

CHARTER  
OF THE  
**Town of St. Michaels**  
TALBOT COUNTY, MARYLAND

*As enacted by a Charter Amendment, Resolution 2006–08  
effective June 22, 2006*

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# ST. MICHAELS

## ARTICLE I

### **Incorporation, Corporate Name, Definitions, Corporate Powers and Corporate Boundaries**

#### Section C-1. Corporate name.

This Charter is the municipal corporation Charter of the Town of St. Michaels, the corporate name of which is “The Commissioners of St. Michaels.”

#### Section C-2. Definitions.

The terms “town,” “city,” “municipality,” or “municipal corporation” in this Charter shall be construed as synonymous with the corporate name, “The Commissioners of St. Michaels.”

#### Section C-3. General powers.

The municipal corporation here established, 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.

#### Section C-4. Description of corporate boundaries.

A. A description of the corporate boundaries of the Town at all times shall be on file with the Town Clerk or other comparable official and with the Clerk of the Circuit Court of Talbot County. The corporate boundaries of the Town of St. Michaels, in addition to the boundaries of said Town as now existing and described on the plats thereof on record in the Office of the Clerk of the Circuit Court for Talbot County, shall, from and after the passage of this Charter, be all the lands embraced in the following limits: Beginning at the shore at the northwest extremity of Parrott’s point, at the mouth of the harbor of St. Michaels, and running thence south thirty and one-half degrees west across the mouth of Radcliffe’s or Polly Harrison’s cove to a cedar tree on the edge of the bank; then with the shore of said cove to another cedar standing in the corner of the graveyard on the Radcliffe farm; then south forty-eight degrees west to a large cedar standing near the west or southwest corner of said graveyard; then south forty-seven and one-half degrees west to a stone set at the foot of a cedar post at the south side of the road leading from the Radcliffe farm to St. Michaels; then south five and three-fourths degrees west to a stone set near the line between the Radcliffe property and Miller’s addition; then with the line between the Radcliffe property and Miller’s addition in the general direction south five degrees east to the line between Miller’s addition and the property known as Miller’s heirs; then with said line between Miller’s addition and Miller’s heirs south seventy-three degrees west to a stone set at the public road leading from Royal Oak to St. Michaels; then south seventy-eight degrees west, close to and past a large cedar tree standing near the shore, to dividing line at the shore between the Rickett’s farm and the Sinclair or Dorsey property; then

with the windings of the shore of Broad or St. Domingo cove to the railroad bridge across the head of said cove; then from southwest corner of said bridge north eight and one-half degrees west to a stone set at the side of Railroad avenue; then still north eight and one-half degrees west to a stone set at the edge of the woodland of the Perry Cabin farm; then with said woodland south eighty-four and one-half degrees east to a stone planted at the corner of said woodland; then still with said woodland north seven and one-half degrees east to another stone set at another corner of said woodland; then south eighty degrees east to a stone set at the west side of the public road leading from St. Michaels to Bayside; then with the west side of said road south seven and three-fourths degrees to a stone; then across the field of Perry Cabin farm south eighty-three degrees east to the southern extremity of Three Cedar point; then south ten degrees east across the mouth of St. Michaels harbor to the beginning.

B. The taxable limits of the Town of St. Michaels, Talbot County, Maryland, in addition to the boundaries of said Town as now established, shall, from and after the passage of this Charter, include all the lands embraced in the following limits:

(1) Beginning at the mean-low-water line of Back Creek (San Domingo Creek) where the same is intersected by the present existing westerly boundary of the Town of St. Michaels, said point being [being] the Southwesterly corner of the trestle of the Baltimore and Eastern Railroad; Thence: (1), North seventy-three degrees, twenty-five minutes West, seventy-three and thirty-six one-hundredths feet (N.  $73^{\circ} 25'$  W. 73.36 ft.) to the Westerly side of the Right-of-Way of the above mentioned Baltimore and Eastern Railroad; Thence: (2), with the Westerly side of said Right-of-Way and on a curve to the Northeastward, the chord of which bears North thirty-seven degrees, forty-two minutes West, one thousand, two hundred, fifty-four and one tenth feet (N.  $37^{\circ} 42'$  W. 1,254.1 ft.) to a point of tangent; Thence: (3), still with the Westerly side of the Railroad Right-of-Way aforesaid, North nineteen degrees, twenty-two minutes, thirty seconds West, one thousand, seven hundred, fifty-two and six tenths feet (N.  $19^{\circ} 22' 30''$  W. 1,752.6 ft.) to a point on the said Right-of-Way line which is intersected by the Northerly side of Dodson Street; Thence: (4), North Sixty-nine degrees, twenty-seven minutes East, eight hundred, sixty-seven and seven-tenths feet (N.  $69^{\circ} 27'$  E. 867.7 ft.) to a stone set on the now existing Westerly boundary of the Town of St. Michaels; Thence: (5), with the said boundary, South eleven degrees, fifty-five minutes East, two thousand, six hundred, seventy-four and three tenths feet (S.  $11^{\circ} 55'$  E. 2,674.3 ft.) to a stone set on the Southerly side line of Grace Street; Thence: (6), with the same, South eight degrees, thirty-four minutes East, three hundred, fifty-eight and four tenths feet (S.  $8^{\circ} 34'$  E. 358.4 ft.) to the place of beginning:

(2) Beginning at a concrete monument or marker set on the Southwesterly side of the Right-of-Way of the Baltimore and Eastern Railroad where the same is intersected by the now existing Southerly boundary of the Town of St. Michaels, said point being also approximately on the center-line of Maple Avenue, projected Southwardly; Thence: (1), with the Southwesterly side of the Railroad Right-of-Way above mentioned; South fifty-five degrees, thirty-seven minutes East, two thousand, two hundred, twelve and nine tenths feet (S.  $55^{\circ} 37'$  E. 2,212.9 ft.) to the Northwesterly side of the lane leading to the residence of Robert Morse (formerly Register) Thence: (2), with the Northwesterly side of said lane, and crossing the State Road leading from St. Michaels to Easton, North forty-three degrees, six minutes East, one thousand, twenty and one tenth feet (N.  $43^{\circ} 6'$  E. 1,020.1 ft.) to a point on the Westerly side of

Radcliffe Lane; Thence: (3), North forty–five degrees, thirty–seven minutes West, one thousand, four hundred, ninety and one tenth feet (N.  $45^{\circ} 37' W.$  1,490.1 ft.) to the now existing Southeasterly corner of the Town of St. Michaels; Thence: (4), with the said existing boundary line, South sixty–seven degrees, twelve minutes West, eight hundred, sixty–eight and seven tenths feet (S.  $67^{\circ} 12' W.$  868.7 ft.) to a point near the Easterly side of the State Road hereinbefore mentioned; Thence: (5), crossing the said State Road, South seventy–three degrees, twenty minutes West, sixty and three tenths feet (S.  $73^{\circ} 20' W.$  60.3 ft.) to a concrete monument or marker set at or near the Westerly sideline of the abovementioned State Road; Thence: (6), South seventy–three degrees, twenty minutes West, six hundred, ninety–one and eighty–two one–hundredths feet (S.  $73^{\circ} 20' W.$  691.82 ft.) to the place of beginning.

(3) Beginning for the same at a Concrete Monument at the intersection of the public road leading from St. Michaels to McDaniel, known as Maryland Highway No. 33 and the northerly Boundary Line of the Town of St. Michaels, and from said Place of Beginning running by and with the said Town of St. Michaels the following nine courses and distances: (1) North 88 degrees 24 minutes 25 seconds West 101.00 feet; thence (2) North 02 degrees 20 minutes 35 seconds East 616.16 feet; thence (3) North 85 degrees 24 minutes 25 seconds West 20.16 feet to the westerly side of the said Maryland Highway No. 33; thence (4) continuing North 85 degrees 24 minutes 25 seconds West 4.15 feet to a Post; thence (5) still continuing North 85 degrees 24 minutes 25 seconds West 643.55 feet to a Stone; thence (6) South 02 degrees 27 minutes 40 seconds West 199.05 feet to a Concrete Monument; thence (7) continuing South 02 degrees 27 minutes 40 seconds West 399.90 feet; thence (8) South 89 degrees 02 minutes 13 seconds West 125.88 feet to a Concrete Monument; thence (9) continuing South 89 degrees 02 minutes 13 seconds West 575.37 feet to a Post; thence (10) North 00 degrees 44 minutes 10 seconds East 133.08 feet to a Stone; thence (11) North 13 degrees 32 minutes 48 seconds East 166.82 feet to a Stone; thence (12) North 15 degrees 22 minutes 04 seconds East 209.51 feet to a Post and the land of Myron P. Erkiletian; thence by and with the said Erkiletian land the following two courses and distances: (13) North 16 degrees 23 minutes 20 seconds East 1114.90 feet to a Concrete Monument; thence (14) North 58 degrees 18 minutes 40 seconds West 167.77 feet to a Concrete Monument and the land of John William Ayres; thence (15) by and with the said Ayres land, North 28 degrees 13 minutes 02 seconds East 157.15 feet to a Stone and the land of Helen R. Johnson; thence (16) by and with the said Johnson land, continuing North 28 degrees 13 minutes 02 seconds East 692.16 feet to a Post and the land of James Christopher Walsh, Jr.; thence (17) by and with the said Walsh land, South 87 degrees 37 minutes 12 seconds East 398.18 feet to a Concrete Monument and the westerly side of the aforementioned Maryland Highway No. 33; thence (18) crossing the said Maryland Highway No. 33, and continuing South 87 degrees 37 minutes 12 seconds East 159.53 feet; thence (19) by and with the southerly side of the public road leading to Miles River Yacht Club, and still continuing South 87 degrees 37 minutes 12 seconds East 1263.65 feet to a Concrete Monument and the land of Elsie Watkins Huntman; thence by and with the said Huntman land the following four courses and distances: (20) South 45 degrees 56 minutes 52 seconds East 386.84 feet to a Concrete Monument; thence (21) North 84 degrees 13 minutes 00 seconds East 570.00 feet to a Concrete Monument; thence (22) South 54 degrees 17 minutes 08 seconds East 1187.45 feet to a Concrete Monument; thence (23) continuing South 54 degrees 17 minutes 08 seconds East 52.00 feet to a Point at or near the mean high–water line of Miles River; thence over the waters of the said Miles River the following two courses and distances: (24) South 28 degrees 49 minutes 17 seconds West 1657.17

