

# CHARTER FOR BLADENSBURG

## ARTICLE I.

### POWERS

#### Section 101. Incorporated; general powers

The citizens of the Town of Bladensburg included with the provisions of this charter within the corporate limits legally established from time to time are hereby constituted and/or continued a body corporate by the name of "Town of Bladensburg" with all the privileges of a body corporate, by that name to be sued and sue, 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.

#### Section 102. Corporate limits

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court for Prince Georges County and the Director of the Department of Legislative Services. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Town. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

#### Section 103. Wards

(a) Number. The Town of Bladensburg shall be divided for election purposes into two wards, as follows:

(b) First Ward. Ward No. 1 shall include that portion of the incorporated limits of the Town south and west of a line of demarcation from the center of Emerson Street at 56<sup>th</sup> Place to 57<sup>th</sup> Avenue and from the center of 57<sup>th</sup> Avenue south of Annapolis Road.

(c) Second Ward. Ward No. 2 shall include that portion of the incorporated limits of the Town north and east of a line of demarcation from the center of Emerson Street at 56<sup>th</sup> Place to 57<sup>th</sup> Avenue and from the center of 57<sup>th</sup> Avenue, south to Annapolis Road.

#### Section 104. List of powers

The Town of Bladensburg shall have and is hereby granted authority to exercise all powers of municipal corporations, as outlined in Article 23A Section 2 of the Maryland Annotated Code, and to pass ordinances, resolutions or motions, take measures for the welfare, health, safety, and improvement of the Town, and to exercise the police

power of the Town. The following shall be deemed a part of the powers conferred upon the Town by this section:

(a) Amusements. To restrain all public exhibitions or amusements that are detrimental to the public welfare; and to regulate amusements, public exhibitions and business establishments and to provide a tax therefore and for the effective collection thereof.

(b) Community services. To provide, maintain and operate such community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the Town of Bladensburg as the Council may determine.

(c) Contracts. To enter into 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. 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 same for any lawful purpose, agreeable to the conditions under which the gifts of grants were made.

(d) Dogs. To control dogs in the Town of Bladensburg in accordance with such regulations as may be adopted by the Council which are not in conflict with the laws of Maryland, and to impound dogs which may be a danger to the community.

(e) Explosives. To regulate the keeping and storage of guns, powder, oil, fireworks, bonfires, or other explosives or combustible material.

(f) 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 owner, to abate or cleanse any filthy condition and to assess the expense thereof against the property, making it collectible by taxes or against the owner.

(g) Garbage. To adopt suitable measures for the removal of trash, ashes and garbage and fix the amount to be paid therefore.

(h) Licenses. To issue licenses and collect fees for the privilege of doing business in said Town, subject to any restrictions imposed by the laws of the State of Maryland.

(i) Parks. To have control over parks, recreation areas and facilities and other public property, and to provide for creating, extending, improving, maintaining and operating the same.

(j) Penalties. To make effective the powers herein granted, to enact ordinances and make regulations not in conflict with the existing laws of the State of

Maryland, and to provide for fines, penalties and forfeitures, and imprisonments in the county jail, or both, for the violation of such ordinances.

(k) Police powers. By regulation to suppress, restrain, and punish vice, crime, disorders, disturbances of the peace and drunkenness; to suppress bawdy houses, places of ill fame, and places injurious to public order; to prevent and remove nuisances and obstructions from streets, alleys, and lots adjoining, prevent the firing of firearms, or other explosives; to suppress fires and danger thereof.

(l) Property. To acquire property, real or personal, within the boundaries of the Town for any public purpose, in fee simple, lease or leasehold interest or estate, by purchase, gift, bequest, devise, lease, condemnation or otherwise, such property to be vested in the Town corporation for the benefit of the corporation and its inhabitants; and to own, hold, manage, or control, and sell, lease, exchange, transfer, assign, mortgage, pledge or dispose of any real or personal property or any interest therein as the interest of the Town may require; any condemnation to be exercised according to the laws of Maryland.

(m) Public improvements. To make and maintain public improvements and to acquire property within the corporate limits necessary for such improvements. Such improvements may include storm drainage, the listing of which shall not exclude other improvements.

(n) Public services. To furnish any or all public services; to own or dispose of stock in, purchase, hire, construct, own, maintain and operate or lease public utilities or public utility services; to sell, lease or otherwise dispose of public utilities or public utility services; to acquire by condemnation or otherwise, within the corporate limits, property necessary for any such purposes, subject to restrictions imposed by laws of the State of Maryland; and to grant local public utility franchises.

(o) Regulations. To adopt and enforce within the corporate limits police, health, sanitary, fire, traffic, parking, building, and other similar regulations not in conflict with the laws of the State of Maryland.

(p) Streets. To have control over all the public roads, streets, alleys and sidewalks within the corporate limits of the Town of Bladensburg which are not under the jurisdiction of the State of Maryland or Prince George's County; to provide for repairing, resurfacing, constructing, reconstructing, grading, cleaning, mending and perfecting the public roads under the jurisdiction of the Town; to open, close, straighten, widen and otherwise alter such public roads, streets, alleys and sidewalks with the same powers as are or may be granted to or imposed upon the County Council of Prince George's County.

(q) Taxes; borrowing power. To levy, assess and collect taxes according to the assessable valuation set by the County and to borrow money within the limits provided by this charter; to levy and collect special assessments for benefits conferred; and to

receive payments in lieu of taxes, and to account for, expend, and otherwise treat such payments in the manner provided by law in connection with taxation.

