

CHARTER

OF THE

# Town of Hurlock

DORCHESTER COUNTY, MARYLAND

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# HURLOCK

## ARTICLE I General Corporate Powers

### Section 101.

The inhabitants of Hurlock within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the “Mayor & Council of Hurlock” 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 201.

The courses and distances showing the exact original corporate limits of the Town, plus all annexations, are on file at all times with the Clerk of the Circuit Court for Dorchester County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference [Services] and in the Office of the Clerk–Treasurer.

The corporate boundaries of the Town of Hurlock are as follows:

Beginning for the same at a Concrete Monument which bears South 83 degrees 53 minutes 43 seconds West 371.72 feet with an extension of the northerly side of Jackson Street from the centerline of Main Street or Maryland Highway No. 331, and having coordinates of North 289,796.68 feet and East 1,124,991.39 feet of the Maryland State Grid System, and from said Place of Beginning running thence (1) South 00 degrees 41 minutes West 513.70 feet to a Concrete Monument; thence (2) North 89 degrees 19 minutes West 1260.98 feet to a Point [in] a Hickory Tree; thence (3) North 00 degrees 44 minutes 30 seconds East 193.84 feet to a Point in a Cherry Tree; thence (4) North 67 degrees 13 minutes 09 seconds West 668.00 feet to a Concrete Monument; thence (5) North 77 degrees 48 minutes 50 seconds West 298.88 feet to a Concrete Monument; thence (6) South 89 degrees 09 minutes West 2285.50 feet to a Concrete Monument; thence (7) North 04 degrees 48 minutes 27 seconds West 40.00 feet to a Concrete Monument and the southeasterly side of the Penn Central Railroad Company Right-of-way leading from Hurlock to East New Market; thence (8) North 47 degrees 29 minutes 30 seconds East 3326.11 feet to an Iron Rod; thence (9) crossing the said Railroad Company Right-of-way, North 39 degrees 29 minutes 07 seconds West 66.10 feet to a Concrete Monument; thence (10) crossing Poplar Street and continuing North 39 degrees 29 minutes 07 seconds West 1678.75 feet to a Concrete Monument on the north side of Oak Street; thence (11) North 45 degrees 58 minutes 20 seconds East 887.15 feet to a Concrete Monument; thence (12) North 42 degrees 55 minutes 39

