

CHARTER

OF THE

Town of Colmar Manor

PRINCE GEORGE'S COUNTY, MARYLAND

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COLMAR MANOR

ARTICLE I Incorporation

Section 101. Incorporation.

This Charter is the Municipal Corporation Charter of the Town of Colmar Manor, formerly known as First Addition of Colmar Manor, Lenox and Top Notch, the corporate name of which is the Mayor and Town Council of Colmar Manor. The Town, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead or be impleaded in any court of law or equity, to have and use a common seal, to purchase and hold all kinds of property including real estate, or dispose of the same by sale or lease for the benefit of said Town and to have perpetual succession unless its Charter and the corporate existence are legally abrogated.

Section 102. Definitions.

The terms “Town,” “city,” “municipality,” or “municipal corporation” shall each mean and referred [refer] to the Mayor and Town Council of Colmar Manor.

ARTICLE II Town Boundaries

Section 201. Corporate boundaries.

The boundaries of the said Town of Colmar Manor shall be as follows: Beginning at the intersection of the east boundary line of the Fort Lincoln Cemetery with the line of the Washington Baltimore Boulevard (Bladensburg Road), and running thence due north to the center line of said boulevard and thence along the center line of said boulevard to high water mark on the east bank of Anacostia River, thence along said high water mark on the said east bank to the boundary line of the District of Columbia, thence along said District of Columbia boundary line to a point in the Fort Lincoln Cemetery, thence through the Fort Lincoln Cemetery to the point of beginning.

Section 202. Ward boundaries.

The Town of Colmar Manor shall be divided into four wards, as follows:

(a) *First Ward.* That portion of said Town lying between its western boundary and a line from Bladensburg Road to the Anacostia River, following the east line of 39th Place.

(b) *Second Ward.* That portion of said Town bounded on the west by a line from Bladensburg Road to the Anacostia River, following the west side of 39th Place and on the east

by a line from Bladensburg Road to the Anacostia River, following the east line of 40th Place, including Newton Street, the thirty nine hundred block of Lawrence Street and Newark Road.

(c) *Third Ward.* That portion of said Town bounded on the west by a line from Bladensburg Road to the Anacostia River, following the west line of 40th Place, and on the east by a line from Bladensburg Road to the Anacostia River, following the west line of 43rd Avenue.

(d) *Fourth Ward.* That portion of the said Town lying east of a line from Bladensburg Road to the Anacostia River, following the west line of 43rd Avenue.

Section 203. Redistricting ward boundaries.

The Town Council shall evaluate the wards of the Town of Colmar Manor periodically, but not less than after the publication of the decennial census, to insure that the representation of the wards is reasonably equal, and the Town Council shall have the power to change the boundaries thereof.

The effective date of any change of boundaries shall be determined by the Town Council.

ARTICLE III

Mayor and Town Council

Section 301. Number, succession, and oath.

All powers of the Town are vested in a Town Council consisting of a Mayor and four Councilmembers who shall be elected as provided herein and shall serve for their designated terms or until their successors take office. The Mayor and Councilmembers holding office at the time this Charter becomes effective shall, except as provided herein, continue to hold office for the term for which each was elected or until their successor takes office. Before entering upon the duties of office, the elected Mayor and each elected Councilmember shall take an oath, within thirty (30) days following election, that they will diligently and faithfully discharge all duties of the office, punctually, without favor, partiality or prejudice, and said oath shall be filed among the records of the Town.

Section 302. Elections, tenure, and residency.

(a) On the first Tuesday in May 2004 and every four (4) years thereafter, the qualified voters of the Town shall elect a Councilmember from each ward to serve a term of four (4) years to be voted for by the qualified voters of their respective wards.

(b) Each Councilmember must continuously reside within their respective ward during the entire term of office. Failure to so reside shall result in a vacancy in that office to be filled as provided for in Section 306.

(c) On the first Tuesday in May 2006 and every four (4) years thereafter, the qualified voters of said town shall elect a mayor to serve a term of four (4) years, to be voted for by the qualified voters of the entire town.

(d) The Mayor must continuously reside within the Town during the entire term of office. Failure to so reside shall result in a vacancy in office to be filled as provided for in Section 306.

Section 303. Qualifications of candidates.

(a) Candidates for the office of Councilmember shall be twenty-one (21) years old or older, have resided in the Town for at least one year, and their respective ward for at least thirty days, immediately preceding their election, and shall be registered and qualified voters of the Town.