- (r) Trailer camps. To regulate the operation of trailer camps.
- (s) Wards. To change or create ward boundaries by ordinance or resolution.
- (t) Liens. To provide that any valid charges, taxes or assessments made against any real or personal property within the town shall be liens upon such property, to be collected as municipal taxes are collected, reserving to the town the right to also proceed by way of personal suit against the property owner(s) for such collection.
- (u) Departments. To Create or Abolish Departments within the Town Government.
- (v) Nuisances. To prevent or abate all nuisances in the Town which may be so defined by the Laws of the State or County, or by Ordinance of the Town.
- (w) Refuse. To prevent the deposit of any unwholesome or objectionable substance such as garbage, refuse, or other waste either on private or public property, and to compel its removal to designated points. To require, regulate or provide for the collection, removal and disposal of refuse or any other matter that is or may become injurious to the health of or comfort of the residents of the Town. To make reasonable charges for the removal or disposition of refuse other than household garbage.

## **ARTICLE II.**

### **TOWN GOVERNMENT**

#### Section 201. Creation of the Council

(a) The Town is governed by and the corporate powers of the Town are vested in and exercised by a Council, officially known as the Council of the Town of Bladensburg. Any references to the Town Council, the Council, the Mayor and Council, or the Common Council now existing in the Code or Charter of the Town shall hereinafter mean the Council of the Town of Bladensburg.

(b) The Council consists of the Mayor and four (4) Council Members, two (2) from each ward. The Council shall govern and exercise the powers of the Town in the manner prescribed in this Charter and the Laws of the State of Maryland, or if not prescribed in either, then in the manner provided by ordinance or resolution of the Council.

## Section 202. The Office of Mayor

(a) Selection and term. The Mayor of the Town is elected from the Town at large and holds office for a term of two (2) years or until his successor is elected and qualified. Before entering the office, the Mayor-elect shall take and subscribe to the oath of office as provided in this Charter. He shall take office on the first regular meeting after the Council certifies to his election.

(b) Qualifications. The Mayor of the Town shall be at least thirty (30) years of age, a citizen of the United States, a registered voter in the Town, and a resident within the limits of the Town. In case the Mayor ceases to possess any of the qualifications specified in this section, or is convicted of a felony or any crime which is a misdemeanor related to his public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, while in office, he shall cease to be Mayor, and there shall exist a vacancy in the office to be filled as hereinafter provided.

(c) Salary. The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Council, provided that the change in salary does not take effect until after the next regular election for Council Members in the Town.

(d) Duties. The Mayor is recognized as the head of the Town government for all ceremonial purposes, by the courts for serving civil processes, and the Governor for the purpose of martial law.

The Mayor is a voting member of the Council and shall preside at its meetings.

The Mayor, following the approval of the Council, shall appoint the heads of the departments of Town government.

The Mayor exercises other powers and performs other duties as are conferred and imposed upon him by law.

## Section 203. The Office of Council Member

(a) Selection and term. No more than two (2) Council Members from each ward shall be elected. The term of each Council Member is for four (4) years or until a successor is qualified and sworn. Each Council Member shall ordinarily begin duties on the first regular meeting after the Council certifies to his or her election. Before entering upon the duties of his office, each Council Member shall take and subscribe to the oath of office as provided in this Charter.

(b) Qualifications. Each Council Member shall be a qualified voter of the Town, at least twenty-five (25) years of age, a resident of the Town and ward he/she represents, and shall not hold any other elected public office. An elected candidate or a sitting Council Member ceasing to possess any of the qualifications specified in this

section, or convicted of any felony or of a misdemeanor related to his public duties and responsibilities and involving moral turpitude for which the penalty may be incarceration in any penal institution, shall immediately forfeit that office.

(c) Salary. Each Council Member shall receive a yearly salary which shall be equal for all Council Member and set by the Council in an ordinance. Any change in salary shall not take effect until after the next regular election for the particular seat of the Council Member

#### Section 204. Vacancies.

(a) If a vacancy is created in the Office of Mayor or any Councilmember by reason of death, refusal or inability to act, disqualification, resignation or removal beyond the corporate limits of the city, then the remaining Council Members shall notify the Board of Supervisors of elections to proceed to fill such vacancy by special election which must be held within sixty (60) days of the date the vacancy is created, for the balance of the term of the Mayor or that of a Council Member.

(b) A special election shall not be required and the vacancy shall remain, if the election is to occur within one hundred and eighty (180) days of any regularly scheduled election.

(c) In the event of a vacancy in the Mayor's position, the Mayor Pro Tem shall serve as Mayor until such time as a new Mayor is elected.

#### Section 205. Meetings

(a) Installation of new Council Members. On or before the first Friday following the filing and publication of the certificate of election, the Council shall meet at the place provided for its meetings and the newly elected members shall take the oath of office and assume the duties of office.

(b) Regular meetings. The Council shall meet at such time as may be prescribed by ordinance or resolution, but not less frequently than once each month unless the Council at the meeting immediately preceding, by a majority vote, cancels the next regularly scheduled meeting. Except for closing a meeting as allowed by State Law, all regular meetings of the Council shall be open to the public, and the rules of the Council shall provide that citizens of the Town have a reasonable opportunity to be heard at any such meetings.

