot County and the Director of the Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Town office in the office 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 III**

### **The Commission**

##### Section C3-1. Composition, Selection, Term.

All legislative powers of the Town shall be vested in a Commission consisting of three (3) Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of three (3) years or until the succeeding Commissioner takes office. The terms of office of the Commissioners shall be so staggered as to provide for the election of one Commissioner every year. Commissioners 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 Commissioners take office under the provisions of this Charter. The regular term of Commissioners shall expire on the first Wednesday of July following the election and qualification of a successor.

Section C3-2. Qualifications of Commissioners.

Commissioners shall have resided in the Town at least two years, immediately preceding their election and shall be qualified voters of the Town.

Section C3-3. Salary of Commissioners.

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners and shall be specified from time to time by an ordinance passed by the Commissioners in the regular course of business, provided, however, that the salary specified at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. The ordinance making any changes in the salary paid to the Commissioners, either by way of increase or decrease, shall be finally passed prior to the municipal election for the next succeeding Commissioner and shall take effect only as to the next succeeding Commissioner. The Commissioner's salary as specified will be payable quarterly.

Section C3-4. Meetings of the Commission.

The Commissioners at their first meeting in July shall choose from their own body a President, who shall preside at all their meetings, after which the Commissioners shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice each month. Special meetings shall be called by the President Clerk-Treasurer upon the request of the President or a majority of the Commissioners. All meeting [meetings] of the Commissioners shall be open to the public, and the rules of the Commissioners shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. However[,] a majority of the Commissioners may determine that the subject matter, such as personnel, property acquisitions, sale or lease, etc., should be considered in executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session. In executive session a record shall be kept as required for a regular meeting in accordance with Section C3-7 but the record shall not be open for public inspection if such inspection would frustrate the purpose for the executive session.

Section C3-5. Commissioners to be Judge of Qualification of its Members.

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

Section C3-6. Quorum.

A majority of the members of the Commission 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 a majority of the whole number of members elected to the Commission.

Section C3-7. Procedure of the Commission.

The Commission 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 member. The journal shall be open to public inspection.

Section C3–8. Vacancies in the Commission.

Vacancies in the Commission shall be filled as provided in C5–15 of this Charter.

Section C3–9. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commission held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended or rejected or its consideration deferred to some specified future date. In case of an emergency, the above requirement may be suspended by the affirmative votes of two (2) members of the Commission. Every ordinance, unless it is passed as an emergency ordinance or unless it is excluded from referendum by C3–10 of this Article, shall become effective at the expiration of twenty (20) calendar days following its passage. The title of each ordinance, except ordinances excluded from referendum by said C3–10, shall be published at least twice in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance and ordinances excluded from referendum by said C3–10 shall become effective on the date specified in the ordinance.

Section C3–10. Referendum.

If, before the expiration of twenty (20) calendar days following approval of any ordinance a petition is filed with the Clerk–Treasurer containing the signatures of not less than twenty percent (20%) of the qualified voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of qualified voters of the Town for their approval or disapproval, the Commission shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election, or in the Commission’s discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approval at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provision of this section shall not apply to any ordinance, or part thereof, passed under the authority of the following sections of this Charter: C6–6, providing for adoption of the annual budget; C6–13, authorizing the annual tax levy; C6–20, levying property taxes for the payment of indebtedness, nor to any ordinance, or part thereof, levying special assessment charges under the provisions of C10–1 or C10–2, where the proceeds of such special assessments charges have been or are to be pledged to the payment of any bonds, notes or other indebtedness incurred or to be incurred by the Town for public improvements to be financed in whole or in part [part] by each special assessment charge. The provisions of this section shall be self–executing, but the

Commission may voluntarily submit to a referendum any ordinance enacted by it, except those specifically excluded hereby.

Section C3–11. Filing of Ordinances.

Ordinances shall be permanently filed by the Clerk–Treasurer and shall be kept available for public inspection.

Section C3–12. Recall.

A Town Commissioner may be removed from office in accordance with the following procedure:

(a) A petition signed by at least thirty–five percent (35%) of the registered voters of the Town of Oxford must be presented to the Commission at a regular meeting of the Commissioners stating a desire to have the named Commissioner subjected to recall or reaffirmation by a vote of the electorate. A petition shall contain the name of only one (1) Commissioner.