(b) Candidates for the office of Mayor shall be thirty (30) years old or older, have resided in the Town for at least one year immediately preceding their election and shall be registered and qualified voters of the Town.

(c) The Council shall be the judge of the qualification of its members. (Res. No. R-2-2010, 8-25-10; Res. No. R-2-2012, 7-25-12).

Section 304. Compensation.

The Mayor and each Councilmember shall receive an annual salary to be paid monthly as set from time to time by ordinance passed by the Town Council in the regular course of business. The salary paid to Councilmembers shall be the same for each such member. The salary specified at the time the Mayor and any Councilmember takes office shall not be changed during the term for which that Mayor or member was elected.

Section 305. Meetings, procedures, attendance.

(a) The Mayor and Council shall meet as the Town Council in some convenient place in the Town not less than once in every month. The majority shall constitute a quorum for the transaction of business; and upon each action the yea and nay vote of the Mayor and each Councilmember shall be recorded opposite the members [member's] name. A journal record of the votes shall be maintained by the Clerk Treasurer [Clerk-Treasurer] or such other person as the Mayor and Town Council may designate. The journal record of the votes shall be open to public inspection.

(b) The Town Council shall pass rules and regulations consistent with the provisions of this subtitle for its own government while in session.

(c) At the first Town Council meeting following each regular Town election, the Mayor with the consent of the Council shall appoint a member of the Council as Mayor

Pro-Tem. The Mayor Pro-Tem shall act as chairman of the Town Council in the absence of the Mayor. [The term of] the Mayor Pro-Tem shall be until the next regular Town election.

(d) The Mayor shall participate, vote, conduct and preside at the meetings of the Town Council and shall call Town Council meetings from time to time as deemed necessary.

(e) The Clerk-Treasurer or such person as shall be designated by the Town Council shall take attendance at each meeting of the Town Council or event at which the elected officials of the Town are required to be present, and record the same in a journal to be maintained by the Town.

(f) The Mayor and Town Council recognize their solemn commitment in the service of their constituents to attend and participate in Town meetings and other functions. The service of attendance and participation by the elected officials being recognized as a necessary sacrifice to sustain the representative democracy in which we are privileged to live. Accordingly, the [absence] of the Mayor or any Councilmember, during any term of office from three (3) meetings of the Town Council, without being formally excused by the Town Council, shall result in that office being deemed vacant and the office shall be filled as set forth in Section 306.

Section 306. Vacancies.

(a) In addition to vacancies occurring because of other events, if the Mayor or any member of the Council is unable to perform the duties and responsibilities of office as set forth in this Charter for a continuous period of six (6) months, the office may be deemed vacant by the affirmative vote of not less than two-thirds of the members of the Town Council and such vacancy shall thereupon be filled as provided for in Section 306(b) or (c).

(b) Provided that at least six (6) months exists [exist] before the next Town election as provided herein, in case of a vacancy in the office of Mayor for any cause prior to the expiration of the Mayor's term of office[,] the Board of Election Supervisors shall conduct a special election by the registered voters of the Town to elect a person as Mayor. The person so elected [shall] meet the qualifications for office provided in Section 303(b), take the oath of office, and shall serve for the remainder of the vacated term until a successor shall have been elected and qualified.

(c) Provided that at least six (6) months exists [exist] before the next Town election in case of [a] vacancy in the office of Councilmember for any cause prior to the expiration of their [the] term, the Board of Election Supervisors shall conduct a special election by the registered voters of the Town to elect a person as shall to elect a person to complete the term. The person so elected shall meet the qualifications for office provided in Section 303(a), take the oath of office and shall serve for the remainder of the vacated term until a successor shall have been elected and qualified.

(d) All special elections conducted pursuant to this section shall be held within forty-five (45) days of the occurrence of any vacancy in the office of Mayor or Councilmember. The Board of Elections Supervisors shall solicit the filing of nominating petitions as provided in

Section 507 hereof within ten (10) days following the occurrence of such vacancy. All such petition [petitions] shall be filed within thirty (30) days of the announcement of solicitation.

Thereafter the Board of Elections Supervisors shall conduct an election on the forty–fifth (45) day following the occurrence of the vacancy.

(e) Should there be less than six (6) months existing before the next Town election in case of vacancy in the office of Mayor or Councilmember for any cause prior to the expiration of their term, then and in such event the vacancy this [thus] created shall be filled at the next Town election.

Section 307. Passage of ordinances.