(c) Special meetings. Special meetings are called by the Town Clerk upon written request of the Mayor, or two or more of the Council Members. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be considered, except by unanimous consent of all members present.

#### Section 206. Chief Executive Officer

The Mayor serves as Chief Executive Officer of the Council. The Mayor pro-tem will rotate in seniority rotation among Council Members, on a fiscal year basis and shall act as Chief Executive Officer in the absence of the Mayor. The Mayor pro-tem position will not be held by any Council Member who is under investigation or is not in good standing at the time of his/her appointment.

#### Section 207. Rules

The Council shall determine its own rules and order of business and keep minutes of its proceedings. The Council shall have power to compel the attendance of absent members, and may, by vote of not less than three-fifths (3/5) of the members, expel a member from a meeting for disorderly conduct or for violation of its rules. The Council shall also have the authority to censure its members for objectionable actions and to remove from office those Council Members who fail to attend less than 40% of any ten (10) consecutive meetings unless that Council Member is excused by the Council. An absence longer than twenty (20) minutes from any part of a meeting shall be considered an absence.

#### Section 208. Quorum

A majority of the members elected to the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

#### Section 209. Ordinances and resolutions.

(a) Ordinances and resolutions shall be introduced in the Council only in written or printed form. The enacting clause of all ordinances shall be "Be it ordained by the Council of the Town of Bladensburg..." All ordinances, except those making appropriations and those codifying or rearranging existing ordinances or enacting a new code of ordinances, shall be confined to one subject, and the subject of each ordinance shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of the budget.

(b) Passage of ordinances. No ordinance shall be passed at the regular or special meeting of the Council at which it is introduced, except as provided in this subsection (b). At any regular or special meeting of the Council held not less than six days nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed,

or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it was introduced may be suspended by the affirmative votes of three members of the Council. A complete copy of each ordinance, unless it be passed as an emergency ordinance, shall be posted in the community hall or other public place promptly following its introduction and be so available for inspection until it has been passed or passed as amended or rejected. Except as provided in subsection (e) below, each ordinance shall become effective upon its passage or upon such later date as may be specified in the ordinance.

(c) Adoption of resolutions. Any resolution may be adopted at the regular or special meeting of the Council at which it is introduced, or consideration of any resolution may be deferred to some specified future date, at which time the resolution may be adopted, or adopted as amended, or rejected. If consideration of a resolution is deferred upon introduction, a complete copy of such resolution shall be posted in the community hall or other public place promptly following its introduction and be so available for inspection until it has been adopted or adopted as amended or rejected. Each resolution shall become effective upon its adoption or such later date as may be specified in the resolution.

(d) Authentication and recording. Upon final passage or adoption, as applicable, each ordinance or resolution shall be authenticated by the Mayor (or the Mayor pro-tem in the absence of the Mayor) and the Town Clerk and shall be recorded in a book kept for that purpose. The yeas and nays shall be taken upon the passage or adoption of all ordinances or resolutions and entered upon the journal of proceedings of the Council.

### **ARTICLE III.**

#### **REGISTRATION AND ELECTIONS**

##### Section 301. Qualifications of voters

Every person who is a citizen of the United States and

(a) who is or will be eighteen (18) years of age on or before the day of any Town election, and

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

(c) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be qualified to vote at any or all Town elections.

### Section 302. Board of Supervisors of Elections

There shall be a Board of Supervisors of Elections, consisting of three (3) members, or more, who shall be appointed by the Mayor and Council on or before the first Monday in March every odd numbered year. The Town Clerk shall be a member of the Board of Supervisors of Elections. The term of each member of the Board of Supervisors of Elections shall begin on the first day of April in the year in which appointed and he shall serve for two (2) years or until the Council appoints a new board or until he is removed.

Members of the Board of Supervisors of Elections, and any additional clerks appointed by the Council shall be qualified voters of the Town and shall not be candidates nor hold any elective office during their term of office. The Council shall appoint one member as Chief Supervisor of Elections. Vacancies on the board shall be filled by the council for the remainder of the unexpired term. The compensation of the election supervisors and clerks shall be determined by the Council.

### Section 303. Removal of Members of the Board and Clerks

Any member of the board of supervisors of elections may be removed for good cause by the Council. Before removal, the member of the board to be removed shall be given a written copy of the charges against him or her and shall have a hearing on them before the Council if he or she so requests within ten days after receiving the written copy of the charges against him or her.

### Section 304. Duties

The Board of Supervisors of Elections shall be in charge of all Town elections. They shall appear at the place of election promptly on the days and hours provided for in the Charter. The Town Clerk shall be responsible for posting in public places such announcements advertising the Town registration deadlines and elections, the same giving the place, days and time for such registration and election. The Town Clerk shall be responsible for the advertising such notice in a newspaper on two separate occasions not more than forty-five (45) days nor less than thirty (30) days prior to the Election day.

### Section 305. Registration days and elections

Qualified residents of the Town may register to vote at any time during the year except when the registration books of Prince George's County are closed. Registration shall follow the laws of the State, and no person shall be entitled to vote in Town elections unless he or she is registered to vote and has been so registered at least thirty (30) days before Election Day.

### Section 306. Registration procedures

Registration by a resident with the Prince George's County Board of Supervisors of Elections shall be deemed registration for Town elections, provided that the application for such registration is received by the Prince George's County Board of Supervisors of Election no later than 9:00 p.m. thirty (30) days prior to an election. The Board of Supervisors of Election shall accept the list of registered voters provided by the Prince George's County Board of Supervisors of Elections as a valid registration list for the Town.

