

CHARTER

OF THE

Town of Hillsboro

CAROLINE COUNTY, MARYLAND

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prepared this document.

For further information concerning this document contact:

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

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

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

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

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HILLSBORO

ARTICLE I Corporate Powers

Section 100.0.

The inhabitants of Hillsboro within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of “The Town of Hillsboro” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE II Corporate Limits

Section 200.0.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court for Caroline County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference [Services] and in the office of the President or of the Clerk–Treasurer. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

Section 201.0. Town Boundaries.

The limits of said town shall be as follows:

Beginning at the foot of the east side of Tuckahoe Bridge along the meanderings of the Tuckahoe River at mean high water mark south to a place fixed and marked by the Commissioners first elected on the land of the heirs of the late James W. Holt, about or opposite the division line of the Protestant Episcopal Church lot and the said Holt lands and that of the lots of Thomas B. Sparklin, east, until it intersects the Tuckahoe Neck public road on the west side; thence along the west side of the said road north to a point to be fixed and marked on the land of George H. Hobbs, Jr.; thence across said road to the division of the fields of Mary E. Fisher and others along said line east until it reaches the southeast corner of the lot now owned by Samuel Handy, know [known] as the Talbot Lot; thence with said lot’s line north until it reaches the Hillsboro and Denton public road on the south side; thence west with said public road to a point opposite the west side of the Ridgely public road; thence along the west side of the said road to a distance of two hundred and fifty yards from the southeast corner of the lot of W. F. Pennington, known as the William Hackett Lot; thence west parallel with the main street of said town of Hillsboro, extending a distance of two hundred and fifty yards from the north of

the main street of said town of Hillsboro to the Tuckahoe River at mean high water mark; thence south along the meanderings of the Tuckahoe River until it reaches the place of beginning.

ARTICLE III

The Commissioners

Section 300.0. Number, Selection, Term.

All legislative powers of the Town shall be vested in a Board of Commissioners consisting of three Commissioners who shall be elected as hereinafter provided. Newly elected Commissioners shall take office on the first day of May following election. Each Commissioner holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected or until his successor is elected and takes office under the provisions of this Charter.

Section 301.0. Qualifications of Commissioners.

Commissioners shall have resided in the Town for at least one year immediately preceding their election and shall be registered voters of the Town. Commissioners shall maintain a permanent residence in the Town during their term of office. The minimum age for Town Commissioner shall be twenty-five years of age.

Section 302.0. Salary of Commissioners.

Each Commissioner shall receive an annual salary which shall be specified from time to time by an ordinance passed by the Town Commission in the regular course of its business, provided that such a salary ordinance be approved by the majority of the qualified voters of the municipality, voting thereon at a regular or special municipal election. The ordinance making any change in the salary paid to the several Commissioners, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Commission, shall take effect only as to the members of the next succeeding Commission.

Section 303.0. Meetings of the Commissioners.

The newly elected Commissioner and the incumbent Commissioners holding office for the following fiscal year shall meet on the second Tuesday in May for organizational purposes, after which the Commission shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called at the request of the President or two of the other Commissioners. 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. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

Section 304.0. Commission to be Judge of Qualifications of its Members.

The Commission shall be the judge of the election and qualifications of its members and of the ground for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing. Decisions made by the Commission under this Section shall be subject to review of the Court.

Section 305.0. President, Vice President of the Board.

At the first meeting in May following a regular municipal election the Commission shall select from among its members a President and a Vice President by majority vote.

Section 305.1. President.

The President shall preside at all meetings of the Commission. He shall be recognized as the head of the Town government for all ceremonial purposes. He shall exercise such other powers and perform such duties as are or may be conferred upon him by this Charter and the Ordinances of the Town.

Section 305.2. Vice President.

The Vice President shall assume all Presidential powers, duties and responsibilities during the President's absence. If the office of the President becomes vacant by his death, resignation, disqualification or forfeiture, the Vice President shall become President.

Section 306.0. Quorum.

A majority of the members of the Commission shall constitute a quorum for the transaction of business. No ordinance shall be approved nor any other action taken without the favorable votes of two of the members of the Commission.

Section 307.0. Procedure of Commission.

The Commission shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the ayes, nays, or abstention upon final action of any questions, resolutions, or ordinances, or at any other time if required by any one member. The minutes shall be open to public inspection.

Section 308.0. Vacancies.