(b) The petition shall state specifically the factual basis for the proposed recall or reaffirmation of the Commissioner, which shall be for one (1) of the following reasons:

(1) Failure to uphold the oath of office.

(2) Misconduct in office: For the purpose of this provision, “misconduct in office” shall mean any willful, unlawful or wrongful behavior of a Commissioner in relation to the duties of his or her office, but such conduct need not be criminal in nature to come within this provision.

(c) Upon receipt of a petition the Commissioners shall forthwith verify the appropriate number of registered voters’ signatures. If the petition is so authenticated, the Commissioners shall announce that (1) within thirty (30) days of receipt of the petition a public hearing will be held on that petition, and that (2) within sixty (60) days of receipt of the petition a special election shall be held in order to allow all registered voters of the Town to vote on the petition.

(d) The voting ballot shall contain the Commissioner’s name, a summary of the allegations set forth in the petition required by paragraph b [(b)] above, and the choice of “reaffirm” or “recall”. In order for the Commissioner to be removed from office, a majority of those voting must vote “recall”.

(e) The voting shall be conducted in the manner as prescribed in Sections C5–10, C5–12, C5–13 and C5–14 under “REGISTRATION, NOMINATIONS AND ELECTIONS” for Town elections. If recall is voted, the Commissioner in question shall immediately forfeit his office. The vacancy so created shall be filled [as] prescribed in Section C5–15 except that the Commissioner so removed shall not be eligible for such appointment.

## ARTICLE IV General Powers

### Section C4-1. General Powers and Specific Powers.

A. *General Powers.* The Commission 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 Commission shall have, in addition to the power to pass ordinances not contrary to the laws and Constitution of this State, the following specific powers:

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

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

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

4. *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Commission.

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

6. *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards with [within] the City, 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.

7. *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 plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

8. *Cemeteries.* To regulate, to prohibit the interment of bodies within the municipality and to regulate cemeteries.

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

10. *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.

11. *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 function.

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

13. *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.

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

15. *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; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

17. *Filth.* To compel the occupant of the premises, building or outhouse situate [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.

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

19. *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.

20. *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 years.

21. *Gambling.* To restrain and prohibit gambling.

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

23. *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.

24. *Hawkers.* To license, and regulate, hawkers and itinerant dealers, peddlers, and all other persons selling any articles on the streets of the Town.

25. *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, 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.

26. *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 monies.

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

28. *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.

29. *Lights.* To provide for the lighting of the Town.

30. *Livestock.* To regulate the keeping of cattle, horses, swine, fowl, sheep, and goats.

31. *Minor Privileges.* To regular [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.

32. *Noise.* To regulate and prohibit nuisance types of noise.

33. *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.

34. *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.

35. *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.

36. *Police Force.* To establish, operate, and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of constables in this State.

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

38. *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the

Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

39. *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.

40. *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; to prescribe hours for cleaning sidewalks.

41. *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.

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

43. *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.

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

Section C4-2. Exercise of Powers.

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

Section C4-3. Enforcement.

To insure the observance of the ordinances of the Town, the Commission shall have the power to provide that violation thereof shall be a misdemeanor but no penalty shall exceed a fine of \$1,000.00 and imprisonment for six (6) months. Imprisonment in default of fine and costs shall be regulated by the provisions of Article 38 § 4 of the Annotated Code of Maryland, as amended. The Commission may provide that violations of any municipal ordinance, including a land use or zoning ordinance, shall be a municipal infraction unless the violation is declared to be a felony or misdemeanor by law or ordinance. The procedure for issuing and processing citations for municipal infractions shall be as provided in Article 23A § 3 of the Annotated Code, as amended. A fine not to exceed Four Hundred Dollars (\$400.00) may be imposed for each conviction of a municipal infraction. The Commission may provide that, where the violation is of

a continuing nature and is persisted in, a conviction for a single violation shall not be a bar to a conviction for a second or subsequent offense.

## **ARTICLE V**

### **Registration, Nomination and Elections**

#### Section C5-1. Eligibility [Eligibility] to Vote.

Every person who is a citizen of the United States; is at least eighteen years of age; has resided in the State of Maryland for at least thirty (30) days next preceding any Town election; has resided within the corporate limits of the Town for thirty (30) days next preceding any Town election and is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections.

