CHARTER

OF THE

Town of Cottage City

PRINCE GEORGE'S COUNTY, MARYLAND

As enacted by Charter Amendment Resolution 1–82
effective April 1, 1982

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COTTAGE CITY

Corporate Name and Definitions

Section 1. Corporate name.

This charter is the municipal corporation charter of the town of Cottage City, the corporate name of which is town of Cottage City.

Section 2. Definitions.

The terms "town," "city," "municipality," or "municipal corporation" in this charter shall be construed as synonymous.

General Corporate Powers

Section 3. General Powers.

The municipal corporation here established (or continued) under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

Corporate Limits

Section 4. Description of corporate boundaries.

A description of the corporate boundaries of the town at all times shall be on file with the town clerk or other comparable official and with the clerk of the court of the county. The corporate boundaries are as follows: Beginning at the intersection of Bladensburg Road and the boundary line of the District of Columbia, thence along said boundary line to the easterly right–of–way line of the Baltimore and Ohio Railroad, thence along the easterly right–of–way of the Baltimore and Ohio Railroad to the northwest branch of the eastern branch of the Anacostia River, thence running along the southerly line of the northwest branch in a southeasterly direction to the center of the Washington–Baltimore Boulevard (now known as Bladensburg Road), thence running southerly along the center line of the Washington–Baltimore Boulevard (now known as Bladensburg Road) to the point of beginning.

Section 5. Town divided into wards.

Said town shall be divided into four wards as follows:

First Ward: All that portion of the town lying west of a line extended along the northeastern side of lot 8 (3813 Cottage Terrace) to the northwestern border of the town, said line then running southerly along the northeastern side of lot 8 and then along the rear boundary of lots 8 & 7, then running south along the alley between 40th Avenue and 38th Avenue, until the rear lot line of lot 26 (3806 Parkwood), then east along the rear lot line of lots 26 & 25 (3808 Parkwood), and then southeast along the easternmost boundary of lot 25, this same line crossing Parkwood and continuing along the easternmost boundary of lot 8 (3807 Parkwood) then following the rear lot line of lots 7 & 8 in a westerly direction until its intersection with the alley between 38th and 40th Avenue and then southeast along this alley until its intersection with the southeastern boundary of the town at Bladensburg Road.

Second Ward: All that area enclosed by a line beginning at the intersection of a line extended along the northeastern side of lot 8 (3813 Cottage Terrace) and the northwestern border of the town, said line then running southerly along the side boundary of lot 8 and then along the rear boundary of lots 8 & 7, then running south along the alley between 40th Avenue and 38th Avenue, until the rear lot line of lot 26 (3806 Parkwood), then east along the rear lot line of lots 26 & 25 (3808 Parkwood), then southeast along the easternmost boundary of lot 25, this same line crossing Parkwood and continuing along the easternmost boundary of Lot 8 (3807 Parkwood) then following the rear lot line of lots 7 & 8 in a westerly direction until its intersection with the alley between 38th & 40th Avenue and then southeast along the alley until its intersection with the southeastern boundary of the town at Bladensburg Road, then running northeast along Bladensburg Road until 41st Avenue, then turning and running northwest on 41st Avenue until Parkwood Street, then running northeast on Parkwood Street until its intersection with Bunker Hill Road then running northwest on Bunker Hill Road until its intersection with the northwest boundary of the town, and then from there to the origination point of this line.

Third Ward: All that area east and north of a line beginning at the southeastern border of the town at Bladensburg Road and 41st Avenue, running north on 41st Avenue to Parkwood Street, east on Parkwood Street until its intersection with Bunker Hill Road then west on Bunker Hill Road for a short distance then turning north along a line that separates Cottage City Towers from Hamlet Park Town Homes to the northern boundary of the town.

Fourth Ward: All that area within the boundaries of the town north and west of a line beginning at the intersection of the northwest boundary of the town and Bunker Hill Road running east on Bunker Hill Road, then turning directly north along a line that runs between Cottage City Towers and the Hamlet Park Town Homes and intersecting with the northernmost boundary of the town in such a way that all residences on the northern portion of Cottage Terrace are north and west of the line. (Res. No. 92–1, 2–27–92; Res. No. 93–1, 4–1–93.)

