

CHARTER

OF THE

Town of Sudlersville

QUEEN ANNE'S COUNTY, MARYLAND

*As found in the Public Local Laws
of Queen Anne's County, 1974 Edition, as amended*

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SUDLERSVILLE

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Section 24-1. Incorporated; general powers.

The inhabitants of the Town of Sudlersville within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of The Commissioners of Sudlersville with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated. (Res., June 14, 1966, sec. 1.)

Section 24-2. Corporate limits.

The corporate limits or boundaries of the Town of Sudlersville shall be as described on a plat thereof to be recorded in the office of the Clerk of the Circuit Court for Queen Anne's County and shall include all of the territory within the following limits:

Beginning in the center of the public road leading [leading] (See note (2)) from Sudlersville to Church Hill at a point in line with the fence on the eastern side of the lane entrance to Mrs. Anne R. Sudler's farm and running with the center of this road North 86 degrees West, 56 feet to a point opposite the line between the property of J. W. Stafford and Reese Coleman; thence with said divisional line South 1 1/4 degrees East, 225 feet six inches to the rear line of the J. W. Stafford property; thence with the rear line of said property North 81 degrees East, 422 feet; thence south 1/2 degree East, 1,100 feet to the line of the Merrick Home Farm; thence with the line of the Merrick Farm and the School property to a point 203 feet west of the center of the concrete road leading from Sudlersville to Barclay; thence South 3/4 degree West, 1,009 feet to a stake in the field of said Merrick farm; thence in a Southerly direction parallel to the center of said concrete road to a point in the center of the south lane to the Merrick home known as Hilton Grange Mansion House; thence in a southeasterly direction 300 feet, more or less, along a line running across said concrete road perpendicular to the tracks of the Pennsylvania Railroad Company to a point on the east boundary of the right of way of said Railroad Company; thence in a northeasterly direction 900 feet, more or less, along the said east boundary of the said right-of-way to a post in Milton Cecil's fence on the eastern side of said Railroad property; thence North 12 1/4 degrees East 1,507 feet to a concrete corner post at the intersection of the George-Cecil divisional line with the Pennsylvania Railroad Company; thence South 82 degrees East with the divisional line between Jos. M. George's lot and Milton Cecil's farm, 322 feet to a stake in Milton Cecil's field; thence North 12 1/4 degrees East, 992 feet, more or less, to a point 240 feet south of the center line of the public road leading from Sudlersville to Smyrna; thence in an easterly direction parallel to the center line of said road to a point in the center of Chapel Branch Ditch; thence in a northerly direction across said public road along the center line of said Chapel Branch Ditch to a point 240 feet north of the center line of said public road; thence in a westerly direction parallel to the center of said public road to a point 740 feet South 4 degrees West of a stake in the field of the Roberts Farm; thence North 4 degrees East 740 feet to said stake; thence north 89 1/2 degrees West, across the property of the Penna. Railroad Co., 1,152 feet to the northeast corner of Mrs. Austin Robert's garage; thence North 5

degrees West to a point on the center line of a farm ditch in the Roberts' farm field; thence in a westerly direction along the center line of said ditch, across the concrete road leading from Sudlersville to Millington, to a point 284 feet west of the center line of said road; thence in a southerly direction to a fence post about 18 feet north of the northwest corner of William Phillips' garage; thence South 7 1/2 degrees East, 1,252 feet, more or less to the northwest corner of the John W. Smith property; thence South 81 3/4 degrees West, 506 feet to the fence, on the eastern side of the lane to the Annie R. Sudler farm; thence with said fence, South 4 3/4 degrees West, 200 feet, more or less, to the place of beginning. (Res., June 14, 1966, sec. 2.)

1975 Annexation Tract 1

Beginning for the same at a point in the centerline of Md. Rte. 300 at the end of the first line of the description of the corporate limits of Sudlersville; and running, thence, to and by and with the division line between the lands of J. W. Stafford and Norwood A. Coleman, which is the second line of the aforementioned description, S 06 degrees 45' 10" E-177.13' to a point on said line; thence, crossing the lands of Coleman to the southeast corner of the lands of John Kirby and by and with the rear or south lines of the lands of Kirby, Gillespie, Phillips, Scheltz, Everett, Jester, Jackson, Weller, and W. Preston Lee, Jr. S 86 degrees 52' 20" W-1440.56' to the southwest corner of said Lee lands; thence, by and with the west side of said Lee lands and the extension of the same N 08 degrees 27' 40" W-179.94' to the centerline of Md. Rte. 300; thence, by and with the centerline of said road N 86 degrees 58' E-1446.08' to the place of beginning. Containing in all 5.897 acres of land, more or less.

Tract 2

Beginning for the same at a point where the existing corporate limits of Sudlersville, 240' south of the centerline of Md. Rte. 300, intersects the westerly line of the lands of Grace Weller (Lots 1 and 2 on the subdivision plat entitled "Paul W. Phillips Lands", recorded in the Land Records of Queen Anne's County Liber NBW 8, folio 398); and running, thence, by and with the existing town lines N 86 degrees 57' 40" E-562.60', along a curve the chord of which is N 88 degrees 51' 10" E-413.06' to the center of chapel Branch, and by and with the centerline of said branch N 05 degrees 25' E-240.66' to the centerline of Md. Rte. 300; thence, by and with the centerline of said road along a curve the chord of which is S 87 degrees 48' 50" E-119.50', S 86 degrees 07' 30" E-284.74', and along a curve the chord of which is S 88 degrees 11' 20" E-228.09' to the intersection of the centerline of Md. Rte. 300 and the extension of the centerline of Sudlersville Cemetery Road; thence, S 0 degrees 39' 20" E-294.07' to a concrete monument marking the southeast corner of Lot 33 of the aforementioned subdivision and the southeast corner of the lands of Chester R. Supers; thence, by and with the rear or south lines of Lots 33 through 1 of said subdivision S 89 degrees 33' 20" W-1620.18' to a concrete monument at the southwest corner of the lands of Grace Weller; thence, by and with the west side of said Weller lands N 11 degrees 31' 40" W-61.18' to the place of beginning. Containing in all 6.392 acres of land, more or less.

