

CHARTER

OF THE

# Town of Snow Hill

WORCESTER COUNTY, MARYLAND

*As enacted by Charter Amendment Resolution No. 45  
approved September 9, 1980*

(Reprinted November 2008)

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

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# SNOW HILL

## Corporate Name

### Section 1. Corporate Name.

The inhabitants of Snow Hill, Worcester County, Maryland, are hereby made and declared a body corporate by the name of the "Mayor and Council of Snow Hill," and by the name shall have perpetual succession, may sue and be sued, may plead or be impleaded in any court of law or equity, and may use a common seal, unless the Charter and the corporate existence of the Town are legally abrogated.

## Corporate Limits

### Section 2. Records of Corporate Boundaries.

The corporate limits or boundaries of the Town of Snow Hill shall be filed at all times with the Clerk of the Circuit Court for Worcester County, the Commissioner of the Land Office, the Director of the Department of Legislative References, and in the office of the Town Administrator.

### Section 3. Description of Corporate Boundaries. (See Note (2))

The taxable and corporate limits of the Town of Snow Hill shall begin at a monument, (consisting of a terra cotta pipe filled with cement and reinforced by an iron bar through the center of same) set eighteen feet (18') southeasterly of the center line of the State Highway leading from Snow Hill to Newark (sometimes called Market Street Extended) and ninety-five and five tenths feet (95.5') northeasterly of a cement marker set in the ground at the west corner of what was formerly the Charles C. Truitt home place and is now the James Wilson lot, said point of beginning also being north sixty-four degrees (64°) forty-one minutes (41') East ten hundred ninety-six and six tenths (1096.6') feet from the north corner of the concrete culvert or bridge over the former county road leading to Newark, which said north corner of said culvert was a call in the description of the former limits of said Town of Snow Hill as established by Chapter 455 of the Acts of 1894 of the General Assembly of Maryland, and running thence from said beginning point South twelve degrees (12°) forty-one minutes (41') East twenty-five hundred twenty-six and three tenths feet (2526.3') to another monument as aforesaid set sixteen feet (16') southwesterly of the center line of the State Highway leading from Snow Hill to Public Landing (sometimes called Bay Street Extended) and South sixty-one degrees (61°) Forty-four minutes (44') East ten hundred thirty-one and five tenths (1031.5') from a point in the center line of the main track of the Delaware, Maryland and Virginia Railroad Company which said last mentioned point in the middle line of said Railroad track is sixteen feet (16') southwesterly of the center line of the cement roadbed of said Bay Street in said town; thence running South twenty-one degrees (21°) twenty-one minutes (21') West thirty-six hundred seventy and eight tenths feet (3670.8') to a monument as aforesaid set in the ground at point which is forty-nine and five tenths feet (49.5') westerly of the center line of an extension of Washington Street in said town (sometimes called Washington Street Extended) and seventeen and five tenths feet

(17.5') southerly of the center line of a road leading from said Washington Street Extended to Church Street Extended (sometimes called the Virginia Road); thence running south forty–six degrees (46°) fifty minutes (50') West one Thousand feet (1000') to another monument as aforesaid set in the ground at a point which is eighteen feet (18') Westerly of the center line of the aforesaid Church Street Extended (sometimes called the Virginia Road) and eight feet (8') easterly of a stone on the dividing line between the property of Clayton Adkins and of the late Raymond Clark, and which is south twenty–six degrees (26°) East one thousand two and three tenths feet (1002.3') from the center line of the aforesaid Railroad Track at a point eighteen feet (18') southwesterly of the center line of said Church Street where it crosses said Railroad Track; thence running South fifty–eight degrees (58°) six minutes (6') West ten hundred seventy–eight and twenty–five hundredths feet (1078.25') to a monument as aforesaid set in the ground at a point which is thirty–three feet (33') westerly of the center line of said Railroad Track where it is intersected by the line dividing the property of William T. Cherrix and of William Z. Purnell and at a point which is eight feet (8') southeasterly of a stone one said last mentioned divisional line; thence running North twenty–seven degrees (27°) thirty–three minutes (33') West nineteen hundred sixty–nine and twenty–five hundredths feet (1969.25') to a monument as aforesaid set in the ground at a point which is three and five tenths feet (3.5') southwesterly of the center line of a ditch near what is known as “Bishop’s Corner” and at a point where the weather vane on the Court House bears North nine degrees (9°) thirty–two minutes (32') East and the weather vane on the standpipe bears North fourteen degrees (14°) fifteen minutes (15') East and the weather vane on the Snow Hill High School bears North twenty degrees (20°) twenty–one minutes (21') East; thence running North sixty degrees (60°) West nineteen hundred ninety–seven feet (1997') to the middle of the East wall of the concrete culvert across the state highway leading from Snow Hill to Pocomoke City, designated as U. S. Highway 113; thence across said highway North eighty–seven degrees (87°) fifteen minutes (15') West forty–one and three tenths feet (41.3') to Snow Hill Bench Mark No. 5 and the easterly side of the run of a branch or ditch to a branch and its intersection with the northwesterly side of Dighton Road; thence running North twenty–three degrees (23°) fifty–two minutes (52') West to Pocomoke River; thence running by and with Pocomoke River in a northeasterly direction to a point which is North forty–three degrees (43°) fifteen minutes (15') West from the aforesaid point of beginning; and thence running South forty–three degrees (43°) fifteen minutes (15') East to the place of beginning aforesaid, all courses and distances being according to survey made by William D. Pitts, Registered Surveyor, March 1, 1949, and as of the magnetic bearings of that date.

(b) On November 2, 1971, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous to and binding upon the Southwesterly corporate limits of the Town of Snow Hill. This land known as the “Harrison Area” is described as follows:

All that tract, part of a tract or parcel of land lying and being situate on the westerly side of the State Highway leading from Snow Hill to Pocomoke City, designated as U. S. Route 113, in the Second Election District of Worcester County, Maryland, contiguous to the Southwesterly corporate limits of the Town of Snow Hill, which is more particularly described as follows: BEGINNING for the same at a point designated by the letter “B” on a plat hereinafter referred to, located South degrees 11 minutes 10 seconds West, a distance of 17.4 feet from a concrete monument set in the ground on the Westerly side of said right of way at a point which is the

northeasterly terminus of a line drawn parallel to and 35 feet distance from the southeasterly line of the property now or formerly of Walter T. Onley, Jr., and which was conveyed unto him by the third descriptive item of a deed from James S. Onley, et. al. dated February 18, 1969, and recorded among the land records of Worcester County, Maryland, in Liber F. W. H. No. 246, folio 634, and by the fifth descriptive item of a deed from Kathryn J. Corddry, widow, dated July 19, 1963, and recorded among the land records aforesaid in Liber F. W. H. No. 177, folio 91; thence running by and with said State Highway and binding thereupon South 08 degrees 11 minutes 10 seconds West the distance of 262.6 feet to another concrete monument set in the ground a distance of 313.1 feet to a concrete monument, thence running North 66 degrees 13 minutes 40 seconds West by and with other reserved lands of Thomas J. Johnson, Jr. and Dorothy M. Johnson, his wife, a distance of 592.3 feet through a concrete boulder set in the ground to the intersection of the center line of a 4 foot wide ditch and the present Snow Hill corporate limit line; thence running generally by and with the center line of said ditch in a general Northeasterly, Easterly and Southeasterly direction 810 feet to the place of beginning, and being more particularly shown and designated on a survey made by Edward H. Richardson Associates, Inc., consulting Engineers, August 17, 1971, and the plat made by said engineers entitled "Plat of a Survey for and to be conveyed to James P. Harrison".