The office of a Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

Section 309.0. Filling of Vacancies.

In the event of a vacancy in the office of the Commission, the remaining Commissioners shall appoint some qualified person in accordance with Section 301.0 of this Charter to serve until the next regularly scheduled election. A vacancy shall be filled by the favorable votes of a majority of the remaining members of the Commission and the results of such votes shall be recorded in the minutes of the Commission. If the Commissioners fail to appoint a successor within thirty days following the occurrence of the vacancy, the Board of Supervisors of Elections shall call a special election to fill the vacancy, to be held not sooner than 60 days and not later than 90 days following the occurrence of the vacancy and to be otherwise governed by the provisions in Article 5. Notwithstanding the requirement in Section 306.0 that a quorum of the Commission consist of two members, if at any time the membership of the Commission is reduced to less than two, a special election shall be called by the Board of Supervisors of Elections with the requirements mentioned above. The candidate with the highest total number of votes shall receive the longest unexpired term. The candidate with the next highest total number of votes shall receive the unexpired term next in duration. There shall be a runoff in the event of a tie.

Section 310.0. Forfeiture of Office.

A Commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express prohibition of the Charter, (3) is convicted of a felony or, (4) fails to attend three consecutive regular meetings of the Commissions [Commission] without being excused by the Commission.

Section 311.0. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commission held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In case of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the unanimous affirmative vote of the Commission. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following passage by the Commission. A fair summary of or each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 312.0. Emergency Ordinance.

To meet a public emergency affecting life, health, property or the public peace, the Commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Article VI. An emergency

ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but a unanimous affirmative vote of the Commission shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon the adoption or at such time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 313.0. Advisory Boards and Commissions.

The Commissioners shall have the power to appoint and dissolve boards and commissions to act in an advisory capacity to the Town as required by law or as it may deem necessary for the good government of the Town. They may also establish mandatory fiscal and administrative procedures for such boards.

ARTICLE IV Powers of the Commission

Section 400.0. General and Enumerated.

Section 400.1. General.

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.

Section 400.2. Enumeration.

The Commission shall have, in addition, the power to pass ordinances, not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

1. *Advertising.* To provide for advertising for the purposes of the Town, for printing, and publishing statements as to the business of the Town.
2. *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

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

4. *Billboards.* To license, tax and regulate, restrain and 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.

5. *Bridges.* To erect and maintain bridges.

6. *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.

7. *Cemeteries.* To regulate or prohibit the interment of bodies within the Town and to regulate cemeteries.

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

9. *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.

10. *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.

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

12. *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.

13. *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.

14. *Disorderly Houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

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

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

17. *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.

18. *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.

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

20. *Fire.* To establish or maintain a fire department or to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to forbid and prohibit the use of fire-hazardous buildings and structures; to regulate or prevent the use of bonfires, explosives, or any other similar things which may endanger persons or property.

21. *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of the Corporations and Associations article of the Annotated Code of Maryland. No franchise shall be granted for a longer period than twenty-five (25) years.

22. *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel the 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 property to package them conveniently for removal.

23. *Grants-In-Aid.* To accept gifts and grants of Federal or of State funds from the federal or state governments or any agency thereof, and to expend the funds for any lawful purpose, agreeable to the conditions under which the gifts or grants were made.

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

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

26. *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.

27. *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.

28. *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 which are found in violation of the ordinance in such cases provided.

29. *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 displays of goods, wares, and merchandise.

30. *Motor Vehicles.* To regulate the speed, weight and operation of motorcycles, motor bikes, motor scooters, buses, trucks, motor vehicles and locomotives within the Town limits in accordance with the Transportation article, Section 21–803 of the Annotated Code of Maryland.

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

32. *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the Town and 1/2 mile beyond the corporate boundaries 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.

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

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

35. *Parking Meters.* To install parking meters on the streets, 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, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission.

36. *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.

37. *Police Force.* To establish, operate, and maintain a police force.

38. *Police Powers.* To establish, operate, and maintain a police force.

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

40. *Refuse Collection.* To acquire, regulate, or provide for the collection, removal, and disposal of refuse, garbage, rubbish, filth, or any other matter or thing that is or may become injurious to the health or comfort of the inhabitants of the Town. Whenever such requirements shall not be met, the Town shall arrange for the necessary work to be done and any expenses incident thereto shall become a lien upon the property.