### Section 307. Appeal from action of Board of Supervisors of Elections

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections except as to election results, such person may appeal to the Council, and any decision or action of the Council upon such appeals, may be appealed to the Circuit Court for Prince George's County within thirty days of the decision or action of the Council. Any dispute as to election results must be filed pursuant to Section 316 of this Charter.

### Section 308. Filing certificate for candidates for office

Any person having the qualifications provided for herein may become a candidate for Council Member or Mayor by filing with the Town Clerk or the Board of Supervisors of Elections at least forty five (45) days prior to the election a certificate that he or she is a candidate by giving his age, residence, and that he or she is a registered voter at the time of filing. Candidate certificates for public office shall be obtained from the Town Clerk's office. No person shall file for candidate to more than one elective Town public office at any one election. The term "elective" is construed to mean a person elected by the people to serve a term of office and not a person appointed by the Mayor or the Council to serve as the head of Town committees or heads of Town departments. The Board of Supervisors shall review each certificate of candidacy. If the certificate complies with the requirements of this Charter, the Board shall certify the candidacy. In the event that fewer persons than are to be elected shall file as candidates, or any candidate, having filed, dies or withdraws, the said supervisors may receive petitions of candidacy up to within three days of the election. Candidates' names shall appear in alphabetical order for office sought on the ballots. Of the candidates participating, the persons receiving the highest number of votes shall be named and considered the winners of the election. No votes for anyone who is not a certified candidate shall be counted. The candidate filing for the office of Mayor shall be elected at large, and the candidates filing for the office of Council Member shall state on the candidate certificate that he or she is a candidate for Council Member for the particular ward for the Town in which he or she is a resident.

### Section 309. Date of Election for Mayor and Council Members

The regular Election Day for the choice of Mayor and Council Members shall be held on the first Monday in October, every odd numbered year. The qualified voters of

the Town shall elect one person as Mayor for a term of two years at each regular election, and shall elect one person, for a term of four (4) years from each ward as Ward Council Member on alternating odd numbered years at the regular election.

Section 310. Absentee voting

(a) Qualifications. Any qualified voter may vote as an absentee voter.

(b) Procedure. A qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the board for an absentee ballot. The application must be received not later than seven (7) days before the election. Applications shall be made available by the Board of Supervisors of Election and shall conform to the requirements of this Charter. The information required on the application is supplied by the applicant under penalty of perjury.

(c) Form of ballot. The ballots, ballot instructions, and envelopes used for the absentee ballots shall generally conform to the requirements for absentee ballots set forth by the State Administrative Board of Election Laws.

(d) Delivery of ballot. The Town Board of Supervisors of Election shall determine if the applicant is a qualified voter. If it is determined that the applicant is qualified, the Board shall deliver to the applicant as soon as possible an absentee voters' ballot and envelope. The ballot shall be delivered to the applicant at the Office of the Board or by mailing it to the address designated on the application. If the ballot is to be delivered by mail, it shall be sent in such time as to allow for receipt and return of the ballot, by regular or airmail, not later than the time of the closing of the polls on the day of election.

(e) Record of applications received and ballots delivered. The Board of Supervisors of Election shall keep a record of applications for absentee voters' ballots as they are received. Such record shall be available for examination by any registered voter. No voter to whom an absentee ballot has been delivered or mailed shall be allowed to vote in person at any polling place. However, absentee ballots may be delivered to the Board on Election Day up until the closing of the polls.

(f) Validity of ballots. Any absentee ballot received after the time of the closing of the polls on the day of election shall be considered invalid.

Section 311. Conduct of elections generally

The Mayor and Council shall provide for each general and special election a suitable place for voting and suitable ballots boxes and ballots or voting machines for each ward. The ballots or voting machines shall be arranged so that candidates for Council Member from each ward shall appear in alphabetical order according to their last

name only on the ballot for the ward in which such candidate seeks office. The candidates for Mayor shall appear on ballots for all the wards within the Town in alphabetical order according to their last name.

The Board of Supervisors of Election shall keep the voting polls open from 7:00 a.m., to 7:00 p.m., on Election Day, or for longer hours if the Council or Board requires it. All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular elections.

#### Section 312. Vote count

Within a reasonable time after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election for each of the particular wards from the voting machines or ballot boxes and the results shall be placed in a sealed envelope for delivery to the Town Council on the first Wednesday after each election at a meeting of the Mayor and Council. No votes for anyone who is not a certified candidate shall be counted. Write-In votes are counted if the individual receiving the vote has filed a declaration of intent to be a write-in candidate to the Board of Elections. The deadline for a write-in candidate to file the declaration of intent is 4:00 p.m. on the Friday immediately preceding the election. The Chief Supervisor of Elections shall attend and present to the Council and to the Town Clerk the returns of election. The Council shall then examine said returns and if they find them to be in order shall declare those persons elected by the highest number of votes cast, and the candidates for Mayor with the highest number of votes shall be declared elected as Mayor, and the candidates for Council Member with the highest number of votes in each ward shall be declared elected as such-in their particular ward.

#### Section 313. Preservation of ballots and records

All ballots and voting machine records of results of elections shall be preserved for at least six months from the date of election.