feet to a Point near Three Cedairs Point; thence (25) South 75 degrees 04 minutes 02 seconds West 211.58 feet to the aforementioned Town of St. Michaels Boundary Line; thence by and with the said Town of St. Michaels Boundary Line the following four courses and distances: (26) North 88 degrees 24 minutes 25 seconds West 742.83 feet to the shore of Miles River; thence (27) continuing North 88 degrees 24 minutes 25 seconds West 22.00 feet to a Concrete Monument; thence (28) still continuing North 88 degrees 24 minutes 25 seconds West 617.17 feet to a Point; thence (29) still continuing North 88 degrees 24 minutes 25 seconds West 488.00 feet to the Place of Beginning, containing 185.140 Acres, more or less.

(4) The boundaries and taxable limits of the Town of St. Michaels, Talbot County, Maryland, in addition to the boundaries of said Town as now established, shall, from and after the enactment of this Resolution, be extended to include all of the lands being contiguous to and adjoining the existing corporate area and being embraced by the following limits, being shown upon a plat entitled "Annexation Plat for Town of St. Michaels, Sheet No. 1 of 1, Card File 992481-Anx, Job No. D1990248" and prepared by McCrone, Inc. dated June 1999, containing in all 1.715 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in June, 1999, and being more particular described as follows:

(a) 1.715 acres of land, more or less, located in the second election district of Talbot County, Maryland, beginning for the same at a concrete monument set along the southernmost side of Chew Avenue, a 50' foot wide right-of-way, at the intersection of the westernmost side of Meadow Street, a 50' foot wide right-of-way; said beginning point being further located North 06 degrees, 52 minutes, 22 seconds West 753.42 feet from a point located at the end of the third or North 45 degree, 37 minutes, 00 degree West 1,490.10 foot line, as described in the Charter of the Town of St. Michaels, Article 1, Section 4, "Description of Corporate Boundaries", Parcel #3; said beginning point still further being located at the end of the fourth or South 47.5 degree West course, as described in Parcel 1 of the aforesaid Section 4, Article 1 of the Charter of the Town of St. Michaels; THENCE, leaving said beginning point so fixed and binding on the aforesaid existing corporate boundary of the Town of St. Michaels, as now surveyed; 1) North 41 degrees, 43 minutes, 37 seconds East 667.36 feet to an iron rod found along the easternmost side of Radcliffe Avenue, at the westernmost corner of a cemetery THENCE binding on the easternmost perimeter of the herein described lands to be annexed to the Town of St. Michaels, along the easternmost side of the aforesaid Radcliffe Avenue; 2) South 15 degrees, 02 minutes, 02 seconds East 267.65 feet to a concrete monument set; THENCE binding on the southernmost perimeter of the herein described lands to be annexed to the Town of St. Michaels, crossing Radcliffe Avenue, and binding on the southernmost side of the aforementioned Chew Avenue 3) South 64 degrees, 59 minutes, 32 seconds West 566.74 feet to the Place of Beginning.

(5) The boundaries and taxable limits of the Town of St. Michaels, Talbot County, Maryland, in addition to the boundaries of said Town as now established, shall, from and after the enactment of this Resolution, be extended to include all of the lands being contiguous to and adjoining the existing corporate area and being embraced by the following limits, being shown upon a plat entitled "Annexation Plat of Part of the Lands of The Commissioners of St. Michaels, Sheet No. 1 of 1, Card File 99248-ANX, Job No. D1990248

Folder Ref No. 1460” and prepared by McCrone, Inc. dated May 2001 containing in all 1.160 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in May 2001, and being more particular described as follows:

(a) 1.160 acres of land, more or less, to be annexed to the Town of St. Michaels, located in the second election district of Talbot County, Maryland. Beginning for the same at a concrete monument found along the easternmost right-of-way line of Woodside Avenue, a 50’ foot wide public right-of-way, said place of beginning being further located at the end of the sixteenth, or North 48° 52’ 50” West 694.53 foot course of the existing corporate boundary of the Town of St. Michaels, as amended by Resolution Number 94-01, Section 1, effective date June 24, 1994;

THENCE, leaving said beginning point so fixed and binding on the perimeter of the herein-described lands to be annexed to the Town of St. Michaels, the following eight (8) courses and distances;

By and with the easterly right-of-way line of the aforesaid Woodside Avenue;

1) South 03° 19’ 47” West 160.72 feet to an iron rod set at the northwesterly corner of the lands of the Commissioners of St. Michaels (see 823/511);

THENCE leaving the easterly right-of-way line of the aforesaid Woodside Avenue, and binding on the division lines between the said Commissioners of St. Michaels lands and the lands now or formerly of St. Michaels Fire Department, Incorporated (see 793/532), the following two (2) courses and distances;

2) South 87° 00’ 19” East 124.72 feet to a concrete monument found;

3) South 03° 17’ 16” West 197.01 feet to an iron rod set on the northeasterly right-of-way line of South Lane, a thirty-foot-wide public right-of-way;

THENCE binding on the northeasterly right-of-way line of said South Lane, and crossing the aforementioned Woodside Avenue;

4) North 48° 52’ 58” West 221.27 feet to an iron rod set on the westerly right-of-way line of said Woodside Avenue;

THENCE binding on the westerly right-of-way line to said Woodside Avenue;

5) North 03° 19’ 47” East 614.22 feet to an iron rod set along the second, or North 43° 06’ East 1,020.10 foot line, as described in the Charter of the Town of St. Michaels, Article 1, Section 4, “description of Corporate Boundaries,” Parcel Number 3;

THENCE leaving the westerly right-of-way line of the aforesaid Woodside Avenue, and binding on the said existing corporate boundary of the Town of St. Michaels,

6) North 43° 06' 00" East 26.40 feet to an iron rod set a [at] the end of the aforesaid North 43° 06' East 1,020.10 foot line, said iron rod being also located at the end of the eighteenth or North 45° 37' 00" East 43.91 foot course of the aforementioned corporate boundary as amended by Resolution Number 94-01, Section 1;

THENCE binding on the eighteenth and seventeenth courses of said existing corporate boundaries, reversed, the following two (2) courses and distances;

7) South 45° 37' 00" East 43.91 feet to a concrete monument found along the easterly right-of-way line of the aforementioned Woodside Avenue;

THENCE binding on the easterly right-of-way line of said Woodside Avenue,

8) South 03° 19' 47" West 384.25 feet to the place of beginning.

Containing in all 1.160 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in May 2001.