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Town Council held not less than six (6) nor more than sixty (60) days after the meeting at which the ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specific future date. Any ordinance not passed, passed as amended, rejected or deferred within sixty (60) days of its introduction shall be considered as rejected. In case of an emergency as set forth in a finding made by the Town Council, the period between introduction and adoption may be suspended by the unanimous vote of the members of the Town Council who are present, but in no case less than two–thirds of those eligible to vote.

(b) Every ordinance, unless it is passed as an emergency ordinance shall become effective at the expiration of thirty (30) calendar days following its passage by the Town Council. An emergency ordinance shall become effective on the date specified in the ordinance.

(c) Each ordinance shall be published in a newspaper or newspapers having general circulation in the Town.

Section 308. Referendum.

If, within thirty (30) days following approval of any ordinance a petition is filed with the Clerk–Treasurer containing the signatures of not less than twenty per centum (20%) of the qualified voters of the Town and requesting that the ordinance be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Town Council shall have the ordinance requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Town Council’s discretion, at a special election occurring before the next regular election. No ordinance shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, the operation of the ordinance requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance disapproved by the voters, shall stand repealed. The annual budget ordinance or other ordinance making any appropriation for current expenses shall not be subject to petitions for referendum.

Section 309. Powers and duties of the Mayor.

The Mayor shall:

- (1) serve as the head of the Town government, be its Chief Executive Officer and the head of its Administrative Branch.
- (2) see that all Town ordinances are faithfully executed.
- (3) be a member of, preside and take part in all discussions and vote on all matters coming before the Town Council.
- (4) appoint all department heads of the Town government with the consent of the Council. All department heads shall serve at the pleasure of the Mayor and Council.
- (5) appoint the Mayor Pro-Tem, the Clerk-Treasurer, the Town Attorney, Clerk-Treasurer, code enforcement officer(s), and police coordinator with the consent of the Council.
- (6) supervise and direct all official activities of the department heads and employees of the Town.
- (7) submit the annual budget and the budget message to the Town Council for adoption.
- (8) make reports and provide information to the Council which is required by that body.
- (9) have such other powers and perform such other duties as may be prescribed by this Charter or as may be required by the Council, not inconsistent with this Charter.

Section 310. Duties of the Council.

The Council shall:

- (1) enact all Town legislation, including ordinances, resolutions, Charter amendments and regulations.
- (2) investigate Town affairs as necessary. Such investigation shall include the power to require any elected or appointed Town official or employee to appear before the Council to provide information or testimony concerning Town affairs.
- (3) adopt the annual budget ordinance and levy taxes including the power to finally increase or decrease any amount proposed in the budget provided that any increase in total expenditures shall be accompanied by a corresponding increase in anticipated revenue.

(4) appoint as necessary persons from among the citizens of the Town, who shall serve on committees without compensation, assist in the consideration of Town policies and programs, to study conditions with particular reference to Town policies and programs, and report their findings and recommendations to the Council and Mayor, as appropriate. The Mayor and Council members may serve on these committees.

ARTICLE IV Powers, Enforcement, Infractions

Section 401. Powers of Town Council.

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

(2) *General authority.* In addition to all the powers granted to the Town Council by this Charter or any other provision of law, the Town Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.

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

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

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

(6) *Animals.* To regulate the keeping of animals, domestic or otherwise, to prohibit the running at large, and to provide for the licensing and taxing of them, to provide for the disposition of homeless animals, of animals on which no license fee or taxes are paid, of vicious animals and of impounded, unclaimed animals.

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

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

(9) *Signs, billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of signs and billboards within the Town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town, if permitted by State law.

(10) *Boards, commissions and committees.* To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the resolution which creates it.

(11) *Bridges.* To erect and maintain bridges.

(12) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

(15) *Community services.* To provide, maintain, and operate community and social services for the preservation and promotion of health, recreation, welfare and enlightenment of the inhabitants of the Town.

(16) *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.

(17) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys or public places at unreasonable hours.

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

(19) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional

functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department or agency.

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

(21) *Fees and charges.* Subject to the limitations imposed by the provisions of the Annotated Code of Maryland, to establish and collect reasonable fees and charges:

(a) for the franchises, licenses or permits authorized by law to be granted by a municipal corporation; or

(b) associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

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

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

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

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

(26) *Franchise.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any other which may be deemed advantageous and beneficial to the Town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates, rules and regulations for

franchises granted under this section. No franchises shall be granted for a longer period than fifty (50) years.

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

(27) *Grants-in-aid.* To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, subject to the conditions under which the gifts or grants were made.

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

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

(30) *Detention facilities.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the State, county, [or] Town or to use the county jail for such purpose.