#### Section C5-2. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three members who shall be appointed by the Commission before the first Monday in April in every odd numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in April in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by appointment by the Commission for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Commission.

#### Section C5-3. Removal of Members of the Board.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Commission. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Commission if he so requests within ten days after receiving the written copy of the charges against him.

#### Section C5-4. Duties of the Board.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all Town elections. The board may appoint election clerks or other employees to assist it in any of its duties.

#### Section C5-5. Notice of Elections.

The Board of Supervisors of Elections shall give at least two weeks notice of every registration day and every election by an advertisement published in at least one newspaper of

general circulation in the Town and by posting a notice thereof in some public place or places in the Town. The election day shall be the third (3rd) Tuesday of each June.

Section C5-6. Registration.

Any person who can qualify as a voter in the town of Oxford (see C5-1) may register in the town office on any day that it is open for business. However all registrations for the next election must be made no later than four (4) weeks prior to the day of that election. Registration shall be permanent, and no person shall be entitled to vote in Town elections unless he is registered. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the Town. The Commission is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, when necessary.

Section C5-7. Registration and Voting by Absentee Voters.

Any qualified voter registered to vote in the Town is entitled to vote in the municipal election by absentee ballot.

Section C5-8. Appeal.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or on striking off the name of any person, or by any other action, such person may appeal to the Commission. Any decision or action of the Commission upon such appeals may be appealed to the Circuit Court for the County within thirty (30) days of the decision or action of the Commission.

Section C5-9. Nominations and Election of Commissioners.

Persons may be nominated for elective office in the Town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the Third Monday in May next preceding the Town election. No person shall file for nomination to more than one elective Town public office or hold more than one elective Town public office at any one time. Any person desiring to withdraw his candidacy must do so seven (7) days prior to the election. On the third Tuesday in June in every year, the qualified voters of the town of Oxford shall elect one person as a Commissioner for a term of three (3) years. In the instance where there is an unexpired term of office of a Commissioner who has vacated that position, the Commissioner so appointed will serve only the balance of his first year of such appointment until replaced or elected in accordance with C5-15 (Vacancies).

Section C5-10. Conduct of Election.

It shall be the duty of the Board of Supervisors of Elections to provide for such 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

condidate [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 Board of Supervisors of Elections shall keep the polls open from 2:00 p.m. to 7:00 p.m. on election days or for longer hours if the Commission requires it.

Section C5–11. Absentee voting.

(a) The following persons may vote as an absentee voter under this subtitle:

(1) Any qualified voter who is registered to vote and may be unavoidably absent from Oxford for any reason on any election day;

(2) Any qualified person as defined in C5–1.

(b) *Voting by ill and disabled persons; emergency absentee ballots.*

(1) *Application and medical certificate; procedure for voting* – Any qualified voter whose physical disability or confinement prevents or will prevent him from being present and personally voting at the polls on any election day shall also be entitled to vote as an absentee voter under this subtitle. Such voter shall make application for an absentee ballot as provided in this article. The application shall be filed in the office of the Supervisor of Elections not later than seven (7) days prior to any election. Upon receipt of the application the Supervisor of Elections shall mail to the voter entitled thereto an absentee ballot. In all other respects, absentee voting as provided for in this section shall be similar to and controlled by the applicable procedure provided by law for voting in person.

(2) *Assistance in marking ballot, etc.* – Any otherwise qualified voter who is blind, physically disabled or who has impaired vision and is for one of these reasons unable to mark his absentee ballot and sign the required oath, may be assisted in voting by any person selected by the voter. Any person rendering assistance pursuant to this subsection shall execute the certification.

(c) *Elections in which absentee voters may vote.* This subtitle applies to elections for all candidates, charter amendments and other questions at any election held in any year.

(d) *Applications for absentee ballots.*

(1) *Required; contents.* A qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Supervisor of Elections for an absentee ballot, which application must be received not later than seven (7) days before the election. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury;[:]

(a) The voter's name and residence address, including the street and number, if any, or rural route, if any;

(b) That the person is a qualified voter at the residence address given;

(c) If the person voted at the preceding election, the residence address from which he voted; and

(d) That the voter expects in good faith to be unable to vote in person for any of the reasons set out in this Article.

