CHARTER

OF THE

Town of Westernport

ALLEGANY COUNTY, MARYLAND

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prepared this document.

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WESTERNPORT

ARTICLE I
General Corporate Powers

Section 101.

The inhabitants of Westernport in Allegany County, Maryland, within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the "Mayor and Commissioners of Westernport" 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 corporate existence are legally abrogated.

ARTICLE II
Corporate Limits

Section 201. Corporate Limits on File.

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 Allegany County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference **[**Services**]**, and in the Office of the Clerk of the Town of Westernport.

Section 202. Corporate Boundaries.

The corporate limits of the Town of Westernport are as follows:

Beginning for the same at a point in the West Virginia–Maryland State Line on the southerly bank of the Potomac River, the said point being South 21 degrees 30 minutes west three hundred and thirty feet from a concrete monument, which is situated South 43 degrees 40 minutes east in the extension of the center line of Maryland Avenue, eight hundred feet from its intersection with the northwesterly side of Fourth Street; thence North 21 degrees 30 minutes east one thousand four hundred eighty feet with a part of the present corporate line to a concrete monument; thence leaving the present corporate line North 31 degrees ten minutes east two thousand three hundred thirty feet through an alley between Roosevelt Street and Garfield Street to a concrete monument in the northeasterly side of Boundary Alley; thence with the northeasterly side of Boundary Alley North 43 degrees 00 minutes west four hundred fifteen feet to its intersection with the present corporate line; thence with a part of the present corporate line North 21 degrees 30 minutes east one thousand six hundred eighty feet to a concrete monument; thence leaving the pre–corporate line and extended; North 21 degrees 30 minutes East four hundred twenty feet more or less to a line running along the northeast side of the private road to the shale pit and extended to this point; thence reversing the last named line North 45 degrees west one thousand six hundred twenty feet more or less to a point; thence south 80 degrees west

two thousand two hundred eighty feet more or less to a concrete monument at the end of the present northwesterly corporate line; thence with a part of the present northwesterly corporate line; South 27 degrees 30 minutes west one thousand seven hundred eighty feet to a concrete monument; thence South 36 degrees 10 minutes west with the westerly side of Chestnut Street three thousand sixty–five feet to a concrete monument; thence South 53 degrees 50 minutes east one thousand two hundred seventy–five feet to a point in the West Virginia–Maryland State line on the southerly bank of the Potomac River; thence with the West Virginia–Maryland State Line downstream with the meanders of the Potomac River approximately four thousand three hundred feet to the point of beginning.

ARTICLE III
The Commission

Section 301. Number, Selection, Term.

All legislative powers of the Town are vested in a Commission consisting of four (4) Commissioners who shall be elected as hereinafter provided, for staggered terms for the two (2) Commissioners receiving the highest vote to serve a four (4) year term, or until the succeeding Commission takes office, and the remaining two (2) Commissioners to serve a two (2) year term, or until the succeeding Commission takes office. The regular term for the four (4) year term Commissioners shall expire on the first Monday in June following the quadrennial election of their successors. The regular term for the two (2) year term Commissioners shall expire on the first Monday in June following the biennial election of their successors. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Commission takes office under the provisions of this Charter. (Res. No. 2–9, 03–30–00.)

Section 302. Qualifications of Commissioners.

Commissioners shall be at least twenty–one 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 Commissioners.

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

Section 304. Meetings of the Commission.

The newly elected Commission shall meet at 7:30 p.m. on the first Monday in June following its election for the purpose of organization, after which the Commission shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk upon the request of the Mayor or a majority of the Commissioners. All meetings of the Commission shall be open to the public and the rules of the Commission shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

Section 305. Quorum.

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

Section 306. Procedure of Commission.

The Commission shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas and nays and 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 Commission.

In the event of a vacancy on the Commission for any reason, the Commission, 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. An ordinance may be passed at the Commission meeting at which it is introduced. It does not become effective, however, until the next regular or special meeting of the Commission at which time it is re–read.

b. During the period between the two meetings, any ordinance introduced and passed shall be published at least once in a newspaper having general circulation in the municipality, as well as being publicly posted in various sections of the Town.

c. If objections arise concerning any ordinance, it shall be tabled until a third meeting for final passage or denial.

d. Emergency ordinances shall become effective immediately upon passage by the Mayor and Commissioners.