Tract 3

Beginning for the same at a point where the corporate limits of Sudlersville intersects the north side of the lands of James B. Clements; and running, thence, by and with the existing town lines S 07 degrees 10' 10" E-138.41' to a point in the center of the south lane leading to the Clements house and S 76 degrees 13' 10" E-133.64' to a concrete monument on the west side of Md. Rte. 313; thence, by and with the division line between said Clements lands and the lands of Marion Brower the five following courses and distances: (1) S 83 degrees 41' 20" W-427.97' to a concrete monument, (2) N 08 degrees 41' 20" W-207.00' to a concrete monument, (3) N 81 degrees 00' 30" E-252.00' to a concrete monument, (4) S 08 degrees 43' 10" E-37.50' to a concrete monument, and (5) N 80 degrees 26' 30" E-55.78' to the place of beginning. Containing in all 1.521 acres of land, more or less. (Annexation Resolution, 6-21-75.)

**2004 Annexation
(Coleman's Farm)**

BEGINNING for the same at a point located along the southernmost right-of-way line of Maryland Route 300 at the intersection of the division line between the lands now or formerly of Blanche Marie Coleman Vonville, et al (see S.M. 911/429), and the lands of Coleman's Farm Partnership (see S.M. 656/207), said point further located on the third line as described in the Charter of the Town of Sudlersville, Tract 1, 1975 Annexation;

THENCE leaving said beginning point so fixed and binding on the aforesaid division line and the existing corporate limits of the Town of Sudlersville;

- 1) South 01° 16' 51" East 149.66 feet to a point;

THENCE continuing with the existing corporate limits of the Town of Sudlersville and the southernmost outline of the aforesaid Vonville lands, the lands now or formerly of Pearson B. Adams, et ux, (see S.M. 763/16), the southernmost outline of the lands now or formerly of Jamie B. Demoss, et ux (see S.M. 953/642), the southernmost outline of the lands now or formerly of Leonard W. Lockwood, et ux (see S.M. 969/411), the southernmost outline of the lands now or formerly of Spencer W. Everett, et ux (see C.W.C. 15/130), the southernmost outline of the lands now or formerly of William E. Dobbins, et ux (see M.W.M. 432/528), the southernmost outline of the lands now or formerly of David H. Rose, et ux (see C.W.C. 125/586), the southernmost outline of the lands now or formerly of Larry E. McGuire et ux, (see M.W.M. 400/679), the southernmost outline of the lands now or formerly of Helen D. Russum (see M.W.M. 223/691) and running through a portion of the aforesaid lands of Coleman's Farm Partnership;

- 2) South 85° 55' 54" East 1,387.96 feet to a point on the westernmost outline of the lands now or formerly Queen Anne's County Board of Education (see M.W.M. 401/851);

THENCE binding on the aforesaid westernmost outline of the aforesaid Board of Education lands and the corporate limits of Sudlersville, pursuant to Annexation Resolution No. 01 02, the four (4) following courses and distances;

- 3) South 01° 13' 22" East 50.18 feet to a point;
- 4) South 09° 11' 25" East 88.13 feet to a point;
- 5) South 17° 04' 08" East 236.48 feet to a point;
- 6) South 06° 47' 02" East 772.16 feet to a point at the northeasternmost corner of the lands now or formerly Elizabeth G. Merrick, Inc. (see M.W.M. 321/125);

THENCE leaving the Board of Education lands and the existing corporate limits of the Town of Sudlersville and binding on the northernmost outline of the aforesaid Merrick, Inc. lands;

- 7) South 81° 50' 43" West 1,889.04 feet to a point located at the northeasternmost corner of the lands of the Commissioners of Sudlersville (see CWC 95/426),[;]

THENCE leaving the lands of Coleman's Farm Partnership and binding on the easternmost and southernmost outline of the aforesaid lands of the Commissioners of Sudlersville the two (2) following courses and distances:[;]

- 8) South 00° 13' 13" West 1,080.19 feet to a point; and
- 9) North 89° 46' 47" West 414.62 feet to a point on the easternmost outline of the lands now or formerly of Kathryn Willis (see S.M. 552/93);

THENCE binding on the easternmost outline of the aforesaid Willis lands, the three (3) following courses and distances;

- 10) North 00° 11' 52" East 1,019.09 feet to a point;
- 11) South 81° 50' 43" West 776.00 feet to a point; and
- 12) North 07° 54' 25" West 631.38 feet to a point;

THENCE leaving the Willis land, and running through the lands of Coleman's Farm Partnership;

- 13) North 77° 15' 14" East 166.92 feet to a point located at the southwesternmost corner of Lot 6 of the Norwood Estates subdivision (see Plat Book 18, Folio 5);

THENCE binding on the perimeter of the aforesaid Norwood Estates Subdivision, the ten (10) following courses and distances;

- 14) North 77° 15' 14" East 555.73 feet to a point;
- 15) North 18° 51' 35" West 227.49 feet to a point;
- 16) North 71° 23' 08" East 119.46 feet to a point;
- 17) North 18° 36' 52" West 125.00 feet to a point;
- 18) South 71° 23' 08" West 120.00 feet to a point;
- 19) North 18° 51' 35" West 386.28 feet to a point;
- 20) North 06° 24' 38" West 338.89 feet to a point;
- 21) South 86° 07' 18" West 224.81 feet to a point;
- 22) North 06° 24' 38" West 86.85 feet to a point of curvature;