seconds West 1690.24 feet to a Concrete Monument; thence (13) North 44 degrees 33 minutes 21 seconds East 1209.37 feet to a concrete Monument on the west side of Academy Street or Maryland Highway No. 331; thence (14) crossing said Highway, North 74 degrees 25 minutes 56 seconds East 1674.35 feet to a Concrete Monument on the west side of Glen Oak Hotel Road or Main Street; thence (15) crossing said Road, North 83 degrees 56 minutes 21 seconds East 834.03 feet to a Concrete Monument on the west side of Baltimore and Eastern Railroad Company Right-of-way; thence (16) crossing said Railroad Company Right-of-way and Maryland Highway No. 307, South 37 degrees 07 minutes 19 seconds East 2207.73 feet to a Concrete Monument on the northwest side of the aforementioned Penn Central Railroad Company Right-of-way, thence (17) crossing said Railroad Company Right-of-way, South 26 degrees 32 minutes 01 seconds East 1452.24 feet to a Concrete Monument and the land of American Stores Company; thence by and with the said American Stores Company land the following five courses and distances: (18) North 62 degrees 18 minutes 21 seconds East 207.03 feet; thence (19) North 40 degrees 28 minutes 18 seconds East 306.72 feet; thence (20) South 62 degrees 31 minutes 39 seconds East 243.00 feet; thence (21) South 42 degrees 16 minutes 39 seconds East 54.00 feet; thence (22) crossing Andrews Street Extended, continuing South 42 degrees 16 minutes 39 seconds East 30.25 feet; thence (23) North 40 degrees 28 minutes 21 seconds East 787.19 feet; thence (24) North 19 degrees 46 minutes 39 seconds West 25.42 feet; thence (25) North 42 degrees 07 minutes 21 seconds East 1414.68 feet; thence (26) South 47 degrees 52 minutes 39 seconds East 800.00 feet; thence (27) South 42 degrees 07 minutes 21 seconds West 1200.00 feet; thence (28) South 33 degrees 25 minutes 39 seconds East 1154.56 feet to a Concrete Monument on the northerly side of the aforementioned Maryland Highway No. 392; thence (29) by and with the northerly side of said highway, South 69 degrees 44 minutes 21 seconds West 677.07 feet to a Concrete Monument; thence (30) North 69 degrees 16 minutes 39 seconds West 1299.70 feet to the center of the Stream of Wright's Branch; thence by and with the center of said Stream and the many meanderings thereof, generally, the following four courses and distances: (31) South 13 degrees 36 minutes 21 seconds West 220 feet; thence (32) South 03 degrees 05 minutes 39 seconds East 90.00 feet; thence (33) South 25 degrees 48 minutes 39 seconds East 60.00 feet; thence (34) South 37 degrees 58 minutes 39 seconds East 312.47 feet; thence (35) leaving said Stream, North 87 degrees 51 minutes 56 seconds West 225.60 feet; thence (36) South 02 degrees 12 minutes 19 seconds West 150.00 feet; thence (37) North 87 degrees 56 minutes 56 seconds West 88.30 feet to a Concrete Monument; thence (38) South 26 degrees 32 minutes 01 seconds East 215.32 feet to the northerly side of the aforementioned Maryland Highway No. 392; thence (39) crossing said Highway, South 00 degrees 48 minutes 09 seconds East 2299.25 feet to a Concrete Monument on the northerly side of the aforementioned Jackson Street; thence (40) by and with the northerly side of said Jackson Street and crossing the aforementioned Main Street or Maryland Highway No. 331, South 83 degrees 53 minutes 43 seconds West 2317.09 feet to the Place of Beginning, containing 790.819 Acres of Land, more or less. (See note (a))



### ARTICLE III The Council

#### Section 301. Number, Selection, Term.

a. All legislative powers of the Town are vested in a Council consisting of five Councilmembers who shall be elected as hereinafter provided and shall hold office for a term of years as set forth in Article VI, Section 609(a) set forth hereinafter or until the succeeding Council takes office. The regular term of Councilmembers shall expire on the first Monday in December following the election of their successors. Councilmembers holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter. The Council shall elect one of its members as its president. The Council President shall serve as the presiding officer at Council meetings in the absence of the Mayor.

b. The Town of Hurlock, Maryland, shall be divided into five Councilmanic districts, one of which shall be an at-large councilmanic district, as follows:

(1) Councilmanic District No. 1 shall be composed of that area of the Town beginning at the municipal corporate boundary of the Town to the northwest where it intersects Academy Street (MD 331); continuing along the municipal corporate boundary to the east as it intersects North Main Street, follows North Main Street in a northerly direction and continues until it intersects Broad Street (MD 307) on the easterly side of town; continuing west along Broad Street (MD 307) to the intersection of Broad Street and Academy Street (MD 331); continuing along Academy Street (MD 331) in a northerly direction to the intersection of Academy Street (MD 331) and Orchard Street; continuing in an easterly direction along Orchard Street to the intersection of Orchard Street and North Main Street; continuing in a northerly direction along North Main Street to the intersection of North Main Street and Mapleton Street; continuing in a westerly direction along Mapleton Street to the intersection of Mapleton Street and Academy Street (MD 331); and continuing in a northerly direction parallel to and to the east of Academy Street (MD 331), at the rear property line of those parcels fronting Academy Street (MD 331) to the point of beginning.