(e) *Application forms.*

(1) Applications for absentee ballots in accordance with the requirements of this section shall be provided by the Supervisor of Elections and shall be available to any qualified voter upon request.

(2) The Town Board of Supervisor [Supervisors] of Elections shall prescribe the forms of “Application for Absentee Registration and Ballot,” “Application for Absentee Ballot by Registered Voter,” and related affidavits and statements.

(f) *Determination of absentee voter’s application; delivery of ballots.*

(1) *Rejection of application.* Upon receipt of an application containing the affidavit, the supervisor, when rejecting the application, shall notify the applicant of the reason therefor if he determines upon the inquiry that the applicant is not legally qualified to vote at the election as an absentee voter.

(2) *Delivery of Ballot.* If the applicant is a qualified voter as stated in his affidavit the supervisor shall, as soon as practicable thereafter, deliver to him, at the office of the supervisor, or mail to him at an address designated by him, an absentee voter’s ballot and an envelope therefor. Postage for transmitting ballot material to the voter shall be paid by the supervisor, and postage for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail, the determinations required in this section shall be made in such time as will allow for the sending and return of the ballots by regular mail, or airmail, depending on the mailing address and including at least one secular day for marking the ballots and completing the affidavit. All such investigations shall be concluded and any determination made as to all absentee ballot applications not later than five (5) days before election day.

(3) *Record of applications received and ballots delivered.*

(a) The supervisor shall keep a record of applications for absentee voters’ ballots as they are received, showing the date and time received, the names and residences of the applicants, and such record shall be available for examination by any registered voter.

(b) After approval of an application for an absentee ballot, the voter’s record card in the ward binder shall be removed and placed in a separate binder marker “Registered Absentee Voters” and retained in the office of the supervisor. A marker shall be

placed in the registration of voters binder with voter's name and recording the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at the polling place.

(4) *One ballot to an applicant.* Not more than one absentee ballot shall be mailed to any one applicant unless the supervisor has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed, or spoiled.

(g) *Ballots for absentee voters.*

(1) *Printing of ballots, envelopes and instructions.* In sufficient time prior to any election, the supervisor shall have an adequate number of absentee ballots, the three kinds of envelopes described in this section, and the instructions to absentee voters as set out in this article.

(2) *Form of ballots.* The Ballots shall contain the words "Absentee Ballot" printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark."

(h) *Instruction to voters.*

The instructions for the casting of absentee ballots shall be prescribed by the Town Supervisor of Elections.

(i) *Canvassing of ballots.*

(1) *Opening or unfolding ballots.* The Board of Supervisors of Elections shall not open or unfold any absentee ballot at any time prior to the closing of the polls and the beginning of the canvass of the absentee ballots.

(2) *Procedure generally.* At any time after the closing of the polls and not later than the canvass of the votes cast at the regular voting places at any election, the Board of Supervisors of Elections shall proceed to count, certify and canvass the absentee ballots contained in the ballot envelopes, received by them prior to the closing of the polls on election day. No ballot shall be rejected by the board except by the Supervisor of Elections. All voter's applications, medical certificates, notarial affidavits, certifications, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time, the Supervisor of Elections shall be ordered by a court of competent jurisdiction, to keep the same for any longer period.

(3) *Voter dying before election day.* Whenever the board shall determine from proof or investigation that any person who has marked and transmitted or deposited in person with the board an absentee ballot has died before election day, said board shall not count the ballot of the said deceased voter, but it shall be preserved by the board for six (6) months and

may then be destroyed, unless prior to that time the board is ordered by a court of competent jurisdiction to keep the same for any longer period. If at or prior to the time of counting and canvassing the board shall not have determined that the absentee resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

(4) *More than one ballot received from same person.* If the board receives from the same person prior to the closing of the polls on election day more than one absentee ballot, it shall count, certified [certify] and canvass only the absentee ballot contained in the ballot envelope on which the voter's oath was first executed, and if the oath on two or more of the ballot envelopes containing absentee ballots are dated the same or if both are undated, none of the ballots received from such person shall be counted.

#### Section C5-12. Special Elections.

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections.

