

CHARTER

OF THE

Town of Queen Anne

TALBOT AND QUEEN ANNE'S COUNTIES, MARYLAND

As adopted on December 9, 1985

Effective January 28, 1986

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

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

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

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

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

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

Corporate Name and Definitions

Section

1. Corporate name.
2. Definitions.

General Corporate Powers

3. General powers.

Corporate Limits

4. Description of corporate boundaries.

The Council

5. Number of councilmen; selection; term.
6. Qualifications of councilmen.
7. Salary of councilmen.
8. Meetings of council.
9. Council to be judge of qualifications of its members.
10. President and vice-president of council.
11. Quorum.
12. Rules and order of business; journal.
13. Vacancies in council.
14. Passage of ordinances; publication; effective date.
15. Reserved.
16. Referendum.
17. File of ordinances.

The Mayor

- 18–21. Reserved.

General Powers

22. Powers of council enumerated.
23. Exercise of powers.
24. Enforcement of ordinances.

Registration, Nominations and Elections

- 25. Qualifications of voters.
- 26–31. Reserved.
- 32. Filing certificate of nomination.
- 33. Reserved.
- 34. Election of Mayor and Councilmen.
- 35. Conduct of elections generally.
- 36. Special elections.
- 37. Vote count.
- 38. Preservation of ballots.
- 39. Reserved.
- 40. Women.
- 41. Regulation and control by council.
- 42. Reserved.

Finance

- 43. Clerk–treasurer.
- 44. Same – Powers and duties.
- 45. Reserved.
- 46. Fiscal year.
- 47. Budget.
- 48. Reserved.
- 49. Appropriations.
- 50. Reserved.
- 51. Overexpenditures forbidden.
- 52. Appropriations lapse after one year.
- 53. Checks.
- 54. Taxable property.
- 55. Budget authorizes levy.
- 56. Reserved.
- 57. When taxes are overdue.
- 58. Sale of tax–delinquent property.
- 59. Fees.
- 60. Audit.
- 61. Reserved.
- 62. Payment of indebtedness.
- 63. Previous issues.
- 64. Reserved.

Personnel

- 65. Reserved.
- 66. Town attorney.

67–73. Reserved.

Public Ways and Sidewalks

- 74. Definition of public ways.
- 75. Control of public ways.
- 77. Powers of town as to sidewalks.

Water and Sewers

- 78. Powers of town.
- 79. Placing structures in public ways.
- 80. Obstructions.
- 81. Entering on county public ways.
- 82. Reserved.
- 83. Reserved.
- 84. Changes in plumbing, etc., to prevent waste or improper use.
- 85. Private systems.
- 86. Reserved.
- 87. Right of entry.
- 88. Reserved.
- 89. Contracts for service.
- 90. Charges.
- 91. Exception.

Special Assessments

- 92. Power of town to levy special assessments.
- 93. Procedure.

Town Property

- 94. Acquisition, possession and disposal.
- 95. Condemnation.
- 96. Reserved.
- 97. Protection of town property.

General Provisions

- 98. Reserved.
- 99. Official bonds.
- 100. Prior rights and obligations.
- 101. Reserved.
- 102. Effect of charter on existing ordinances.
- 103. Separability.
- 104. “Town” construed to mean “city.” – Repealed.

APPENDIX I
Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Additional Powers.
- A1-104. Establishment of Urban Renewal Agency.
- A1-105. Powers Withheld From the Agency.
- A1-106. Initiation of Project.
- A1-107. Preparation and Approval of Plan for Urban Renewal Project.
- A1-108. Disposal of Property in Urban Renewal Area.
- A1-109. Eminent Domain.
- A1-110. Encouragement of Private Enterprise.
- A1-111. General Obligation Bonds.
- A1-112. Revenue Bonds.
- A1-113. Short Title.
- A1-114. Authority to Amend or Repeal.

QUEEN ANNE

Corporate Name and Definitions

Section 1. Corporate name.

This charter is the municipal corporation charter of the town of Queen Anne, the corporate name of which is Town of Queen Anne.

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 (city) 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:[.]

The Council

Section 5. Number of councilmen; selection; term.

All legislative powers of the town are vested in a council consisting of 3 councilmen who shall be elected as hereinafter provided and who shall hold office for a term of 3 years or until the succeeding council takes office. The regular term of councilmen shall expire at 7:00 p.m. on the first Monday in April. Councilmen holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding council takes office under the provisions of this charter.

Section 6. Qualifications of councilmen.

Councilmen shall have resided in the town for at least one year immediately preceding their election and shall be qualified voters of the town.

Section 7. Salary of councilmen.

Each councilman shall receive a salary which shall be equal for all councilmen and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business.

Section 8. Meetings of council.

The newly elected council shall meet at 7:00 p.m. on the first Monday of April for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each two months. Special meetings shall be called by the clerk-treasurer upon the request of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

Section 9. Council to be judge of qualifications of its members.