THENCE with the arc of a curve to the right a distance of 44.06 feet to a point of tangency on the southernmost right-of-way of the aforementioned Maryland Route 300, said curve having a radius of 25.00 feet, and being scribed by a chord of;

- 23) North 44° 04' 53" East 38.58 feet;

THENCE leaving the outline of Norwood Estates, and binding on the aforesaid southernmost right-of-way of Maryland Route 300, the two (2) following courses and distances;

- 24) South 85° 25' 23" East 270.57 feet to a point;
- 25) South 85° 48' 45" East 1,108.80 feet to the place of beginning;

Containing in all 102.834 acres of land, more or less, as described pursuant to recorded information by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in August 2003.

This description is prepared without the benefit of a review of an abstract of title. (Res. No. 2003-05, 2/20/04.)

BEGINNING for the same at [a] point located along the westernmost outline of the herein-described lands of S. E. W. Friel, LLP, along the easternmost right-of-way line of the lands of the Maryland Department of Transportation, State Railroad Administration; said beginning point being further located at the southernmost corner of the corporate limits of the Town of Sudlersville at the beginning of the ninth (9th) line as described in Section 24-2, Corporate Limits of the Charter of the Town of Sudlersville; said beginning point being located

as shown on a plat entitled, "ANNEXATION TO THE TOWN OF SUDLERSVILLE OF PART OF THE LANDS OF S. E. W. FRIEL, LLP," prepared by McCrone, Inc., dated January 2003;

THENCE leaving said beginning point so fixed and binding on the easternmost right-of-way line of the lands of the Maryland Department of Transportation and the existing Corporate Boundary of the Town of Sudlersville, as now surveyed, the four (4) following courses and distances;

- 1) North 22° 11' 20" East 224.94 feet to a point of curvature;

THENCE with the arc of a curve to the left a distance of 818.36 feet to a point of tangency, said curve having a radius of 4,849.54 feet, and scribed by a chord of;

- 2) North 17° 21' 16" East 817.39 feet;
- 3) North 12° 31' 48" East 550.18 feet to a point;
- 4) North 12° 15' 00" East 680.80 feet to a point located at the northwesternmost corner of the aforementioned lands of S. E. W. Friel, LLP;

THENCE leaving the lands of the Maryland Department of Transportation and continuing with the existing corporate boundary of the Town of Sudlersville;

- 5) South 77° 45' 00" East 124.82 feet to a point located along the westernmost outline of the lands now or formerly of the County Commissioners of Queen Anne's County (see M.W.M. 338/639);

THENCE binding on the division line between the herein-described lands and the aforesaid lands of the County Commissioners of Queen Anne's County, the six (6) following courses and distances;

WITH the arc of a curve to the left a distance of 110.55 feet to a point of tangency, said curve having a radius of 648.94 feet, and scribed by a chord of;

- 6) South 25° 23' 55" East 110.41 feet;
- 7) South 30° 16' 44" East 231.53 feet to a point;
- 8) North 88° 52' 52" East 837.74 feet to a point;
- 9) North 87° 46' 30" East 178.82 feet to a point;
- 10) North 84° 45' 38" East 115.62 feet to a point; and
- 11) North 86° 06' 41" East 113.66 feet to a point;

THENCE leaving the lands of the County Commissioners of Queen Anne's County and continuing said same course;

12) North 86° 06' 41" East 2.15 feet to a point located in the center of Chapel Branch Ditch;

THENCE following the centerline of the aforesaid Chapel Branch Ditch, through the aforementioned lands of S. E. W. Friel, LLP, the twenty-four (24) following courses and distances;

- 13) South 11° 52' 15" East 318.72 feet to a point;
- 14) South 13° 17' 36" East 191.04 feet to a point;
- 15) South 07° 12' 01" East 71.64 feet to a point;
- 16) South 01° 56' 17" West 68.72 feet to a point;
- 17) South 05° 44' 40" West 162.44 feet to a point;
- 18) South 06° 12' 08" West 201.28 feet to a point;
- 19) South 01° 29' 05" West 127.92 feet to a point;
- 20) South 26° 32' 42" East 104.71 feet to a point;
- 21) South 32° 00' 24" East 92.16 feet to a point;
- 22) South 34° 16' 10" East 78.71 feet to a point;
- 23) South 41° 19' 39" East 60.36 feet to a point;
- 24) South 49° 34' 39" East 38.78 feet to a point;
- 25) South 22° 46' 50" West 207.83 feet to a point;
- 26) South 20° 34' 45" West 42.77 feet to a point;
- 27) South 18° 33' 09" East 24.50 feet to a point;
- 28) South 42° 48' 59" East 37.58 feet to a point;
- 29) South 49° 20' 36" East 60.64 feet to a point;
- 30) South 43° 59' 04" East 46.69 feet to a point;

- 31) South 24° 35' 12" East 55.99 feet to a point;
- 32) South 11° 16' 37" East 76.19 feet to a point;
- 33) South 03° 19' 49" West 160.69 feet to a point;
- 34) South 02° 46' 04" East 158.56 feet to a point;
- 35) South 01° 51' 36" East 163.36 feet to a point; and

36) South 17° 44' 31" West 12.19 feet to a point located along the northernmost outline of the lands of Peter G. Sheaffer and Poplar Hill Holdings, LLC (see S. M. 860/350);

THENCE leaving the ditch and binding on the aforesaid division line, the two (2) following courses and distances;

- 37) South 88° 23' 39" West 395.68 feet to a point;