(c) On April 2, 1974, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous to and binding upon Northeasterly corporate limits of the Town of Snow Hill. This land known as the "Adkins-Hurley Area" is described as follows:

BEGINNING at a terra cotta and cement monument found South 88° 37' East, 122.8 feet from a cement boulder found at the south corner of the deed of Chesapeake and Potomac Telephone Company of Maryland from Beatrice Parsons Adkins dated June 8th, 1964 and recorded among the land records of Worcester County, Maryland Liber F. W. H. No. 179 and which is also North 64° 41' East, 1096.6 feet from the north corner of the concrete culvert or bridge over the former county road leading to Newark, which said North corner of said culvert was a call in the description of the former limits of said Town of Snow Hill as established by Chapter 455 of the Acts of 1894 of the General Assembly of Maryland, and running thence from said beginning point by and with and binding upon the last or home line of the said 1949 Corporate Limits, reversed, North 43° 15' West, 2523 feet or such a distance as to reach the shore of the Pocomoke River; thence by and with the shore of said river, as protracted and sealed from aerial photograph "ANN-2T-121" dated May 21st, 1958, scale: 400 feet to 1 inch on file in the Worcester County Office of Planning and Zoning, the seven following courses: North 25° 18' East, 100 feet; thence North 67° 33' East, 300 feet; thence South 45° 27' East, 300 feet; thence South 66° 12' East, 100 feet; thence North 82° 18' East, 100 feet; thence North 37° 18' East, 200 feet; thence South 64° 24' East, 850 feet or such a distance as to reach a point which is North 22° 57' West from the northeasterly line "E" to "D" of a sub-division called "Adkins Addition" (unrecorded) when extended in a straight line North 22° 57' West; thence by and with said Northeasterly line, when so extended and reversed, South 22° 57' East, 97.17 feet or such a distance as to reach a cement boulder found at Letter "D" on Plat of said sub-division, the north corner of Lot No. 14 shown on the same; thence by and with and binding upon line "D" to "E" of said sub-division and passing through a line of a cement boulder marking the northeasterly lines of Lots No. 14 to 5, inclusive, South 22° 57' East, 987.83 feet to letter "E" at a cement boulder;

thence South 62° 24' West, 68.62 feet by and with the Southeasterly line of Lot No. 5 to a cement boulder found at the north corner of Lot No. 4 of said sub-division; thence by and with the northeasterly line of said Lot No. 4 South 19° 43' East, 218.58 feet to a cement boulder found at the east corner of said lot No. 4 on the northwesterly Right of Way line of the present State Road from Newark to Snow Hill; thence diagonal across the same South 44° 08' West, 591.9 feet to the terra cotta and cement boulder at the place of beginning.

Contained as now enclosed 1,817,737.50 square feet of land or 41.73 acres more or less. All bearings are as of 1949, as more particularly shown and described in the Plat of the property recorded among the Plat Records of Worcester County, Maryland in Plat Book F. W. H. 24/19 (1972), 293 (1794) Aforesaid, all courses and distances being according to survey made by William D. Pitts, Registered Surveyor, March 1, 1949, and as of the magnetic bearings of that date.

(d) On June 19, 1986, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous [contiguous] to and binding upon Northeasterly corporate limits of the Town of Snow Hill. This land known as the "Elliott Property" is described as follows:

All that lot, tract or parcel of land situate, lying and being adjacent to the Town of Snow Hill, in the Second Election District of Worcester County, Maryland, located on the southerly side of Coulbourne's Lane as shown on a plat entitled "Plat of Property Surveyed for Worcester County Board of Education", prepared by Edward H. Richardson Associates, Inc., which said plat is dated August 19, 1974, and is recorded among the plat records of Worcester County, Maryland in Plat Book F.W.H. No. 48, folio 2, and being more particularly described as follows: Beginning for the same at a concrete monument on the southwesterly side of said Coulbourne's Lane, said monument being the westerly most corner of Lot 57 in the subdivision known as Meadow Brook as labeled on the aforementioned plat; (1) thence by and with the southwesterly boundary line of Lots 57, 56, 55, 54, 53 and 52 and the lands of Warne C. Littleton, South 26° 29' 34" East, 821.90 feet to a concrete marker; (2) thence by and with the lands of Frank Harrison, et ux., South 26° 47' 48" East 1712.25 feet to a point passing through an iron placed on the line; (3) thence by and with the right of way formerly owned by Penn Central Railroad Co., South 16° 49' 08" West 1215.89 feet to an iron post; (4) thence by and with the lands now or formerly of John C. Kurtz North 36° 14' 21" West 2259.84 feet to a monument; (5) thence by and with the parcel labeled "Parcel 1" now or formerly owned by the Board of Education of Worcester County, Maryland, South 46° 29' 01" West 990.46 feet to a point; (6) thence North 26° 09' 34" West 854.39 feet to the southwesterly side of Coulbourne's Lane, and (7) thence by and with the southwesterly side of Coulbourne's Lane North 53° 13' 00" East 673.58 feet to the place of beginning, and being more particularly shown and designated as "Parcel 2" on the hereinbefore mentioned plat, containing 53,9814 [53.9814] acres of land, more or less; BEING PART OF THE SAME property which was granted and conveyed unto William T. Cherrix, Jr., by Deed from William T. Cherrix, Jr., Personal Representative of the Estate of Ethelyne R. Cherrix, deceased of Worcester County and State of Maryland, dated September 27, 1985 and recorded among the Land Records of Worcester County, Maryland in Liber W.C.L. No. 1130, folio 325, et seq.