(31) *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, occupations, 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.

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

(33) *Lights.* To provide for the lighting of the Town, to regulate private lighting to prevent it from becoming a nuisance or disturbing the privacy of other citizens.

(34) *Markets.* To regulate public markets within the Town.

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

(36) *Noise/nuisances.* To establish rules and regulations for limits to noise and other nuisances [and for] the abatement of noise not contrary to the public general laws of the State.

(37) *Nuisances.* To prevent or abate by appropriate action all nuisances in the Town which are so defined at common law, by this Charter, by the laws of the State of Maryland or by the Town Council of Colmar Manor, whether they are herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.

(38) *Obstructions.* To remove or cause to be removed all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other place within the limits of the Town.

(39) *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.

(40) *Parking regulation.* To regulate vehicular parking on the street and parking lots of the Town and to install parking meters and provide for other limitations on parking by vehicles on the streets and public places, including private property leased for such purposes, of the Town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the State Highway Administration.

(41) *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.

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

(43) *Police powers.* To enforce all laws of the Town and state equally within the Town limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the Town 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.

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

conveyance; to control, protect, and maintain public buildings, grounds, and property of the Town.

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

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

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

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

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

(50) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article, and Article 28 of the Annotated Code of Maryland.

(51) *Streets.* To provide for use, construction and maintenance of the streets of the Town.

Section 402. Enforcement of ordinances.

For the purpose of enforcing the ordinances of the Town, the Mayor and Town Council shall have the power to establish those penalties allowed by the Annotated Code of Maryland. The Mayor and Town Council may provide that if the violation is of a continuing nature and is persisted in, each day that such violation continues shall constitute a separate offense, and a conviction for one violation shall not be a bar to a conviction for a continuation of the offense for each day subsequent to the first or any succeeding conviction.

In addition to those remedies provided herein, the Town shall have the power to require a person or persons violating this Charter or the ordinances of the Town to cease and desist from such behavior and may seek an injunction against the same from any court duly authorized to grant the same. The costs of such action, including attorney fees incurred by the Town shall be a part of any such judgement and the Town shall be entitled to a lien on any violating property for the payment of such costs and fees.

Section 403. Municipal infractions.

The Town Council is authorized to provide that violations of certain municipal ordinances may be designated as municipal infractions; established penalties for same; that citations for such violations may be appealed; and a municipal infraction is declared to be a civil, not a criminal matter.

ARTICLE V

Elections

Section 501. Qualifications of voters.

All citizens of the United States who have attained the age of eighteen years and who have been bona fide residents of the Town for at least thirty (30) days prior to an election shall be eligible to register, and after registering shall be eligible to vote at all Town elections so long as they remain bona fide residents of the Town and have not been disenfranchised as provided by the laws of the State of Maryland. The Board of Election Supervisors shall have the power to determine the eligibility of each voter.

Section 502. Board of Election Supervisors: appointment.

The Town Council shall have the power to appoint a Board of Election Supervisors which shall consist of three (3) members and two (2) alternates and such judges and clerks as the Mayor and Town Council deem appropriate. The members of the Board of Elections Supervisors shall be appointed for four (4) year terms after July 1 of an election year. The Board shall be appointed for the purpose of conducting reviews of voter registration, to determine the qualified voters of the Town, nominations for office, and to hold all Town elections. The Board of Elections shall adopt rules and regulations that shall govern the Board's procedures not in conflict with State election law. Any member of the Board shall have the power to administer oaths in all matters incident to the exercise of any lawful duties as election supervisor. Vacancies on the Board shall be filled by the Town Council for the remainder of the unexpired term.

Section 503. Same: removal of members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Town Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against them and shall have a public hearing on the same before the Town Council, if they so request, within ten (10) days after receiving the written copy of the charges against them.

Section 504. Same: voter registration.

(a) Any resident of the Town may become a registered voter by registering with the Board of Elections Supervisors of Prince George's County, Maryland, not less than thirty (30) days prior to any election. Not less than twenty-five (25) days prior to the date of any election,

the Clerk–Treasurer [shall] obtain a list of eligible registered voters from the Board of Elections Supervisors of Prince George’s County, Maryland. Thereupon, the Clerk–Treasurer shall certify to the Board of Election Supervisors of Colmar Manor the list of eligible registered voters received from the Board of Election Supervisors of Prince George’s County, Maryland, together with a list of the registered voters of the Town who are registered to vote in Town elections as of 1987 but who are not registered to vote with the Board of Elections Supervisors of Prince George’s County, Maryland. At least ten (10) days prior to the holding of any election, the Board of Election Supervisors of Colmar Manor shall purge from the list obtained from the Board of Elections Supervisors of Prince George’s County, Maryland, and from the list maintained by the Clerk–Treasurer all those persons not eligible to vote in Town elections because of their failure to meet the residency requirements of this section or because they have been disenfranchised as provided by the laws of the State of Maryland.