(6) The boundaries and taxable limits of the Town of St. Michaels, in addition to the boundaries of said Town as now established, shall, from and after the effective date of the enactment of this Resolution, be extended to include all of the lands being contiguous to and adjoining the existing corporate area of the Town, and being embraced by the following limits, being located in the Second Election District of Talbot County, Maryland:

(a) Beginning for the same at a point, said point being the southwesterly corner of the herein described land, said point also being on the northerly boundary of the existing Town Boundary Line of the Town of St. Michaels; said point also bears South 87 degrees 37 minutes 12 seconds East 398.18 feet from the northwesterly most corner of the existing Town Boundary Line of the Town of St. Michaels; and from said Place of Beginning, running by and with the approximate southwesterly side of Maryland Highway Number 33, the following three courses and distances; (1) North 10 degrees 12 minutes 52 seconds West 309.82 feet; thence (2) by and with the arc of a curve deflecting to the left which has a radius of 1348.13 feet for a length of 807.40 feet, the chord of which bears North 27 degrees 20 minutes 56 seconds West 795.39 feet; thence (3) North 44 degrees 30 minutes 23 seconds West 1708.71 feet to a concrete monument found; thence leaving the said Maryland Highway Number 33 (4) South 42 degrees 55 minutes 39 seconds West 966.94 feet to a granite monument found; thence (5) continuing South 42 degrees 55 minutes 39 seconds West 622.54 feet to a stone found; thence (6) South 47 degrees 06 minutes 54 seconds East 318.70 feet to a stone found; thence (7) South 37 degrees 20 minutes 04 seconds West 472.41 feet to a concrete monument found; thence (8) North 58 degrees 16 minutes 41 seconds West 831.85 feet to a stone found; thence (9) South 85 degrees 59 minutes 19 seconds West 283.35 feet; thence (10) continuing South 85 degrees 59 minutes 19 seconds West 10 feet more or less to Broad Creek; thence running through Broad Creek the following seven courses and distances (11) North 30 degrees 03 minutes 39 seconds West 546.56 feet; thence (12) North 81 degrees 35 minutes 59 seconds West 441.80 feet; thence (13) North 32 degrees 42 minutes 02 seconds West 406.50 feet; thence (14) North 06 degrees 44 minutes 08 seconds West 697.56 feet; thence (15) North 26

degrees 11 minutes 24 seconds East 702.47 feet; thence (16) North 45 degrees 01 minutes 19 seconds East 590.47 feet; thence (17) North 47 degrees 00 minutes 49 seconds East 422.01 feet; thence (18) North 69 degrees 24 minutes 47 seconds East 13 feet more or less to a concrete monument found; thence (19) continuing North 69 degrees 24 minutes 47 seconds East 75.35 feet to an iron pipe found; thence (20) North 39 degrees 42 minutes 58 seconds East 317.75 feet to a concrete monument found and the southwesterly side of the aforesaid Maryland Highway Number 33; thence crossing the said Maryland Highway Number 33 (21) continuing North 39 degrees 42 minutes 58 seconds East 100.02 feet to the northeasterly side of the said Maryland Highway Number 33, thence by and with the northeasterly side of the said Maryland Highway Number 33 the following six courses and distances; (22) by and with the arc of a curve deflecting to the right which has a radius of 1391.14 feet for a length of 167.73 feet, the chord of which bears South 47 degrees 57 minutes 37 seconds East 167.62 feet; thence (23) South 44 degrees 30 minutes 23 seconds East 4260.41 feet; thence (24) South 42 degrees 11 minutes 47 seconds East 167.10 feet; thence (25) South 31 degrees 29 minutes 49 seconds East 273.46 feet; thence (26) South 18 degrees 27 minutes 30 seconds East 341.06 feet; thence (27) South 05 degrees 01 minutes 30 seconds East 326.01 feet to the aforementioned existing Town Boundary Line of the Town of St. Michaels; thence by and with the said existing Town Boundary Line of the Town of St. Michaels (28) North 87 degrees 37 minutes 12 seconds West 122.68 feet to the Place of Beginning; containing 158.061 acres of land, more or less.

(b) BEING all of those roads, rights of way, lots and other parcels or tracts of land and waters contained within the above described boundaries, and shown upon a plat entitled "PLAT SHOWING PROPOSED ANNEXATION TO THE TOWN OF ST. MICHAELS IN THE SECOND ELECTION DISTRICT", dated April 11, 2003, prepared by Lane Engineering, Inc., a copy of which plat is attached hereto, incorporated herein by reference, and intended to be recorded among the Land Records of Talbot County, Maryland.

The boundaries and taxable limits of the Town of St. Michaels, in addition to the boundaries of said Town as now established, shall, from and after the effective date of the enactment of this Resolution, be extended to include all of the lands being contiguous to and adjoining the existing corporate area of the Town, and being embraced by the following limits, being located in the Second Election District of Talbot County, Maryland:

Beginning for the same at a point, said point being the northerlymost corner of the herein described land; said point also being on the westerly side of Woodside Avenue; said point also being on the existing Town of St. Michaels Corporate Boundary; said point also bears South 41 degrees 44 minutes 38 seconds West 35.00 feet from an existing corner of the aforesaid Corporate Boundary; and from said Place of Beginning running by and with the westerly side of the said Woodside Avenue (1) South 02 degrees 13 minutes 38 seconds West 275.00 feet to a flat iron bar found; thence (2) South 63 degrees 51 minutes 11 seconds West 464.92 feet to a point and the aforesaid existing Town of St. Michaels Corporate Boundary; said point bears North 63 degrees 51 minutes 11 seconds East 98.31 feet from an iron rod at the southerlymost corner of the land of Craig S. Willis and Patti K. Willis (Liber 736, Folio 267; thence by and with the said existing Town of St. Michaels Corporate Boundary (3) North 41 degrees 44 minutes 38 seconds East 642.88 feet to the Place of Beginning containing 1.291 Acres of Land more or less, and

Being a part of the lands described in a deed from Gerald L. Cochran and Jean K. Cochran to Craig S. Willis and Patti K. Willis dated October 20th, 1992 recorded in the Land Records of Talbot County, Maryland in Liber 736, Folio 267, and as shown on a plat entitled "Proposed Annexation to The Town of St. Michaels in the Second Election District Talbot County, Maryland prepared by Lane Engineering, Inc., a copy of which is attached hereto, incorporated herein by reference, and intended to be recorded among the Plat Records of Talbot County, Maryland. (Res. No. 2004-04, 06-07-04.)

## **ARTICLE II**

### **The Commissioners; Officers; Ordinances; Referenda; Amendment of Charter**

#### Section C-5. Number of Commissioners; selection; terms.

All legislative powers of the Town shall be vested in a body designated as "The Commissioners of St. Michaels," consisting of five Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of four years or until their succeeding Commissioners take office, except when a Commissioner is filling a vacancy. A Commissioner appointed or elected to fill a vacancy, as provided in § C-35 of this Charter, may hold office for a term of two years or less. The regular term of Commissioners shall expire on the second Wednesday in the month of June following the election of their successors. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected until the succeeding Commissioners take office under the provisions of this Charter. The legislative body of the Town, consisting of five Commissioners, shall sometimes hereafter be referred to as "the Commissioners," or "the Commission." (Res. No. 2006-20, 10-12-06; Res. No. 2009-21, 02-04-10.)

#### Section C-6. Qualifications of Commissioners.

Each Commissioner shall have resided in the Town for at least two consecutive years immediately preceding his or her election, shall be a qualified voter of the Town and must reside in the Town during his or her term as Commissioner.

#### Section C-7. Salary of Commissioners.

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



**Section C-8. Meetings of Commission.**

The newly elected Commission shall meet at 5:00 P.M. on the second Wednesday in the month of June following its election for the purpose of organization, after which the Commission shall regularly meet at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Town Clerk upon the request of a majority of the members of the Commission. All meetings of the Commission shall be open to the public, except in appropriate circumstances when meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article, Open Meetings Act, of the Annotated Code of Maryland as amended from time to time. The rules of the Commission shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting open to the public in regard to any municipal question. (Res. No. 2009-17, 10-15-09.)

**Section C-9. Commissioners to be judge of qualifications of its members.**

The Commissioners shall be the judges of the election and qualifications of its members.

**Section C-10. Officers of the Commission.**

The newly elected Commissioners shall take office on the second Wednesday in the month of June following a regular election. At the first regular meeting in June of each year, the five Commissioners shall have an election of officers. The five Commissioners shall choose one of their number for the positions of President, Vice President and Treasurer; the newly elected officers shall serve a term of one year or until their successors have been duly elected and take office. (Res. No. 2006-20, 10-12-06; Res. No. 2009-21, 02-04-10.)



Section C-11. Duties of Officers.

A. *President.* The President shall chair meetings of the Commissioners, shall possess all executive powers, shall be authorized to sign and bind the Town on all contracts which have been approved or accepted by the Commissioners, shall be an authorized check signer, shall be ceremonial head of the Town government at all public functions, and shall have such other powers and perform such other duties as may be provided by the Charter or as may be required of him or her by the Commissioners, not inconsistent with this Charter.

B. *Vice President.* The Vice President shall chair meetings of the Commissioners at which the President is not in attendance and shall assume the duties of the President in the event that he or she is absent or incapacitated. The Vice President shall be an authorized check signer.

C. *Treasurer.* The Treasurer shall supervise and be responsible for the disbursement of all moneys and have control over all receipts. The Treasurer shall be an authorized check signer.

Section C-12. Quorum.