Section 309. Files of Ordinances.

Ordinances shall be permanently filed by the Clerk 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 two years or until his successor is elected and qualified. The newly elected Mayor shall take office on the first Monday in June 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–one (21) 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 an ordinance passed by the Commission 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 ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained 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. *Appointments*. The Mayor, with the approval of the Commission**[,]** 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 Commission.

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

d. *Commission Meetings*. The Mayor shall serve as a voting, presiding officer at all Commission meetings.

e. *Finances*. The Mayor shall supervise the financial administration of the Town government. He shall appoint one of the Commissioners to serve as a finance officer who will prepare annually a budget which will be submitted to the full Commission for approval. He shall supervise the administration of the budget as adopted by the Commission. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

f. *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 Commission, but not inconsistent with this Charter.

Section 405. Vacancy in Office of Mayor.

If the office of Mayor becomes vacant for any reason, the Commission shall nominate some person, qualified in accordance with Section 402, to fill such vacancy for the remainder of the unexpired term. The person nominated must be approved by a majority vote of the total Commission membership.

ARTICLE V
General Powers

Section 501. General Powers.

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

b. *Specific Powers*. The Commission 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) *Advertising*. To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

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

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

(4) *Billboards*. To license, regulate, restrain or prohibit the erection or maintenance of billboards within the Town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or any other place within the Town.

(5) *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 to appoint a building 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.

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

(7) *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.

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

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

(10) *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 Commission, to borrow money in accordance with the provisions of this Charter.

(11) *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.

(12) *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 Articles 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.

(13) *Grants–in–Aid*. To accept gifts and grants of federal or state funds, and to expend the same for any lawful public purpose, agreeably to the conditions under which the grants or gifts were made.

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

(15) *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 of health.

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

(17) *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.

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

(19) *Livestock*. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, and other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of any such ordinance in effect concerning this matter.

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

(21) *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.

(22) *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.

(23) *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.

(24) *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.

(25) *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.

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

(27) *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.

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

(29) *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.

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

(31) *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.

(32) *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 Commission may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 503. General Powers: Commissioners.

The Mayor and Commissioners of Westernport shall have the general and exclusive control and supervision over all of the departments concerned with the Town's affairs, and shall have power to make and enforce such rules and regulations as they may see fit and proper for the organization, management, and operation of all departments of said Town and over whatever agencies may be created for the administration of its affairs. The Mayor may appoint from among the four Commissioners one who shall be known as "Police and Fire Commissioners **[**Commissioner**]**," and who shall have under special charge the enforcement of all police regulations of said Town and general supervision over the fire department thereof: One Commissioner to be known as "The Commissioner of Streets and Public Property," who shall have under his special charge the supervision of streets, sewers, alleys, public grounds and property of the Town, and be charged with the duty of keeping them in a clean and sanitary condition and with the enforcement of all rules and regulations to these ends, and who shall also have under his special charge the supervision of all public improvements except as may be otherwise provided; one Commissioner to be known as "The Water and Light Commissioner," who shall have under his special charge the construction, maintenance and operation of the water and lighting systems of said Town and shall see to the enforcement of all rules and regulations with respect to said systems; One Commissioner, who shall be known as the "Commissioner of Finance and Revenue," who shall **[**have**]** under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and collection of all revenues belonging to said Town from whatever source the same be derived and who shall examine and keep informed as to the finances of said Town.

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) has resided within the corporate limits of the Town for thirty (30) days preceding any

Town election, and (d) 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.

Section 602. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of two (2) who shall be appointed by the Mayor with the approval of the Town Commission on or before the first Monday in February in every election year. The terms of members of the Board of Supervisors of Elections begin on the first Monday in February in the year in which they are appointed and run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. Vacancies on the Board shall be filled by the Mayor with the approval of the Town Commission for the remainder of the unexpired term. Any compensation of Board members shall be determined by the Town Commission.