(e) On December 13, 2005, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous to and binding upon the Southerly corporate limits of the Town of Snow Hill. The effective date of the resolution is January 27, 2006. This land known as the "Summerfield Annexation" is described as follows:

BEGINNING for this description at a point on the southeasterly shoreline of the Pocomoke River, said point being the northwesterly corner of lands now or formerly of Mark R. Odachowski, deed reference: Liber S. V. H. 4269, Folio 25 et. seq.; thence along the lands now or formerly of Mark R. Odachowski, the following sixteen courses: 1) S 31° 53' 17" E – 851.13' to a point; thence 2) N 80° 21' 43" E – 1430.88' to a point; thence 3) S 71° 00' 17" E – 706.86' to a found concrete monument; thence 4) N 26° 51' 54" E – 643.50' to a point; thence 5) N 22° 36' 54" E – 937.20' to a point; thence 6) N 16° 23' 27" E – 791.35' to a found concrete monument; thence 7) N 81° 23' 27" E – 453.75' to a point; thence 8) N 36° 06' 31" E – 135.34' to the center of a branch and the present Snow Hill corporate limit line; thence 9) S 35° 22' 46" E – 21.69' to a point; thence 10) N 73° 55' 17" E – 30.52' to a point; thence 11) S 47° 48' 54" E – 38.61' to a point; thence 12) S 71° 28' 27" E – 39.41' to a point; thence 13) S 89° 11' 09" E – 48.09' to a point; thence 14) S 31° 21' 48" E – 55.83' to a point; thence 15) S 54° 44' 25" E – 57.81' to a point; thence 16) S 10° 14' 42" E – 45.76' to a point; thence by with lands now or formerly of Mark R. Odachowski, deed reference Liber S. V. H. 4044, Folio 484, the following twelve courses: 1) N 45° 32' 36" E – 96.47' to a twin maple tree; thence 2) S 17° 42' 11" E – 296.27' to an iron axle found, passing through an iron pipe found a distance of 106.22' from said twin maple tree; thence 3) S 41° 42' 19" E – 271.50' to a found concrete monument, passing through an iron rod found a distance of 194.58' from said iron axle; thence 4) N 81° 02' 30" E – 346.21' to a found concrete monument at or near the northwesterly line of Maryland Route 394; thence 5) along said Maryland Route 394, with a curve to the right, having a radius of 1870.00', with an arc length of 21.26' to a point, thence 6) S 01° 12' 06" W – 13.80' to a point; thence 7) S 81° 00' 56" W – 265.50' to a point; thence 8) S 16° 27' 36" W – 170.30' to a point; thence 9) S 46° 00' 56" W – 104.50' to a point; thence 10) S 05° 24' 56" W – 173.00' to a point; thence 11) S 23° 33' 56" W – 25.00' to a point; thence 12) S 73° 12' 44" E – 417.30' to a found concrete monument; thence along the northwesterly line of Maryland Route 394, N 01° 12' 06" E – 561.18' to a point; thence across said Maryland Route 394 along the present Snow Hill corporate limit line the following three courses: 1) S 32° 27' 31" E – 77.33' to a point; thence 2) N 84° 09' 29" E – 41.30' to a point; thence 3) S 68° 35' 31" E – 1522.77' to a point; thence by with lands of the Board of Education of Worcester County, Maryland, deed reference Liber F. W. H. 466, Folio 516 et. seq., the following two courses: 1) S 35° 27' 52" E – 742.10' to a point; thence 2) S 37° 19' 14" W – 988.81' to a found concrete monument; thence along the lands now or formerly of Mark Reid Odachowski., deed reference Liber S. V. H. 3918, Folio 428 et. seq., S 45° 24' 44" E – 2260.26' to a found concrete monument; thence along the lands now or formerly of Edwin M. and Gail M. Shockley, deed reference Liber 2080, Folio 495; thence S 82° 23' 30" E – 3.00' to a point; thence along the lands now or formerly of Mark Reid Odachowski, deed reference Liber S. V. H. 3918, Folio 428, S. 07° 36' 30" W. – 2785.22' to a point on the northwesterly line of U.S. Route 113; thence along the northwesterly line of U.S. Route 113 the following nineteen courses: 1) S. 49° 38' 53" W. – 529.96' to a point; thence 2) S 45° 04' 27" W – 150.48' to a point; thence 3) S 52° 10' 01" W – 156.31' to a point; thence 4) N 43° 32' 02" W – 122.56' to an iron bar found; thence 5) S 48° 01' 58" W – 510.18' to a point; thence 6) S 03° 13' 02" E – 103.47' to a point; thence 7) S 52° 09' 59" W – 128.13' to a point; thence 8) S 52° 03' 28" W – 132.73' to a