#### Section 314. Regulation and control by Council

The Council shall have the power to provide by ordinance for the conduct of registration and elections and for the prevention of fraud and wrongdoings in connection therewith, and for a recount of ballots and the tabulations of voting machines if necessary.

#### Section 315. Penalties

Any person who (a) fails to perform any duty required under the provisions of this subtitle or any ordinance passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this subtitle or, (c) willfully or corruptly does anything which will or will tend to effect fraudulently any registration or Town election, shall be

deemed guilty of a misdemeanor subject to a \$500.00 fine and/or imprisonment for 15 days. 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.

#### Section 316. Election contest

Any candidate in such election may contest the same to the Circuit Court for Prince George's County, Maryland. No such contest shall, however be considered unless a petition is filed in the Circuit Court for Prince George's County, Maryland within seven days, exclusive of Sundays and Holidays, after the decision of the Town Council of Bladensburg on the election shall be made.

#### Section 317. Failure to hold election

If the Mayor and Council of the Town at any time neglect to hold an election as provided in this Charter, the power of electing Town officers shall not cease, but shall continue and the officers for the time being shall continue in office until the election and qualification of their successors, but in such case the Mayor and Council are hereby directed to call an election as soon as practicable after the regular election date.

#### Section 318. Tie votes

In the event of a tie vote another election shall be held as soon as practicable to elect one of the candidates so tied, limited, if for Councilman Member only, to the ward in which the tie vote occurred. Such special election shall be held in accord with the election provisions of this Charter so far as they are applicable.

### **ARTICLE IV.**

#### **ADMINISTRATION**

##### Section 401. Town Administrator

(a) Selection and term. The Town Administrator is appointed by a majority vote of the Council for an indefinite term. Before entering into his office, he/she shall take and subscribe to the oath of office as provided in this Charter.

(b) Qualifications. The Town Administrator is chosen on the basis of executive and administrative qualifications with reference to knowledge of or experience with the duties of the office, and shall furnish to the Town for approval a surety bond conditioned on the faithful performance of duties. The bond premium is paid by the Town.

(c) Ineligibility of Council Members. No member of the Council shall be appointed to this office during the term for which the member was elected or within one year after the expiration of the term.

(d) Salary. The Town Administrator shall receive such compensation as the Council fixes from time to time.

(e) Powers and duties. The Town Administrator is the Chief Administrative Officer of the Town and shall serve at the pleasure of the Council. He/she shall see that all laws and ordinances are faithfully executed and perform other duties as required by the Council that are not inconsistent with these laws. He/she may head more than one department with the approval of the Council and shall be responsible to the Council for the proper administration of all affairs of the Town. To this end, the Town Administrator shall:

(1) Serve as the Personnel Officer of the Town and, in this capacity, formulate personnel rules and regulations to be approved by the Council. The personnel rules and regulations shall include a pay schedule for each position in the Town Service and a description of the hiring, suspension, and removal of all employees. Department heads shall be recommended by the Town Administrator for appointment by the Mayor with approval of the Council. The Town Administrator shall inform the Council of any change in the status of career service employees and may make recommendations as he/she feels necessary to implement the personnel system.

(2) Prepare the annual budget and submit it to the Council with a message describing its important features. Administer the budget after adoption. Prepare and submit to the Council at the end of the fiscal year an annual report.

(3) Supervise the purchase of all goods for which funds are provided in the budget; let contracts necessary for operation or maintenance of Town services for amounts as set forth in Council resolutions; receive sealed bids for large purchases or contracts; present them to the Council for approval, and advise the Council on the bids. No contract in excess of an amount specified by the Council and no contract for new construction shall be let except by the Town Council. No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the Council.

(4) Have the power to award contracts and make purchases in case of accident, disaster, or other circumstances creating a public emergency; provided that the Town Administrator file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

(5) Attend all meetings of the Town Council unless excused; take part in the discussion of all matters before the Council; and report verbally or in writing to the Council at its regular meeting the financial condition of the Town, all major administrative actions, and any recommendations for Council action that would improve

or maintain the good health, safety, welfare, or administration of the Town. The Town Administrator may report such matters to the Council more frequently than at each regular Council meeting.

(6) Investigate the affairs of the Town or any Town department and report to the Council any deficiencies. Investigate all complaints in relation to the administration of Town government and in relation to service provided by the public utilities in the Town. Ensure the faithful observance of all franchises, permits, and privileges granted by the Town.

(f) Vacancy. Any vacancy in the office of Town Administrator shall be filled within 90 days after the effective date of such vacancy.

#### Section 402. Town Treasurer

(a) Selection and term. The Town Treasurer is appointed by a majority vote of the Council for an indefinite term.

(b) Compensation. The Town Treasurer shall receive such compensation as the Council fixes from time to time.

(c) Duties. The Town Treasurer serves at the pleasure of the Council, and is under the supervision of the Town Administrator. Before taking office, the Town Treasurer shall present to the Town a bond in an amount the Council requires. He/she shall:

(1) Ensure that all taxable property in the Town is assessed and collect all taxes, special assessments, and other revenues of the Town.

(2) Receive all funds, monies, and revenues for the Town, and disburse them promptly on order of the Town Administrator.

(3) By means of an accounting system, keep a record of all funds, monies, and revenues received and disbursed on behalf of the Town. This accounting system shall record from whom money was received, to whom it was disbursed, on what account received and disbursed, and how paid.

(4) Hold in custody all bonds and notes of the Town.