(b) The said Board of Election Supervisors of Colmar Manor shall have the power to determine the eligibility of each voter by propounding to each voter under oath the following questions: First: Are you a citizen of the United States? Second: What is your name? Third: Have you resided in Colmar Manor for a period of thirty (30) days immediately preceding this registration? Fourth: Are you eighteen (18) years of age or older? Fifth: In what ward do you reside?

For the purpose of making this examination, the said Board of Election Supervisors of Colmar Manor shall have the power of administering oaths in all matters applying to or incident to the exercise of their duties set forth in this Charter. Should any of the answers of the applicant to the first, third or fourth questions be in the negative, then it shall be the duty of the said Board of Election Supervisors to strike such voter from the voter registration rolls. Should the applicant answer any of the above provided questions falsely such person shall be guilty of perjury and be subject to the penalties in such cases provided by the laws of the State of Maryland.

(c) The Board of Election Supervisors shall provide booths or a ballot box and ballots containing the names of those persons who have complied with the provisions in this Charter and become candidates for the office which they seek.

Section 505. Same; Elections.

(a) The Board of Election Supervisors shall conduct Town elections by ballot on the first Tuesday in May, if not a legal holiday, and if a legal holiday, then on the following day, for the election of officers as provided in this Charter. The polls shall be open between the hours of 7:00 a.m. and 8:00 p.m.

(b) All Town elections shall be conducted on a nonpartisan basis, and no ballot shall carry any party affiliation. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the charter arranged in alphabetical order by office.

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

(d) The Mayor and Council shall receive all returns of Town elections, and declare the results thereof, provided that nothing herein contained shall be construed as to depriving any voter of an appeal to the Circuit Court for Prince George's County and such appeal is made within ten (10) days of the election returns.

(e) The Mayor and Council shall, in consultation with the Town Attorney, determine all questions arising from the returns of Town elections within twenty-four (24) hours after the closing of the polls on the date of the election.

Section 506. Special elections.

All special elections of the Town 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 507. Qualifications for office; nominations.

A person shall be deemed a candidate for office of Mayor or Councilmember, and their name shall be placed on the official ballot, if the candidate meets all the qualifications for candidates prescribed in this Charter and the candidate shall have at least thirty (30) days prior to the date of the election filed with the Board of Election Supervisors a petition signed by at least ten (10) qualified voters of the Town. The petition shall set forth.[:]

- (a) the name and address of the candidate,
- (b) the ward, if any, from which election is sought,
- (c) the facts which demonstrate eligibility for the office of Mayor or Councilmember being sought, and
- (d) the request that the candidate's name appear on the ballot. No person shall file for nomination for more than one elective public office or hold more than one elective public office at any time.

When such petitions have been filed and time of filing has expired, the Board shall within five (5) days thereafter cause notice to be posted and published in such manner as shall give general publicity to the names of the candidates and the positions to which they aspire.

Section 508. Absentee ballots.

Any qualified voter registered to vote is entitled to vote by absentee ballot in all Town elections. The Board of Election Supervisors shall establish the absentee ballot procedures for voting in all Town elections, subject to the approval of the Mayor and Town Council.

ARTICLE VI Finance

Section 601. Borrowing power.

The Town Council shall have full power to borrow money on the credit of the Town for the general welfare and improvement of the Town and to make proper provisions for repayment of monies borrowed and for this purpose may execute bonds or other evidences of indebtedness, all as permitted by law.

Section 602. Evidence of indebtedness.