point; thence 9) S 47° 48' 55" W – 292.89' to a point; thence 10) S 55° 45' 26" W – 683.83' to a point; thence 11) S 68° 51' 27" W – 366.42' to a point; thence 12) S 68° 51' 28" W – 74.38' to a point; thence 13) S 50° 14' 33" W – 152.16' to a point; thence 14) S 73° 11' 33" W – 683.46' to a point; thence 15) S 73° 58' 44" W – 146.00' to a point; thence 16) N 69° 44' 25" W – 70.56' to a point; thence 17) N 68° 24' 09" W – 50.30' to a point; thence 18) N 42° 27' 55" W – 98.00' to a point; thence 19) N 53° 25' 39" W – 57.89' to the northeasterly line of Castle Hill Drive; thence along the northeasterly line of Castle Hill Drive, the following four courses: 1) N 42° 06' 32" W – 485.89' to a point; thence 2) N 42° 00' 21" W – 634.96' to a point; thence 3) N 42° 29' 03" W – 922.95' to a point; thence 4) N 42° 13' 14" W – 274.33' to a point; thence across Maryland Route 394 to the northwesterly line of Maryland Route 394, N 42° 13' 14" W – 40.25' to a point; thence along the northwesterly line of Maryland Route 394, the three following courses: 1) N 41° 25' 03" E – 919.28' to a point; thence 2) N 41° 31' 54" E – 882.66' to a point; thence 3) N 41° 21' 39" E – 60.90' to a point; thence along the lands now or formerly of Summerfield Farms, L. L. C., deed reference Liber S. V. H. 4352, Folio 418 et. seq., and along the northerly line of Castle Way, the five following courses: 1) S 86° 32' 15" W – 44.80' to a point; thence 2) N 48° 27' 45" W – 455.00' to a point; thence 3) S 41° 32' 15" W – 5.00' to a point; thence 4) N 48° 27' 45" W – 29.96' to a point; thence 5) S 41° 35' 27" W – 125.17' to a point; thence continuing along the lands of said Summerfield Farms, L. L. C. and Castle Hills Estates Subdivision the following ten courses: 1) N 21° 49' 28" W – 96.79' to a point; thence 2) N 17° 00' 02" W – 89.87' to a point; thence 3) N 21° 02' 57" W – 47.58' to a point; thence 4) N 43° 40' 28" W – 39.27' to an iron rod found; thence 5) S 41° 35' 27" W – 210.81' to a point; thence 6) S 48° 24' 33" E – 94.65' to a point; thence 7) S 41° 35' 27" W – 55.00' to an iron rod found; thence 8) N 72° 25' 33" W – 123.03' to an iron rod found; thence 9) N 21° 33' 30" W – 132.34' to a point; thence 10) N 85° 20' 18" W – 203.47' to an iron rod found on the easterly line of Tower Drive; thence along the easterly line of Tower Drive, N 04° 39' 53" E – 1.93' to a point; thence along the line of Tower Drive, with a curve to the left, with a radius of 50.00' and an arc of 52.70' to an iron rod found; thence along the lands now or formerly of Thomas W. Stevenson, Jr., deed reference Liber S. V. H. 2949, Folio 6 et. seq., the following three courses: 1) N 48° 11' 04" E – 81.71' to an iron rod found; thence 2) N 19° 33' 44" E – 189.87' to an iron rod found; thence 3) N 85° 22' 59" W – 103.61' to an iron rod found; thence along the lands now or formerly of Robert Rider and William Farlow, deed reference Liber F. W. H. 438, Folio 334, the three following courses: 1) N 70° 18' 58" W – 124.37' to a found concrete monument; thence 2) S 19° 39' 38" W – 199.69' to an iron rod found; thence 3) S 50° 51' 56" E – 95.76' to a point; thence along the northwesterly line of Tower Drive with a curve to the right, having a radius of 50.00' and an arc distance of 82.12' to a point; thence along the said Castle Hill Estates Subdivision, N 85° 23' 30" W – 200.00' to a point; thence along the lands now or formerly of Mark R. Odachowski, deed reference Liber S. V. H. 4269, Folio 25 et. seq., the eleven following courses: 1) S 04° 36' 30" W – 400.00' to a found concrete monument; thence 2) N 56° 14' 17" W – 571.29' to a point; thence 3) N 47° 06' 17" W – 231.00' to a point; thence 4) N 72° 06' 17" W – 195.52' to a point; thence 5) N 49° 36' 17" W – 320.10' to a point; thence 6) N 28° 28' 17" W – 165.00' to a point; thence 7) N 33° 46' 17" W – 330.00' to a point; thence 8) N 37° 31' 17" W – 198.00' to a point; thence 9) N 48° 01' 17" W – 80.86' to an iron pipe found; thence 10) N 87° 56' 17" W – 1223.64' to a point; thence 11) N 59° 06' 07" W – 481.73' to the easterly shoreline of the Pocomoke River; thence along the easterly shoreline of the Pocomoke River in a northeasterly direction to the place of beginning, said point of beginning bearing N 23° 28' 38" E – 2669.73' from the last point.

Containing 966.66 acres more or less (Res. No. 2005-5, 1-27-06.)

## **The Council**

### Section 4. Number, Selection, Term.

All legislative powers of the Town are vested in a Council consisting of three Councilmen who shall be elected as hereinafter provided and who shall hold office for a term of four years or until the succeeding Council takes office. The regular term of Councilman shall expire at the first regular Council meeting following the election of their successors. Councilmen holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of the charter. (Res. No. 1999-6, 12-29-99.)

### Section 5. Qualifications of Councilmembers.

a. Councilmembers must have resided in the Town for at least one year immediately preceding their election, and must be a qualified voter of the Town. They shall maintain a permanent primary residence in the Town during their term of office.

b. [Councilmembers] Must [must] not have been convicted by a State Circuit Court or a United States District Court of a common law felony or of any of the following offenses or wrongful acts:

1. Embezzlement
2. Bribery
3. Extortion
4. Subornation of Perjury
5. Treason
6. Perjury

c. For the purpose of this Subsection b, conviction shall mean a final determination.

### Section 6. Salary of Councilmen.

Each Councilman shall receive an annual salary which shall be equal for all Councilmen and shall be as specified from time to time by an ordinance passed by the Council and approved by the Electorate at the next general election; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was

elected. The ordinance making any change in the salary paid to the several Councilmen, either by way of increase or decrease, shall take effect only as to the members of the next succeeding Council.

#### Section 7. Meeting of Council.

Newly elected Council shall meet at 7:00 P.M. on the second Tuesday following its election for the purpose of organization, after which the Council shall meet regularly at 7:00 P.M. on the second Tuesday of every month. At the organizational meeting the Mayor shall appoint the Secretary and Treasurer of the Council. Additional meetings may be called by the Mayor, or by the majority of the Council as often as necessary for the transaction of business, provided the proceedings of such meetings are presented at the next regular meeting. All meetings of Council shall be open to the public. The rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any open meeting of the Council in regard to any municipal question. (Res. No. 1998-2, 9-30-98.)

#### Section 8. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Council.

#### Section 9. Rules and Order of Business; Written Minutes.

The Council shall determine its own rules and order of business. It shall keep written minutes of its proceedings and enter therein the yeas and nays and abstentions upon final action on any question, resolution, or ordinance if the vote is not unanimous. The written minutes shall be open to the public for inspection.

#### Section 10. Vacancies on the Council.

If a vacancy occurs on the Council because of death, removal, resignation, failure to qualify, or otherwise, the Mayor and remaining Council shall, without delay, but within forty-five (45) days, elect a suitable, qualified person to serve until the next regular election. At the next regular election the qualified voters shall elect a person to fill any unexpired term.

#### Section 11. Ordinances.

(a) In order to enable the Council of Snow Hill to fully exercise the power conferred upon them by this Charter, it may pass all ordinances that are from time to time deemed necessary, to better promote and preserve the public health, safety and welfare of the Town.

(b) All ordinances must be introduced at regular meetings, and no ordinance shall be passed at the meeting at which it is introduced. At the next regular meeting of the Council held after the meeting at which an ordinance was introduced, after a second reading, it shall be

passed, or passed as amended, or rejected, or its consideration deferred to some specified future date.

(c) Emergency ordinances may be introduced at any regular or special meeting and passed at the same meeting. In the absence of the Mayor, the vote must be unanimous. The Mayor retains veto power over such ordinances. Such emergency ordinances shall expire at the next regular meeting.

(d) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following the signature of the Mayor, or the approval of the full body of the Council if vetoed by the Mayor. Any emergency ordinance shall become effective on the date specified in the ordinance.

(e) After the first reading a fair summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the town prior to the second reading, and a copy of the ordinance shall be available at the Town Clerk's Office. (Res. No. 2004-5, 6-30-04.)

#### Section 12. Veto.

All ordinances passed by the Council shall be promptly delivered by the Town Clerk to the Mayor for his approval or disapproval. If the Mayor approves any ordinance, he shall sign it and return it to the Town Clerk within six (6) days after delivery to him (excluding the first day, including the last day and excluding any Sunday). The Mayor shall return the disapproved ordinance to the next regularly scheduled meeting of the Council and voice his reasons for disapproval. Any ordinance returned by the Mayor without his approval shall become law if subsequently passed at a regular meeting by affirmative vote of the entire Council, within forty-five (45) days from the time of the return of the ordinance signed by all Council members.