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

42. *Sidewalks.* To construct, maintain, and improve sidewalks and 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 clearing and cleaning sidewalks.

43. *Vehicles.* To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

44. *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. Zoning regulations are subject to a referendum of the voters at regular or special elections.

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

Section 401.0. 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.

Section 402.0. Enforcement of Ordinances.

To ensure the observance of the ordinances of the town, the Commission has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding \$500.00 or imprisonment not to exceed 90 days. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten days to the circuit court of the county in which the fine, forfeiture, or penalty was imposed. The Commissioners may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 402.1. Municipal Infractions.

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

b. A fine not to exceed \$100.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$200.00 for each repeat offense, and each day a violation continues shall constitute a separate offense.

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

d. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

ARTICLE V

Registration, Nomination and Elections

Section 500.0. Regular Elections.

Town elections shall be held annually on the fourth Monday of April at such place in said town as shall be designated by the Commissioners between the hours of four and seven o'clock P.M. The Commissioners shall give at least two weeks notice of the election in one or more newspapers published in Caroline County, and by such other means as they may elect. The polling places shall remain open between the hours of 4:00 p.m. and 7:00 p.m., or longer at the discretion of the Commission. (Res. 90-1, 6-27-90.)

Section 501.0. Qualifications of Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, and (c) is registered in accordance with the provisions of this Charter and Town Ordinances, shall be a qualified voter of the Town. Transfers may be granted by the registration officials from one ward to another in said town. No person shall be entitled to register on Election Day. Every qualified voter of the Town shall be entitled to vote at any or all Town elections.

Section 502.0. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Commission on or before the first Monday in July in every year. The terms of members of the Board of Supervisors of Elections begin on the first Monday in July in the year in which they are appointed and run for two (2) years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one of its members as chairman. Vacancies on the Board shall be filled according to Article III. The compensation of the members of the Board shall be determined by the Commission.

Section 503.0. Removal of Members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Commission, if in the judgement of the Commission the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Commission, if he so requests within ten (10) days after receiving the written copy of the charges.

Section 504.0. Duties.

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

Section 505.0. Repealed. (Res. 90-1, 6-27-90.)Section 506.0. Registration.

Any qualified person may register to vote in town elections at any regular public meeting of the Commission. If necessary for the performance of registration or the convenience of the citizens of the Town, the Commission may designate additional times for registration. Registration shall be permanent, and no person is entitled to vote in Town elections unless he is registered. The Board of Supervisors of Elections shall 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, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a reregistration when necessary. (Res. 90-1, 6-27-90.)

Section 507.0. Appeal from Action of Board of Supervisors of Elections.

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

Section 508.0. Nominations.

Candidates for election to the office of Commissioner shall file with the Board of Supervisors of Elections a petition signed by at least five (5) registered voters of the Town of Hillsboro. The candidate shall file his petition for an elective office not less than thirty (30) days (including Sundays and holidays) prior to the date of such election. Such petition shall state (a) the name and address of the candidates, (b) the fact that such person is eligible for election of the office of Commissioner and (c) that such person wishes his name placed on the ballot as candidate. Such petition shall be sworn to by the person filing same, both as to the fact of the candidate's eligibility and as to the genuineness of the signatures on such petition. The Board of Supervisors of Elections shall advertise the filing requirements once weekly for two weeks prior to the filing deadline in a paper circulated in the Town. No person shall be eligible for elective Town public office who has not fulfilled the requirements of this Section. No candidate shall file for election for more than one Town public office at any one election. The Board of Supervisors of Elections shall cause to be given general publicity the names of such eligible candidates with the names of the offices they seek, and shall post all of such names and offices conspicuously at the polls.

Section 509.0. Election of the Commissioners.

The Town shall elect three Commissioners, each to serve for a term of three years. The Commissioners shall serve staggered terms, one elected in each year.

Section 509.1.

Beginning on the fourth Monday in April 1984 and every third year thereafter, the town [Town] shall elect one Commissioner.

Section 509.2.

Beginning on the fourth Monday in April 1985, and every third year thereafter, the town [Town] shall elect one Commissioner.

Section 509.3.

Beginning on the fourth Monday in April 1986, and every third year thereafter, the Town shall elect one Commissioner.

Section 510.0. Conduct of Elections.

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.

Section 511.0. Absentee Ballot.

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

Section 512.0. Mailing of Absentee Ballots.