The Commission

Section 6. The Commission.

The corporate powers of said town shall be vested in, and shall be exercised by, and said town shall be governed by, a commission to be known as the Cottage City Commission. Said commission shall be composed of five members, one from each ward, and one to be elected as commissioner at large, to be known as commissioners. Said commissioners shall be elected and shall qualify as such commissioners in the manner hereinafter provided. They shall hold office for a term of two (2) years or until their successors take office. The regular term of commissioners shall expire on the second Wednesday of the month in which the election of their successors occurs. Commissioners holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding commissioners take office under the provisions of this charter.

Section 7. Qualifications of commissioners.

Commissioners shall have resided in the town for at least one year immediately preceding their election, shall be qualified voters of the town, shall be at least twenty–five (25) years of age, and shall not have been convicted of any crime involving moral turpitude. Each commissioner from a ward must reside in the ward for which elected. (Res. No. 92–2, 10–1–92; Res. No. 99–2, 4–1–99.)

Section 8. Salary of commissioners.

Each Commissioner shall receive an annual salary of three thousand six hundred dollars ($3,600.00) effective after the 2012 Town elections. The Commissioners may, by ordinance, including a budget ordinance, increase or decrease this annual salary provided the increase or decrease for each position shall not be effective until an election has occurred for such position on the Commission. However, the annual salary may not be increased to an amount greater than five (5) thousand dollars ($5,000.00) for each Commissioner. (Res. No. 00–1, 7–28–00; Res. No. 2011–001, 5–18–11.)

Section 9. Meetings of commission.

The commission shall meet at 7:00 P.M. on the second Wednesday of every month. The May meeting shall be for the purpose of organization as well as for the conduct of regular business. Special or executive meetings shall be called by the clerk–treasurer upon the request of the chairman commissioner or of a majority of the members of the commission. All meetings of the commission shall be open to the public, except that meetings may be closed according to the standards set forth in the laws of the State of Maryland. The rules of the commission shall provide that residents of the town shall have a reasonable opportunity to be heard at the regular monthly meeting in regard to any municipal question. (Res. No. 86–4, 11–30–86; Res. No. 09–01, 08–27–09.)

Section 10. Commission to be judge of qualifications of its members.

The commission shall be the judge of the election and qualification of its members.

Section 10A. Removal of Elected Officials.

(1) Any Commissioners who shall fail to uphold the oath of office, or commit malfeasance in office, misfeasance in office or nonfeasance in office or who shall fail to attend without reasonable excuse three consecutive regular monthly meetings of the Commissioners of the Town of Cottage City shall be subject to removal from office by the unanimous vote of the remaining Commissioners after reasonable notice and hearing.

(2) A Commissioner may also be removed from office in accordance with the following procedure:

A. A petition signed by at least thirty percent (30%) of the registered voters must be presented to the Commission at a regular town meeting stating a desire to have the named town official removed from office. A petition shall contain the name of only one (1) town official. The registered town voters signing said petition shall sign the same as their names appear on the town's election books, and under each signature shall be typed or printed each petitioner's name, address and ward in which he or she votes in town elections. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose names appear thereon sign the same in his or her presence.

B. The petition shall state specifically the justification for recall of the Commissioner which shall be for one (1) of the following reasons:

(1) Failure to uphold the oath of office.

(2) Malfeasance in office.

(3) Misfeasance in office.

(4) Nonfeasance in office.

C. Upon receipt of a petition the Commission shall forthwith refer the petition to the Town Board of Election Supervisors for verification of the appropriate number of registered voters' signatures, addresses, and wards. The Board shall return said petition with their written findings as to required voters, addresses and wards to the Commission at its next regular meeting; and at their meeting, if the petition is authenticated, the Commissioners shall announce that within thirty (30) days a public hearing will be held on the petition.

D. At the hearing on the petition, the remaining Commissioners not named in the petition will conduct a hearing and allow the Commissioner named in the petition to answer all the complaints. The remaining Commissioners may then vote to remove the Commissioner

named in the petition, but only a unanimous vote of the remaining Commissioners will be effective in removing the Commissioner. (Res. No. 89–2, 6–1–89.)

Section 11. Chairman and vice–chairman of commission.