#### Section 13. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance by the Mayor or passage of any ordinance over the Mayor's veto, a petition is filed with the Town Clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Council'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 approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, may continue in effect for sixty days following receipt of such petition, unless previously expired as provided for in sub-paragraph (c) of Section 11. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or 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 provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of § 60, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of §§ 95 and 96. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

#### Section 14. Files of Ordinances.

All ordinances must be authenticated by the Secretary to the Council, attested to by the Town Clerk, filed in the Town Clerk's office within seven (7) days after passage published in the Town Code, and shall be made available for public inspection.

### **The Mayor**

#### Section 15. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The newly elected Mayor shall take office at the first regular Council meeting following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this charter. (Res. No. 1999-7, 12-29-99.)

#### Section 16. Qualifications.

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

(b) [The Mayor] Must [must] not have been convicted by a State Circuit Court or a United States District Court of a common law felony or of any of the following offenses or wrongful acts:

1. Embezzlement
2. Bribery
3. Extortion
4. Subornation of Perjury

5. Treason

6. Perjury

(c) For the purposes of this Subsection b, conviction shall mean a final determination.

Section 17. Salary.

The Mayor shall receive an annual salary which shall be as specified from time to time by an ordinance passed by the Council and approved by the Electorate at the next general election; provided, however, that the salary specified at the time any Mayor takes office shall not be changed during the period for which that Mayor was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall take effect only as to the next succeeding Mayor.

Section 18. Powers and Duties.

(a) *Generally* – The Mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

(b) *Appointments and removal of employees and heads of offices, departments and agencies* – The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the town government as established by this charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the town government may be appointed and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.

(c) *Reports and recommendations to Council* – During the first quarter of each calendar year, the Mayor shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

(d) *Veto* – The Mayor shall have the power to veto ordinances passed by the Council as provided in § 12.

(e) *Supervision of financial administration of government* – The Mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *Council Meetings* – The Mayor shall serve as President of the Council. He may take part in all discussions, but may vote only in order to break a tie.

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

Section 19. Vacancies in the Office of Mayor.

If a vacancy occurs in the office of Mayor because of death, removal, resignation, failure to qualify or otherwise, the Council shall without delay, but within not more than 45 days, elect a suitable qualified person to serve until the next regular election. At the next regular election the qualified voters shall elect a person to fill any unexpired term.

## General Powers

Section 20. Powers of Council Enumerated.

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

(2) *Specific Powers* – the Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.

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

(4) *Aisles and doors* – 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.

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

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

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

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

(9) *Billboards* – To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards 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.

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

(11) *Buildings* – To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them, to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require 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.

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

(13) *Codification of ordinances* – To provide for the codification of all ordinances.

(14) *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.

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

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

(17) *Dangerous improvements* – 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.

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

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

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

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

(22) *Filth* – To compel the occupant of any premises, building, or outhouse situated in the Town, if it 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 the property, making it collectible by taxes or against the occupant or occupants.

(23) *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.

(24) *Fire* – To suppress fires and prevent the dangers thereof including the right 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.

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

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

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

(28) *Grants-in-aid* – To accept gifts and grants of federal or of State or of County funds from the federal or State or County government or any agency thereof, and to expend the funds for any lawful purpose, agreeably [agreeable] to the conditions under which the gifts or grants were made.

(29) *Hawkers* – To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(30) *Health* – To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but 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.

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

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

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

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

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

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

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

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

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

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

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

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

(43) *Parking meters* – To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

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

(45) *Police force* – To establish, operate, and maintain a police force. All town policemen within the municipality shall have the powers and authority of constables in this state.

(46) *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.

(47) *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 days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

(48) *Quarantine* – To establish quarantine regulations in the interest of the public health.

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

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

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

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

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

(54) *Voting Machines* – To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

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

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

Section 21. Exercise of Powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 22. Enforcement and Penalties.

To assure the observance of the ordinances of the Town, the Council has the power to provide that violations thereof shall be a misdemeanor and have the power to affix thereto penalties.

## **Registration, Nominations, and Elections**

### Section 23. Qualifications of Voters.

(1) Every person who is a citizen of the United States, (2) is at least eighteen (18) years of age, (3) has resided in the State of Maryland for at least thirty days next preceding any Town Election, (4) has resided within the Corporate limits of [the] Town for thirty days next preceding any Town election, and (5) is registered in accordance with the provisions of this Charter, is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote in all Town elections for Mayor and for the Councilperson representing his or her district, and shall be automatically registered to vote in county elections. (Res. No. 1993-8, 7-28-93.)

### Section 24. Board of Supervisors of Elections.

There shall be a board of supervisors of elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in February in every odd-numbered year. The terms of members of the board of supervisors of election [elections] begin on the first Monday in February in the year in which they are appointed and 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 the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Council.

### Section 25. Removal of Members.

Any member of the board of supervisors of elections may be removed for good cause by the Council, if in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. 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 Council if he so requests within ten days after reviewing the written copy of the charges.

### Section 26. Duties.

The Board of Elections Supervisors shall be in charge of the registration of voters, nominations, all Town elections, and shall keep a current listing of registered voters of the town available for a fee as determined by the Mayor and Council. The Board shall have available guidelines for those who wish to run for office. The Board may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses, or other compensation shall be paid to such appointees except as provided by the Council.

### Section 27. Notice.

The Board of Elections Supervisors shall give at least ten (10) days notice of every election by an advertisement published in at least one (1) newspaper of general circulation in the

Town and by posting a notice thereof in some public place or places in the Town. (Res. 1984-73, 2-14-85.)

Section 28. Registration.

There shall be registration of qualified voters, not previously registered to vote, during normal business hours at the office of the Town Clerk, on every day of every month of every year, except Saturdays, Sundays, and city holidays, provided, however, that registration shall cease on the last hour of business on the 5th Friday, preceding any general or special election, and recommence on the 1st hour of business on the next normal business day following said general or special election. If necessary for the performance of registration or the convenience of the eligible voters of the town, the Board of Elections Supervisors may designate additional days, Saturdays, Sundays or holidays, as registration days, provided notice of said special registration is given in at least one newspaper published in Worcester County, Maryland, and having general circulation in the Town, not less than four (4) days before said special registration day and by posting a notice thereof in some public place or places in said Town. Registration shall be permanent and no person is entitled to vote in Town Elections unless he is registered. The Board of Elections Supervisors shall keep the registration list up to date by striking from the list persons known to have died or to have moved out of the town. The Council, by ordinance or resolution, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for registration when necessary. (Res. No. 1984-72, 2-14-85.)

Section 29. Appeal.