(5) Pay employees of the Town service.

(6) Provide the Town Administrator with any information he may need to prepare the budget.

(7) Perform all other duties directed by the Council which are not in conflict with Laws of Maryland.

(8) Report to the Council, each month at a regular public meeting of the Council, all monies received by him and all disbursements made from the finances of the Town.

#### Section 403. Appointments

A majority vote of the Council shall appoint all department heads, the Town Attorney and the Town Clerk, all of whom shall serve at the pleasure of the Council. Notwithstanding any other provision of the Charter to the contrary, no such appointee may be removed or suspended from such position without due notice to the appointee and an opportunity to be heard at a public meeting. No removal or suspension shall be effective unless by the affirmative vote of four (4) members of the Council.

The Mayor, with the approval of the Council, shall appoint members of boards and commissions or other personnel to fill positions not governed by the personnel system. Such appointees serve at the pleasure of the Council or until the term for which they were appointed has expired. Compensation for appointees shall be determined by the Council.

#### Section 404. Oath of office

The Mayor, Council Members, Treasurer, and all other officers and officials, elective or appointive, shall, before they enter upon the duties of their offices, take and subscribe before any officer of the State of Maryland duly authorized to take an affidavit that he will support the Constitution of the United States and diligently and faithfully, according to the best of his judgment, perform the duties of his office without favor, partiality, or prejudice, and a certificate of such qualification shall be returned by such officer of the State of Maryland to the Town Council, to be filed and recorded among their proceedings. Failure to take the oath of office within thirty days after election shall constitute a vacancy in that office.

#### Section 405. Authority to employ personnel

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

#### Section 406. Licensing the sale of alcoholic beverages

The Council may require a license for the sale of alcoholic beverages within the Town provided the license fee does not exceed the amount allowed to be set by municipalities under State law.

## **ARTICLE V.**

### **FINANCE**

#### Section 501. Budget

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

(b) Public hearing. Before adopting the budget, the Council shall hold a public hearing concerning it. The Council shall give two (2) weeks notice of the hearing in a newspaper having general circulation within the municipality.

(c) Council actions. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures.

(d) Adoption and effect. The budget shall be prepared and adopted in the form of an ordinance. From the effective date of the adopted budget, the amount designated in the budget to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.

#### Section 502. Taxable property

All real property and all tangible property within the corporate limits of the Town which may have a situs there by reason of the owner's residence in the Town, shall be subject to taxation for municipal purposes. The assessments used shall be the same as that for the State and county taxes. No authority is given by this section to impose taxes on any property over which the Town has no authority to tax.

(a) Rate. The Council is authorized and empowered to levy annually such taxes upon assessable property within the corporate limits as they deem necessary and to provide that the tax rate shall be set annually by resolution of the Council.

(b) Notice of levy. Immediately after the levy is made by the Council in each fiscal year, a public notice announcing the levy shall be posted in the Town municipal building.

The Treasurer shall ensure that the tax bills are mailed or delivered to each taxpayer or his agent at his last known address a bill of the account of the taxes due from

him. The tax bill or account shall contain a statement of the amount of real or tangible 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 of a tax bill 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.

(c) Overdue taxes. All taxes are due and payable on the first day of July in each and every year for which such taxes are levied. If not paid to the Treasurer before the first day of October, the taxes shall be overdue and in arrears until paid. While in arrears, they shall bear interest at a rate of two-thirds of one per centum (.67) and a penalty of one and one-third of one per centum (1.33) 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 by State law.

#### Section 503. Tax sales

A list of all property on which the Town taxes have not been paid and which are in arrears as provided in this Charter shall be turned over by the Town Treasurer to the official responsible for the sale of tax delinquent property as provided by State law.

#### Section 504. Audit

The financial books and accounts of the Town shall be audited annually. The auditor's report shall be available for public inspection in the municipal building during normal business hours.

(a) Limited expenditures. The Council shall not in any one year expend for general purposes of the Town, more money than the amount receivable from taxes and any other source. No contract for such excessive expenditure shall be enforceable against it.

(b) Special purpose expenditures. Nothing in this section shall be construed to prevent the Mayor and Town Council from making any agreements or contracts for any special purposes to be payable out of funds to be derived from special sources for such special purposes.

(c) Temporary or emergency needs. Nothing in this section shall be construed to prevent the Council from short term borrowing to meet temporary needs or unforeseen emergency expenses. Notes for such short term borrowing shall be issued for a period not to exceed three years, and in amount not to exceed two per centum (2) of the assessed valuation of the Town.

(d) Repayment of debt incurred. Any amount borrowed under the provisions of this section shall bear an annual rate of interest as approved by the Council, to be repaid within a three year period from the proceeds of the regular annual tax levy, which shall be adjusted to provide the required funds.