38) South 72° 18' 56" West 2,227.50 feet to a point located along the easternmost side of Elevator Road;

THENCE binding on the easternmost side of Elevator Road, the four (4) following courses and distances;

- 39) North 01° 39' 46" East 769.02 feet to a point;
- 40) North 88° 20' 21" West 5.00 feet to a point;
- 41) North 01° 39' 46" East 131.54 feet to a point of curvature;

THENCE with the arc of a curve to the left a distance of 112.29 feet to a point located on the easternmost right-of-way of the aforementioned lands of the Maryland Department of Transportation, State Railroad Administration, said curve having a radius of 120.00 feet and scribed by a chord of;

- 42) North 25° 08' 39" West 108.24 feet;

THENCE binding on the easternmost side of the aforesaid lands of the Maryland Department of Transportation, State Railroad Administration;

- 43) North 22° 11' 20" East 207.83 feet to the place of beginning.

Containing in all 132.136 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in January 2003. (Res. No. 2004-01, 5-21-04.)

The Commission

Section 24-3. Number; selection; term.

All legislative powers of the town shall be vested in a Commission (sometimes hereinafter referred to as town) consisting of three Commissioners, until such time as additional Commissioners shall have been elected and qualified in accordance with Section 24-20 hereof, at which time all legislative power shall be vested in a Commission consisting of five Commissioners, who shall be elected as hereinafter provided and who shall, unless otherwise specified herein, hold office for a term of three years or until the succeeding Commissioner takes office. The regular term of Commissioner shall expire on the fourth Monday in May following the election and qualification of a successor. Commissioners holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Commissioners take office under the provisions of this charter. (Res., June 14, 1966, sec. 3; Res. 2005-04, 7-27-05.)

Section 24-4. Qualifications.

Commissioners shall have resided in the town at least two years immediately preceding their election and shall be qualified voters of the town. (Res., June 14, 1966, sec. 4.)

Section 24-5. Salary.

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners and shall be as specified from time to time by an ordinance passed by the Commission in the regular course of its business; provided, however, that the salary specified at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. An ordinance making and [any] change in the salary paid to the several Commissioners, either by way of increase or decrease, shall take effect only as to members of the Commission who shall be elected or re-elected to office after the passage of such salary change. (Res., June 14, 1966, sec. 5.)

Section 24-6. Meetings; President.

The said Commission shall have power to meet and adjourn from time to time as they shall think proper, except that they shall meet at least once every month, and at their first meeting on or after the fourth Monday in May shall choose from their own body a President, who shall preside at all their meetings, vote on all questions before them, and remain in office until superseded by the appointment of a new President. Special meetings shall be called by the President or a majority of the members of the Commission. All meetings of the Commission shall be open to the public, and the rules of the Commission shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. (Res., June 14, 1966, sec. 6.)

Section 24-7. Judge of qualifications of members.

The Commission shall be the judge of the election and qualifications of its members. (Res., June 14, 1966, sec. 7.)

Section 24-8. Quorum.

A majority of the members of the Commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Commission. (Res., June 14, 1966, sec. 8.)

Section 24-9. Procedure.

The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection. (Res., June 14, 1966, sec. 9.)

Powers

Section 24-10. Powers.

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

(2) *Specific powers.* The Commission shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(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.* 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 Commission.

(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 town, 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 the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; 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 town and to regulate cemeteries.

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

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

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

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

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

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

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

(24) *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.

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

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

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

(28) *Gambling.* To restrain and prohibit gambling.

(29) *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.

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

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

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

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

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

(35) *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.

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

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

(38) *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.

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

(40) *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.

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

(42) *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, 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.

(43) *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.

(44) *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.

(45) *Parking meters.* To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance prescribe rates and provisions for the use thereof.

(46) *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.

(47) *Police force.* To establish, operate, and maintain a police force. All town policemen shall, within the municipality have the powers and authority of sheriffs in this State.

(48) *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.

(49) *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.

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

(51) *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.

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

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

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

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

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

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

(58) *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (Res., June 14, 1966, sec. 10.)

Section 24–11. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this charter the Commission may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (Res., June 14, 1966, sec. 11.)

Section 24–12. Enforcement of ordinances; penalties.

(a) To ensure the observance of the ordinances and resolutions of the town, the Commission shall have the power to enforce any said ordinance and resolution by providing that any violation thereof shall be a misdemeanor, and to affix thereto penalties in the form of fines and/or imprisonment in such amounts or terms not to exceed the maximums permitted by appropriate provisions of State law and/or such other or additional penalties as may be from time to time so authorized.

(b) The Commission may provide that violations of any town ordinance shall be a municipal infraction, unless the violation is declared to be a felony or misdemeanor by law or ordinance, and to affix thereto a penalty and/or fine in the manner and in such amount as is authorized under the provisions of the Annotated Code of Maryland or this Charter and as deemed appropriate by the Commission. The Commission may provide for a separate violation for each 24-hour period that a violation exists. For purposes of this Charter, a municipal infraction is a civil offense. (Res., June 11, 1966, sec. 12; Res. No. 01–05, 12–4–01.)

Section 24–13. File of ordinances.

Ordinances shall be permanently filed by the Clerk–Treasurer and shall be kept available for public inspection. (Res., June 11, 1966, sec. 13.)

Registration, Nominations, and Elections

Section 24–14. Voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the State of Maryland for at least one year next preceding any town election, (4) has resided within the corporate limits of the town for six months next preceding any town election, and (5) is registered in accordance with the provisions of this charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections. (Res., June 11, 1966, sec. 14; Res., 5–2–73.)

Section 24–15. Election duties.