To effectuate the acquisition[,] improvement and construction of parks, public buildings, roadways, alleys, curbs, sidewalks and gutters, or for any other proper public purpose including tax anticipation borrowing, in anticipation of the receipt of current taxes the Town Council is hereby authorized and empowered to borrow from time to time, on the credit of the Town, a sum or sums of money deemed necessary by the Town Council to effectuate such purposes, and to issue bonds or certificates of indebtedness therefor, which shall be payable on or before forty (40) years from the date of issuance or in the case of tax anticipation borrowing on or before eighteen (18) months from the date of issuance, with interest at a rate or rates to be established and paid in a manner prescribed by the Town Council by resolution. The proceeds derived from the sale of bonds or other evidence of indebtedness, which sale shall be for cash and not be at less than par value, shall be deposited by the Town Council in a federally insured banking institution in Maryland as provided by law and shall be subject to the order of the Clerk–Treasurer only when countersigned by the Mayor and vice–chair of the Council. Said proceeds shall be used to pay only the proper expenses for the issuance and sale of the bonds or other evidences of indebtedness, including legal fees, and for the purposes for which the bonds and certificates of indebtedness were issued. In the case of tax anticipation notes, the proceeds therefrom shall be used to pay only the proper expenses for the issuance and sale of the tax anticipation notes, including legal fees, and for the current operating expenses of the Town. Such bonds or evidences of indebtedness shall be sold after solicitation of competitive bids at a public sale; provided, however, that tax anticipation notes may be sold at public or private sale as determined by the Town Council. The bonds or certificates of indebtedness hereunder shall be the direct obligation of the Town.

Section 603. Sale of bonds: taxes.

The Town Council shall levy and collect taxes sufficient to make payments on the bonds and/or evidences of indebtedness authorized herein.

Section 604. Revenue bonds.

(a) *Authorized.* In addition to the borrowing power provided in Section 601 and 602 of the Charter, the Town Council may borrow money by issuing negotiable revenue bonds as authorized by law for the purpose of financing or refinancing the cost of acquiring, developing, operating or maintaining any property in connection with any improvement authorized for such

purpose by law. Such bonds shall be payable, as to both principal and interest, solely from the income, proceeds, and funds of the Town derived from or held in connection with any undertaking under this section, or, where permissible under State or federal law from the proceeds of any grant, contribution or loan from the United States of America or any other source in aid of such undertaking. The Town Council shall establish the amount of bonds to be issued, the rate or rates of interest the bonds are to bear, and the method of determining such rate or rates.

(b) *Negotiability and form of bonds: execution[,] sale or other disposition;[:]* payable solely from revenue. All revenue bonds issued pursuant to this section shall be negotiable and registered instruments, and signed in the manner prescribed by resolution of the Town Council. All bonds shall be sold in such manner, at public or private sale as permitted by law, and upon such terms as the Town Council deems best. Revenue bonds and interest thereon shall be limited obligations of the Town, the principal of and interest on which shall be payable solely from the income, proceeds, revenues and funds derived from the authorized special public improvement programs or other revenue producing projects undertaken by the Town or from the proceeds derived from other sources in aid of such undertakings. No revenue bond nor any interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Town within the meaning of any Constitutional or Charter provision or statutory limitation and no revenue bond nor the interest thereon shall ever constitute or give rise to any pecuniary liability by the Town.

Section 605. Benefit assessment for improvements.

The Town Council shall have power to assess against the abutting property and collect from the owners thereof the cost of an improvement permitted by law, the assessment being in proportion to the number of assessable front feet owned, abutting on the streets where same are improved or constructed or are about to be improved or constructed; provided that when corner property fronts or abuts on one street where such improvements are made or are about to be made, and abuts or has its side upon another street where such improvements are made or are about to be made, the abutting feet on the side shall be computed for the purpose of assessment hereunder for only one-half of the length of such side. Such assessments when made shall constitute a tax or lien upon such abutting property with priority over all liens recorded after June 1, 1936, and shall be payable in one (1) or two (2) or more equal annual installments, to pay the interest and principal indebtedness due on any bonds said to finance such special public improvement project. Such tax or lien [shall] be enforced and collected by the Town Council in the same manner as Town taxes are collected.

Any person aggrieved by the action of the Town Council shall have the right to appeal to the Circuit Court for Prince George's County, Maryland, provided such appeal is taken within ten (10) days next succeeding the day on which said assessment is made.

Section 606. Prior issues.

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

Section 607. Fiscal and budget year.

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

Section 608. Budget.

Not later than April 30 prior to the beginning of each fiscal year, the Mayor shall submit a proposed budget to the Town Council. 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 proposed expenditures shall not exceed the total of the anticipated revenues. The proposed budget shall be a public record kept in the Town offices and shall be open to public inspection by anyone during normal business hours.

Section 609. Adoption of budget.

Before adopting the budget the Town Council shall hold a public hearing thereon not less than two (2) weeks after publication of notice thereof in a newspaper or newspapers having general circulation within the Town. The Town Council may insert new items or may increase or decrease the items of the budget. Where the Town Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of a majority of the total elected membership of the Town Council shall be necessary for adoption. The annual budget ordinance and other ordinances appropriating funds for current expenses shall not be subject to petition for referendum. No funds shall be expended for any purpose other than that for which they were appropriated, except by a two thirds vote of all members of the Town Council.