At the request of qualified voters, the Board of Supervisors of Elections shall mail absentee ballots to them, not less than fifteen (15) days prior to the election. All absentee ballots shall be delivered to the Supervisor of Elections before the vote counting begins.

Section 513.0. Write-in Votes.

The Town shall provide for write-in votes at all elections.

Section 514.0. Special Elections.

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections, except for the provisions in Section 3.

Section 515.0. Vote Count.

The Board of Supervisors of Elections shall begin counting the votes immediately after the polls have closed. All votes shall be counted to include the regular ballot, absentee ballots and write-in votes. Once the actual vote counting begins, no persons shall enter or leave the room in which the vote counting is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty-four (24) hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the clerk of the Town who shall record the result in the minutes of the Commission. The candidates with the highest number of votes shall be declared elected for each Commission vacancy. A tie vote shall be decided by special election between the tied candidates.

Section 516.0. Preservation of Ballots.

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

Section 517.0. Regulation and Control.

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

Section 518.0. Penalties.

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

ARTICLE VI

Finance

Section 600.0. Fiscal Year.

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

Section 601.0. Submission of Budget.

At or before the first Commission meeting in April of each year, the President shall submit to the Commission a budget for the ensuing fiscal year.

Section 602.0. Budget.

The Budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Commission deems desirable or the Commission may require. In organizing the budget the Commission shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

Section 602.1.

Proposed expenditures for current operations during the ensuing fiscal year, and the method of financing such expenditures; and

Section 602.2.

Proposed capital expenditures during the ensuing fiscal year, and the proposed method of financing each such capital expenditure.

The total of proposed expenditures shall not exceed the total estimated income; and applied surplus, if any.

Section 603.0. Commission Action on Budget.

Section 603.1. Notice and Hearing.

The Commission shall publish in one or more newspapers of general circulation in the Town a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public; and

(2) The time and place for a public hearing on the budget.

Section 603.2. Amendment Before Adoption.

After the public hearing, the Commission may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income or applied surplus, if any.

Section 603.3. Adoption.

The Commission shall adopt the budget for the succeeding fiscal year on or before the second (2nd) Tuesday of June in each year.

Section 603.4. Extension.

If the budget is not adopted by July 1, a majority vote of the Commission shall be necessary to extend the current budget for a single (30) day period. Expenditures for that period shall not exceed one-twelfth (1/12) of the annual expenses of the current year.

Section 604.0. Appropriation Ordinance.

Immediately upon adoption of the budget, the Town Commission shall adopt an ordinance appropriating funds for the ensuing fiscal year. The appropriation ordinance shall also include a summary of estimated income for the ensuing fiscal year in accordance with the adopted budget and shall levy all property and other taxes required to realize the income estimated.

Section 605.0. Amendments After Adoption.

Section 605.1. Supplemental Appropriations.

If during the fiscal year the President certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Commission may make supplemental appropriations for the year up to the amount of such excess.

Section 605.2. Emergency Appropriations.

To meet a public emergency affecting life, health, property or the public peace, the Commission may make emergency appropriations. Such appropriations shall be made by

ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Commission may by such emergency ordinance authorize the issuance of tax anticipation notes.

Section 605.3. Transfer of Appropriations.

At any time during the fiscal year the Commission may transfer part or all of any unencumbered appropriation balance among programs.

Section 605.4. Limitations; Effective Date.

No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. A two-thirds (2/3) vote of all members of the Town Commission shall be required for the authorization of supplemental and emergency appropriations and reduction or transfer of appropriations.

Section 606.0. Over-Expenditures – Forbidden.

No officer or employee shall during any budget year expend or contract 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 or 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.

Section 607.0. 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. All unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 608.0. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by two Commissioners.

Section 609.0. Taxable Property.

All real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the

same as that for State and County taxes. No authority is given by this Section to impose taxes on any property which is exempt from taxation by any Act of the General Assembly.

Section 610.0. 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.

Section 611.0. Taxes: Levy and Limitation.

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 tax levy in the corresponding tax year.

Section 611.1. Assessments on Annexed Property.

Real estate situated within an area annexed after July 1 in any year shall be assessed for taxes on a pro rata basis; one–twelfth (1/12), for each month or portion thereof of the regular assessment made for State and County purposes for the year.

Section 612.0. Overdue Taxes.