The commission shall elect a chairman, a vice–chairman, and a secretary of the commission from among its members. The vice–chairman shall act as chairman in the absence of the chairman. The secretary–commissioner shall have charge of the town seal and all property, records, books, papers and other things of said town. Said secretary commissioner shall, within the limits of said town, have the same power and authority to administer oaths (including oaths of office of the commissioners, town treasurer, members of the board of election supervisors, and other town officers) as is possessed by a justice of the peace and a notary public. Any person who swears falsely before said secretary commissioner shall be guilty of the crime of perjury and shall be subject to the penalties provided by the laws of the State of Maryland.

Section 12. Quorum.

A majority of the members of the commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the commission.

Section 13. Rules and order of business; journal.

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

Section 14. Vacancies in the commission.

In case of a vacancy on the commission for any reason, the commission shall select some qualified person to fill the vacancy for the unexpired term as soon as possible. Vacancies shall be filled by the favorable votes of a majority of the remaining members of the commission. The results of any such vote shall be recorded in the minutes of the commission. In the event that the unexpired term is longer than fourteen months (counting from the date the vacancy exists), the Commission shall call a special election as soon as practicable to fill such vacancy. In the event there are no candidates for such special election, the Commission may fill the vacancy for the unexpired term as outlined above. (Res. No. 93–3, 7–29–93.)

Section 15. Passage of ordinances; effective date; publication.

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

effective at the expiration of twenty calendar days following passage. An emergency ordinance shall become effective on the date specified in the ordinance. A fair summary of every ordinance excepting emergency ordinances shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city. A fair summary of every ordinance, including emergency ordinances, shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the city. (Ch. Amd. 86–1, 4–3–86; Ch. Amd. 91–1, 4–4–91.)

Section 16. Referendum.

If, before the expiration of twenty calendar days following passage of any ordinance, a petition is filed with the clerk–treasurer containing the signatures of a majority of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the commission shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the commission's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, 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, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 39, levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof, levying special assessment charges under the provisions of Subsections **[**Section**]** 73. The provisions of this section shall be self–executing, but the commission may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 17. File of ordinances.

Ordinances shall be permanently filed by the clerk–treasurer and shall be kept available for public inspection.

General Powers

Section 18. Powers of commission enumerated.

(l) *General powers*. – The commission shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for

securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

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

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

(4) *Aisles and doors*. – To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

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

(6) *Appropriations*. – To appropriate municipal moneys for any purpose within the powers of the commission.

(7) *Auctioneers*. – To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

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

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

(10) *Bridges*. – To erect and maintain bridges.

(11) *Buildings*. – To make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the town, and to grant building permits for 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 condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

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

(15) *Cooperative activities*. – To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(16) *Curfew*. – To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(17) *Dangerous 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.

(18) *Departments*. – To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

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

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

(21) *Explosives and combustibles*. – To regulate or prevent 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.

(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 and to assess the expense thereof against the property, making it collectible by taxes or against the occupant 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 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) *Franchises*. – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(27) *Garbage*. – To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points, or to require the occupants of the premises to place them conveniently for removal.

(28) *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, agreeably to the conditions under which the gifts or grants were made.

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

(30) *Health*. – To protect and preserve the health of the town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the county board of health, or any public general or local law relating **[**to**]** the subject of health.

(31) *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 moneys.

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

(33) *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.

(34) *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.

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

(36) *Livestock*. – To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

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

(38) *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.

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

(40) *Nuisances*. – To prevent or abate by appropriate ordinance all nuisances in the town which are defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(41) *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.

(42) *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.

(43) *Parking meters*. – To install parking meters on the streets and public places 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 Administration.

(44) *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.

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

(46) *Police powers*. – To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefore and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

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

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

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

(50) *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.

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

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

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

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

(55) *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.

(56) *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 19. Exercise of powers.

For the purpose of carrying out the powers granted 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, by ordinance.

Section 20. Enforcement of ordinances.

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 has the power to affix thereto penalties of a fine not exceeding one hundred dollars ($100.00) or imprisonment for not exceeding thirty 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 days to the circuit court of the county in which the fine, forfeiture, or penalty was imposed. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Registration, Nominations and Elections

Section 21. Qualification of voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided within the corporate limits of the town for thirty (30) days preceding any town election, and (4) 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. (Ch. Amd. 85–1, 2–28–85.)