Section 610. Taxes: levy.

The annual budget shall include the tax rates necessary to be raise [raised] by the property tax and shall constitute a determination of the amount of tax levy in the corresponding tax year. Immediately after the adoption of the budget by the Mayor and Town Council, the Clerk-Treasurer shall make out and mail or cause to be made out and mailed or other [otherwise] deliver to each taxpayer or their agent at their last known address a bill or account of the taxes due from said taxpayer. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear any penalties or interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on

the dates established by the Town Council. The Clerk–Treasurer is hereby authorized to enter into such arrangements as necessary in order to permit the Treasurer or other proper official of Prince George’s County, Maryland, to prepare and deliver the tax bills authorized herein.

Section 611. Same: collection.

The taxes provided for in this section shall be due and payable and shall be a lien on any and all property affected thereby on the 1st day of July in the year for which they are levied, and from the 1st day of October shall bear a penalty at a per centum for each month, or fraction of a month, and interest at a per centum per month, or fraction of a month in amounts to be set by the Town Council by ordinance. All taxes not paid and in arrears after the 1st day of January of the following year together with interest, penalties and costs, shall be transmitted and certified by the Clerk–Treasurer to the Treasurer or other proper official of Prince George’s County, Maryland, for the collection of delinquent property taxes in the manner prescribed by law.

Section 612. Annual audit.

The financial books and accounts of the Town shall be audited annually by an independent certified public accountant selected by the Mayor and Town Council.

**ARTICLE VII
Personnel**

Section 701. Appointive officers.

The Mayor with the approval of the Town Council shall appoint a Clerk–Treasurer, code enforcement officer, police coordinator, and a Town Attorney. Their compensation shall be determined by the Town Council in the adoption of the annual budget resolution.

Section 702. Clerk–Treasurer.

There shall be a Clerk–Treasurer appointed by the Mayor and confirmed by the Town Council. The Clerk–Treasurer shall serve at the pleasure of the Mayor and Town Council. The Clerk–Treasurer shall be chosen on the basis of administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office. The Clerk–Treasurer may be removed by the Mayor with the approval of the Town Council, provided that written notice of removal has been given prior to the effective date of termination. The Mayor shall appoint or designate some person to serve for the Clerk–Treasurer Administrator in that person’s absence or inability to serve.

Section 703. Powers and duties of the Clerk–Treasurer.

The Clerk–Treasurer shall have the authority to and shall be required to:

- (a) oversee the execution and enforcement of the Charter and all Town ordinances. Maintain[; maintain] a record of all the ordinances, resolutions, and Charter amendments of the Town.
- (b) prepare reports and make recommendations to the Mayor and Town Council regarding the performances of all non-elected officers and employees of the Town.
- (c) arrange for the taking of minutes of all Mayor and Town Council meetings and keeping [of] a full and accurate account of the proceedings of the Mayor and Town Council including the maintenance of the Town Council's journal.
- (d) propose an annual budget to be submitted to the Mayor and Town Council.
- (e) do such other things as the Mayor or Town Council may require or as may be required elsewhere in this Charter.
- (f) be the chief financial officer of the Town and exercise the financial powers of the Town in accordance with the direction of the Mayor and Town Council. The financial affairs of the Town, except as otherwise provided for in this Charter, shall be administered by the Clerk-Treasurer.
- (g) supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
- (h) oversee and maintain the general accounting system for the Town in such a form as the Mayor and Town Council may require, but not contrary to State of [or] federal law.
- (i) submit to the Mayor and Town Council at the end of each month a report of the Town's revenues and expenditures for the previous month and for that portion of the fiscal year fiscal year already past, and at the end of each year and at such other times as required by the Mayor, or the Town Council or pursuant to State or federal laws or this Charter, a complete financial report.
- (j) insure that all taxable property within the Town is assessed for taxation.
- (k) oversee the collection, as may be appropriate, of all taxes, special assessments, license fees, liens and all other revenues of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
- (l) have custody of all public monies belonging to or under control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- (m) maintain the roll of qualified registered voters for the Town.

Section 704. Bond.

The Clerk–Treasurer shall provide a bond with such corporate surety and in such amount as the Town Council may require.

Section 705. Town Attorney.

The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Mayor or Council. The Town Council shall have the power to employ such legal consultants as it deems necessary from time to time.