(2) Councilmanic District No. 2 shall be composed of that area of the Town beginning at the intersection of the northwesterly municipal corporate boundary and Oak Street (Cabin Creek–Hurlock Road); continuing in a northerly direction along the municipal corporate boundary to the intersection of the municipal corporate boundary and Academy Street (MD 331); continuing in a southeasterly direction parallel and to the west of Academy Street (MD 331) to the rear of the property line of those parcels fronting Academy Street (MD 331) to the intersection at Mapleton Street; continuing in an easterly direction along Mapleton Street to the intersection of Mapleton Street and North Main Street; continuing in a southerly direction along North Main Street to the intersection of North Main Street and Orchard Street; continuing in a westerly direction along Orchard Street to the intersection of Orchard Street and Academy Street (MD 331); continuing in a southeasterly direction along Academy Street (MD 331) to the intersection of Academy Street (MD 331) and Broad Street (MD 307); continuing in an easterly direction along Broad Street (MD 307) to the intersection of Broad Street (MD 307) and Neelson

Street; continuing in a southerly direction along Nealson Street to the intersection of Nealson Street and Delaware Avenue (MD 392); and continuing in a westerly direction along Delaware Avenue (MD 392) to the intersection of Delaware Avenue (MD 392) and South Main Street (MD 331); continuing in a northerly direction along South Main Street (MD 331) to the intersection of South Main Street (MD 331) and Gay Street; continuing in a westerly direction along Gay Street to the intersection of Gay Street and Charles Street; continuing in a northerly direction along Charles Street to the intersection of Charles Street and Poplar Street; continuing in a westerly direction along Poplar Street to the intersection of Poplar Street and Elm Street; continuing in a northerly direction along Elm Street to the intersection of Elm Street and Oak Street; and continuing in a westerly direction along Oak Street to the point of beginning.

(3) Councilmanic District No. 3 shall be composed of that area of Town beginning at the intersection of the municipal corporate boundary, Jackson Street and MD 331; continuing along the municipal corporate boundary in a westerly direction; as it intersects MD 392, continues westerly along MD 392, continues further west and northwest until the municipal corporate boundary intersects Cabin Creek–Hurlock Road and continues in an easterly direction to the intersection of Cabin Creek–Hurlock Road (Oak Street) and Elm Street; continuing in a southerly direction along Elm Street to the intersection of Elm Street and Poplar Street; continuing in an easterly direction along Poplar Street to the intersection of Poplar Street and Charles Street; continuing in a southerly direction along Charles Street to the intersection of Charles Street and Gay Street; continuing in an easterly direction along Gay Street to the intersection of Gay Street and South Main Street; continuing in a southerly direction along South Main Street to the intersection of South Main Street and Delaware Avenue (MD 392); continuing along Delaware Avenue (MD 392) in an easterly direction to the intersection of Delaware Avenue (MD 392) and Railroad Avenue; continuing in a southerly direction along Railroad Avenue to the intersection of Railroad Avenue and Dorchester Avenue; continuing in a westerly direction along Dorchester Avenue to the intersection of Dorchester Avenue and South Main Street (MD 331); and continuing south along South Main Street to the point of beginning.

(4) Councilmanic District No. 4 shall be composed of that area of Town beginning at the intersection of Nealson Street and Broad Street (MD 307); continuing in an easterly direction along Broad Street (MD 307) and running concurrently with the easterly municipal corporate boundary; continuing along the easterly municipal corporate boundary as it turns in a generally southerly direction and then turns generally north, following MD 331 (South Main Street); continuing in a northerly direction along MD 331 (South Main Street) to the intersection of South Main Street (MD 331) and Dorchester Avenue; continuing in an easterly direction along Dorchester Avenue to the intersection of Dorchester Avenue and Railroad Avenue; continuing in a northerly direction along Railroad Avenue to the intersection along Railroad Avenue and Delaware Avenue (MD 392); continuing in an easterly direction along Delaware Avenue (MD 392) to the intersection of Delaware Avenue (MD 392) and Nealson Street; and continuing in a northerly direction along Nealson Street to the point of beginning.

(5) Councilmanic District No. 5 shall be composed of the entire incorporated limits of the Town. (Res. No. 1987–1, 11–17–87; Res. No. 1991–1, 5–14–91; Res. No. 1999–1, 1–11–00; Res. No. 2001–6, 9–25–01.)

**Section 302. Qualifications of Councilmembers.**

Councilmembers shall be at least twenty-five years of age, shall have resided in the Town for at least one year immediately preceding their election, and shall be qualified voters of the Town. They shall maintain a permanent residence in the Town during their term of office.