The Clerk–Treasurer shall be in charge of the registration of voters, nominations, and all town elections. The Commission may appoint election clerks or other employees to assist him in any of its duties. He shall not be a candidate for any elective office during the appointment as Clerk–Treasurer. (Res., June 11, 1966, sec. 15.)

Section 24–16. Notice of elections.

The Clerk–Treasurer shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in

the town and by posting a notice in some public place or places in the town. (Res., June 11, 1966, sec. 16.)

Section 24-17. Registration.

There shall be a registration on the first Monday in May in every year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the town, the Commission may designate additional days as registration days. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Clerk-Treasurer to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The Commission is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a re-registration when necessary. (Res., June 11, 1966, sec. 17.)

Section 24-18. Appeals.

If any person shall feel aggrieved by the action of the Clerk-Treasurer in refusing to register or on striking off the name of any person, or by any other action, such person may appeal to the Commission. Any decision or action of the Commission upon such appeals may be appealed to the Circuit Court for Queen Anne's County within thirty days of the decision or action of the Commission. (Res., June 11, 1966, sec. 18.)

Section 24-19. Nominations.

Persons may be nominated for elective office in the town by filing a certificate of nomination signed by five registered voters in the town. Such certificate shall state the following: (1) the office [for] which the candidate is seeking the nomination, (2) the name of the candidate, (3) a statement that the signers of the certificate are registered voters, (4) the signers support the nomination of the named candidate. The certificate shall be filed with the Clerk at least thirty calendar days prior to the election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. Provision is hereby also made for any voter to write in the name on the ballot of any other qualified person for Town Commissioner. (Res., June 11, 1966, sec. 19.)

Section 24-20. Election of Commissioners.

On the third Monday of September, 2005, the qualified voters of the town shall elect one person as Commissioner to serve for a term ending on the fourth Monday of May, 2007; and one person as Commissioner to serve for a term ending on the fourth Monday in May, 2008. Such Commissioners shall be in addition to those Commissioners already serving, having been elected in their respective elections of May, 2003, 2004, and 2005 (or completing the terms of Commissioners then so elected). On the third Monday of May, 2006, and on the third Monday in May of each succeeding year, the qualified voters of the town shall elect as Commissioners either one or two persons, as the case may be, to succeed those Commissioners whose terms are expiring in that month. (Res., June 11, 1966, sec. 20; Res. 2005-04, 7-27-05.)

Section 24–21. Same; conduct.

It shall be the duty of the Clerk–Treasurer to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The Clerk–Treasurer shall keep the polls open from 1:00 p.m. until 7:00 p.m. on election days or for longer hours if the Commission requires it. (Res., June 11, 1966, sec. 21.)

Section 24–22. Special elections.

All special town elections shall be conducted by the Clerk–Treasurer in the same manner and with the same personnel, as far as practicable, as regular town elections. (Res., June 11, 1966, sec. 22.)

Section 24–23. Vote count.

Within twelve hours after the closing of the polls, the Clerk–Treasurer shall determine the vote cast for each candidate or question and shall certify the results of the election to the Commission and shall record the results in the minutes of the Commission. The candidate(s) for Commissioners with the highest number of votes in the general election shall be declared elected. (Res., June 11, 1966, sec. 23.)

Section 24–24. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six months from the date of the election. (Res., June 11, 1966, sec. 24.)

Section 24–25. Vacancies.

In case of a vacancy on the Commission for any reason, the Commission shall elect some qualified person to fill such vacancy for the unexpired term. Any vacancies on the Commission shall be filled by the favorable votes of a majority of the remaining members of the Commission. The results of any such vote shall be recorded in the minutes of the Commission. (Res., June 11, 1966, sec. 25.)

Section 24–26. Women.

Women shall have equal privileges with men in registering, voting, and holding town offices. Whenever the masculine gender has been used as to any registering, voting, or holding town office, it shall be construed to include the feminine gender. (Res., June 11, 1966, sec. 26.)

Section 24–27. Control of elections.

The Commission shall have the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Res., June 11, 1966, sec. 27.)

Section 24–28. Penalty provisions.

Any person who (1) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or town election, shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment. (Res., June 11, 1966, sec. 28.)

Finance

Section 24–29. Clerk–Treasurer.

There shall be a Clerk–Treasurer appointed by the Commission who shall serve at the pleasure of the Commission and whose compensation shall be determined by the Commission. The Clerk–Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the Clerk–Treasurer under the direct supervision of the Commission. (Res., June 11, 1966, sec. 29.)

Section 24–30. Same; powers and duties.

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

- (1) Prepare at the request of the Commission an annual budget to be submitted to the Commission.
- (2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the town in such form as the Commission may require, not contrary to State law.
- (4) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.

- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) 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.
- (7) Have custody of all public monies, belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.
- (8) Do such other things in relation to the fiscal or financial affairs of the town as the Commission may require or as may be required elsewhere in this charter. (Res., June 11, 1966, sec. 30.)

Section 24–31. Same; surety bond.

The Clerk–Treasurer shall execute a bond, at the expense of the town, with such corporate surety, in such amount and with such conditions as the Commission by resolution may require. (Res., June 11, 1966, sec. 31.)

Section 24–32. Fiscal year.

The town shall operate on an annual budget,[.] The fiscal year of the town shall begin on the first day of July of each year and shall end on the last day of June. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Res., June 11, 1966, sec. 32.)

Section 24–33. Budget.

The Clerk–Treasurer, on such date as the Commission by ordinance shall determine, but at least thirty–two days before the beginning of any fiscal year, shall submit a budget to the Commission. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk–Treasurer, open to public inspection by anyone during normal business hours. (Res., June 11, 1966, sec. 33.)

Section 24–34. Same; adoption.