Three of the members of the Commission shall constitute a quorum for the opening and closing of meetings and the transaction of business. At such meetings, a majority of the Commissioners present shall decide the outcome of any matter voted upon except for the passage of an ordinance or amendment to the Charter. No ordinance or amendment to the Charter shall be approved without the favorable votes of a majority of the whole number of members of the Commission. (Res. No. 2006-20, 10-12-06.)

Section C-13. Rules and order of business; journal.

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

Section C-14. Vacancies in Commission.

Vacancies in the Commission shall be filled as provided in § C-35 of this Charter.

Section C-15. Passage of ordinance; publication; effective date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commission held not less than six nor more than 70 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 four members of the Commission. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of 20 calendar days from the date

of its passage. An emergency ordinance shall become effective on the date specified in the ordinance, regardless of whether it has been published prior to its effective date. No ordinance shall become effective until approved by the Commission. A summary of each ordinance, the date of its passage, its effective date, and the fact that the entire text of the ordinance may be read on the bulletin board at the Town Office for 20 days following its passage shall be published at least once each week for two successive weeks within 20 days following the passage of each ordinance in a newspaper having general circulation in the municipality. The exact text of each ordinance shall be posted on the bulletin board in the Town Office for 20 successive days following its passage.

#### Section C-16. Referendum.

If, before the expiration of 20 calendar days a petition is filed with the Town Clerk containing the signatures of not less than 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 Commission shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Commission's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or any part thereof, requested for referendum shall continue in effect for 60 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 60 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 § C-60, 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 Article IX, §§ C-86 and C-87. The provisions of this section shall be self-executing, but the Commission may adopt ordinances in furtherance of these provisions and not in conflict with them.

#### Section C-17. Filing of ordinances.

Ordinances shall be permanently filed by the Town Clerk and shall be kept available for public inspection.

#### Section C-18. Amendment of Charter.

This Charter may be amended pursuant to the Constitution of Maryland and in accordance with the Maryland Annotated Code.

### ARTICLE III General Powers

#### Section C-19. Powers of Commission enumerated.

A. *General Powers.* The Commission shall, as it deems necessary for the good government of the Town, have the power to enact ordinances which are not contrary to the Constitution, laws of the State of Maryland nor to the provisions of this Charter, for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Town.

B. *Specific powers.* The Commission shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this state, for the specific purposes provided in the remaining subsections of this section.

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

(2) *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.

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

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

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

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

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

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

(9) *Buildings.* To make reasonable regulations in regard to buildings and structures to be erected, constructed, or reconstructed in the Town, and to grant building permits for them; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector, and to require reasonable charges for permits and inspections; to

authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

(12) *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.

(13) *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.

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

(15) *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.

(16) *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 another particular office, department or agency.

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

(18) *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.

(19) *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.

(20) *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.

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

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

(23) *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 the Annotated Code of Maryland.

(24) *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.

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

(26) *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 or her occupation which causes or threatens harm or injury to inhabitants of the Town or to their welfare or happiness.

(27) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his or her powers and duties; to prevent the introduction of contagious diseases into the Town, to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary condition 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 Department of Health and Mental Hygiene, the County Board of Health or any public general or local law relating to the subject of health.

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

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

(30) *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.

(31) *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.

(32) *Lights.* To provide for the lighting of the Town.

(33) *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.

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

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

(36) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or the making of unreasonable noise by other means.

(37) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by ordinance, 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 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) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

(40) *Parking meters.* To install parking meters on the streets and public places of the Town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Commission.

(41) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the Town.

(42) *Pets.* To regulate the keeping of pets in the Town and to provide, wherever the county does not license or tax pets, for the licensing and taxing of them; to provide for the disposition of homeless pets and of pets on which no license fee or taxes are paid.

(43) *Police force.* To establish, operate, and maintain a police force. All Town police officers, within the municipality, shall have the powers and authority of constables of this state.

(44) *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.

(45) *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; to dispose of any real or leasehold property by conveyance when no longer needed for the public use, after having given at least 20 days public notice of the proposed conveyance; to dispose of any other property without such prior public notice; and to control, protect and maintain public buildings, grounds, and property of the Town.

(46) *Quarantine.* To establish quarantine regulations in the interests of the public health.

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

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

(49) *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.

(50) *Taxicabs.* To license, tax, and regulate persons pursuing occupations such as porters and express delivery persons, drivers of hacks, taxicabs, drays and cabs.

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

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

(53) *Zoning.* To exercise the power as to planning and zoning conferred upon municipal corporations in the Annotated Code of Maryland, subject to the limitations and provisions of said Code.

C. *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 C-20. Exercise of powers.

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

#### Section C-21. Enforcement of ordinances.

A. To assure the observance of the ordinances of the Town, the Commission has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding \$1,000 or imprisonment for not exceeding six months, or both such fine and imprisonment. The Commission may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

#### B. *Municipal infractions.*

(1) The Commission may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by

the laws of the state or other ordinance. For purposes of this article a municipal infraction is a civil offense.

(2) Unless further limited by ordinance, the maximum allowable fine which may be imposed for each conviction of a municipal infraction shall be that as set forth in Maryland Code (1957), Article 23A, § 3, as amended, and as hereafter amended from time to time. The fine is payable by the offender to the Town within 20 calendar days of receipt of a citation. Each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the Town in writing of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

## **ARTICLE IV**

### **Registration, Nominations and Elections**

#### Section C-22. Registration of voters.

A. The Town shall provide for the registration of the names of all the persons who possess the qualifications prescribed in this Article IV to be qualified voters, which registration shall be conclusive evidence to the Town Clerk of the right of every person, thus registered, to vote in any election held in the Town; but no person shall vote at any election held in the Town unless his or her name appears in the list of registered voters under the universal voter registration system for Talbot County, Maryland; the names of all persons who have the qualifications prescribed in the § C-23B of this Article IV, and who are not disqualified under this article, shall be added to the list of qualified voters. Registration shall be permanent until a registrant becomes disqualified.

B. The Town Clerk shall not maintain a separate registration for voters who do not wish to be registered for county, state or national elections through the universal voter registration system.

C. Voters shall be removed from the registry of the universal registration system provided by Talbot County, Maryland in accordance with State law. Notice of this action and the rights of persons affected by such removal shall be in accordance with State law.

D. A voter whose registration has been cancelled under this section shall not thereafter be eligible to vote except by registering again as provided in this article.

F [E]. No person shall be permitted to register to vote in a Town election during the period between the close of regular business hours on the fifth Friday preceding the date of that Town election and opening of regular business hours on the second Tuesday after the date of that Town election. (Res. No. 2009–18, 10–15–09.)

Section C–23. Qualifications of voters.

A. *Qualified voters.* Only persons qualified to vote in Town elections, according to the terms of Subsection B of § C–22, shall be registered as qualified voters.

B. *Qualifications.* The qualifications of voters are the following, each one of which is applicable to every voter:

- (1) Citizen of United States;
- (2) Age of 18 years or older on or before the day of the next Town election;
- (3) Resident of State of Maryland on the fifth Monday preceding the next Town election;
- (4) Resident of the Town as of the time for closing of registration, next preceding the Town election;
- (5) Not constitutionally regulated or prohibited by Subsection C or D of this § C–23 and;
- (6) Not convicted of buying or selling votes.

C. *Conviction of crime.* No person shall be registered as a qualified voter if he or she has been convicted of theft or other infamous crime, unless he or she has been pardoned, or, in connection with the first such conviction only, he or she has concluded any sentence imposed pursuant to that conviction, including any period of probation imposed by virtue of parole or otherwise in lieu of a sentence or part of a sentence.

D. *Persons under guardianship.* No person shall be registered as a qualified voter if he or she is under guardianship for mental disability.

E. Every qualified voter of the Town is entitled to vote in all Town Elections.

Section C–24. Absentee registration and voting.

A. Any qualified voter whose physical disability confines him or her to a hospital or causes him or her to be confined to bed and permanently prevents him or her from being present to register or reregister to vote shall be allowed to register or reregister by casting his or her absentee ballot as provided by ordinance.

B. Any registered voter in the Town of St. Michaels may vote by absentee ballot if he or she meets the requirements and conditions of Maryland Code (1957) Article 33, Title 27 (Absentee Voting), as amended, unless otherwise provided by this Charter or ordinance of the Town.

Section C-25. Town Clerk as supervisor of elections.

The Town Clerk shall be the supervisor of all elections.

Section C-26. Duties of Town Clerk.

The Town Clerk shall be in charge of the registration of voters, nominations, and all Town elections. The Commission may appoint election clerks or other employees to assist the Town Clerk in any way in his or her duties. In addition, registration of voters may be accomplished in accordance with and pursuant to Maryland Code (1957), Article 33, § 3-2, as amended, by, through or under the authority of the Talbot County Board of Elections. In the event that this section is not effective on or before January 1, 1990, as required by Maryland Code (1957), Article 33, § 3-2, as amended, then voters registered by the Talbot County Board of Elections pursuant to state law on or after January 1, 1990, but before this section of the St. Michaels Charter becomes effective, shall nevertheless be validly registered for Town elections. The Town Clerk may conduct universal voter registration if authorized by the Talbot County Board of Elections.