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

Section 10. President and vice-president of council.

The council shall elect a president and vice-president of the council from among its members. The vice-president shall act as president of the council in the absence of the president of the council.

Section 11. Quorum.

A majority of the members of the council 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 council.

Section 12. Rules and order of business; journal.

The council shall determine its own rule [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 13. Vacancies in council.

In case of a vacancy on the council for any reason, the council may elect some qualified person to fill the vacancy for the unexpired term. Any vacancies on the council shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council.

Section 14. Passage of ordinances; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six 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 may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of 2 members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of ten calendar days following approval. Each ordinance shall be posted in a prominent spot in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council.

Section 15. Reserved.Section 16. Referendum.

If, before the expiration of ten calendar days following passage of any ordinance by the council, a petition is filed with the clerk-treasurer containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council 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 council'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 § 62, 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 §§ 92 and 93. The provisions of this section shall be self-executing, but the council 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.

The Mayor

Sections 18–21. Reserved.

General Powers

Section 22. Powers of council enumerated.

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

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

(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 council.

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

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

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

(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; § 22 (23); to borrow, and to issue any and all bonds, notes, or other evidences of indebtedness.

(24) *Fire:* To suppress fires and prevent the dangers thereof; 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, 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; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them 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 [agreeable] 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 prevent the introduction of contagious diseases into the town, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; 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) *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.

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

(33) *Lights:* To provide for the lighting of the town.

(34) *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.

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

(36) *Noise:* To regulate or prohibit unreasonable noise.

(37) *Nuisances:* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether 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.

(38) *Obstructions:* To remove and require the owner 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.

(39) *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.

(40) *Police powers:* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation therefor 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.

(41) *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.

(42) *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.

(43) *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.

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

(45) *Saving clause:* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

Section 23. Exercise of powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 24. Enforcement of ordinances.

To assure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a municipal infraction or misdemeanor and has the power to affix thereto penalties of a fine not exceeding five-hundred dollars (\$500.00) 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 25. Qualifications of voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided in the State of Maryland for at least 30 days next preceding any town election, (4) has resided within the corporate limits of the town for 30 days next preceding any town elections [election], and (5) 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.

Sections 26–31. Reserved.

Section 32. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination with the clerk–treasurer on or before the second Monday in March next preceding the town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

Section 33. Reserved.

Section 34. Election of Mayor and Councilmen.

On the first Monday in April in every year, the qualified voters of the town shall elect a person as councilman to serve for a term of 3 years.

Section 35. Conduct of elections generally.

It is the duty of the clerk–treasurer to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, with no party designation of any kind. The Clerk–Treasurer shall keep the polls open from 6:00 p.m. to 7:00 p.m. on election days or for longer hours if the council requires it.

Section 36. Special elections.

All special town elections shall be conducted by the Clerk–Treasurer in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section 37. Vote count.

Within forty-eight hours after the closing of the polls, the Clerk-Treasurer shall determine the vote cast for each candidate or question and shall record the results in the minutes of the council. The candidate for councilman with the highest number of votes in the general election shall be declared elected as councilman.

Section 38. Preservation of ballots.

All ballots used in any town election shall be preserved for at least 3 months from the date of the election.

Section 39. Reserved.Section 40. Women.

Women shall have equal privileges with men in registering, voting, and holding town offices.

Section 41. Regulation and control by council.

The council 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 42. Reserved.

Finance

Section 43. Clerk-treasurer.

There shall be a clerk-treasurer appointed by a majority vote of council members. His or her compensation shall be determined by the council. The clerk-treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall by [be] exercised by the clerk-treasurer under the direct supervision of the council.

Section 44. Same – Powers and duties.

Under the supervision of the council, the clerk-treasurer shall have authority and shall be required to:

(1) Prepare at the request of the Council an annual budget, to be approved by the council.

(2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

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

(4) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council.

(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, except as to funds in the control of any set of trustees, 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 council may require or as may be required elsewhere in this charter.

(9) Shall be in charge of the registration of voters, nominations, and all town elections. He or she may appoint election clerks or other employees to assist in any of the duties.

(10) 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.

(11) Shall serve as clerk to the council. He or she shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. He or she shall keep such other records and perform such other duties as may be required by this charter or the council.

(12) Shall make all purchases and contracts for the town government. The council 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 one thousand dollars (\$1,000) 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 council before becoming effective. The clerk-treasurer 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.

Section 45. Reserved.

Section 46. 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 47. Budget.

On such date as the council by ordinance determines, but at least thirty-two days before the beginning of any fiscal year, the clerk-treasurer shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk-treasurer, open to public inspection by anyone during normal business hours. Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. If the council 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. A favorable vote of at least a majority of the total elected membership of the council is necessary for adoption.

Section 48. Reserved.