#### Section 505. Special Taxes

In addition to all other powers of taxation vested in the Council, it shall be authorized and empowered to levy a special tax upon property within the Town of Bladensburg, in order to provide land and buildings, or either of them, for any lawful municipal purposes. The proceeds of such tax may be expended directly upon such land and buildings, or such proceeds may be applied to pay the interest as it comes due and to redeem the principal on any bonds, notes or other certificates of indebtedness issued to provide immediate funds for such land and buildings. The Council is authorized and empowered to issue such bonds, notes, or other certificates of indebtedness, and to borrow such money, subject to such rate of interest and other terms and conditions as the Council deems proper; and such authority to issue bonds, notes or other certificates of indebtedness, and to borrow money, shall be in addition to all other such powers vested in the Council. Any such special tax or taxes shall not be imposed at any one time in the aggregate in excess of ten cents on the One Hundred Dollars of assessed valuation. Any ordinance or resolution to impose such a tax or taxes shall be effective only if it has first been submitted to a referendum of the voters of the Town, at any regular or special election therein. The Mayor and Town Council shall give at least two weeks notice to said voters, of the submission of any such question, in a newspaper of general circulation in the Town. The ballots or ballot labels shall contain a brief summary of the amount and purposes of the proposed tax with the words "For the proposed tax," and "Against the proposed tax." If a majority of the persons voting on said question vote for the proposed tax, the Mayor shall so proclaim publicly, and the said ordinance or resolution shall thereupon be effective and in force, according to its terms. If a majority of the persons voting on said question vote against the proposed tax, the Mayor shall so proclaim, and the said ordinance or resolution shall thereupon be null and void, and of no further force or effect.

#### Section 506. Long term borrowing

(a) The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this Section.

(b) All general obligation bonds, notes or other evidences of indebtedness issued under the provisions of this Section shall be authorized by an ordinance that shall contain: (1) a statement of the maximum aggregate principal amount of such obligations to be issued; (2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (3) a pledge of the security for such obligations and, if

applicable, a statement that such obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and (4) a requirement that, subject to subsection (d) below, prior to the issuance of any such obligations, the Council shall adopt a resolution in accordance with the provisions of subsection (c) below.

(c) Prior to issuing any such obligations identified in subsection (b) above, the Council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for); (3) the date or dates and amount or amounts of maturity, which may be in any denomination and which may be in serial and/or term maturities; (4) the manner of selling such obligations, which may be either at public sale after publication or dissemination of the notice of sale or by private (negotiated) sale without advertisement or solicitation of competitive bids; (5) the price or prices of such obligations, which may be at, above or below par value; (6) any desired provisions relating to the redemption of such obligations prior to maturity (which may be at, above or below par value), and the manner of publishing or otherwise giving notice of such redemption; (7) the manner of executing and sealing such obligations, which may be by facsimile; (8) any documents pursuant to which such obligations are to be issued or secured, including, without limitation, agreements with banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for such obligations and for securing any tender option granted to the holders thereof; and (9) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the Council may determine necessary or desirable, including, without limitation, whether such obligations shall be sold for cash or other valuable consideration or further specifying the purposes for which such obligations are to be expended (within the limitations set forth in the applicable ordinance). By resolution the Council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (c). A resolution adopted pursuant to this subsection (c) may be introduced and adopted at a single session of the Council and, notwithstanding the provisions of current Charter Section 209(d), shall become effective immediately upon adoption or upon the date specified in such resolution.

(d) The Council may, at its option, determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (c) above by ordinance instead of by resolution.

(e) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the sale of municipal obligations at competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the Town and/or in a generally recognized financial

journal such as *The Bond Buyer*, or any notice of sale may be disseminated solely in electronic form and/or by any other then-commercially reasonable manner for the sale of municipal obligations, as determined by the Council in accordance with subsection (c) or subsection (d) above, as applicable.

(f) The power and obligation of the Town to pay any and all general obligation bonds, notes or other evidences of indebtedness issued by it under the authority of this Section 506 shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property in the Town to the extent necessary to provide for the payment of such indebtedness and interest thereon, without limitation of amount. The full faith and credit of the Town is hereby pledged for the payment of the principal of and interest on all general obligation bonds, notes or other evidences of indebtedness issued under the authority of this Section 506, whether or not such pledge be stated in such bonds, notes or other evidences of indebtedness or in any ordinance of the Council authorizing their issuance.

(g) The power conferred on the Town under this Section shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the Town by Maryland public general or public local law, and the Town may authorize, issue and secure any such general obligation debt in conformity with this Charter and/or any other applicable law.

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

## **ARTICLE VI.**

### **PUBLIC WAYS AND IMPROVEMENTS**

#### Section 601. Definition of public ways and improvements

(a) Public ways. The term "public ways" as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, alleys, bridges, curbs, gutters, and sidewalks.

(b) Public improvements. The term "public improvements" as used in this Charter shall include public ways and storm water drainage systems.

#### Section 602. Control of public ways

The Town shall have control of all public ways in the Town except those that may be under the jurisdiction of the State of Maryland or Prince George's County. Subject to the laws of the State and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain the public ways of the Town.

### Section 603. Powers regarding public ways

The Town shall have the power:

(a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or its parts.

(b) To create, lay out, grade, construct, install, open, extend, and pave or otherwise surface new public ways within the Town.

(c) To grade, straighten, widen, alter, improve, maintain, repair, repave or otherwise resurface, or close existing public ways or their parts within the Town.

(d) To name Town public ways.

(e) To construct or accept storm water and watershed drainage systems and their parts, and

(f) To have surveys, plans, specifications, and estimates made for any of the above activities, projects, or their parts.

### Section 604. Sidewalk construction

The Town may grade, lay out, or construct a new sidewalk, only after obtaining the written consent of the owners of the majority of front footage abutting on the proposed sidewalk except as provided herein. Once such agreement has been obtained and the sidewalk constructed, a special assessment may be levied against the owners of property abutting the sidewalk until the full cost of the project has been recovered. When no special assessment is to be levied against the abutting property owners, no such consent is necessary.