The taxes provided for in Section 609.0 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of two–thirds of one per centum ($2/3$ of 1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after eighteen months shall be collected as provided in Section 613.0.

Section 613.0. Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 612.0 of this Charter shall be turned over by the Clerk–Treasurer to the official of the County responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this County official, in the manner prescribed by State law.

Section 614.0. Fees.

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

Section 615.0. Audits.

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

Section 616.0. Tax Anticipation Borrowing.

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

Section 617.0. Payment of Indebtedness.

The power and obligation of the Town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 618.0. Borrowing Authority.

Section 31–39 of Article 23A of the Annotated Code of Maryland authorizes the Town of Hillsboro to borrow money, issue bonds and tax anticipation notes. The procedures for borrowing and limitations are set forth in said sections.

Section 619.0. Previous Indebtedness.

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

Section 620.0. Purchasing and Contracts.

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

Section 620.1.

All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than one thousand dollars (\$1,000.00), except in cases of emergencies, shall be made by utilizing competitive bids and written contracts. The President or designated officer shall be required to advertise for sealed bids in such manner as may be proscribed [prescribed] by ordinance. The contract, in writing, shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Commission before becoming effective. The Commission shall have the right to reject all bids and re-advertise. The Town at any time in its discretion may employ its own forces for the construction or re-construction of public improvements without advertising for (or re-advertising for) or receiving bids. All written contracts shall be protected by such bonds, penalties, and conditions as the Town may require.

ARTICLE VII

Administration

Section 700.0. Clerk-Treasurer.

There shall be a Clerk-Treasurer appointed by the Board of Commissioners who shall serve at their pleasure. The Clerk-Treasurer shall serve as clerk to the Commission and shall keep a full and accurate account of the proceedings of the Commission and keep such other records and perform such other duties as may be required by this Charter or the Commission. Under the supervision of the President, the Clerk-Treasurer shall be the financial officer of the town.

Section 700.1. Town Attorney.

There may be a Town Attorney appointed by the Commission, who shall serve at the pleasure of the Commission and his compensation shall be so determined by the Commission. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Commission. The Town shall have the power to employ other legal consultants as it deems necessary from time to time.

Section 701.0. Development of Administrative Policy.

The President shall present for approval and adoption of the Commission from time to time certain policies he deems necessary in the performance of the administration of the affairs

of the town. These may include such affairs at [as] the Personnel Policies, Public Safety, Fiscal Matters, Urban Development.

Section 702.0. Authority to Employ Personnel.

The Commission shall be authorized to employ and discharge such officers and employees as it deems necessary to execute the powers and duties of the town.

Section 703.0. Retirement System.

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

Section 704.0. Compensation of Employees.

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

ARTICLE VIII
Public Ways and Sidewalks

Section 800.0. Definition of Public Ways.

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

Section 801.0. Control of Public Ways.

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

Section 802.0. Public Ways; Powers.

The Town shall have the Power:

Section 802.1.

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

Section 802.2.

To grade, layout, construct, open, extend, and make new Town public ways.

Section 802.3.

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

Section 802.4.

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

Section 802.5.

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

Section 802.6.

To construct, reconstruct, maintain, and repair bridges.

Section 802.7.

To name Town public ways.

Section 802.8.

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

Section 803.0. Sidewalks; Powers.

The Town shall have the power:

Section 803.1.

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

Section 803.2.

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

Section 803.3.

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

Section 803.4.

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 owners [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 alien [a lien] on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

**ARTICLE IX
Water and Sewers**

Section 900.0. Powers.

The Town shall have the power:

Section 900.1.

To construct, operate and maintain a water system and water plant.

Section 900.2.

To construct[,] operate, and maintain a sanitary sewerage system and a sewage treatment plant.

Section 900.3.

To construct, operate, and maintain a storm water drainage system and storm water sewers.

Section 900.4.

To construct, maintain, reconstruct, enlarge, alter, repair, improve prove, and dispose of all parts, installations, and structures of the above plants and systems.

Section 900.5.

To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

Section 900.6.

To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 901.0. Placing Structures in Public Ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company, or individual violating the provisions of this Section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Town may order it removed.

Section 902.0. 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, drainage ditch 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 1101.0. Any violation of an ordinance passed under the provisions of this Section may be made a misdemeanor.

Section 903.0. Entering on County Public Ways.

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

Section 904.0. Connections.