Section 706. Police coordinator.

The police coordinator shall be appointed by the Mayor with the approval of the Town Council. The duties of the police coordinator and other police employees shall be to preserve the peace and order of the Town and enforce the public general laws of the State of Maryland as well as the public local laws and ordinances passed by the Town Council. Written rules and regulations shall be promulgated for the Town police, in [. In] the event of any inconsistency between the Charter or Town ordinances and the police rules and regulations, such inconsistency shall be resolved in favor of the Charter or Town ordinances.

Section 707. Personnel authorization and compensation.

The Town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government. The Town Council shall determine the compensation of all officials and employees of the Town in the adoption of the annual budget resolution. No persons shall be hired, retained or compensated except as previously provided for by the Town Council.

Section 708. Employee programs.

The Town Council may provide by ordinance for appointments and promotions in the administration on the basis of merit and fitness. To carry out this purpose, the Town Council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. The Town Council may, by ordinance, provide for or participate in hospitalization, health or dental programs for its employees and to expend public monies of the Town for such programs. The Town Council shall have the power to do all things necessary to include employees within a retirement or pension system under the terms of which they are admissible and to pay the employer’s share of the cost of any such retirement or pension system out of the general funds of the Town.

ARTICLE IX Streets and Sidewalks

Section 901. Powers as to streets and sidewalks.

The Town Council is hereby authorized to do whatever it deems necessary to establish, operate and maintain in good condition the streets, roadways, lanes, alleys, curbs, sidewalks and gutters in the Town except those that are under the jurisdiction of the State Highway Administration.

Section 902. Declaration of public ways.

All roads, streets, avenues, lanes or alleys which are now or shall hereafter be shown, on any plat or addition to the platted part of the Town, as public highways, and accepted by the Town Council as such, are hereby made and declared to be public streets, avenues, lanes and alleys of the Town and shall be from time to time improved and repaired as the public interest may require and the resources of the Town justify.

Section 903. Petition for improvements.

The Town Council shall give consideration to the construction of streets, roadways, alleys, curbs, sidewalks and gutters as provided for herein whenever the owners of fifty-one per centum (51%) of the property, where property shall abut upon such streets, shall petition the Town Council to that effect, but the Town Council shall have the discretion and final determination as to the improvements, notwithstanding such petitions.

ARTICLE X General Provisions

Section 1001. Effect of Charter on existing ordinances.

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

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

Section 1002. Severability.

Each article of this Charter and every section of each article are hereby declared to be an individual section, and the holding of any section or sections, of part or parts thereof to be void,

ineffective or unconstitutional for any cause shall not be deemed to affect any other section or part thereof.

Section 1002.1. Official bonds. (see Note (2))

Such officers or employees of the Town of Colmar Manor as the Town Council or this Charter may require shall give bond in such amount and with such recognized corporate surety as may be required by the Town Council. The premiums on such bonds shall be paid by the Town.

Section 1003. Violations as a misdemeanor; penalty.

Every act or omission which by ordinance is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the circuit court for the county within which the offense is committed by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for ninety (90) days in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1004. Prior rights and obligations.

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

Section 1005. Charter review.

The Town Council shall appoint a Charter review committee consisting of interested residents of the Town and including members of the Town Council. The committee should be charged with reviewing the existing Charter and reporting back to the Town Council their findings and recommendations no later than six (6) months after their appointment. Such committee should be appointed in 2013 and every ten (10) years thereafter.

APPENDIX I
Urban Renewal Authority for Slum Clearance
 (See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any other 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 subheading in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, 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 City Council of Colmar Manor.

Section A1-102. Powers.

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

specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

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

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

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

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

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

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

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

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

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

Section A1-103. Establishment of Urban Renewal Agency.

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

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

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

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

Section A1-104. Initiation of Project.

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

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or 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.

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

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

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

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

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restriction 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 day of publication of said notice and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any

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

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of 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 conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the 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 limitation prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

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

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

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

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

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

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

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

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

Section A1-111. Separability.

If any 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. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the Municipality known as Colmar Manor shall not conflict with, and must conform to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

Section A1-113. Short Title.

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

Section A1-114. Authority to Amend or Repeal.

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

NOTES

(1) 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 Colmar Manor in Chapter 624 of the Acts of the General Assembly of 1966.

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 Colmar Manor appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(2) Resolution No. 1–2003, effective January 28, 2004, which enacted a new charter included two sections numbered Section 1002. Due to this duplication, the second Section 1002 (Official Bonds) has been designated Section 1002.1 in this Charter.