Section 22. Board of election supervisors.

There shall be a board of election supervisors, consisting of five members, one from each ward and one ex officio. The town clerk shall be the ex officio member and the other four shall be appointed by the commission on or before the first Monday in March of every year. The terms of members of the board of election supervisors begin on the first Monday in March in the year in which they are appointed and run for one year. Members of the board of election supervisors shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the commission for the remainder of the unexpired term. The

members of the board, except the town clerk shall receive such compensation as the commissioners shall pass by resolution or ordinance. (Res. No. 89–1, 3–2–89.)

Section 23. Same – Removal of members.

Any member of the board of election supervisors may be removed for good cause by the 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 election supervisors 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 days after receiving the written copy of the charges.

Section 24. Same – Duties.

The board of election supervisors shall be in charge of the registration of voters, nominations, and all town elections.

Section 25. Same – Notice of registration days and elections.

The board of election supervisors shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section 26. Same – Registration – striking voters from list.

The Board of election supervisors shall conduct registration of qualified persons not registered to vote, by receiving applications for voter registration during regular business hours at the town offices. Registration shall be permanent, and no person is entitled to vote in town elections unless he is registered. Registration may also be made by becoming a registered voter of Prince George's County so long as all other qualifications in Section 21 are met. Voter registration books shall be closed thirty (30) days in advance of any election day and shall remain closed until after the election. The Board of election supervisors shall keep a list of those registered only for town elections. The board of election supervisors shall keep the registration list up to date by striking from the list of eligible voters the names of any person who has not voted during any of the preceding five years, or such persons who have ceased, for a period of not less than 30 days, to be bona fide residents of the town, or such persons who are deceased. But except in the case of persons who have not voted during any of the preceding five (5) years, no name of any registered person shall be stricken from such record or list of eligible voters unless (1) there shall be filed with said board of election supervisors a statement sworn to by a **[**at**]** least one registered voter to the effect that the person, whose name is to be stricken off, is dead or for a period of not less than 30 days has not been a bona fide resident of said town and (2) a notice of the intention of said board to strike off such name shall have been posted at the regular meeting place of The Cottage City Commission for at least two weeks before such name is stricken off or mailed to the last known address of the person in question at least two weeks before such name is stricken. In the case of persons who have not voted during any of the

preceding five (5) years, the above sworn statement that said person or persons has not voted for the required period should be signed by one of the board of election supervisors or a person designated by the Commission and the above notice should be posted and mailed. If at any time before this name is stricken off, such person shall present himself to any member of said board, and take oath that he still is a bona fide resident of said town his name shall not be stricken off. Any person who so swears that he is such bona fide resident when in truth he is not such bona fide resident shall be guilty of the crime of perjury, and subject to the penalties provided by the law of the State of Maryland. Any person whose name has been stricken off the list of eligible voters shall not be permitted to vote unless and until he shall again register at the next regular registration. The commission, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a reregistration when necessary. (Ch. Amd. 85–2, 2–28–85; Res. No. 86–2, 4–3–86; Res. No. 86–5, 1–29–87; Res. No. 88–1, 2–2–89; Res. No. 93–2, 6–3–93.)

Section 27. Same – Appeal from action of board of election supervisors.

If any person is aggrieved by the action of the board of election supervisors in refusing to register or in striking off the name of any person, or by any other action, he may appeal to the commission. Any decision or action of the commission upon such appeals may be appealed to the circuit court for the county within the time allowed for such appeals.

Section 28. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of election supervisors at least thirty (30) days before a town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. The certificate of nomination shall state the ward for which election is sought, or that the nominee shall run at large. The certificate of nomination shall also recite that the nominee is qualified in accordance with Section 7 hereof. The certificate shall be signed by the nominee and also by at least five registered voters of the ward from which the nominee seeks election, or from anywhere in the town if the nominee seeks election as the at large commissioner. The signature of the nominee shall be under oath, both as to the fact of his eligibility and as to the genuineness of the other signatures on the certificate.

Section 29. Election of commissioners.