**Section 303. Salary of Councilmembers.**

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

**Section 304. Meeting of the Council.**

The newly elected Council shall meet at 8:00 p.m. on the first Monday in December following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice each month. Special meetings may be called by the Clerk-Treasurer upon the request of the Mayor or a majority of the members of the Council. Special meetings may be called by the Mayor with the consent of a majority of the Council. In the absence of the Mayor, a majority of the members of the Council, may call a special meeting for a specific purpose. No matters other than those for which the meeting is called shall be discussed at said meeting. All meetings of the Council shall be open to the public except in special and appropriate circumstances when meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article of the Annotated Code of Maryland, as amended, to wit: the Maryland Sunshine Law. The rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any public meeting in regard to any municipal question. (Res. No. 2001-2, 8-7-01.)

**Section 305. Quorum.**

A majority of the Councilmembers shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Councilmembers.

**Section 306. Procedure of Council.**

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas and nays and absentions [abstentions] upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to the public for inspection.

Section 307. Vacancies on the Council.

In the event of a vacancy on the Council for any reason, the Council, by unanimous vote, shall appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term.

Section 308. Ordinances.

a. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of all members of the Council.

b. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over his veto.

c. A summary of each ordinance shall be published at least once in a newspaper having general circulation in the municipality. An unabridged copy of each ordinance shall be posted in the Town Hall for view by the public during regular business hours of the Town office. (Res. No. 2004-1, 7-13-04.)

Section 309. Veto.

a. All ordinances passed by the Council shall be promptly delivered by the Clerk–Treasurer to the Mayor for his approval or disapproval. If the Mayor approves any ordinance, he shall sign it. If the Mayor disapproves any ordinance, he shall not sign it.

b. The Mayor shall return all ordinances to the Clerk–Treasurer within six (6) days after delivery to him (excluding the first day, including the last day, and excluding any Sunday) with his approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinances shall not become law unless subsequently passed by a unanimous vote of the Council within thirty–five (35) calendar days from the time of the return of the ordinance.

c. If the Mayor fails to return any ordinance within six (6) days of its delivery, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by him six days after it was passed by the Council.

Section 310. Files of Ordinances.

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

**ARTICLE IV**  
**The Mayor**

Section 401. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The newly elected Mayor shall take office on the first Monday in December following his election. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.

Section 402. Qualifications of Mayor.

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

Section 403. Salary of the Mayor.

The Mayor shall receive an annual salary as set from time to time by the Council in the regular course of business. No change shall be made in the salary for any Mayor during the term for which he was elected. The resolution making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally adopted prior to the municipal election to elect the next succeeding Mayor and shall take effect only as to the next succeeding Mayor.

Section 404. Powers and Duties.

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

b. The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor, in accordance with rules and regulations which may be adopted by the Council.

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

d. *Council meetings.* The Mayor shall serve as a non-voting, presiding officer at all Council meetings. He may, however, express his views concerning any matter on the agenda.

e. *Veto*s. The Mayor shall have the power to veto ordinances passed by the Council as provided in Section 309.

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

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

#### Section 405. Vacancy in Office of Mayor.

If, within a period of two years following any mayoral election, the office of Mayor becomes vacant due to the death, resignation, or any other incapacity, a special election shall be held to elect a successor to serve the remainder of the present term. If such a vacancy occurs after the first two years of the present term, the Council shall elect one of their members to serve as Mayor until the next regularly scheduled election.

## **ARTICLE V General Powers**

#### Section 501. General Powers.

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

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

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

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

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

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

(4) *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.

(5) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Council; to borrow money in accordance with the provisions of this Charter.

(6) *Fire.* 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 matters which may endanger persons or property; to take all other measures necessary to control and prevent fire in the Town.

(7) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article 23 and 78 of the Annotated Code of Maryland (1957 edition, as amended). No franchise shall be granted for a longer period than fifty (50) years.