Before adopting the budget the Commission shall hold a meeting thereon. The Commission may insert new items or may increase or decrease the items of the budget. Where the Commission shall increase the total proposed expenditures it shall also increase the total anticipated revenues in any amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total elected membership of the Commission shall be necessary for adoption. (Res., June 11, 1966, sec. 34.)

Section 24-35. Appropriations.

No public money may be expended without having been appropriated by the Commission. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Res., June 11, 1966, sec. 35.)

Section 24-36. Transfer of funds.

Any transfer of funds between major appropriations for different purposes must be approved by the Commission before becoming effective. (Res., June 11, 1966, sec. 36.)

Section 24-37. Over-expenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Res., June 11, 1966, sec. 37.)

Section 24-38. Appropriations lapse.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Res., June 11, 1966, sec. 38.)

Section 24-39. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk-Treasurer and shall be countersigned by the President of the Commission. (Res., June 11, 1966, sec. 39.)

Section 24-40. Taxable property.

(a) *Described.* All real property and all tangible property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes. The Commission may in its discretion, reassess, or make a separate assessment for the purposes of township taxation only, of all property, real or personal subject to ordinary taxation within the corporate limits of said town. The assessment will be accomplished by assessors selected by the Commission and sworn to them and will be physically carried out between the first day of June and the last day of

November. No property so assessed shall be valued at a lower amount than [than] (See note (3)) the County assessment. All known property owners shall be notified by mail if the value assessed to their property by the town differs from the value assessed by the county. 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.

(b) *Appeals.* If the owner of any property shall feel aggrieved by assessment, he may appeal to the Commission within fifteen days from the giving of the notice above provided for. The Commission is hereby constituted a Board of Appeal and Equalization of such assessment and may make such deduction or addition to such assessment, subject to the limitations herein before enumerated, after hearing, as to them may seem reasonable and just.

(c) *Corrections.* The assessment list as corrected shall be transferred in alphabetical order to an assessment book by the said Commission, and said book shall be the basis for levying all taxes in said town. The Commission may provide by ordinance for certain days within each year at which assessments may be corrected; on such days they may sit as a Board of Equalization and Review and make transfers and abatements, and increase, decrease or correct any assessment which they may find to be at such time improper. (Res., June 11, 1966, sec. 40.)

Section 24-41. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Res., June 11, 1966, sec. 41.)

Section 24-42. Notice of levy.

Immediately after the levy is made by the Commission in each year, the Clerk-Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on his property. (Res., June 11, 1966, sec. 42.)

Section 24-43. Taxes; when overdue.

Taxes provided for in this charter shall be due and payable on the 1st day of July in the year for which they are levied and shall be overdue and in arrears on the 1st day of the following October. They shall bear interest while in arrears at the rate of one-half of one per centum (0.5%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the 1st day of January shall be collected as provided in Section 24-44. (Res., June 11, 1966, sec. 43.)

Section 24-44. Same; collection.

(a) *Tax sales.* If any taxes, charges and assessments due the town have not been paid within three (3) months after the same have become overdue and in arrears, the Clerk-Treasurer, as Collector of Taxes of the Town of Sudlersville, may proceed to enforce collection from the property of the delinquent for the payment of the taxes, charges and assessments, thereon, by first publishing within thirty (30) days thereafter as an advertisement in one newspaper of general circulation in said town, a list of all delinquents, together with amount of taxes, charges and assessments due by each, and the interest and penalty due thereon, with a notice of warning to such delinquent thereto attached that unless payment be made in full on or before a day six (6) months after the same may have become overdue and in arrears, the same will be collected by process of law; and if on the last mentioned day the said taxes, charges, interest, penalty and advertising costs are unpaid, the Clerk-Treasurer may proceed to sell the property of the delinquent by complying with any of the public general laws of the State of Maryland relating to the sale of property for the non-payment of taxes. Whenever the word "Collector" appears in such laws, the same shall be taken to mean the Clerk-Treasurer of the Town of Sudlersville whenever the context so requires.

(b) *Additional method of collection.* In addition to the methods now relating to the sale of property for the non-payment of taxes, charges and assessments, whenever it shall be necessary to enforce the payment of taxes, charges and assessments levied upon personal property, the Clerk-Treasurer may proceed in the same manner as an owner of real estate enforcing collection of past due rent by way of distraint. (Res., June 11, 1966, sec. 44.)

Section 24-45. 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. (Res., June 11, 1966, sec. 45.)

Section 24-46. Audits.

The financial books and accounts of the town shall be audited annually. (Res., June 11, 1966, sec. 46.)

Section 24-47. Borrowing power.

Notwithstanding any other provisions or limitation of public general or public local law, 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 issue and sale of its general obligation bonds, or notes issued in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issuance and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, all in the manner prescribed in Sections 31-37, inclusive, of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), title "Municipal Corporations," subtitle "Home Rule," subheading "Creation of Municipal Public Debt",

provided, however, that if the ordinance or ordinances authorizing the issuance and sale of any of such bonds or notes shall so specify, said bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation or competitive bids. (Res., June 11, 1966, sec. 47.)

Section 24–48. Same; payment of indebtedness.

The issuance and sale of general obligation bonds, or tax anticipation notes, authorized by Section 24–47 hereof, shall constitute a pledge of the full faith and credit of the town to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid, in whole or in part, from the proceeds of such benefit assessments or charges, or any combination thereof, as the Commissioners may impose and collect during the life of said bonds, power and authority so to do being hereby specifically granted where appropriate to the public purpose for which said bonds may be issued, notwithstanding any limitation contained in this charter or in any other law; but, in any event, the town shall, if and when necessary, annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on any such bonds or notes, without limitation as to rate or amount, notwithstanding the limitation of any other law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect. (Res., June 11, 1966, sec. 48.)