Section 49. Appropriations.

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

Section 50. Reserved.

Section 51. 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 to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section 52. 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 53. 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 either the president or vice-president of the council.

Section 54. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 55. 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. Immediately after the levy is made by the council 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 or she 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 56. Reserved.

Section 57. When taxes are overdue.

The taxes provided for in § 55 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 while in arrears at the rate of one and one-half per centum (1.5%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § 58.

Section 58. 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 § 57 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 the State law.

Section 59. 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 60. Audit.

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

Section 61. Reserved.

Section 62. 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 63. 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 64. Reserved.

Personnel

Section 65. Reserved.

Section 66. Town attorney.

The council 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 advisor of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town has the power to employ such legal consultants as it deems necessary from time to time.

Sections 67–73. Reserved.

Public Ways and Sidewalks

Section 74. 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 75. 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, and maintain in good condition the public ways of the town.

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, layout, 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) Name town public ways.

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

Section 77. 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 sidewalks or part thereof on town property along any public way or part thereof.

(2) Grade, layout, 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 78. 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 part [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 79. 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 municipal infraction. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the sewerage, or storm water systems, the town may order it removed.

Section 80. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town, or in the county which impede the establishment, construction, or operation of any town sewer or water main, 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 § 95. Any violation of an ordinance passed under the provisions of this section may be made a municipal infraction.

Section 81. 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 storm water system 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.

Sections 82–83. Reserved.

Section 84. Changes in plumbing, etc., to prevent waste or improper use.

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

Section 85. Private systems.

The town by ordinance may provide that no sewerage, or storm water drainage system, and no sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage or waste disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor or municipal infraction.

Section 86. Reserved.Section 87. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the storm water or sewage disposal systems, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the towns [town's] storm water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor or municipal infraction.

Section 88. Reserved.Section 89. Contracts for service.

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

Section 90. Charges.

The town may charge and collect such service rates, ready-to-serve charges, or other charges as it deems necessary for the removal of sewage. These charges are to be billed and collected by the clerk-treasurer, and if bills are unpaid within thirty day [days], the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

Section 91. Exception.

The provision of this subheading shall not extend to any town located in a sanitary district of [a] special tax area or district authorized to discharge the powers provided in this subheading, as to the particular powers included in the authorization.

Special Assessments

Section 92. 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 action of the town, 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, a reasonable charge for the services of the administration [administrative] staff of the town, and any other item of cost which may reasonably be attributed to the project.

Section 93. 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 [foot] rule of apportionment or some other equitable basis determined by the council.

(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 after giving effect to the benefit accruing thereto from the project or improvement 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 charged; public hearing; notice:* Before levying any special assessment charged, the clerk-treasurer shall cause notice to be given by certified mail, return receipt requested, stating the nature and extent of the proposed project, the estimated cost of the project, and the number of installments in which the assessment may be paid. The notice shall also state the time and place at which all persons interested or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by certified 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. The clerk-treasurer shall present at the hearing proof of 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 sixty days after the clerk-treasurer shall have completed mailing of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(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 council.

(g) *Payments; interest:* The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

(h) *When due; lien on 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 liens on the property and all overdue 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 94. 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 95. Condemnation.

The town may condemn property of any kind [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 96. Reserved.

Section 97. 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 98. Reserved.

Section 99. Official bonds.

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

Section 100. 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. The charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.

Section 101. Reserved.Section 102. 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 103. 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.

Section 104. "Town" construed to mean "city."

Repealed by Acts 1966.

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

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “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.
- (d) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
- (1) acquisition of a slum area or a blighted area or portion of them;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

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

(f) “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.

(g) “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.

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

(i) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” means the Commissioners of Queen Anne.

Section 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.

Section 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.

Section 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.

Section 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 A1-109 of this appendix; or

(3) appropriate funds, and levy taxes and assessments pursuant to Section A1-103(3) of this appendix.

Section 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.

Section 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.

Section 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 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.

(c) 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.

Section 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.

Section A1–110. Encouragement of Private Enterprise.

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

Section 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.

Section 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 mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

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

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and:

- (1) shall bear a date or dates;
- (2) mature at a time or times;
- (3) bear interest at a rate or rate;
- (4) be in a denomination or denominations;
- (5) be in a form either with or without coupon or registered;
- (6) carry a conversion or registration privilege;
- (7) have a rank or priority;
- (8) be executed in a manner;
- (9) be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) be secured in a manner; and
- (11) have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may not be sold to the federal government at private sale at less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may not be sold at private sale at less than par at an interest cost to the municipality which does not exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

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

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it

has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively to have been planned, located, and carried out in accordance with the provisions of this appendix.

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

Section A1-113. Short Title.

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

Section A1-114. Authority to Amend or Repeal.

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

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Queen Anne in Chapter 25 of the Acts of the General Assembly of 1977.

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