Section C-27. Clerk not to be candidate.

The Town Clerk shall not be a candidate for any elective office during his or her appointment as Town Clerk.

Section C-28. Notice of registration days and elections.

A. It shall be the duty of the Town Clerk to give public notice of the hours and places for voter registration, of any changes of such hours and places, and when supplemental registration is authorized, to give notice of the hours and places thereof.

B. The Town Clerk shall give public notice of every Town election by publishing at least once each week for two consecutive weeks, the first of which publication shall not be more than 21 days before the election and the last of which publications shall not be less than seven days before the election, said advertisement to be published in at least one newspaper of general circulation in the Town, and by posting a notice thereof on the bulletin board in the Town office.

Section C-29. Registration appeals.

If any person is aggrieved by the action of the Town Clerk in refusing to register or in striking off the name of any person or by any other action, he or she may appeal to the Commission. Any decision or action of the Commission upon such appeals may be appealed by

the person so aggrieved to the Circuit Court for Talbot County in the same manner as provided for in the case of appeals regarding the election laws of the State of Maryland.

Section C–30. Filing certificate of candidacy.

A. Each person seeking elective office in a Town election must be a registered voter of the Town, and shall file a certificate of candidacy signed by the candidate. Such certificate shall state the following:

- (1) The office for which the candidate is seeking election;
- (2) The name of the candidate as he or she wishes it to appear on the ballot (to include at least one given name, the initial letter of all other given names, and the surname of the candidate, but without nicknames, titles, degrees and designations);
- (3) The principal residential address of the candidate;
- (4) A statement that as of the date the certificate is submitted the candidate is a registered voter of the Town and that as of the date of the election the candidate will meet all of the qualifications required by this Charter for a registered voter of the Town;
- (5) A statement that as of the date of the election the candidate will meet all of the qualifications required by this Charter for the elective office for which he or she is a candidate; and
- (6) Disclosure of any action involving a conflict of interest between the candidate and the Town.

B. A certificate of candidacy shall be received by the Town Clerk before 4:30 p.m. on the fifth Friday preceding the date of the Town election to which the certificate applies. No person shall file for candidacy to more than one elective Town public office or hold more than one elective Town public office at any one time.

Section C–31. Election of Commissioners.

All regular elections of the Town shall be held on the first Monday in May in even-numbered years. Beginning with the election to be held, in May 1996, and every four years thereafter, three Commissioners shall be elected for terms of four years each. Beginning with the election in May 1998, and every four years thereafter, two Commissioners shall be elected for terms of four years each. In the case of some vacancies, Commissioners may be elected for terms of two years as provided in § C–35 of this Charter. (Res. No. 2006–20, 10–12–06.)

Section C–32. Conduct of elections generally.

It is the duty of the Town Clerk 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, arranged in alphabetical order by office with no party designation of any kind. The Town Clerk shall keep the polls open from 1:00 p.m. to 6:00 p.m. on election days or for such longer hours as the Commissioners may require by ordinance.

Section C-33. Vote count.

Immediately after the closing of the polls, the Town Clerk shall determine the number of votes cast for each candidate or question and shall certify the results of the election to the Commissioners of the Town, who shall record the results in the minutes of the Commission. Those candidates for Commissioners with the highest number of votes in the general election shall be declared elected as Commissioners; three Commissioners to be elected in 1988 and every four years thereafter; two Commissioners to be elected in 1986 and every four years thereafter.

Section C-34. Preservation of ballots.

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

Section C-35. Vacancies.

A. In case of a vacancy that occurs more than 90 days before the next regular election of the Commissioners:

(1) The Commissioners shall appoint some qualified person to fill the vacancy, who shall enjoy and exercise the same voting rights and privileges as those enjoyed and exercised by Commissioners elected to office.

(a) Appointments shall be made upon a favorable vote by a majority of the remaining Commission members. The result of the vote shall be recorded in the minutes of the Commission.

(b) The term of a Commissioner so appointed shall expire on the second Wednesday in the month of June following the next regular election of Commissioners.

(c) If the original term of the vacancy filled by appointment does not expire following the next regular election, the remaining two years of the term shall be placed on the ballot and shall be filled by the winning candidate with the least number of votes.

(2) If the Commission fails to make an appointment within thirty days following the occurrence of the vacancy, the Town Clerk shall call a special election to fill the vacancy, to be held not sooner than ninety days and not later than one hundred twenty days following the occurrence. The special election shall be governed by the provisions of this Charter.

(a) If a regular election will occur during the period from ninety days to one hundred twenty days following the occurrence, the special election shall be held with the regular election.

(b) If a vacancy is filled by special election the newly elected Commissioner shall serve for the remainder of the vacant term, even in the event that the term may extend beyond the next regular election of Commissioners.

B. In the case of a vacancy that occurs ninety days or less before the next regular election of Commissioners, the vacancy shall remain unfilled until the election. If the vacancy was for a term not expiring immediately following the election, the winning candidate with the least number of votes shall fill the remaining term of two years. (Res. No. 2006–20, 10–12–06; Res. No. 2009–18, 10–15–09.)

#### Section C–36. Determination of automatic vacancies.

The Commission, in determining its own rules, shall specify what constitutes an automatic vacancy, and it shall be recorded in the Commission’s journal for public inspection.

#### Section C–37. Suspension and removal of Commissioners.

Any Commissioner of the Town who, during his or her term of office, is convicted of or enters a plea of nolo contendere to any crime which is a felony, or which is a misdemeanor related to his or her public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be suspended by operation of law without pay or benefits from his or her office as Commissioner of the Town. During and for the period of suspension from said elected office, such suspension shall be considered a vacancy in the elective office which shall be temporarily filled in accordance with the provisions of the Charter. If the conviction or plea of nolo contendere becomes final, after judicial review or otherwise, such Commissioner shall be removed from office by operation of law, and the office shall be deemed vacant and shall be filled in accordance with the terms of this Charter. If the conviction of the Commissioner is reversed or overturned, the Commissioner shall be reinstated by operation of law to his or her elective office for the remainder, if any, of the elective term of office during which he or she was suspended or removed, and all pay and benefits shall be restored.

#### Section C–38. Regulation and control by Commission.

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

#### Section C–39. Penalties.

Any officer or employee of the Town who 1) fails to perform any duty required of him or her under the provisions of this article of the Charter or any ordinances passed thereunder; 2) in



any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder; or (3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or Town election is guilty of a misdemeanor. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

## **ARTICLE V**

### **Finance**

#### Section C-40. Town Clerk.

The Town Clerk/Manager shall serve as the Town Clerk and shall perform the duties of the Town Clerk under this Article V.

#### Section C-41. Powers and duties of Town Clerk.

Under the supervision of the Commission, the Town Clerk shall have authority and shall be required to:

- A. Prepare at least 45 days before the beginning of the fiscal year an annual budget to be submitted to the Commission.
- B. Assure that budget appropriations are not exceeded.
- C. Maintain a general accounting system for the Town in such form as the Commission may require, not contrary to state law.
- D. Submit at the end of each fiscal year, and at such other time as the Commission may require, a complete financial report to the Commission.
- E. Ascertain that all taxable property within the Town is assessed for taxation.
- F. 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.
- G. 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.
- H. Do such other things in relation to the fiscal or financial affairs of the Town as the Commission may require or as may be required elsewhere in this Charter.

Section C-42. Clerk's bond.

The Town Clerk shall provide a bond with such corporate surety and in such amount as the Commission by ordinance may require.

Section C-43. 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 C-44. Review of budget by Commission.

The Commission, on such date as the ordinance determines but at least 45 days before the beginning of each fiscal year, shall review the budget submitted by the Town Clerk. The Commission will ensure that the budget provides a complete financial plan for the budget year, contain [contains] estimates of anticipated revenues and proposed expenditures for the upcoming budget year, and that the total of anticipated revenues equals or exceeds the total of proposed expenditures. The budget shall be a public record in the office of the Town Clerk, open to public inspection by anyone during normal business hours.

Section C-45. Public meeting on budget; adoption.

Before adopting the budget the Commission shall consider the budget at a regular or special public meeting of the Commissioners. Said consideration of the budget shall take place after notice of said meeting, and the purpose thereof, is published at least once in a newspaper having general circulation within the municipality at least six days before said meeting. The Commission may insert new items or may increase or decrease the items of the budget. If the Commission increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total membership of the Commission is necessary for adoption of the budget. (Res. No. 2009-18, 10-15-09.)

Section C-46. Appropriations.

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

Section C-47. Transfer of funds.

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

**Section C-48. 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 shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds or other evidence of indebtedness, nor the making of contracts for lease or services for a period exceeding the budget year in which the contract is made.