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any persons, or by any other action he may appeal to the Council. Any decision or action of the Council upon such appeals may be appealed to the Circuit Court for the County within 30 days.

Section 30. Nomination.

(a) Persons may be nominated for elective office in the town by filing a certification of nomination and paying the appropriate fee with the Board of Elections Supervisors on or before 5:00 p.m. of the last business day in March next preceding the Town election. Such certificate shall identify the office being sought and contain the name and signature of the candidate and such other information necessary to determine his or her proper qualifications for that office.

(b) 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.

Section 31. Election of Mayor and Council.

(a) On the first Tuesday in May in 1982, the Mayor and one (1) Councilmember shall be elected for a two (2) year term. On the first Tuesday in May every two (2) years thereafter a Mayor and one (1) Councilmember shall be elected to serve for a period of two (2) years.

(b) On the first Tuesday in May in 1981, qualified voters of the Town shall elect two (2) persons to serve as Councilmembers. All Councilmembers shall serve for a period of two (2) years. On the first Tuesday in May in 1983, and every two (2) years thereafter, two positions on the Council which shall become vacant on the second Tuesday in May shall be filled by an election of the qualified voters of the Town.

Section 32. Conduct of Elections.

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provision of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Election [Elections] shall keep the polls open from 7:00 A.M. to 7:00 P.M. on election day or for longer hours if the Council requires it. In the event that there is no contest for any of the offices for which an election shall be proper, the Board of Supervisors of Elections are authorized and directed to cancel the election with respect to said office or offices after giving public notice thereof by publication for two (2) successive weeks in a newspaper or newspapers having general circulation in the Town and to certify as elected the candidate or candidates therefor who have filed a valid certificate of nomination pursuant to Section 30 of the Charter. (Res. No. 1984-70, 2-21-84.)

Section 33. 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 34. Absentee Voting.

Any qualified voter registered to vote in the Town of Snow Hill is entitled to vote in any Municipal election by absentee ballot. A qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Board of Supervisors of Elections for an absentee ballot; which application must be received not later than seven (7) days before the election.

Immediately upon receipt of such application it is the duty of the Board to forward the ballot to the voter at the address stated on the application. To be counted the absented [absentee] ballots shall be received no later than the day of election.

**Section 35. Vote Count.**

Within twelve (12) hours after the closing of the polls, the Board of supervisors of Elections shall determine the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the Town Clerk who shall cause the results to be recorded in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate or candidates for Council with the highest number of votes in each general election shall be declared elected as Councilmembers. Each candidate may designate a representative to be present during the entire vote counting process.

**Section 36. Preservation of Ballots.**

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

**Section 37. Women.**

Women shall have the 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 38. Regulation and Control by Council.**

The Council has 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 39. Penalties.**

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

## Financial

### Section 40. Town Clerk and Treasurer.

Subsection (1) There shall be a Town Clerk appointed by the Mayor with the approval of the Council. He shall serve at the pleasure of the Mayor. His compensation shall be determined by the Council.

(2) There shall be a Treasurer who shall be a member of the Council and appointed by the Mayor. The 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 Treasurer under the supervision of the Mayor.

### Section 41. Powers and Duties.

Subsection (1) Under the supervision of the Mayor, the Town Clerk shall have the authority and shall be required to:

a) Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.

b) Maintain a general accounting system for the Town in such form as the Council may require, not contrary to State Law.

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

d) Ascertain, that all taxable property within the Town is assessed for taxation.

e) 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.

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

Subsection (2) Under the supervision of the Mayor, the Treasurer shall have authority and shall be required to:

a) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure the budget appropriations are not exceeded.

b) Have custody of all public monies belonging to or under 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.

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

Section 42. Bond.

The Town Clerk, Treasurer, and any other employee of the Town who is entrusted with collecting, disbursing and/or safekeeping of monies shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require. The premiums on such bonds shall be paid by the Town.

Section 43. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 44. Budget.

The Mayor, on such date as the Council by ordinance determines, but not later than the fourth Tuesday in March before the beginning of any fiscal year, shall submit a budget to the Council which shall contain estimates of anticipated revenues and proposed expenditures for the coming budget 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 Town Clerk, open to public inspection by anyone during normal business hours.

Section 45. Budget Adoption.

Before adopting the budget the Council shall hold a public hearing thereon after two weeks notice thereof in some newspaper or newspapers having general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. If the Council increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council is necessary for adoption.

Section 46. Appropriations.

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

Section 47. Transfer of funds.

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

Section 48. Overexpenditures Forbidden.

No officer or employee during any budget year may 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 is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section 49. Appropriations Lapse After One Year.

All appropriations lapse at the end of the budget year to the extent that they are not 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 50. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer and shall be countersigned by the Mayor.

Section 51. Taxable Property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes. Whenever it shall seem expedient for the encouragement of business and/or industry within the town, real property and tangible personal property used in connection therewith may be exempted from municipal taxation in whole or in part for any certain period of time deemed advisable by the Mayor and Council. Such action must be by ordinance. 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 52. Budget Authorizes Levy.

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

**Section 53. Notice of Tax Levy.**

Immediately after the levy is made by the Council in each year, the Town Clerk 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 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 the responsibility to pay on the dates established by this charter all taxes levied on his property.

**Section 54. When Taxes Are Overdue.**

The taxes provided for in [§] 52 of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the prime rate of interest, not to exceed the legal interest ceiling, for each month or fraction of the month until paid. All taxes not paid after the first day of the following January shall be collected as provided in § 55.

**Section 55. 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 54 of this Charter, shall be turned over by the Town Clerk 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 and if not sold for taxes by this County official, be sold by the Town Clerk, in the manner prescribed by State Law.

**Section 56. Fees.**

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

**Section 57. Audit.**

The financial books and accounts of the town shall be audited annually as required by § 40 of Article 19 of the Annotated Code of Maryland.

**Section 58. Creation of Public Debt.**

In addition to any other borrowing power which the Town may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law:

(a) The Town shall have the power to borrow money and incur indebtedness, from time to time, for any public purpose, and evidence that borrowing or indebtedness by the sale and

issuance of its general obligation bonds, bond anticipation notes, tax anticipation notes, grant anticipation notes or other evidences of indebtedness in the manner hereinafter prescribed.

(b) The Town shall have the power to borrow money for any public purpose, including the refinancing of any outstanding indebtedness, and to evidence such borrowing by the issuance and sale of its general obligation bonds, or notes issued in anticipation thereof, the same to be issued and sold in the manner prescribed in Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition) (1981 Replacement Volume), entitled "Corporations—Municipal", sub-title "Home Rule", sub-heading "Creation of Municipal Public Debt", provided, however, that if the ordinance or ordinances authorizing the issuance and sale of any such bonds or notes shall so specify, the bonds or notes may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids. The ordinance or ordinances authorizing the issuance and sale of such general obligation bonds shall be submitted to referendum. The issuance and sale of bond anticipation notes may be authorized by resolution and no referendum shall be required, provided that the authority and procedure for doing so is included in the ordinance originally authorizing the issuance and sale of the general obligation bond to which said bond anticipation note(s) relates.