Section 24–48A. Same; notes or other evidences of indebtedness.

The Town of Sudlersville shall also have the power to borrow any sum or sums not to exceed in the aggregate of \$100,000.00 and to issue notes or other evidences of indebtedness for such borrowing. This money may be borrowed and expended for any municipal purpose. Said notes or other evidences of indebtedness may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids. The notes or other evidences of indebtedness shall be sold as provided by the Board of Town Commissioners. All notes or other evidences of indebtedness issued under the provisions of this section shall be paid from the taxes levied for the general purposes of the town or from sums due the town from the state or county government. The levying or collecting of any special tax for the payment of these notes or other evidences of indebtedness is expressly prohibited. The notes or other evidences of indebtedness issued under the provisions of this section need not be submitted to a vote of the qualified voters of the town and shall not be deemed to be included under any bond limit established by this Charter. (Res., 3–26–85.)

Section 24–49. Same; prior 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. (Res., June 11, 1966, sec. 49.)

Section 24-50. Purchases and contracts.

All purchases and contracts for the town government shall be made by the Clerk-Treasurer. The Commission may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than one thousand dollars (\$1,000) shall be made on written contract. The Clerk-Treasurer shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Commission before becoming effective. The Clerk-Treasurer shall have the right to reject all bids and readvertise. The town at any time in its discretion may employ its own forces or those of any other government or governmental agency 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. (Res., June 11, 1966, sec. 50.)

Personnel

Section 24-51. Clerk to the Commissioners [Commission].

The Clerk-Treasurer shall serve as Clerk to the Commission. He shall attend every meeting of the Commission and keep full and accurate account of the proceedings of the Commission. He shall keep such other records and perform such other duties as may be required by this charter or the Commission. (Res., June 11, 1966, sec. 51.)

Section 24-52. Town attorney.

The Commission may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the Commission. His compensation shall be determined by the Commission. The town shall have the power to employ such legal consultants as it deems necessary from time to time. (Res., June 11, 1966, sec. 52.)

Section 24-53. Employees.

The town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government. (Res., June 11, 1966, sec. 53.)

Section 24-54. Retirement system.

The town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town. (Res., June 11, 1966, sec. 54.)

Section 24-55. Employees; compensation.

The compensation of all officers and employees of the town shall be set from time to time by a resolution passed by the Commission, subject to the restrictions imposed upon establishing the salaries of the Commission. (Res., June 11, 1966, sec. 55.)

Section 24-56. Same; benefit programs.

The town is authorized and empowered, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the town for such programs. (Res., June 11, 1966, sec. 56.)

Public Ways and Sidewalks

Section 24-57. Definition.

The term "public ways" as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res., June 11, 1966, sec. 57.)

Section 24-58. Control.

The town shall have control of all public ways of the town. 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. (Res., June 11, 1966, sec. 58.)

Section 24-59. Powers.

The town shall have the power:

- (1) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any public way or part thereof, bridge, curbs, and gutters.
- (2) To grade, lay out, construct, open, extend, and make new public ways.
- (3) To grade, straighten, widen, alter, improve, or close up any existing public way or part thereof.

(4) To pave, surface, repave, or resurface any public way or part thereof, and to provide for all necessary removal therefrom of snow, ice and debris.

(5) To install, construct, reconstruct, repair and maintain curbs and/or gutters along any public way or part thereof.

(6) To construct, reconstruct, maintain, and repair bridges.

(7) To name public ways.

(8) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res., June 11, 1966, sec. 59.)

Section 24-60. Sidewalks.

The town shall have the power:

(1) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof along any public way or part thereof.

(2) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks along any public way or part thereof.

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

(4) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manners [manner as] are town taxes or by suit at law. (Res., June 11, 1966, sec. 60.)

Water and Sewers

Section 24-61. Powers.

The town shall have the power to acquire, establish, design, construct, reconstruct, expend, extend, alter, improve, operate, maintain and repair a water supply and distribution system, a sanitary sewer system, a storm water drainage system and a sanitary disposal plant, system or stabilization lagoon, within or without the corporate limits of the town, and to take any and all action necessary or appropriate thereto, including the making of surveys, plans, specifications and estimates. The town may by ordinance regulate the use and operation of any such plant or system or part thereof in any manner it deems to be in the public interest. (Res., June 11, 1966, sec. 61.)

Section 24–62. 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 reasonable limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed. (Res., June 11, 1966, sec. 62.)

Section 24–63. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 24–77. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., June 11, 1966, sec. 63.)

Section 24–64. Entering county 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 sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. (Res., June 11, 1966, sec. 64.)

Section 24–65. Water and sewer connections.

The town shall provide for each and every property abutting upon a street or right of way in which a water main or sewer is laid, a water service pipe or sewer connection, which shall be extended from the water main or sewer to the property line of the abutting lot, and shall be constructed by and at the sole expense of the town, but subject to the connection charge provided for in Section 24–66 (which charge shall be paid before the actual connection with any pipe or private property is made). When any water main or sewer is declared by the town complete and ready for the delivery of water or the reception of sewage, every abutting property owner, after due notice shall make a connection of all spigots or hydrants, toilets and waste drains with said water main or sewer within the time prescribed by the town. Where the aforesaid fixtures do not exist, or are of a nature which, in the judgment of the town, is improper or inadequate, satisfactory equipment shall be installed by the owner on the premises consisting of at least one water closet and one sink or washbasin, both of which shall be properly connected with the sewer. The town may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance

passed under the provisions of this section may be made a misdemeanor. (Res., June 11, 1966, sec. 65.)

Section 24–66. Same; charge.

The town may make a charge, the amount to be determined by the Commission, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res., June 11, 1966, sec. 66.)