Annually, on the first Monday in May, if not a legal holiday, and if a legal holiday then on the day following, said board of election supervisors shall conduct an election by ballot for the election of commissioners for those seats becoming vacant. In even–numbered years the seats from wards 2, 3 and 4 become vacant, and in odd–numbered years the seats from ward 1 and the commissioner at large become vacant. The ballots shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The form of ballot shall be reviewed for form and legal sufficiency by the Town Attorney. Said election shall be held at the regular meeting place of the Cottage City Commission and the polls shall be open and the ballots

cast between the hours of 2 o'clock, p.m., and 8 o'clock, p.m. At such election each registered voter shall be allowed to vote for a candidate from each of the four wards and for a candidate for commissioner at large. (Res. No. 92–3, 10–29–92; Res. No. 99–1, 4–1–99.)

Section 30. Special elections.

All special town elections shall be conducted by the board of election supervisors in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section 31. Vote count.

After the polls are closed on the night of the election, the board of election supervisors shall count the votes and the candidate from each ward who shall have received the greatest number of the votes cast shall be deemed to be the elected commissioner from such ward, and the at large candidate who shall have received the greatest number of the votes cast for the at large candidate shall be deemed to be the commissioner elected at large. In counting the votes, no ballot shall be rejected because the voter casting same shall have voted for only one candidate, nor shall a ballot be rejected because of the manner it was filled out unless the markings on the ballot cast doubt on who the voter wished to vote for. No write–in votes shall be counted.

Section 32. Preservation of ballots.

All ballots used in any town election shall be preserved for at least one year from the date of the election.

Section 33. Regulation and control by commission.

The commission has 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 34. Election related violations; penalties.

Any person who wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is 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.

Finance

Section 35. Clerk–treasurer.

There shall be a clerk–treasurer who shall be appointed by the commissioners based on the applicant's qualifications to perform the duties and responsibilities of the clerk–treasurer position. Compensation of the clerk–treasurer shall be determined by the commission. For the period of one (1) year from the date of his or her initial appointment, the clerk–treasurer shall be a probationary employee of the town and may be discharged at the pleasure of the commission. After the above one (1) year probationary period, the clerk–treasurer may be dismissed from his or her office only for cause and after he or she has been afforded a reasonable opportunity for a hearing before the commission, which hearing shall be in the nature of a personnel hearing. Any dismissal for cause of the clerk–treasurer shall require the affirmative vote of the majority plus one (1) of the commissioners then in office. If the number of commissioners then in office is three (3) or less, there must be at least three (3) votes for dismissal for such to be effective. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the clerk–treasurer under the direct supervision of the commission. (Res. No. 96–1, 4–4–96.)

Section 36. Same – Powers and duties.

Under the supervision of the commissioners, the clerk–treasurer shall have authority and shall be required to:

(1) Assist the commissioners in preparing an annual budget.

(2) Supervise and be responsible for the disbursement of all moneys.

(3) Maintain a general accounting system for the town in such form as the commission may require, not contrary to State law.

(4) Submit monthly financial reports and such other financial reports as the commission may require.

(5) Ascertain that all taxable property within the town is assessed for taxation.

(6) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(7) Have custody of all public moneys belonging to or under the control of the town, and have custody of all bonds and notes of the town.

(8) Do such other things in relation to the fiscal or financial affairs of the town as the commission may require or as may be required elsewhere in this charter.

Section 37. Same – Bond.

The clerk–treasurer shall provide a bond with such corporate surety and in such amount as the commission by ordinance may require.

Section 38. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year and the accounting year.

Section 39. Budget; adoption.

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. Before adopting the budget the commission shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The commission may insert new items or may increase or decrease the items of the budget. If the commission increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance.

Section 40. Appropriations.

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

Section 41. Transfer of funds.

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

Section 42. Overexpenditures forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section 43. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not 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 44. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the clerk–treasurer and shall be countersigned by the chairman commissioner and the secretary commissioner, except that if either of those two commissioners is unavailable any other commissioner can counter–sign.

Section 45. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. Authority is given by this section to impose taxes only on property over which the Maryland Constitution or any act of the General Assembly grants taxing authority to the Town of Cottage City or to any municipality in the State of Maryland. The City shall tax sixty-six and two-thirds (66 2/3%) percent of the total assessment of personal property used in manufacturing as the terms are defined in the Maryland Code. (Res. No. 06–1, 8–3–06; Res. No. 06-2, 02-1-07.)