#### Section C5-13. Vote Count.

Within twelve hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk-Treasurer of the Town who shall record the results in the minutes of the Commission. The candidate for Commissioner with the highest number of votes in the general election shall be declared elected.

#### Section C5-14. Preservation of Ballots.

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

#### Section C5-15. Vacancies.

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

#### Section C5-16. Equal Privileges for Women.

Women shall have equal privileges with men in registering, voting, and holding Town offices. Whenever the masculine gender has been used as to any registering, voting, or holding Town office, it shall be construed to include the feminine gender.

Section C5–17. Regulation and Control.

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

Section C5–18. Penalties.

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

## **ARTICLE VI**

### **Finance**

Section C6–1. Clerk–Treasurer.

There shall be a Clerk–Treasurer hired by the Commission. The Commission may also hire such assistant Clerk–Treasurers as they may deem necessary. They shall serve at the pleasure of the Commission. Their compensation shall be determined by the Commission. 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 Commission.

Section C6–2. Powers and Duties of Clerk–Treasurer.

Under the supervision of the Commission, the Clerk–Treasurer shall have authority and shall be required to:

- A. Prepare at the request of the Commission an annual budget to be submitted to the Commission.
- B. Supervise and be responsible for the disbursement of all monies 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 Commission may require, not contrary to State law.
- D. Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.

- 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 monies, belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- H. Do such other things in relation to the fiscal or financial affairs of the Town as the Commission may require or as may be required elsewhere in this Charter.

Section C6-3. Bond of Clerk-Treasurer.

The Commission shall provide a bond with such corporate surety and in such amount as the Commission by ordinance may require.

Section 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. The fiscal year shall constitute the budget year and the accounting year.

Section C6-5. Budget.

The Clerk-Treasurer, on such date as the Commission shall determine, but at least sixty (60) days before the beginning of any fiscal year, shall submit a draft budget to the Commission. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures of anticipated revenues 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.

Section C6-6. Budget Adoption.

Before adopting the budget the Commission shall hold a public hearing thereon after two (2) weeks notice thereof in some newspaper or newspapers having general circulation within the Town. The notice must appear once each week. The Commission may insert new items or may increase or decrease the items of the budget. Where the Commission shall increase the total proposed expenditures it will also increase the total anticipated revenues in an amount at least equal to such proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of a [at] least a majority of the total elected membership of the Commission shall be necessary for adoption.

Section C6-7. Appropriations.

No public money may be expended without having been appropriated by the Commission. 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.

Section C6-8. Transfer of Funds.

Any transfer of funds between major appropriations for different purposes must be approved by the Commission before becoming effective.

Section C6-9. Over-expenditure Forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section, 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 leases or contracts or for services for a period exceeding the budget year in which such lease or contract is made, when such lease or contract is permitted by law.

Section C6-10. Lapse of Appropriations.

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.

Section C6-11. 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 President of the Commissioners or by any Commissioner in the absence of the President. In emergencies during the absence of the Clerk-Treasurer, two Commissioners can sign.

Section 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, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any Act of the General Assembly.

**Section C6-13. Budget Authorizes Levy.**

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

**Section C6-14. Notice of Tax Levy.**

Immediately after the levy is made by the Commission 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. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on this property.

**Section C6-15. When Taxes are Overdue.**

The taxes provided for in Section C6-13 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate allowed by State law for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in C6-16.

**Section 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 Section 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.

**Section C6-17. Fees.**

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

**Section C6-18. Audit.**

The financial books and accounts of the Town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland, as amended, and at each time a new Clerk-Treasurer is appointed.

Section C6-19. Tax Anticipation Borrowing.

A. 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 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 are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinances before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

B. *Borrowing on notes.* The Town shall have the power to borrow and to evidence such indebtedness by signing promissory notes. Such promissory notes shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the giving of promissory notes and shall not be required to solicit competitive bids upon the same, but shall be authorized to negotiate the best rate of interest available, privately, if the Commission deems the same advisable.

Section C6-20. Payment of Indebtedness.