**Section C-49. Lapse of appropriations 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 C-50. Checks, drafts and withdrawals.**

All checks, drafts and withdrawals drawn on any account containing funds of the Town shall be signed by two authorized signers. The persons authorized to sign checks, drafts and withdrawals drawn on any account containing funds of the Town shall be the five Commissioners, and the Town Clerk/Manager. (Res. No. 2006-21, 10-12-06.)



Section C-51. 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 C-52. 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 correspondent tax year.

Section C-53. Notice of tax levy.

Immediately after the levy is made by the Commission in each year, the Town Clerk shall give notice of the making of the levy by posting a notice thereof in some public place in the Town. He or she shall make out and mail or deliver in person to each taxpayer or his or her agent at his or her last known address a statement of the amount of real and/or 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 or her property.

Section C-54. When taxes are overdue.

The taxes provided for in § C-52 (Budget authorizes levy) 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 as may from time to time be established by the Commission, provided that said rate does not exceed the maximum interest rate permissible under Maryland law, 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 § C-55 (Sale of tax-delinquent property) of this Charter.

Section C-55. Sale of tax-delinquent property.

A list of all property on which the Town taxes have not been paid, or on which the Town has any lien for water, sewer, or other charges which have not been paid, and which are [in] arrears as provided by § C-54 (When taxes are overdue) of this Charter, shall be turned over by the Town Clerk to the official of Talbot County responsible for the sale of tax-delinquent property as provided by state law. All such property for which Town taxes, water, sewer, or other charges remain in arrears shall be sold for taxes by that county official, in the manner prescribed by state law.

Section C-56. Fees.

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

Section C-57. Annual audit.

The financial books and accounts of the Town shall be audited annually as required by Maryland law.

Section C-58. Tax-anticipation borrowing.

During the first six months of any fiscal year, the Town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed 50% of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section C-59. Authority for general obligation borrowings.

A. In addition to the authority provided for in Article V, Section 19 [§ C-58] of this Charter with respect to tax anticipation borrowings, 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. As determined by or provided for in the authorizing ordinance and/or resolution of the Commissioners, the general obligation bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication or dissemination of the notice of sale, as determined by the Commissioners by ordinance or resolution;

(2) For a price or prices that may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Commissioners; and

(4) For cash or other valuable consideration.

C. The ordinance or resolution that authorizes the general obligation bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity, at such price or prices at, above or below par value as determined or provided for by the Commissioners, and for the manner of publishing or otherwise giving notice of such redemption.

D. The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the general obligation bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

E. The official signatures and seals affixed to any of the general obligation bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

F. In connection with any sale of general obligations 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 Commissioners by ordinance or resolution.

G. Any resolution adopted by the Commissioners pursuant to this Article V, Section 20 [this section] may be introduced and adopted in a single session and shall not be subject to petition to referendum, notwithstanding the provisions of any other section of this Charter.

H. In connection with the authorization of its general obligation bonds, notes or other evidences of indebtedness, the Town may pledge to the payment thereof, or provide that such obligations shall be payable in the first instance from, any other sources of revenue available to the Town.

I. The power conferred on the Town under this Article V, Section 20 [this section] of the Charter 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.

J. The provisions of this Article V, Section 20 [this section] shall not apply to any tax anticipation borrowing incurred in accordance with Article V, Section 19 [§ C-58] of this Charter.

K. All general obligation bonds, notes or other evidences of indebtedness validly 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. (Res. No. 2006-13, 06-22-06.)

Section C-60. 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 C-61. 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 C-62. Purchasing and contracts.

All purchases and contracts for the Town government shall be made by the Commission. The Commission may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts.

A. Except as provided in Subsection C-62. B, C and D below, all expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving \$5,000 (five thousand dollars) or more shall be made on written contract. The Commission shall obtain sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Commission before becoming effective. The Commission may reject all bids. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

B. Purchases and contracts under \$5,000 (five thousand dollars) may be made by the Commissioners and/or the Town Clerk/Manager provided the funds have been appropriated in the budget for the use intended.

C. All contracts involving professional services such as accounting, architecture, auditing, consulting, computer maintenance and support services, engineering, law, planning,



and surveying may not be subject to competitive bidding, but may be negotiated by the Town Clerk/Manager with the approval of the Commission or by the Commission itself.

D. The Town may contract with any contractor who offers goods, services, insurance, or construction on the same terms as provided to (i) the State of Maryland; (ii) any other state of the United States of America; (iii) any county or local governments or agencies of the State of Maryland or any other state of the United States of America (the entities listed in i, ii and iii shall collectively be referred to as “governmental entities”), which governmental entities have arrived at those terms through a competitive procurement procedure requiring bids, proposals from bidders, and analysis of responsive bids in accordance with the applicable laws of such governmental entities. (Res. No. 2006–27, 11–16–06.)

## **ARTICLE VI Personnel**

### Section C–63. Town Clerk/Manager.

There shall be a Town Clerk/Manager appointed by the Commission. He or she shall serve at the pleasure of the Commission, and compensation shall be determined by the Commission. The Town Clerk/Manager shall be the chief administrative officer of the Town and shall be responsible for and undertake such duties as the Commissioners shall from time to time require of him or her. He or she shall also serve as the Town Clerk in accordance with the provisions of this Charter.

### Section C–64. Town Attorney.

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

### Section C–65. Authority to employ personnel.

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

### Section C–66. Prohibitions and penalties.

A. *Prohibitions.* No person in the employ or service of the Town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his or her political opinions or affiliations, race, color, religion, sex, age, national origin, marital status, or physical or mental handicap unrelated in nature and extent so as to reasonably preclude the performance of his or her duties; no person shall willfully

or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder; no employee in the employ or service of the Town shall continue in such position after becoming a candidate for nomination or election to any public office in the Town; no person seeking appointment to or promotion in the employ or service of the Town shall either directly or indirectly give, tender, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his or her appointment, proposed appointment, promotion, or proposed promotion.

B. *Penalties.* Any person who by himself or herself or with others willfully violates any of the provisions of this Article VI is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in § C-21 A. Any person who is convicted under this section shall be ineligible for appointment to or employment in a position in the Town service for a period of five years thereafter, and, if he or she be an officer or employee of the Town, shall immediately forfeit the office or position he or she holds upon said conviction.

Section C-67. Retirement system.

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

Section C-68. Compensation of employees.

The compensation of all officials and employees of the Town shall be set from time to time by the Commission. However, any changes in the salaries of the Commissioners shall be subject to the restrictions imposed by Maryland law.

## ARTICLE VII Public Ways and Sidewalks

Section C-69. Definition of public ways.

The term "public ways" as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res. No. 2010-02; 06-08-10.)

Section C-70. Control of public ways.

The Town has control of all public ways in the Town except such as may be under the jurisdiction of the Maryland Department of Transportation subject to the laws of the State of Maryland and this Charter. The Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town. (Res. No. 2010-02; 06-08-10.)

Section C-71. Powers of Town as to public ways.

The Town may:

- A. 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.
- B. Grade, lay out, construct, open, extend, and make new Town public ways.
- C. Grade, straighten, widen, alter, improve or close up any existing Town public way or part thereof.
- D. Pave, surface, repave, or resurface any Town public way or part thereof.
- E. Construct, reconstruct, maintain, and repair bridges.
- F. Name Town public ways.
- G. Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res. No. 2010-02; 06-08-10.)

Section C-72. Powers of Town as to sidewalks, curbs, and gutters.

The Town may:

- A. Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk, curb and/or gutters or part thereof on Town property along any public way or part thereof.
- B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks, curb [curbs] and/or gutters on Town property along any public way or part thereof.
- C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- D. Require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section according to reasonable plans and specifications. If, after due notice as required by ordinance, 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.
- E. The adjoining property owner shall pay all of the costs of the sidewalks and 1/2 of the cost of the curbs and gutters which traverse, abut or adjoin his or her property. (Res. No. 2010-02; 06-08-10.)

## ARTICLE VIII Waters and Sewers

### Section C-73. Powers of Town.

The Town may:

- A. Construct, operate and maintain a water system and water plant within and outside of the corporate boundaries of the Town.
- B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant within and outside of the corporate boundaries of the Town.
- C. Construct, operate, and maintain a storm water drainage system and storm water sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- E. Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Res. No. 2010-02; 06-08-10.)

### Section C-74. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Town may order it removed. (Res. No. 2010-02; 06-08-10.)

### Section C-75. Obstructions.

All individuals, firms or corporation 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 § C-89 [C-88]. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor or municipal infraction. (Res. No. 2010-02; 06-08-10.)

Section C-76. Connections.

The Town shall provide a connection with water and sanitary sewer mains which it owns for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the owner of the water or sewer system, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The Town may require that if existing fixtures are determined unsatisfactory, satisfactory ones will be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor or municipal infraction. (Res. No. 2010-02; 06-08-10.)

Section C-77. Charges for water and sewer connections.