(8) *Health.* To protect and preserve the health of the Town and its inhabitants; to regulate, inspect, and abate any buildings, structures, or places which cause or may cause any unsanitary conditions or conditions detrimental to health. 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. Provided, however, that the exercise of these powers shall not 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 to [of] health.

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

(10) *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.

(11) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control 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.

(12) *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.

(13) *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.

(14) *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.

(15) *Planning and Zoning.* To exercise the power as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland (1957 edition, as amended) subject however to the limitations and provisions of said article.

(16) *Police Force.* To establish, operate, and maintain a police force.

(17) *Police Powers.* To prohibit, punish, and suppress vagrancy, vice, gambling and the owning or keeping of houses of ill fame within the limits of the Town. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

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

(19) *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.



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

(21) *Streets.* To construct, maintain and improve the streets and to control the public ways of the Town; to erect and maintain bridges; to provide for the lighting of the Town.

(22) *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 502. Exercise of Powers.

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

**ARTICLE VI**  
**Registration, Nomination and Elections**

Section 601. Voters.

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) is a resident within the corporate limits of the Town for thirty (30) days preceding any Town election and is registered in accordance with the provisions of this Charter, is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all Town elections. (Res. No. 2001–3, 8–7–01.)

Section 602. 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 Mayor with the approval of the Council on or before the first Monday in September in every odd numbered year. The terms of members of the Board of Supervisors of Elections begin on the first Monday in September in the year in which they are appointed and run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Council.

Section 603. Removal.

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

Section 604. 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, but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Council.

Section 605. Notice.

The Board of Supervisors of Elections shall give at least two (2) weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town.

Section 606. Registration.

a. Any resident of the Town of Hurlock who is qualified to vote in Town Elections must register to vote with the Dorchester County Elections Board governed by such applicable rules and/or regulations as the Dorchester County Election Board may from time to time adopt or mandated by State law.

b. The Hurlock Board of Supervisors of Elections shall check each potential voter's name and address with the voter list maintained by the Dorchester County Elections Board. (Char. Am. No. 1986-1, 7-1-86; Res. No. 2001-4, 8-7-01; Res. No. 2010-1, 07-13-10.)

Section 607. Appeal.

If a prospective voter is aggrieved by any action of the Town's Board of Supervisors of Elections, he may avail himself of any appeal process, if any, set forth by applicable rules and/or regulations of the Dorchester County Board of Elections or those mandated by State law. (Res. No. 2010-2, 11-02-10.)

Section 608. Nominations.

Persons may be nominated for elective office in the Town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the first Monday in October next preceding the Town election. No person shall file for nomination to more than

one elective Town public office or hold more than one elective Town public office at any one time. (Res. No. 2000-3, 10-17-00; Res. No. 2010-3, 11-02-10.)

Section 609. Election of the Mayor and Councilmembers.

a. On the first Saturday in November, 1977, an election shall be held for Mayor and two (2) Councilmembers. The Mayor shall be elected for a term of four (4) years, beginning the first Monday in December, 1977. Of the two Councilmembers, the one receiving the highest number of votes shall serve for a term of four (4) years, beginning the first Monday in December, 1977. The remaining Councilmember elected shall serve for a term of two (2) years, beginning on the same date. Beginning on the first Saturday of November, 1979, and continuing on every first Saturday in November in every odd-numbered year thereafter, an election will be held for either two (2) Councilmembers (November, 1979) or a Mayor and one (1) Councilmember (November, 1981). Beginning in 1979, the term of office for both the Mayor and all Councilmembers will be four years. Except when a new Council seat is added the present Council may mandate the lowest elected Council member, by popular vote, serve only a two (2) year term so as to provide for future equally staggered terms of office. This two (2) year term is to be set at the sole discretion of the current Council and is not to be used in and for any other purpose. After the first election of a newly created Council member seat, all ensuing terms for that seat will be four (4) year terms as provided herein.

b. In the case of any precise tie between two Councilmembers, which would prevent one of them from holding office, a run-off election shall be held within the next 30 days.

c. In the event that there is no contest for any of the offices for which an election shall be proper, the Board of Supervisors of Elections are authorized and directed to cancel the election with respect to said office or offices and the person or persons holding said office or offices shall remain in office until replaced pursuant to this Charter. (Res. No. 1987-2, 11-17-87; Res. No. 2000-2, 10-17-00.)