A. 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 full faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

B. All such bonds, notes or evidences of indebtedness shall be issued in the manner prescribed by section 31 to 39 inclusive of Article 23A of the Annotated Code of Maryland, as the same may from time to time be amended, except that the limitations contained in section 34 (4) of said Article 23A shall not apply to the issuance of bonds, notes or other evidences of indebtedness by the Town, but the Commission shall have the option, in each instance, to determine whether any such bonds, notes or other evidences of indebtedness shall be sold at public sale as prescribed by said Section 34 (4) or whether the same shall be sold by negotiations as private sale without solicitation or competitive bids.

Section C6-21. Previous Issues.

All bonds, notes, or other evidences 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.

Section C6-22. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Commissioners. The Commission 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. In these cases the Clerk-Treasurer shall advertise for sealed bids in a local publication of general circulation. However, in case of emergency, the Commissioners may dispense with this requirement but such action must be fully documented in writing giving the basis for such emergency action. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Commission before becoming effective. The Clerk-Treasurer shall have the right to eject [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**

Section C7-1. The Clerk-Treasurer.

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

Section C7-2. Town Attorney.

The Commission may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town [and] shall perform such duties in this connection as may be required by the Commission. His compensation shall be determined by the Commission. The Town shall have the power to employ such legal consultants as it deems necessary from time to time. The Town may retain an Alternate Attorney for use by the Commission and various Boards in the event of a potential conflict of interest in a case concerning the Town Attorney.

Section C7-3. Town Manager.

The office of Town Manager may be created at the pleasure of the Commission. This position must be reflected in the drafted budget for the succeeding year, provided funds and office space are available.

Section C7-4. Authority to Employ Personnel.

The Town Commissioners 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.

Section C7-5. Merit System.

The Town may provide for appointments and promotions in the work force of the Town on the basis of merit and fitness. To carry out this [these] purposes, the Commission shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, bonus and retirement plans, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations.

Section C7-6. Unclassified and Classified Service.

The civil service of the Town shall be divided into the unclassified and classified service. The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system.

1. The Commissioners and persons appointed to fill vacancies in these positions.
2. The members of Town Boards and Commissions.
3. Part-time, temporary and unpaid offices and positions.

Section C7-7. Classified Service.

The classified service shall comprise all positions not specifically included in the unclassified service. All offices and positions included in the classified section shall be subject to any merit system rules and regulations which may be adopted.

Section C7–8. Prohibitions; Penalties.

A. Prohibitions, if a merit system is adopted:

1. No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work.

2. No person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or the rules and regulations made thereunder.

3. No officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election or appointment to any public office.

4. No person seeking appointment to or promotion in the classified service of the Town shall either directly or indirectly give, render or pay any money, service or other valuable things to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion.

5. No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political purpose whatever from any person holding a position in the classified service of the Town.

6. No person holding a position in the classified service of the Town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party or candidate for public office further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

B. *Penalties.* Any person who by himself or with others willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or by both fine and imprisonment. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position of the Town service and shall, if he is an officer or employee of the Town, immediately forfeit the office or position he holds.

Section C7–9. 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 under the terms of which they are

admissible and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town.

Section C7-10. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by the Commission.

Section C7-11. Employee Benefit Programs.

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

## **ARTICLE VIII**

### **Public Ways and Sidewalks**

Section 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.

Section C8-2. Control of Public Ways.

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

Section C8-3. Power of Town with Respect to 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, lay out, 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.

Section C8-4. Powers of Town with Respect to 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, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town or private property along any public way or part thereof.
- C. Pay [pay] the cost of the work described in Subsection B above and to recover all or part of said cost from special assessment charges imposed on abutting property owners pursuant to C10-1 of this Charter unless the Commission shall elect to require abutting property owners to perform such work at their own expense pursuant to Subsection E hereof.
- D. require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- E. require and order the owner of 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 Sewer**

Section 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 storm water drainage system and storm water 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 things it deems necessary for the efficient operation and maintenance of the above plants and systems.

#### Section C9-2. Placing Structures in Public Ways.

Any public service corporation, company or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. 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 storm water systems, the Town may order it removed.

#### Section C9-3. Obstructions.

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 storm water drainage 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 Section C11-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

#### Section C9-4. Entering on County Public Ways.

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 storm water 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.

**Section C9-5. Charge for Connections.**

The Town may make a charge, the amount to be determined by the Commission, 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 time to time. Arrangements for the payment of this plus a deposit charge shall be made before the connection is made. The amount of deposit will be set by the Commission.