The Town may make a charge, the amount to be determined by the Commission, for each connection made to the Town's water or sewer mains. This charge shall be uniform throughout the Town as to various classes of users, but a different schedule of charges may apply outside of the Town boundaries. The charges may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res. No. 2010-02; 06-08-10.)

Section C-78. Changes to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the Town's water system or sewage disposal system, the Town may require such changes in plumbing, fixtures, or connections as is necessary to prevent such waste or improper use. (Res. No. 2010-02; 06-08-10.)

Section C-79. Private systems.

The Town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institutions, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not 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. (Res. No. 2010-02; 06-08-10.)

Section C-80. Extensions beyond boundaries.

The Town may extend its water or sewerage systems beyond the Town limits.

Section C-81. Right of entry.

Any employee or agent of the Town, while in the necessary pursuit of official duties with regard to the water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, may enter upon any premises and into any building in the Town or in the county served by the Town's 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, may be made a misdemeanor or municipal infraction. (Res. No. 2010-02; 06-08-10.)

Section C-82. Pollution of water supply.

A. *Tampering.* Any person who tampers with a public water system shall be imprisoned for not more than five years, or fined in accordance with Title 18, or both.

B. *Attempt or Threat.* Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system [shall] be imprisoned for not more than three years, or fined in accordance with Title 18, or both.

C. *Civil penalty.* The administrator may bring a civil action in the appropriate United States District Court (as determined under the provisions of Title 28) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than \$50,000 for such tampering or not more than \$20,000 for such attempt to threaten.

D. *"Tamper" defined.* For purposes of this section, the term "tamper" means:

(1) To introduce a contaminant into a public water system with the intention of harming persons; or

(2) To otherwise interfere with the operation of a public water system with the intention of harming persons. (Res. No. 2010-02; 06-08-10.)

Section C-83. 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. (Res. No. 2010-02; 06-08-10.)

Section C-84. Charges.

The Town may charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Town Clerk, and if bills are unpaid within 30 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. (Res. No. 2010-02; 06-08-10.)

## ARTICLE IX Special Assessments

### Section C–85. Power of Town to levy special assessments.

The Town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of water mains, sanitary sewer main [mains], storm water sewers, curbs, and gutters; by the construction and paving of public ways and sidewalks or parts thereof; and for other public improvements and projects, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project. (Res. No. 2010–02; 06–08–10.)

### Section C–86. 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 Commission.

C. *Amount.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed 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 charges; public hearing; notice.* All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Town Clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Commission and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed

and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Town Clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least 10 and not more than 30 days after the Town Clerk shall have completed publication and service of notice as provided in this section. Following the hearing the Commission 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 10 days after the levying of any assessment by the Commission.

G. *Payments; interest.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 20 years, and in such manner as the Commission may determine. The Commission shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Commission.

H. *When due; lien 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. *Town Clerk.* All special assessments shall be billed and collected by the Town Clerk. (Res. No. 2010-02; 06-08-10.)

## **ARTICLE X**

### **Town Property**

#### Section C-87. Acquisition, possession and disposal.

A. 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 the Town may similarly acquire property located outside the corporate limits of the Town whenever that property's necessity is determined by the Commissioners for the exercise of an express grant of power. The Town may sell, lease, or otherwise dispose of any such property belonging to the Town. Except as limited herein or elsewhere in this Charter, 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.

B. It is hereby declared necessary to acquire, own, operate and maintain land and assets located outside of the corporate limits of the Town for the purpose of owning, operating,



maintaining and/or leasing the system of electric energy distribution facilities owned by the Town (hereinafter the “electric distribution system”) within the service territory authorized to be served by the Town by the Maryland Public Service Commission.

C. Subject to the requirements of all state and Town laws requiring prior public notice of such transactions, and subject to all limitations contained in this Charter on the proceeds from such transactions, the Commissioners may sell, convey or otherwise dispose of the any or all of electric distribution system, and any other assets of the Town directly relating to the electric utility owned by the Town, or may grant a leasehold interest in the electric distribution system for a term not to exceed 25 years. (Res. No. 2010–02; 06–08–10.)

Section C–88. Condemnation.

The Town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by the Maryland Code (1974) Real Property Article, Title 12, as amended, and by the Maryland Rules of Procedure. (Res. No. 2010–02; 06–08–10.)

Section C–89. Town buildings.

The Town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures necessary for the operation of the Town government. (Res. No. 2010–02; 06–08–10.)

Section C–90. 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. (Res. No. 2010–02; 06–08–10.)

## **ARTICLE XI**

### **The St. Michaels Utilities Commission**

Section C–91. Utilities Commission; selection; term; duties.

The St. Michaels Utilities Commission shall consist of three registered voters of the Town, who shall be appointed by The Commissioners of St. Michaels to serve for a period of three years, one of whom shall be appointed each year to serve a three–year term commencing on the first day of January of the year in which the appointment is to become effective. The Utilities Commissioners in office at the time this Charter amendment becomes effective shall serve out the respective terms for which they were appointed. If a vacancy shall occur at any time by reason of death, resignation, removal from office, or otherwise, the vacancy shall be filled in the same manner as originally provided, for the remainder of the term for which the

*(revised 11/11)*

original Utilities Commissioner was appointed. The Utilities Commission shall exercise those powers granted it under this article. (Res. No. 2010-02; 06-08-10.)

Section C-92. Selection of officers; duties of officers.

The Utilities Commission shall, at its first meeting each calendar year, elect a President and Vice President. The President, and in his or her absence the Vice President, shall preside at all meetings of the Utilities Commission. The Utilities Commission may appoint a Secretary and a Treasurer, neither of whom shall be required to be a member of the Utilities Commission. The terms of each office shall be one year in duration or until the election or appointment and qualification of a successor. Each member of the Utilities Commission and the Treasurer of the Utilities Commission shall be authorized to sign checks drawn on the funds of the Utilities Commission, provided that all such checks shall require the signature of two authorized persons, all of whom shall be bonded by a corporate surety in such amount as The Commissioners of St. Michaels may require from time to time by resolution. (Res. No. 2010-02; 06-08-10.)

Section C-93. Powers.

The Utilities Commission shall, except as otherwise provided by Charter, have the general power and discretion to operate, manage and maintain all of the electric energy generation and/or distribution facilities and related assets of The Commissioners of St. Michaels that are not leased or are otherwise unavailable for use by the Utilities Commission, and to do other things necessary and consistent with good management practices for a municipal electric utility; and in addition to the general powers hereby granted, the Utilities Commission shall have the following express powers:

A. To apply all operating revenues from the electric generation and/or distribution facilities of the Town to pay the cost of operating, managing, and maintaining those facilities, and to pay the excess of those revenues over the cost of operation, management and maintenance of said facilities to The Commissioners of St. Michaels general fund, except for such sum as The Commissioners of St. Michaels may specify by ordinance to be retained by the Utilities Commission as an operating fund.

B. To acquire by purchase, lease or otherwise, electric energy generation and/or distribution facilities, whether in the name of the Town alone or as tenants-in-common with others, and whether within or without the corporate limits of the Town; provided, however, that no such generation and/or distribution facilities shall be acquired, nor shall any debt be incurred for the acquisition thereof, without prior written approval by resolution of The Commissioners of St. Michaels.

C. To recommend to the Commissioners the sale, lease or other conveyance of any or all the electric distribution system, and any other assets of the Town directly relating to the electric utility owned by the Town; provided, however, that all revenues from any such sale, lease or conveyance shall flow directly to the St. Michaels Electric Distribution System Sinking Fund, and shall not be a part of the operating revenues of the Utilities Commission.

D. To provide financial advice to The Commissioners of St. Michaels for investment of revenues from any sale, lease or conveyance of the Town’s electric generation and/or distribution facilities.

E. To oversee the operation and compliance with the terms of any lease of the Town’s electric generation and/or distribution facilities, to monitor the condition of the Town’s leased facilities, and to negotiate for The Commissioners of St. Michaels for the adjustment of annual rent or for the extension of any such lease.

F. To make budget requests for payment from the general fund of The Commissioners of St. Michaels for expenses of the Utilities Commission in overseeing any lease, monitoring the condition of the Town’s generation and/or distribution facilities, negotiating on behalf of The Commissioners of St. Michaels, and providing financial advice to The Commissioners of St. Michaels for investment and reinvestment of revenues and earnings on revenues from any sale, lease or conveyance of the Town’s electric generation and/or distribution facilities.

G. To make such rules and regulations for its own government as the Utilities Commission may deem proper. (Res. No. 2010–02; 06–08–10.)

Section C–94. Salary and meetings.

The salary of each Utilities Commissioner shall be such sum and payable in such manner as determined by resolution of The Commissioners of St. Michaels. The Utilities Commission shall meet for the transaction of business at least once each month and at such other times as it may be deemed necessary. (Res. No. 2010–02; 06–08–10.)