Section 46. Budget authorizes levy.

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

Section 47. Notice of tax levy.

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

Section 48. When taxes are overdue.

The taxes provided for in Section 46 of this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest and penalties in the same amounts as provided by Prince George's County for its taxes in arrears. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 49.

Section 49. 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 48 of this charter shall be turned over by the clerk–treasurer to the official of the county responsible for the sale of tax–delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this county official in the manner prescribed by State law.

Section 50. Fees.

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

Section 51. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland (1957 Edition, as amended).

Section 52. Tax anticipation borrowing.

The town may borrow in anticipation of the collection of the property tax and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a lien upon the proceeds of such tax and shall mature and be paid not later than eighteen months after the date they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Res. No. 86–3, 8–28–86.)

Section 52A. Authority for borrowing.

The city 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 in the manner prescribed in sections 31 to 37, both inclusive, of Article 23A of the Annotated Code of the Public General Laws of Maryland, 1957 Edition, as amended, title "Municipal Corporations," subtitle "Creation of Municipal Public Debt." (Ch. Amd. 85–3, 4–4–85.)

Section 53. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness 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 54. 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 55. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the commissioner. The commission may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than three thousand dollars ($3,000) shall be made on written contract. The clerk–treasurer shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the commission before becoming effective. The commission may reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. For good cause shown, the commission may waive the requirements for bidding. (Ch. Amd. 90–1, 4–5–90.)

Personnel

Section 56. Clerk to commission.

The clerk–treasurer shall serve as clerk to the 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.

Section 57. Town attorney.

The commission may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney is the legal adviser of the town and shall perform such duties in this connection as may be required by the commission. His compensation shall be determined by the commission. The town has the power to employ such legal consultants as it deems necessary from time to time.

Section 58. Authority to employ personnel.

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.

Section 59. Merit system authorized.

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section 60. Unclassified and classified service.

(a) *Civil service divided into unclassified and classified service.* – The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service*. – The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The commissioners.

(2) The clerk–treasurer and the town attorney.

(3) The heads of all offices, departments, and agencies and members of the town boards and commissions.

(4) Part–time, temporary, and unpaid offices and positions.

(c) *Classified service*. – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included

in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section 61. Prohibitions and penalties.

(a) *Prohibitions*. – If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall wilfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion; no person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political party or candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

(b) *Penalties*. – Any person who by himself or with others wilfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars ($100.00), or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment. Any person who is convicted under this section for a period of five years is ineligible for appointment to or employment in a position in the town service, and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section 62. Retirement system.

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

Section 63. Compensation of employees.

The compensation of all employees of the town shall be set from time to time by a resolution or ordinance passed by the commission.

Section 64. 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.

Public Ways and Sidewalks

Section 65. 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 66. Control of public ways.

The town has control of all public ways in the town except those that are under the jurisdiction of the State Highway Administration. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town.

Section 67. Powers of town as to public ways.

The town may:

(1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.

(2) Grade, lay out, construct, open, extend, and make new town public ways.

(3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.

(4) Pave, surface, repave, or resurface any town public way or part thereof.

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

(6) Construct, reconstruct, maintain, and repair bridges.

(7) Name town public ways.

(8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 68. Powers of town as to sidewalks.

The town may:

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

(2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.

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

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

Water and Sewers

Section 69. Powers of town.

The town may:

(1) Construct, operate, and maintain a storm water drainage system and storm water sewers.

(2) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

(3) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(4) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 70. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is

guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed.

Section 71. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or the county which impede the establishment, constructions, or operation of any town sewer or water main, upon reasonable notice, shall 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 76. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 72. Entering on county public ways.

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

Special Assessments

Section 73. Power of town to levy special assessments.

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

Section 74. Procedure.

(a) *Provided*. – The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

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

(c) *Amount*. – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty–five per centum (25%) of the assessed value of the property for which assessed.

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

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

(f) *Right to appeal*. – 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 for the county within ten days after the levying of any assessment by the commission.

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

(h) *When due; lien of property; collection*. – All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be collected in the same manner as town taxes or by suit at law.