Section 603. Removal.

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

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. Town Clerk to Act in Lieu of Board of Supervisors of Elections.

The Mayor, with the approval of the Town Commission, may designate the Town Clerk to act in lieu of an established Board of Supervisors of Elections whenever such a situation is preferable.

Section 607. Registration.

a. Citizens may register to vote in Town elections any weekday during normal working hours between 8:00 a.m.—4:30 p.m. in the Clerk's office in the town municipal building.

b. Registration shall be permanent, and no person is entitled to vote in Town elections unless he is registered. The Board of Supervisors of Elections shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the Town.

c. The Commission, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re–registration when necessary.

Section 608. Appeal.

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, he may appeal to the Town Commission. Any decision or action of the Commission upon such appeals may, in turn, be appealed to the District Court of Allegany County within 10 days of the decision or action of the Commission.

Section 609. Nominations.

Persons may be nominated for elective office in the Town by filing an application of nomination in the Clerk's office in the town municipal building on or before the fourth Tuesday in April next preceding the Town election. No person shall file for nomination to more than one elective Town office or hold more than one elective Town office at any one time. Each certificate of nomination shall be signed by at least twenty–five (25) registered voters of the Town. Each certificate of nomination shall also include the payment of a nomination fee, the amount of which is set by the Town Commission and kept on record in the municipal building.

Section 610. Election of the Mayor and Councilmembers.

a. On the fourth Tuesday in May, 1982, and in every even–numbered year thereafter, an election will be held for a Mayor and two (2) Commissioners. The terms of office for the Mayor and two (2) Commissioners will be two (2) years, beginning on the first Monday in June in the year of their elections. The terms of office for the two (2) Commissioners receiving the highest vote will be four (4) years, beginning on the first Monday in June in the year of their elections. (Res. No. 2–9, 03–30–00.)

b. In the case of any precise tie between two candidates for office, which would prevent one of them from holding office, a run–off election shall be held within the next thirty (30) days.

Section 611. 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 7:00 a.m. to 7:00 p.m. on election days, or such other hours as may be designated by the Council.

Section 612. Absentee Ballots.

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

b. The Town Clerk shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to the elections.

Section 613. 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 614. Vote Count.

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

Section 615. 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 616. Regulation and Control.

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

Section 617. Town Clerk to Act in lieu of Board of Supervisors of Elections.

The Mayor, with the approval of the Town Commission, may designate the Town Clerk to act in lieu of an established Board of Supervisors of Elections whenever such a situation is preferable.

Section 618. 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 Commission, on such date as the Commission shall determine. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk open to public inspection by anyone during normal business hours.

Section 703. Budget Adoption.

Before adopting the budget the Commission shall hold a public hearing after providing notice in some newspaper or newspapers having general circulation within the Town. The Commission may insert new items or may increase or decrease the items of the budget. When the Commission increases 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 an ordinance. A favorable vote of at least a majority of the total elected membership of the Commission shall be necessary for adoption.

Section 704. Appropriations.

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

Section 705. Transfer of Funds.

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

Section 706. 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 707. 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 708. Checks.

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

Section 709. 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.

Section 710. Budget Authorized Levy.

The Commission is authorized to establish the rate of levy for the general operation purposes of the City. The Commission has the power to raise the levy up to twenty–five ($00.25)

cents per one hundred dollars every year beginning fiscal year 1983, with the starting salary rate of one dollar and ten cents ($1.10) per one hundred dollars. In addition to the sum for general purposes, the Commission may levy on assessable property such sums as are necessary and sufficient for the liquidation and payment of the indebtedness of the Town of Westernport or any bonds thereof or any interest thereon, issued or to be issued under the authority of state law or this article.

Section 711. 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 712. When Taxes are Overdue.

The taxes provided for in section 711 of this charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of two–thirds of one percentum (0.66 2/3%) **[**(2/3%)**]** for each month or fraction of a month until paid. All taxes not paid and in arrears after the last day of March shall be collected as provided in Section 713.

Section 713. 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 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 714. Fees.