The Town may provide a connection with water and sanitary sewer mains for all property within the corporate limits abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The Town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed any [and] 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 [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.

Section 905.0. Charge for Connections.

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

Section 906.0. Improper Uses.

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

Section 907.0. Private Systems.

The Town may be [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. 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.

Section 908.0. Extensions Beyond Boundaries.

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

Section 909.0. 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 premises and into any building in the Town or in the County served by the Town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may by ordinance be made a misdemeanor.

Section 910.0. 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.

Section 911.0. Contracts for Water.

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

Section 912.0. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplies and for the removal of sewage and/or solid waste. 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.

ARTICLE X

Special Assessments

Section 1000.0. Power; Special Assessments.

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

Section 1001.0. Procedure.

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

Section 1001.1. Cost Assessed.

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

Section 1001.2. Maximum Assessment.

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

Section 1001.3. Uniformity.

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.

Section 1001.4. Levy; Procedure.

All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or 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 thirty 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.

Section 1001.5. 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 the County within ten days after the levying of any assessment by the Board of Commissioners.

Section 1001.6. Payment.

Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty 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.

Section 1001.7. Overdue.

All special assessment installments shall be overdue three months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

Section 1001.8. Collection.

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

ARTICLE XI

Town Property

Section 1100.0. Acquisition, Possession and Disposal.

The Town may acquire real, personal or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

Section 1101.0. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the Annotated Code of the Public General Laws of Maryland, title “Eminent Domain.”

Section 1102.0. Town Building.

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

Section 1103.0. Protection of Town Property.

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

**ARTICLE XII
General Provisions**

Section 1200.0. Oath of Office.

Before entering upon the duties of their offices, the Commissioners, and the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation:

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

Section 1200.1. How Subscribed.

The Commissioners and others described above shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court or before a Notary Public of Caroline County. A certificate of such qualifications shall be filed and recorded among their proceedings. A failure to qualify on or before the date specified for taking office shall be deemed a refusal to accept the Office to which such person has been elected or appointed.

Section 1201.0. Surety Bonds.

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

Section 1202.0. Prior Rights and Obligations.

All rights, title, and interest held by the Town or any other person or corporation at the time this charter [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 not existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 1203.0. Effect of Charter on Existing Ordinances.Section 1203.1.

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

Section 1203.2.

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 the Charter are hereby repealed to the extent of such conflict.

Section 1204.0. 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.

Section 1205.0. Penalties.

Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this Section shall immediately upon conviction thereof cease to hold such office or employment.

ARTICLE XIII
Redevelopment – Urban Renewal
(See Note (1))

Section 1300.0. Definitions.Section 1300.1. Meanings.

In this chapter [Charter] the following words have the meanings indicated.

Section 1300.2. Federal government.

Federal government means the United States of American [America] or any agency or instrumentality, corporate or otherwise, of the United States of America.

Section 1300.3. Slum area.

Slum area means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.

Section 1300.4. Blighted area.

Blighted area means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.

Section 1300.5. Urban renewal project.

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 renewed [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 subheading 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, insanitary [unsanitary] of [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.

Section 1300.6. Urban renewal area.

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.

Section 1300.7. Urban renewal plan.

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

Section 1300.8. Bonds.

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

Section 1300.9. Person.

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.

Section 1300.10. Municipality.

Municipality means a municipal corporation of this state.

Section 1301.0. Powers.Section 1301.1. Grant.

The municipality may undertake and carry out urban renewal projects.

Section 1301.2. Limitation.

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;

(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.

Section 1301.3. Eminent domain; just compensation.

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 subheading to the municipality by exercising the power of eminent domain may not be taken without just compensation, agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

Section 1301.4. Same; public purpose.

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 subheading is declared to be needed or taken for public uses and purposes.

Section 1301.5. Governmental-functions.

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

Section 1302.0. 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 subheading 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 subheading 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 subheading, 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, 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 subheading, and to give whatever security as may be required for this financial assistance;

(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 such insurance;

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

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

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

(8) To generally organize, coordinate and direct the administration of the provisions of this subheading 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;

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

Section 1303.0. Establishment of urban renewal agency.

Section 1303.1. Municipal Powers.

A municipality may itself exercise all the powers granted by this charter, 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.

Section 1303.2. Public body.

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 charter.

Section 1303.3. Same; members.

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.