**Section C9-6. Improper Uses.**

In order to prevent any leakage of waste or 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.

**Section C9-7. Extension Beyond Boundaries.**

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

**Section C9-8. Right of Entry.**

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. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may by ordinance be made a misdemeanor.

**Section C9-9. 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. Any violation of the provisions of this section shall be a misdemeanor.

**Section C9-10. Contracts for Water.**

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.

**Section C9-11. Charges.**

The Town shall have the power to charge and collect such rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. The charges are to be billed and collected by the Clerk-Treasurer, and if bills

are unpaid within thirty 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

### Section C10-1. Power to Levy Special Assessments.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction, of water mains, sanitary sewer mains, storm water 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.

### Section C10-2. Procedure.

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

A. *Cost.* 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 Commission.

B. *Maximum.* 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. *Classes.* 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. *Levy.* All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission 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 cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or other agents or attorneys, may appear before the Commission 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 service of notice as provided in this section. Following the hearing the Commission, in its discretion, may vote to proceed with the project and may levy the special assessment.

E. *Appeal.* 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 Commission.

F. *Installments.* 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 Commission may determine. The Commission 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 Commission.

G. *Due Date.* All special assessment installments shall be overdue six (6) months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

H. *Billing.* All special assessments shall be billed and collected by the Clerk–Treasurer.

## **ARTICLE XI**

### **Town Property**

#### Section 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.

#### Section 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 that established in the Article 33A of the Annotated Code of the Public General Laws of Maryland, (1957 Edition, as amended) entitled "Eminent Domain."

Section C11-3. Town Buildings.

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

Section C11-4. Protection of Town Property.

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

## General Provisions

Section C12-1. Oath of Office Required.

(a) Before entering upon the duties of their offices, the Commissioners, the Clerk-Treasurer, the members of the Board of Supervisors of Elections, and all other person [persons] elected or appointed to any office or 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 President of Commissioners shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Talbot County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the President of the Commissioners.

Section C12-2. Official Bonds.

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

**Section C12-3. Prior Rights and Obligations.**

All right, title, and interest held by the Town or by 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 whatsoever 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.

**Section C12-4. Misdemeanors.**

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before the District Court or in the Circuit Court for the County within which the offense is committed by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment of six (6) months in the county jail, or both, in the discretion of the court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for a single offense shall not be a bar to conviction for a second or subsequent offense.

**Section C12-5. Legislation Not in Conflict to Remain in Effect.**

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.

**Section C12-6. Repealer.**

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

**Section C12-7. Severability.**

If any section, or part of any section, of this charter shall be held invalid by a court of competent jurisdiction, such holdings shall not affect the remainder of this Charter.[,] Except [except] to the extent that the invalid section or part is inseparably connected in meaning and effect with any remaining section or part of this Charter.



**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 whether 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 Oxford.

#### Section A1–102. Powers.

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

(b) These projects shall be limited:

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

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

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

(c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just

compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

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

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

Section A1-103. Additional Powers.

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

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

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

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

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

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

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

(i) to the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition,

removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

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

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

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

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

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

(iii) to 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;

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

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

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

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

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

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

Section A1-104. Establishment of Urban Renewal Agency.

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

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

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

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

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

Section A1-105. Powers Withheld From the Agency.

The agency may not:

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

(2) Issue general obligation bonds pursuant to Section A1-109 of this appendix; or

(3) Have the power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-103(3) of this appendix.

Section A1-106. Initiation of Project.

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

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

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

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

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

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

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

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

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

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

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

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

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in the plan, the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. In any instrument or conveyance to a private purchaser or lessee, the municipality may provide that such 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, 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 limitations determined by the municipality.

Section A1–112. Revenue Bonds.

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

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in Sections 9, 10, and 11 of Article 31 (Dept – 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 thereon and income therefrom, 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) shall 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 medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) be secured in a manner; and
- (11) have other characteristics, as are provided by the resolution, trust indenture or mortgage issued pursuant to it.

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

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

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

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

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Oxford 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 Oxford in Chapter 28 of the Acts of the General Assembly of 1977.

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 Oxford 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.