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

Section 715. Audit.

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

Section 716. 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 evidences 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 eighteen (18) months from their date of issue. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per cent (50%) of the property tax levy for the fiscal year in which such notes or other evidence **[**evidences**]** of indebtedness shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 717. Authorization to Borrow Money.

a. 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 pursuant to ordinance in the manner prescribed in Section 717(b).

b. (1) Bonds, notes, or other certificates of indebtedness of the Town may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids, as determined by the ordinance authorizing the issuance of the bonds, notes, or other certificates of indebtedness.

(2) (i) Any public sale of bond **[**bonds**]**, notes, or other certificates of indebtedness of the Town may be held only after 1 or more insertions of a notice of the sale in either a newspaper of general circulation in the Town or a publication having a circulation primarily among the investment and financial community.

(ii) The first insertion of the notice of sale shall be published at least 10 days before the date fixed for the sale.

(3) (i) Bonds, notes, or other certificates of indebtedness issued under this section may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds, notes, or other certificates of indebtedness, as provided in the authorizing ordinance.

(ii) The ordinance that authorizes the bonds, notes, or other certificates of indebtedness may provide for prior redemption of the bonds, notes, or other certificates of indebtedness.

(iii) Bonds, notes, or other certificates of indebtedness of the Town may be issued, sold, and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing ordinance.

(4) Bonds, notes, or other certificates of indebtedness of the Town may be issued for either cash or other valuable consideration.

(5) The official signatures and seals affixed to any bonds, notes, or other certificates of indebtedness of the Town may be imprinted in facsimile.

(6) The Town may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds, notes, or other certificates of indebtedness and for securing any tender option granted to holders.

c. Any ordinance authorizing the issuance of bonds, notes or other certificates of indebtedness of the Town shall be enacted pursuant to the procedure set out in Section 308 for ordinances of the Town, except that publication of a fair summary of any such ordinance shall satisfy the requirement of Section 308(b) where applicable. (Res., 5–26–87.)

Section 718. 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 bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 719. 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 720. Purchases, Bids, and Contracts.

All purchases for the town government shall be made through the office of the Town Clerk under the direction of the Commission. The Commission shall provide for rules and regulations regarding the use of competitive bidding and contracts for municipal purchases.

ARTICLE VIII
Administration

Section 801. Town Clerk.

The Town Clerk shall serve as clerk to the Mayor and Town Commission. He shall attend every meeting of the Commission and keep a full and accurate account of the proceedings of the Commission. He shall keep such other records and perform such other duties as may be required by this Charter or the Commission. The term of office of the Town Clerk shall be two (2) years. Therefore, the Town Clerk must be re–appointed to office every two years, beginning in June, 1983.

Section 802. Town Attorney.

The Mayor, with the approval of the Commission may appoint a Town Attorney. His compensation shall be determined by the Commission. The Town Attorney shall be a member of the bar of the 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 Commission. The town shall have the power to employ other legal consultants as it deems necessary from time to time. The Town Attorney shall serve a term of office of one year. Therefore, the Town Attorney must be re–appointed to office every year, beginning in June, 1982.

Section 803. Chief of Police.

The Mayor, with the approval of the Commission may appoint a Chief of Police. His qualifications and compensation shall be determined by the Commission. He shall protect the welfare of the Town and shall perform such duties in this connection as may be required by the Commission. The Chief of Police shall serve a term of office of one year. Therefore, the Chief of Police must be re–appointed to office every year, beginning in June, 1982.

Section 804. Authority to Employ Personnel.

The Commission 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 805. Compensation of Employees.

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

Section 806. 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 807. 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.

Section 808. Liability Protection for Public Officials.

The Town by ordinance may provide general liability insurance and also may provide for the specific payment of legal fees in regard to any liability suit by a person against any public official of 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
Water and Sewer

Section 1001. 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 1002. 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 1003. 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 1202.

Section 1004. Entering on County Public Ways.

The Town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the 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 1005. 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 abandoned and closed.

Section 1006. Charge for Connections.