(i) *Clerk–treasurer*. – All special assessments shall be billed and collected by the clerk–treasurer.

Town Property

Section 75. Acquisition, possession and disposal.

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

Section 76. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Code.

Section 77. Town buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government.

Section 78. Protection of town property.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

General Provisions

Section 79. Oath of office.

(a) *Oath required*. – Before entering upon the duties of their offices, the commission, the clerk–treasurer, the members of the board of election supervisors, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to 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 the Town of Cottage City,

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 and the Town of Cottage City." (Res. No. 89–3, 6–29–89.)

(b) *Before whom taken and subscribed*. – The commission shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk, or before the retiring chairman commissioner or before any person authorized by law to administer oaths in said county. All other persons taking and subscribing to the oath shall do so before the chairman commissioner.

Section 80. Official bonds.

The clerk–treasurer and such other officers or employees of the town as the commission or this charter may require, shall give bond in such amount and with such surety as may be required by the commission. The premiums on such bonds shall be paid by the town.

Section 81. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against 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 82. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this charter, unless otherwise provided, shall be punishable upon conviction by the District Court sitting in the county within which the offense is committed by a fine not exceeding one hundred dollars ($100.00) or imprisonment for thirty days in the county jail, or both, in the discretion of the court. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 83. Effect of charter on existing ordinances.

(a) *Ordinances, etc. not in conflict with charter remain in effect*. – All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) *Ordinances, etc. in conflict with charter repealed.* – 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 are repealed to the extent of such conflict.

Section 84. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, 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.

APPENDIX I
Urban Renewal Authority for Slum Clearance

A1–101. Definitions.

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

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

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

(d) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(e) "Municipality" means the Town of Cottage City, Maryland.

(f) (1) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic.

(2) "Person" includes any trustee, receiver, assignee, or other person acting in similar representative capacity.

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

(h) "Urban renewal area" means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

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

(j) "Urban renewal project" means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:

(1) Acquisition of a slum area or a blighted area or portion of them;

(2) Demolition and removal of buildings and improvements;

(3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out 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.

A1–102. Powers.

(a) The municipality may undertake and carry out urban renewal projects.

(b) These projects shall be limited:

(1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;

(2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and

(3) To sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public, or quasi–public corporation, partnership, association, person, or other legal entity.

(c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just

compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

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

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

A1–103. Additional powers.

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

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

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

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

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

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

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

(i) To the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition,

removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

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

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

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

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

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

(iii) To insure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any 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 agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities whatever conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

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

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

(8) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of

remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

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

A1–104. Establishment of urban renewal agency.

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

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

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

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

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

A1–105. Powers withheld from the agency.

The agency may not:

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

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

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

A1–106. Initiation of project.

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

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

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

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

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

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. Prior to its approval of an urban renewal project, the municipality shall submit the plan to the planning body of the municipality for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the planning body or, if no recommendations are received within the 60 days, then without the recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

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

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

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

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

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

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

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

(b) The municipality may dispose of real property in an urban renewal area to private persons. The municipality may, by public notice by publication in a newspaper having a general circulation in the community invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period. The municipality shall consider all 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 sub–heading. 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 operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

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

A1–109. Eminent domain.

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

A1–110. Encouragement of private enterprise.

The municipality, to the extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, 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.

A1–111. General obligation bonds.

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

A1–112. Revenue bonds.

(a) In addition to the authority conferred by Section A1–111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this

appendix. However, payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and, in accordance with the resolution, trust indenture, or mortgage under which the bonds are issued, contain information concerning:

(1) Date or dates;

(2) Time or times of maturity;

(3) Interest at a rate or rates not exceeding 6% per annum;

(4) Denomination or denominations;

(5) Form either with or without coupon or registered;

(6) Conversion or registration privilege;

(7) Rank or priority;

(8) Manner of execution;

(9) Payability in terms of redemption (with or without premium);

(10) Manner of security; and

(11) Any other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may be sold at public sales held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located

and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may 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 the 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 which does not exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

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

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

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

A1–113. Short title.

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

A1–114. Authority to amend or repeal.

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

NOTES

(1) 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 Cottage City in Chapter 75 of the Acts of the General Assembly of 2002.