Section 610. Conduct of Elections.

a. Elections shall be on a non-partisan basis. 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.

b. The Board of Supervisors of Elections shall keep the polls open from 8:00 a.m. to 6:00 p.m. on election days, or such other hours as may be designated by the Council.

Section 611. Absentee Ballots.

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

b. The Board of Supervisors of Elections, or its designee, pursuant to requests made in person at the Hurlock Town Office or by written requests made by individuals unable to appear

personally at said office and delivered thereto, by qualified voters to vote via absentee ballot, shall deliver absentee ballots to qualified voters not less than fifteen days prior to the elections. (Res. No. 2001-5, 8-7-01.)

Section 612. Special Elections.

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

Section 613. Vote Count.

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes cast, including regular absentee ballots, for each candidate or question and shall certify the results of the election to the Clerk-Treasurer of the Town who shall record the results in the minutes of the Council.

Section 614. 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 615. Regulation and Control.

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

Section 616. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this subtitle 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 VII**  
**Finance**

Section 701. Fiscal Year.

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

Section 702. Budget.

The Mayor shall prepare and submit a budget to the Council, on such date as the Council by resolution shall determine, but at least thirty-two (32) days before the beginning of any fiscal year. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk-Treasurer, open to public inspection by anyone during normal business hours.

Section 703. Budget Adoption.

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

Section 704. Transfer of Funds.

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

Section 705. Over Expenditure Forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amount appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this section 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 706. Appropriations Lapse After One Year.

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

Section 707. Checks.

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

Section 708. Taxable Property.

All real property and/or business personal property within the corporate limits of the Town shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on property which is exempt from taxation by any Act of the General Assembly.

Section 709. Budget Authorized Levy.

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

Section 710. Notice of Tax Levy.

Each year after the tax levy is made, a bill or account of the taxes due from him shall be mailed or delivered in person to each taxpayer or his agent at his last known address. This bill or account shall contain a statement of the amount of real estate property and/or business 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 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 711. When Taxes are Overdue.**

The taxes provided for in section 710 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 prescribed by ordinance for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 712.

**Section 712. 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 711 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 713. Audit.**

The financial books and accounts of the Town shall be audited annually in a manner determined by the Council but not contrary to applicable State law.

**Section 714. Tax Anticipation Borrowing.**

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid 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 percent (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 Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

**Section 715. Authorization to Borrow Money.**

The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37 inclusive, of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title “Municipal Corporations,” subtitle “Creation of Municipal Public Debt.”

Section 716. 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 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. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the binds [bonds], notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 717. Previous Issues.

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

Section 718. Purchasing and Contracts.

a. Purchases for the Town government shall be made by the Clerk–Treasurer under the direction of the Council. The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

b. All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the Council.

## **ARTICLE VIII**

### **Administration**

Section 801. Clerk–Treasurer.

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

Section 802. Town Attorney.

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



Section 803. Authority to Employ Personnel.

The Council shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government.

Section 804. Compensation for Employees.

The compensation of all officers and employees of the Town shall be set from time to time by the Council, subject to the restriction imposed upon establishing the salaries of the Mayor and Council.

Section 805. Employee Benefit Programs.

The Town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and may expend public moneys of the Town for such programs.

Section 806. Prohibition.

No employee in the service of the Town shall continue in such position after becoming a candidate for nomination or election to any public office in the Town.

**ARTICLE IX**  
**Public Ways and Sidewalks**

Section 901. Definition of Public Ways.

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

Section 902. Control of Public Ways.

The Town has control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State 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.

## ARTICLE X Special Assessments

### Section 1001. 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 municipal improvements 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 assessment may include the direct costs 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 1002. Procedures.

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

- a. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.
- b. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property.
- c. When desirable, the affected property may be divided into different classes to be charged different rates, but except for this, any rate shall be uniform.
- d. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least 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 Council in its discretion, may vote to proceed with the project and may levy the special assessment.

e. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of the County within twenty-one (21) days after levying of any assessment of the Council.