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

Section 1007. 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 its **[**it**]** deems necessary to prevent such waste or improper use.

Section 1008. Private Systems.

The Town may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health **[**and**]** may be deemed a nuisance and may be abated by the Town. (See Note (1))

Section 1009. Extensions Beyond Boundaries.

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

Section 1010. Right of Entry.

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

Section 1011. Pollution of Water Supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used in the Town water supply system.

Section 1012. Contracts for Water.

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

Section 1013. 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, collectively **[**collected**]** in the same manner as Town taxes or by suit at law.

Section 1014. 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 1304 of this Charter.

ARTICLE XI
Special Assessments

Section 1101. 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 cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

Section 1102. Procedure.

The procedure 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 food **[**foot**]** rule of apportionment or some other equitable basis determined by the Town Commission.

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 Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Commission and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Clerk 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 shall have completed publication and service of notice as provided in this section. Following the hearing the Commission in its discretion, may vote to proceed with the project and may levy the special assessment.

e. 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 the levying of any assessment of the Commission.

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

g. 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 Town Clerk.

ARTICLE XII
Town Property

Section 1201. Acquisition, Possession, and Disposal.

The Town may acquire real, personal, or mixed property within the corporate limits of the Town or, with respect to property utilized in connection with an electrical utility, within or

without the corporate limits of the Town, for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof. (Res. No. 1A, 1–21–86.)

Section 1202. 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 1203. 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 1204. 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 XIII
General Provisions

Section 1301. Oath of Office.

a. Before entering upon the duties of their offices, the Mayor, the Commissioners, the Town Clerk, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government, shall take and subscribe the following oath or affirmation: "I, ... do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and Laws of this State."

b. The Mayor and Commissioners shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Allegany 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 1302. Official Surety Bonds.

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

Section 1303. 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 judgment as if this Charter had not become effective.

Section 1304. Enforcement and Penalties.

To assure the observance of the ordinances of the Town, the Commission 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 $100.00 or imprisonment not exceeding 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 Allegany County. The Commission 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 1305. 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 1306. Gender.

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

Section 1307. 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 XIV
Transitional Provisions

Section 1401. Nature of this Article.

The provisions of this Article relate to the transition from the 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 1402. 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 Commissioners, 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 1403. Date of Next Municipal Election.

The date of the next municipal election scheduled by the Town of Westernport will be the fourth Tuesday in May, 1982.

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (2))

Section A1–101. Definitions.

(a) In this appendix the following words have the meanings indicated.

(b) "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

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

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

(e) "Urban Renewal Project" shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —

(1) acquisition of a slum area or a blighted area or portion thereof;

(2) demolition and removal of buildings and improvements;

(3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;

(5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) "Urban Renewal Area" shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

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

(h) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

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

(j) "Municipality" shall mean the Mayor and Commissioners of Westernport, a municipal corporation of this State.

Section A1–102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property, any right or interest therein, already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of

taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(a) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) 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 (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

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

(c) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, county or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

(d) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(e) 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 (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for

financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(f) 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;

(g) 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;

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

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

Section A1–103. Establishment of Urban Renewal Agency.

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

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

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

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

Section A1–104. Initiation of Project.

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

(a) Finds that one or more slum or blighted areas exist in such municipality;

(b) Locates and defines the said slum or blighted areas; and

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

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

The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

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

Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

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

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

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such 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 such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

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

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusive **[**conclusively**]** presumed 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 such property is concerned.

Section A1–107. Eminent Domain.

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

Section A1–108. Encouragement of Private Enterprise.

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

Section A1–109. General Obligation Bonds.

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

Section A1–110. Revenue Bonds.

In addition to the authority conferred by Section A1–109 of this appendix, the municipality shall have to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

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

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

(3) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

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

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

(6) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1–111. Separability.

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

Section A1–112. Short Title.

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

Section A1–113. Authority to Amend or Repeal.

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

NOTES

(1) Thus in the original.

(2) 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 Westernport in Chapter 147 of the Acts of the General Assembly of 1963.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Westernport appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) **[**Opinion No. 95–037 (September 21, 1995)**]** and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.