Section 1303.4. Additional provisions.

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

Section 1303.5. Powers vested in public body.

In the event the legislative body enacts this ordinance, all of the powers by this subheading granted to the municipality, from [from] the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

Section 1304.0. Powers withheld from the agency.

The agency may not:

- (1) Pass a resolution to initiate an urban renewal project pursuant to Section 1301.0 and 1302.0 of this charter.
- (2) Issue general obligation bonds pursuant to Section 1308.0 of this chapter [Charter].
- (3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section 1302.0 of this charter.

Section 1305.0. 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;
- (3) Finds that the rehabilitation, redevelopment, or a combination of them, of the area or areas, is necessary and in the interest of the public health, safety, morals or welfare of the residents of the municipality.

Section 1306.0. Preparation and approval of plan for urban renewal project.Section 1306.1. Preparation; procedure.

In order to carry out the purposes of this subheading, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. Prior to its approval of an urban renewal project, the municipality shall submit the plan to the planning body of the municipality for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within 60 days, then without the recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban

renewal project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing; shall generally identify the urban renewal area covered by the plan; and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

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

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

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

Section 1306.2. Modification of plan.

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.

Section 1306.3. Same; effect.

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

Section 1307.0. Disposal of property in urban renewal area.

Section 1307.1. Powers of municipality.

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

Section 1307.2. Temporary operations.

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 subheading, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

Section 1307.3. Effect of legal instrument.

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

Section 1308.0. Eminent domain.

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

Section 1309.0. Encouragement of private enterprise.

The municipality, to the extent it determines to be feasible in carrying out the provisions of this subheading, 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 subheading.

Section 1310.0. General obligation bonds.

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

Section 1311.0. Revenue bonds.Section 1311.1. Issue; procedure.

In addition to the authority conferred by Section 84K of this subheading, 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 its undertaking and carrying out of urban renewal projects under this subheading. 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 sources in aid of any urban renewal projects of the municipality under this subheading 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 or 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.

Section 1311.2. Provisions; effect.

Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction are not subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are exempted specifically from the restrictions contained in Sections 9, 10 and 11 of Article 31 (Debts — Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this subheading 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.

Section 1311.3. Issue:[:] form.

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) Real interest at 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 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.

Section 1311.4. Sale.

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 an [and] in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis or 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 bond sold to the federal government.

Section 1311.5. Signatures.

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

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

Section 1311.6. Purpose of issue.

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

Section 1311.7. Investments.

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 subheading. 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 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.

ARTICLE XIV

Transitional Provisions

Section 1400.0. Officers and Employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Town officers or employees at the time of its adoption.

Section 1401.0. Continuance of Office or Employment.

Except as specifically provided by this Charter, if at the time this Charter takes effect a Town officer or employee holds any office or position which is or can be abolished by this Charter, he shall continue in such office until the specific provision under this Charter directing that he vacate the office or position becomes effective.

Section 1402.0. Personnel System.

An employee holding a Town position at the time this Charter takes effect, who was serving in that same position or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respect [respects] shall be subject to the personnel system provided for in Chapter [Article] VII.

Section 1403.0. Board of Commissioners.

The Commissioners in office at the effective date of this Charter shall continue to hold office until the new Commissioners are elected and take office as provided for in Section 509.0, 509.1, 509.2, 509.3, 509.4, and 509.5 and they shall exercise all rights, duties, powers, and responsibilities granted by this Charter.

I, Clerk–Treasurer of the Town of Hillsboro does [do] hereby certify that the above is a true and correct copy of the Charter of the Town of Hillsboro, Maryland.

Signed _____
Clerk–Treasurer
Commissioners of Hillsboro

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 Hillsboro, 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 Hillsboro 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) Article III, § 61 of the Maryland Constitution states that despite the otherwise broad grant of home rule powers under Article XI-E of the Constitution, a municipal corporation must receive a specific authority from the General Assembly in order to exercise urban renewal powers for slum clearance. There is no record that the General Assembly has granted the urban renewal powers to the Town of Hillsboro that are contained in Article XIII of this Charter. However, the General Assembly granted urban renewal powers for slum clearance to the Town of Hillsboro in Chapter 183 of the Acts of the General Assembly of 2002. The urban renewal powers granted to the Town of Hillsboro by the General Assembly in 2002 appear in Appendix I – Urban Renewal Authority for Slum Clearance.