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

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

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

## **ARTICLE XI Town Property**

### Section 1101. Acquisition, Possession, and Disposal.

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

### Section 1102. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as in 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 public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the “Real Property” Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts of 1974.

Section 1103. Town Buildings.

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

Section 1104. 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 1201. Oath of Office.

a. Before entering upon the duties of their offices, the Mayor, the Councilmen, the Clerk–Treasurer, 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 judgement, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and Laws of this State.”

b. The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Dorchester County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing to the oath shall do so before the Mayor.

Section 1202. Official Surety Bonds.

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

Section 1203. Prior Rights and Obligations.

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

law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgement as if this Charter had not become effective.

Section 1204. Enforcement and Penalties.

To assure the observance of the ordinances of the Town, the Council has the power to provide that violation thereof shall be a misdemeanor and have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100.00), or imprisonment not exceeding thirty (30) days or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter has the right of appeal within ten (10) days to the District Court of Dorchester County. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1205. Effect of Charter on Existing Ordinances.

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

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

Section 1206. Gender.

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

Section 1207. 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 a 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.

## **ARTICLE XIII**

### **Transitional Provisions**

(See note (1))

#### Section 1301. Nature of this Article.

The provisions of this Article relate to the transition from the existing [existing] form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

#### Section 1302. Transition Between Present and Charter–Mandated Forms of Government.

In order that this Charter may become operative promptly after it becomes law, the present form of government, as such is concerned with the powers and duties of the Mayor and Councilmembers, shall continue in effect until the form of government provided in the Charter, concerning the same subject matter, becomes effective after the next municipal election.

#### Section 1303. Date of Next Municipal Election.

The date of the next municipal election scheduled by the Town of Hurlock will be the first Saturday in November, 1977.

## **ARTICLE XIV**

### **Water and Sewers**

(See Note (2))

#### Section 1401. Powers.

The Town shall have the power:

- a. To construct, operate, and maintain a water system and water plant.
- b. To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- c. To construct, operate, and maintain a storm water drainage system and storm water sewers.
- d. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations, and structures of the above plants and systems.
- e. To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

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

Section 1402. Placing Structures in Public Ways.

Any public service corporation, company, or individual, before beginning any construction, placing or relocation 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. 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 1403. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the Town or in the county which impede the establishment, construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Section 1102.

Section 1404. 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 State or County, the Town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 1405. Connections.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed.

Section 1406. Charge for Connections.

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

Section 1407. 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 1408. Extensions Beyond Boundaries.

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

Section 1409. Right of Entry.

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

Section 1410. 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.

Section 1411. Contracts for Water.

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

Section 1412. 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 supplied and for the removal of sewage. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

Section 1413. Exceptions.

The provisions of this subtitle shall not extend to any Town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subtitle, as to the particular powers included in the authorization.



Section 1414. Violations and Penalties.

Any violation of the provisions of this Article, or failure to comply with the requirements thereof, shall be deemed a misdemeanor and subject to penalties as set forth in Section 1204 of this Charter.



## APPENDIX I

### Urban Renewal Authority for Slum Clearance

(See note (3))

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 Hurlock, 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 on 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 on 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 the 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) On 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, by ordinance, 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 on, 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 the purchaser or lessee has completed the construction of any or all improvements which the purchaser or lessee has been obligated 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, by ordinance, 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 appendix. 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 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 shall:

- (1) 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 of payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) Be secured in a manner; and
- (11) Have other characteristics, as are provided by the resolution, 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 Hurlock 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 Maryland Constitution, may be amended or repealed only by the General Assembly of Maryland.

## NOTES

(a) Additional land was annexed by a resolution effective January 7, 1988 and by Resolution 2001-4, effective September 7, 2001, of 8.991 acres of land.

(1) This Article added by Resolution passed August 24, 1976 and became effective October 12, 1976.

(2) This Chapter added by Resolution passed April 19, 1977, to become effective June 8, 1977.

(3) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Hurlock in Chapter 279 of the Acts of the General Assembly of 2007.