Section C–95. Examination of records; removal of Utilities Commissioners; appeal.

The Commissioners of St. Michaels shall have at all times the right to examine, or have examined, the books and accounts of the Utilities Commission. Further, The Commissioners of St. Michaels shall have the power to remove any member of the Utilities Commission for cause by formal resolution passed by a majority of The Commissioners of St. Michaels, provided that should a member of the Utilities Commission be thus removed, he or she shall have the right within 30 days from the date of passage of said resolution of removal to appeal to the Circuit Court for Talbot County for said Court to determine whether there was sufficient evidence on which The Commissioners of St. Michaels could have reached a finding that sufficient cause existed for the removal of said Utilities Commissioner, and the said Court shall by its order reinstate the appellant or appellants as a member or members of the Utilities Commission if it is found that there was no evidence upon which The Commissioners of St. Michaels could have reached its findings. (Res. No. 2010–02; 06–08–10.)

Section C–96. Revenues from sales, leases and conveyances.

A. *Definitions.* As used in this section, the following terms are defined as set forth herein:

CASH RENT – The annual rental payable on or after October 15, 1996, by DP&L to the Town in the form of a cash payment, as defined in Paragraph I.A.1. of the Lease Amendment.

DP&L – Delmarva Power & Light Company, trading as Conectiv, and where applicable, its successors and assigns.

COMMISSIONERS – The body of five persons who constitute the executive and legislative body of the Town.

LEASE – The document entitled “Lease of Facilities,” dated May 4, 1981, between the Town and DP&L, as amended by the Lease Amendment.

LEASE AMENDMENT – The document entitled “Lease Amendment,” dated December 15, 1998, between the Town and DP&L.

NET BOOK VALUE CREDIT – The annual rental payable on or after October 15, 1996, by DP&L to the Town in the form of a credit, as defined in Paragraph I.A.2. of the Lease Amendment.

ST. MICHAELS ELECTRIC DISTRIBUTION SYSTEM SINKING FUND (also referred to herein as the “SMEDS Fund”) – The sinking fund established by this § C-97 [C-96] (Revenues from sales, leases and conveyances), Article XI of the Charter, and which fund continues in accordance with the terms of this § C-97 [C-96] of the Charter.

SMEDS FUND – The St. Michaels Electric Distribution System Sinking Fund.

SYSTEM – The electric distribution system owned by the Town.

TOWN PURCHASE PRICE – That sum (as defined in Paragraph II.C. of the Lease Amendment) which the Town must pay to DP&L, in the form of credits and/or money, for the “Delmarva-provided Capital Improvements to the Leased Facilities” (as defined in Paragraph I.A.2.a. of the Lease Amendment).

B. The cash rent may be deposited in the Town’s general fund and used for any purpose, including the payment of any electric utility bills to the Town.

C. The net book value credit shall be used or expended by the Town only as follows:

(1) First, after the term of the existing lease has expired, to satisfy the Town’s obligation, if any, to pay DP&L the Town purchase price;

(2) Thereafter, the balance of the net book value credit shall be transferred into the SMEDS Fund, and shall be fully integrated therein and treated as a part thereof.

D. The SMEDS Fund shall continue to exist, and shall be governed by the following terms and conditions:

(1) The SMEDS Fund shall consist of all assets, of whatever nature, held at the close of business on October 14, 1996, by the fund previously established by this § C-97 [C-96] Article XI, of the Charter, together with all earnings, revenues, proceeds, investments, and reinvestments from and of said assets after October 14, 1996.

(2) The SMEDS Fund shall be owned, maintained, invested, and reinvested by the Town.

(3) The SMEDS Fund shall be used or expended by the Town only to pay the Town purchase price to DP&L in accordance with the terms of the lease, as amended by the Lease Amendment, but the SMEDS Fund shall be used only after the net book value credit is exhausted in payment of the Town purchase price. Beginning on July 1, 1994, the SMEDS Fund may also be used for any of the following purposes:

(a) Gathering information to evaluate the system, to prepare for and participate in negotiations, arbitration and/or explore other options that may be available to the Town in an effort to obtain fair compensation (in the amount and form of rent, sales price, or otherwise) for the system;

(b) To assure that while the Town owns the system that it is appropriately cared for, maintained and operated; and

(c) To reimburse the Town's general fund for expenditures made by the Town from the general fund since July 1, 1994, and not previously reimbursed, for purposes described in Subsection D(3)(a) or (b) hereof.

(4) The SMEDS Fund shall be invested and reinvested in accordance with Maryland law. All revenues and income received and/or earned from the corpus of the SMEDS Fund shall immediately, as received and/or earned, become a part of the corpus of the SMEDS Fund, and subject to all of the limitations on the use and expenditure thereof as described in this § C-97 [C-96].

E. After the term of the existing lease has expired and the obligation of the Town, if any, to pay the Town purchase price to DP&L has been fully satisfied, then the balance of the SMEDS Fund shall be used only as follows:

(1) If the Town elects to operate the system: first, to create a fund in such amount as the Commissioners deem necessary for operating capital, to purchase equipment and inventory, and to otherwise start the operation of the system by or for the Town; and any unused balance of the SMEDS Fund may be transferred by the Commissioners into the general fund to be used for capital improvements by the Town;

(2) If the Town elects to lease the system: first, to create a sinking fund in such amount as the Commissioners deem necessary to assure that the Town will have sufficient funds at the end of such lease term to continue to own the system, should the Town elect so to do; and any unused balance of the SMEDS Fund may be transferred by the Commissioners into the general fund to be used for capital improvements by the Town; and

(3) If the Town elects to sell the system: the Commissioners may transfer any unused balance of the SMEDS Fund into the general fund to be used for capital improvements by the Town.

F. Any use of the net book value credit or the SMEDS Fund except as described in this § C-97 [C-96] shall require an amendment of the Charter.

G. Except for the uses expressly permitted by this § C-97 [C-96], all revenues and credits received by the Town from the sale, lease or conveyance of the system, the exclusive franchise or territorial rights by which the Town is authorized by the Maryland Public Service Commission to distribute electricity, and any other property or rights of the Town in connection with the lease, rental, operation, or use of the system, shall be exclusively a part of the SMEDS Fund, subject to all of the controls and restrictions imposed on the SMEDS Fund by this § C-97 [C-96]. (Res. No. 2010-02; 06-08-10.)

## ARTICLE XII General Provisions

### Section C-97. Oath of office.

A. *Oath required.* Before entering upon the duties of their offices, the Commissioners, the Town Clerk, and all other persons elected to any office in the Town government shall take and subscribe to the following oath or affirmation: "I, .....do swear (or affirm) that I will support the Constitution of the United States; and I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and Laws of this State and the Town Charter and ordinances of the Town of St. Michaels.

B. *Before whom taken and subscribed.* Newly elected officials and the Town Clerk shall take the oath of office before any previously sworn official of the Town or before the Clerk of the Circuit Court for Talbot County. (Res. No. 2010-02; 06-08-10.)

### Section C-98. Official bonds.

The Town Clerk and such other officers or employees of the Town as the Commission or this Charter may require, shall give bond in such amount and with such surety as may be required by the Commission. The premiums on such bonds shall be paid by the Town. (Res. No. 2010-02; 06-08-10.)

Section C-99. 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 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. (Res. No. 2010-02; 06-08-10.)

Section C-100. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter unless otherwise provided, shall be punishable, upon conviction, as provided in Article III, § C-21 A, of this Charter. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. (Res. No. 2010-02; 06-08-10.)

Section C-101. 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 hereby repealed to the extent of such conflict. (Res. No. 2010-02; 06-08-10.)

Section C-102. 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. (Res. No. 2010-02; 06-08-10.)

**ARTICLE XIII**

Repealed. See Appendix I.





**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 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 exist 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 Town of St. Michaels.

#### 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;

(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 its 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:

(a) To make or have made all surveys and plans necessary to 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 article, 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 risk 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 article 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.

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:

- (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 A1-109 of this appendix; or
- (c) Exercise the power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-103(c) 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:

- (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.

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 [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 of 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 if 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 article 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 limitation 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 its undertaking and carrying out of Urban Renewal Projects under this appendix. However, payment of the bonds, both as to principal [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 powers with any private banking institution of this State having trust powers and 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 A1–109, A1–110, and A1–111 of Article 31 (Debts – 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 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 on 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 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 official 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 bond 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 issues 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 deemed conclusively considered 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 St. Michaels 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 St. Michaels in Chapter 27 of the Acts of the General Assembly of 1977, and again in Chapter 582 of the Acts of the General Assembly of 1986. The latter enactment is contained in Appendix I of this Charter.

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 St. Michaels 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.

Formerly, the urban renewal powers appeared as Article XIII of this Charter.

(2) Resolution 2004-4, effective June 11, 2004, added provisions to Section C-4 of Article I extending the boundaries and taxable limits of the Town of St. Michaels.