### Section 605. New street construction

The Council may construct new streets by passing an ordinance providing for such construction. The ordinance shall also specify the time and date of a public hearing concerning the proposed street. The hearing shall be held no earlier than the four weeks from the date of passage, but after the notice of the hearing has been published three times. A fair summary of the ordinance, including an announcement of the hearing, shall be published once weekly for three weeks in a newspaper of general circulation within the Town. An exact copy of the ordinance shall be available for public inspection in the municipal building.

At the hearing, the ordinance must be approved by three-fifths (3/5) of the Council to be enacted. If the ordinance is enacted, the owners of property abutting the street may be assessed the cost of the construction in the form of a special assessment.

#### Section 606. Storm water drainage systems

The Town may construct storm water drainage systems or their parts only after obtaining the written consent of the owners of the majority of footage abutting on the proposed project. The construction proposal shall take the form of an ordinance subject to a public hearing. A fair summary of the ordinance including the time and place of the public hearing shall be published once weekly for three weeks in a newspaper of general circulation in the Town. The public hearing shall be held the week following the last advertisement. Not less than thirty (30) days prior to final enactment, an exact copy of the ordinance shall be available for public inspection in the municipal building. The ordinance shall be voted upon at the hearing and shall require a three-fifths (3/5) majority of the Council to enact the ordinance. If the ordinance is agreed to, the owners of the property abutting the street shall be assessed the cost of construction in the form of a special assessment.

#### Section 607. Bonding for public improvements

In order to make the public improvements listed in this article, the Council may borrow money and issue bonds to pay for the construction, land, and other legal, engineering, administrative, or advertising costs directly related to the improvement project and the bonds issued for it. The bonds shall bear interest at a rate to be established by the Council and shall be payable within a period of twenty (20) years or less. The total sum of money borrowed for public improvement projects shall not at any time exceed two per centum (2) of the total assessed valuation of all property within the Town.

#### Section 608. Special assessments for public improvements

(a) Levy of the assessment. When a public improvement project has been agreed to as provided in this Charter, the Council may levy and collect taxes from special assessments upon the property abutting on the project. The assessments shall be levied to cover the costs of the bonds issued to pay for the project. The special assessments shall be levied so that the owners of the parcels of land abutting on the project pay in proportion to the amount of front footage owned. However, owners of corner lots shall be assessed for public way projects on either the front or side of the lot, whichever is longer, so long as the assessable footage of such owners totals at least forty (40) feet.

(b) Town option on public ways. The Council may assume financial responsibility for public rights-of-way, bridges, and sidewalk and street construction on Town property to settle any dispute among affected property owners as to front footage assessments. The footage assumed by the Council shall be made a part of the special assessment in order to calculate costs.

(c) Payment of assessments. Special assessments shall constitute a lien against abutting property and together with interest shall be payable every six months from the date of assessment. Installments shall be collectable as Town taxes, including penalties

for late payment. Property upon which special assessments are overdue for more than five months shall be sold in the same manner as property upon which other taxes are delinquent.

(d) Appeal of assessment. Any owner of property which has been specially assessed shall have the right to appeal to the Circuit Court for Prince George's County, Maryland within thirty (30) days from the date of the assessment.

## **ARTICLE VII.**

### **GENERAL PROVISIONS**

#### Section 701. 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 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 702. Misdemeanors

(a) Misdemeanors. Every act or omission which, by ordinance or resolution, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction in the District Court of Maryland by a fine not exceeding \$1,000 or imprisonment for 6 months, or both fine and imprisonment. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) Municipal infractions. The Council may, by ordinance or resolution, provide that violations of any Town Ordinance be a municipal infraction. Citations may be issued and delivered by any official authorized and designated by the Council by ordinance or resolution, to deliver a citation to any person whom the official determines to be committing a municipal infraction. The matter shall proceed as provided in Article 23A, § 3(b) of the Code and §§ 4-401 and 12-401 of the Courts and Judicial Proceedings Article.

Section 703. Effect of Charter on existing ordinances

(a) Compatible ordinances. 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) Incompatible ordinances. 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 hereby repealed to the extent of such conflict.

Section 704. Gender--singular and plural

Every word in this Charter importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

Section 705. Separability

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

**Appendix I - Urban Renewal Authority for Slum Clearance**

(See Note (1))

A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) "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.
- (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 Bladensburg, Maryland.

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

(g) "Slum area" means any area 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 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:

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

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

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

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

(b) To prepare plans for the relocation of persons (including families, business concerns, and others) displaced from an urban renewal area, and to make relocation payments to or with respect to 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;

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

(1) 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;

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

(3) 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

(4) 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;

(d) (1) To hold, improve, clear, or prepare for redevelopment any property acquired in connection with urban renewal projects;

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

(3) 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;

(e) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (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;

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

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

(h) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to 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

(i) 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:

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

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

(c) 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:

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

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

(c) 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:

(b) 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;

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

(d) 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.

(1) 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.

(2) 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 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.

A1-109. Eminent domain.

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

A1-110. Encouragement of private enterprise.

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

A1-111. General obligation bonds.

For the purpose of financing and carrying out 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 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 rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium 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.

A1-113. Short title.

This appendix shall be known and may be cited as the Bladensburg 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 Constitution of Maryland, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Bladensburg in Chapter 86 of the Acts of the General Assembly of 1998.