Section 24–67. Improper uses of systems.

In order to prevent any leakage or waste 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. (Res., June 11, 1966, sec. 67.)

Section 24–68. Private systems.

The town may by ordinance 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, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health. And any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res., June 11, 1966, sec. 68.)

Section 24–69. Extensions beyond boundaries.

The town shall have the power to extend its water or sewerage systems beyond the town limits. (Res., June 11, 1966, sec. 69.)

Section 24–70. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water, or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may by ordinance, be made a misdemeanor. (Res., June 11, 1966, sec. 70.)

Section 24-71. 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 shall be a misdemeanor. (Res., June 11, 1966, sec. 71.)

Section 24-72. Contracts for water, sewers.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage. (Res., June 11, 1966, sec. 72.)

Section 24-73. Charges for services.

The town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Clerk-Treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law. (Res., June 11, 1966, sec. 73.)

Special Assessments

Section 24-74. Powers.

The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation, or construction, or (See note (3)) water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project. (Res., June 11, 1966, sec. 74.)

Section 24-75. Procedure.

(a) *Established.* The procedure for special assessments, wherever authorized in this charter, shall be as follows:

(b) *Cost.* The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Commission.

(c) *Assessment.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property.

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

(e) *Levy.* All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Clerk–Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, 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 Commission and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The Clerk–Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than 30 days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Commission, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Appeals.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of Queen Anne’s County within ten days after the levying of any assessment by the Commission.

(g) *Installment payments.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years, and in such manner as the Commission may determine. The Commission shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Commission.

(h) *Overdue.* All special assessment installments shall be 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 assessments shall be collected in the same manner as town taxes or by suit at law.

(i) *Collection.* All special assessments shall be billed and collected by the Clerk–Treasurer. (Res., June 11, 1966, sec. 75.)

Town Property

Section 24–76. Acquisition; possession; 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. (Res., June 11, 1966, sec. 76.)

Section 24–77. Condemnation.

The town shall have the power to condemn property of any kind, or interest therein of (See note (3)) franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in Article 33A of the “Annotated Code of the Public General Laws of Maryland,” title “Eminent Domain.” (Res., June 11, 1966, sec. 77.)

Section 24–78. Town buildings.

The town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government. (Res., June 11, 1966, sec. 78.)

Section 24–79. Protection of town property.

The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition. (Res., June 11, 1966, sec. 79.)

Miscellaneous

Section 24–80. Oath of office.

(a) *Text.* Before entering upon the duties of their offices, the Commissioners, shall take 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 Commissioner of Sudlersville, according to the Constitution and Laws of this State.”

(b) *How taken.* The Commissioners shall each take this oath or affirmation before a notary public or other officer authorized to administer oaths in the State of Maryland, who shall certify to the Clerk-Treasurer that such oath has been administered, which certification shall be filed and recorded in the journal of the proceeding of said Commission. (Res., June 11, 1966, sec. 80.)

Section 24-81. Surety bonds.

Such other officers or employees of the town as the Commission or this charter may require shall execute a bond in such amount, with such surety and with such conditions as may be required by the Commission. The premiums on such bonds shall be paid by the town. (Res., June 11, 1966, sec. 81.)

Section 24-82. 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. (Res., June 11, 1966, sec. 82.)

Section 24-83. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this charter, unless otherwise provided shall be punishable upon conviction before any judge of the District Court or in the Circuit Court for the county within which the offense is committed by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for thirty days in the county jail, or both, in the discretion of the court or judge of the District Court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res., June 11, 1966, sec. 83.)

Section 24-84. Effect of charter on existing ordinances.

(a) *Not in conflict.* 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) *In conflict.* All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter be and the same hereby are repealed to the extent of such conflict. (Res., June 11, 1966, sec. 84.)

Section 24-85. Separability.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid shall appear, 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. (Res., June 11, 1966, sec. 85.)

APPENDIX I

Urban Renewal Authority for Slum Clearance

A1-101. Definitions.

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

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

A1-102. Powers.

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

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

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

A1-103. Additional powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A1-104. Establishment of Urban Renewal Agency.

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

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

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

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

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

A1-105. Powers withheld from the agency.

The agency may not:

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

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

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

A1-106. Initiation of project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A1-109. Eminent domain.

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

A1-110. Encouragement of private enterprise.

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

A1-111. General obligation bonds.

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

A1-112. Revenue bonds.

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

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

provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in sections 9, 10, and 11 of Article 31 (Debt – Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

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

- (1) Shall bear a date or dates;
- (2) Mature at a time or times;
- (3) Bear interest at a rate or rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) Be secured in a manner; and
- (11) Have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

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

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of

issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

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

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

A1-113. Short title.

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

A1-114. Authority to amend or repeal.

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

NOTES

(1) Ch. 162, 1943, authorized Sudlersville to sell the municipal building and lot, known as the “Cox Hall Property.”

Ch. 611, 1953, related to assessments in Sudlersville. See sec. 13(c), Art. 81 of the Annotated Code (1973 Supplement).

The charter of Sudlersville was revised by the Resolution of June 14, 1966. Prior to this time, and following publication of the 1930 code of public local laws, individual sections in the charter of Sudlersville had been amended as follows: sec. 395, 1939, ch. 21; sec. 402, 1951, ch. 185.

(2) Thus in the Resolution of June 14, 1966.

(3) Thus in the Resolution of June 11, 1966.

(4) Resolution 01–02, effective August 10, 2001, provided for the annexation of 16.244 acres of land more or less. The Resolution, however, failed to provide for a change in the boundary description contained in this Charter. Thus this annexation resolution is simply noted as pursuant to the municipal general powers.