(c) The Town shall have the power to borrow, by resolution, in anticipation of the collection of the property tax levied or to be levied for a designated fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six (6) months after the end of the designated fiscal year, but in no event shall they be paid later than eighteen (18) months from the date of their issuance. 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 or anticipated property tax levy for the fiscal year for which said notes or other evidences of indebtedness shall be authorized. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

(d) The Town shall have the power to borrow, by resolution, in anticipation of the receipt of grant funds for a designated grant, and to issue grant anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such grant anticipation note(s) or other evidences of indebtedness shall be a first lien upon the proceeds of said grant and shall mature and be paid not later than thirty (30) days after the receipt of said grant funds. No grant anticipation notes or other evidences of indebtedness shall be issued which will cause the total grant anticipation indebtedness as to a particular grant to exceed the amount of that grant.

(e) The resolutions authorizing the issuance and sale of tax and grant anticipation notes may provide that such notes may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids. (Res. No. 1984-71, 2-21-84.)

#### Section 59. Payment of Indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town

shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of the interest on all bonds, notes, or other evidences of indebtedness issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 60. 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 61. Purchasing and Contracts.

All purchases and contracts for the town government shall be made by the Town Clerk. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000.00) or such amount as may be set by legislative act enacted by unanimous vote of Council shall be made on written contract. The Town Clerk shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The 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 Council before becoming effective. The Council 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. Nothing in this section shall be applicable to the engaging of an independent auditor or the awarding of contracts for professional services. (Res. No. 2004-04, 6-30-04.)

## **Personnel**

Section 62. Authority to Employ Personnel.

The town may 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 provided however that due consideration be given to residents of the Town.

Section 63. Town Clerk.

The Town Clerk shall be appointed as provided for in Section 40. The Town Clerk shall serve as clerk to the Council. He shall attend every meeting of the Council and keep a full and accurate written account of the proceedings of the Council. He shall keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 64. Town Attorney.

The Mayor with the approval of the Council shall appoint a Town Attorney. The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals. The Town Attorney is the legal adviser of the Town and shall perform such duties in this connection as may be required by the Council or the Mayor. His compensation shall be determined by the Council. The Town has the power to employ such legal consultants as it deems necessary from time to time.

Section 65. Chief of Police.

The Mayor with the approval of the Council shall appoint a Chief of Police who shall have operational control over the Police Department. He shall serve at the pleasure of the Mayor and his compensation shall be determined by the Council.

Section 66. Code Enforcement Officer.

The Mayor with the approval of the Council shall appoint a Code Enforcement Officer whose duties shall be set forth in the town's Zoning Ordinance which shall be consistent with Article 66-B of the Annotated Code of Maryland. (Unnumbered Res., 9-28-94; Res. No. 2004-06, 6-30-04.)

Section 67. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members as provided for in Section 24 of this charter.

Section 68. Planning Commission.

The Mayor with approval of the Council shall appoint a Planning Commission consisting of five members. Their duties shall be set forth in the Town's Zoning Ordinance which shall be consistent with Article 66-B of the Annotated Code of Maryland. (Unnumbered Res., 9-28-94.)

Section 69. Board of Zoning Appeals.

The Mayor with approval of the Council shall appoint a Board of Zoning Appeals consisting of five members. Their duties shall be set forth in the town's Zoning Ordinance which shall be consistent with Article 66-B of the Annotated Code of Maryland.

Section 70. Treasurer.

There shall be a Treasurer as provided for in Section 40 of this Charter. His duties are outlined in Section 41 of this Charter.

Section 71. Tax Collector.

The Town Clerk shall serve as Tax Collector whose duties are outlined in Section 41 of this Charter.

Section 72. Town Administrator.

(a) Whenever in the judgment of the Mayor and Council it would appear that the complexities of government have advanced to the point where the effective administration of the Town requires a full time administrator, the position of Town Administrator may be activated. Activation shall be by ordinance which requires:

(1) The Town Administrator be appointed by the Mayor with consent of Council.

(2) The Town Administrator be chosen on the basis of having executive and administrative qualifications suitable for the position.

(3) The Town Administrator be Executive Secretary to and serve at the pleasure of the Mayor.

(4) The Town Administrator attend all meetings of the Council unless excused by the Mayor.

(5) The Town Administrator have such other duties assigned by the Council not inconsistent with this Charter and approved by the Mayor.

(6) The Town Administrator be an unclassified employee.

(7) The Town Administrator receive compensation as the Mayor and Council shall determine.

(b) The Mayor and Council shall, by ordinance, deactivate the position of Town Administrator when [In] their judgment such action should be taken.

Section 73. Merit System Authorized.

The Town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Council may 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 compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The Town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section 74. Unclassified and Classified Service.

The Civil Service of the Town shall be divided into the unclassified and classified service.

(a) *Unclassified service* – The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The Mayor, the Councilmen, and persons appointed to fill vacancies in these positions.

(2) The Town Clerk and Town Attorney.

(3) The heads of all offices, departments, except the Water and Sewer and Street Department and agencies and members of Town boards and commissions appointed by the Mayor with the approval of the Council.

(4) Part-time, temporary, and unpaid offices and positions.

(b) *Classified Service* – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted. (Unnumbered Res., 9–28–94; Res. No. 2004–06, 6–30–04.)

Section 75. Prohibitions and Penalties.

(a) *Prohibitions* – If a merit system is adopted, no person in the classified service of the Town 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; no person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; 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 thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or likewise solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; 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 political campaign 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 wilfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. Any person who is convicted under this service for a period of five years, and if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section 76. Retirement System.

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

Section 77. Compensation of Employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the Council, subject to the restrictions imposed upon establishing the salaries of the Councilmen and Mayor.

Section 78. Employee Benefit Program.

The town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, or any of them, and may expend public monies of the town for such programs.

**Public Ways and Sidewalks**

Section 79. Definition of Public Ways.

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

Section 80. Control of Public Ways.

The Town has control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. 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 81. Powers of Town as to Public Ways.

The Town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curb, and gutters.
- (2) Grade, lay out, construct, open, extend, and make new town public ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (4) Pave, surface, repave, or resurface any town public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name town public ways.
- (8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 82. Powers of Town as to Sidewalks.

The Town may:

- (1) 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.
- (2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
- (3) Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- (4) Require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work and the expense shall be lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.
- (5) When in the interest of public safety it is deemed necessary, the Town by ordinance may require the construction of sidewalks as provided in Subsection (4).

## Water and Sewers

### Section 83. Powers of Town.

The Town may:

- (1) Construct, operate and maintain a water system and water plant.
- (2) Construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- (3) Construct, operate, and maintain a storm water drainage system and storm water sewers.
- (4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

### Section 84. 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 is 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 85. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in one, or over any public way in the Town or in the County which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall 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 § 98. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 86. Entering on County and State Public Ways.

The Town may enter upon or do construction in, on, or over any 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 sewage system, sewage treatment plant, or storm water sewers. Unless required by the County or State, the Town need not obtain any permit to pay any charge for these operations, but it must notify the County or State 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 87. Connections.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The Town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not [to] be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 88. Same – Charge.

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

Section 89. Changes in Plumbing, Etc., to Prevent Waste or Improper Use.

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

Section 90. Private Systems.

The Town by ordinance may provide that no water supply, sewerage, or storm water drainage system and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporations, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affectance and may be abated by the Town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 91. Extensions Beyond Boundaries.

The Town may extend its water or sewerage system beyond the Town limits.

Section 92. 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, and after proper identification and verification, has a 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 the entry by owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section 93. Pollution of Water Supply.

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 is a misdemeanor.

Section 94. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supply and for the removal of sewage. These charges are to be billed and collected by the Town Clerk, and if bills are unpaid within forty-five days, an interest charge and/or late charge as are established by Ordinance, may be added. If bills are unpaid within sixty (60) days, the service may be disconnected. All charges shall be a lien on the property collectible in the same manner as Town taxes or by suit at law.

## **Special Assessments**

Section 95. Power of Town to Levy Special Assessments.

The Town may levy and collect taxes in the form of special assessments upon the property in a limited and determinable area for special benefits conferred upon the 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 it may provide for the payment of all or any part of the above projects out of the proceeds of the 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 96. Procedure.

(a) *Provided* – The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

(b) *Assessment of 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 Council.

(c) *Amount* – 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 causes 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.

(d) *Uniformity of Rates* – 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.

(e) *Levy of Charges; Public Hearing; Notice* – All special assessment charges shall be levied by the Council by Ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Town Clerk 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 their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least twice in a newspaper of general circulation in the Town. The Town Clerk 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 and not more than thirty days after the Town Clerk shall have completed publication and service of notice as provided in this section. Following the hearing the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to 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 fifteen days after the levying of any assessment by the Council.

(g) *Payments; Interest* – Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the

Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(h) *When Due; Lien on Property; Collection* – All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

(i) *Town Clerk* – All special assessments shall be billed and collected by the Town Clerk.

## **Town Property**

### Section 97. 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 98. Condemnation.

The Town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the Town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland (1957 Edition, as amended), title Eminent Domain.

### Section 99. Town Buildings.

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

### Section 100. Protection of Town Property.

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

## General Provisions

### Section 101. Oath of Office.

(a) *Oath Required* – Before entering upon the duties of their offices, the Mayor, the Councilmen, the Town Clerk, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town Government shall take and subscribe to 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) *Before Whom Taken and Subscribed* – The Mayor shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court for the County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath shall do so before the Mayor. The public shall be given due notice of such ceremony.

### Section 102. Prior Rights and Obligations.

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

### Section 103. Repealed. (Unnumbered Res., 9–28–94.)

### Section 104. Effect of Charter on Existing Ordinances.

(a) *Ordinances, Etc., not in Conflict with Charter 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.

(b) *Ordinances, Etc., in Conflict with Charter Repealed* – 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 are repealed to the extent of such conflict.

Section 105. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 106. Gender.

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

Section 107. Recall.

If it would appear that any elected official is not properly carrying out his duties and responsibilities, a petition may be filed with the Town Clerk (containing not less than 20% of the qualified voters of the Town) requesting that a special election be held (as provided for in Sect. [33]) to determine such elected official's right to continue to serve the town.

A special election, having been petitioned for the purpose as indicated herein, shall be held without delay, but within not more than 30 days provided that the ballot shall contain only the name of the affected official and provisions for voting for or against his retention. If the majority of those voting, vote for retention, such official shall remain in office for the remainder of his elected term unless otherwise disqualified. However, if the majority of those voting should vote against retention, such official shall become immediately disqualified for retention in office and the remaining elected officials shall move to fill the vacancy as provided for in Sections 10 and 19 of this charter.

Section 108. Amendments.

Amendments to this Charter shall be made pursuant to the procedure set forth in Sections 11–18 Article 23A Annotated Code of Maryland.

Section 109. Enforcement of Ordinances.

(a) To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as a municipal infraction, and has the power to affix thereto penalties of a fine and/or imprisonment as permitted by State law, as amended from time to time. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten days to the Circuit Court of the County in which the fine, forfeiture, or penalty was imposed. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) (1) The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other municipal ordinance. For purposes [purposes] of this section a municipal infraction is a civil offense.

(2) A fine not to exceed a fine as permitted by State law, as amended from time to time, may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within 20 calendar days to receipt of a citation. Repeat offenders may be assessed a fine not to exceed a fine as permitted by State law, as amended from time to time, for each repeat offense, and each day a violation continues shall constitute a separate offense.

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

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Unnumbered Res., 9-28-94.)

**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” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum area” shall mean 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” shall mean 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” shall mean 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 thereof in accordance with an urban renewal plan. Such undertakings and activities may include:
- (1) acquisition of a slum area or a blighted area or portion thereof;
  - (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 in the urban renewal area 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” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such 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” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Persons” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Mayor and Council of Snow Hill.

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said 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. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall 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 such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall 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 thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the

specific powers hereinbefore granted 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 such plans, which plans may include but shall not be 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 improvement; 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 for such 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 such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; 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 such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such 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 agreement with any other public bodies or agencies (which 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 such conditions imposed pursuant to Federal laws as the municipality may deem 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 such municipality in order that the objectives of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

#### Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix;

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix; and

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

#### Section A1-104. 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 such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such 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 sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such 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 thereof 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 such 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 who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms 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, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such 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 substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved 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 thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not 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 such 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 such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to 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 thereon. 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 such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this appendix. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any

persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate 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 sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

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

#### Section A1-107. Eminent Domain.

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

#### Section A1-108. Encouragement of Private Enterprise.

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

#### Section A1-109. 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 authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

#### Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the

municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to 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 shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed 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, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such 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 such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

#### Section A1-111. Separability.

If any provisions of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

#### Section A1-112. Short Title.

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

#### Section A1-113. 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 Snow Hill in Chapter 172 of the Acts of the General Assembly of 1963.

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 Snow Hill 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.

(2) Resolution No. 2003–2, effective June 27, 2003, provided for the annexation of 60.92 acres of land, more or less. This resolution, however, failed to provide for a change in the boundary description contained in this Charter. Accordingly, this annexation is simply noted pursuant to the municipal general powers section of this Charter.