

CHARTER

OF THE

# **Town of Perryville**

CECIL COUNTY, MARYLAND

*As found in a Publication by the  
General Code Publishers Corporation*

(Reprinted November 2008)

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# PERRYVILLE

## ARTICLE I General Corporate Powers

### Section C1-1. Incorporation and general powers. (See note (1))

The inhabitants of Cecil County within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "Town of Perryville" with all the privileges of a body corporate and with the power to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

## ARTICLE II Corporate Limits

### Section C2-1. Filing of corporate limit descriptions.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Town Hall of Perryville and with those county and/or state agencies as required by Maryland law. (See note (2)) Any changes to the corporate limits shall also be filed in the same manner. (Res. No. 90-2, 3-28-90.)

## ARTICLE III Town Commissioners

### Section C3-1. Composition; terms; elections. (See note (1))

A. All legislative powers of the town shall be vested in the Mayor and Commissioners of the Town of Perryville, consisting of a Mayor and four Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of two (2) years or until their successors are elected and qualified. Newly elected Commissioners (including the Mayor), having taken their oath of office as prescribed herein, shall take office on or before the second Monday following their election. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Commissioners take office under the provisions of this Charter. Effective with the election to be held in May of 1990, a Mayor and two Commissioners shall be elected, so that the Board shall then consist of a Mayor and five Commissioners. The following year, in May 1991, two additional Commissioners shall be elected so that the Board shall then consist of a Mayor and four Commissioners for the purposes of the charter and the code of Perryville, the terms "Mayor and Council", "Mayor and Commissioners", "Commissioners" and "Board of Commissioners" shall all be interchangeable and shall all be defined as the Mayor and Commissioners of the town of Perryville as provided for in this Article III.

B. Town Commissioners and the Mayor shall be elected at large by a majority vote of all registered voters of the Town of Perryville casting a ballot in said election. (Res. No. 90-1, 3-28-90.)

Section C3-2. Qualifications. (See note (1))

Commissioners shall have resided in the town for at least one (1) year immediately preceding their election and shall be registered voters of the town. Commissioners shall maintain a permanent residence in the town during their term of office.

Section C3-3. Compensation. (See note (1))

Neither the Mayor nor any Commissioner shall receive any compensation for his services as such unless an ordinance is adopted providing for compensation. Prior to the adoption of such an ordinance, a public hearing shall be conducted. Prior to said hearing, public notice of the time and location of the hearing as well as the purpose of the hearing shall be advertised in a newspaper having general circulation within the Town of Perryville at least twice, in two separate weeks, with the first such publication being not less than fifteen days prior to the hearing and not more than twenty days prior to the hearing and the second publication being not more than [than] ten days before the hearing and not less than three days before the hearing. Any such compensation approved shall not take effect [effect] during the current term of any existing Commissioner. (Res. No. 90-1, 3-28-90.)

Section C3-4. Meetings. (See note (1))

The newly elected Commissioners shall meet within thirty (30) days following election for the purpose of organization, after which the Commissioners shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called by the Town Administrator upon the request of the Mayor or two (2) Commissioners. Any special meeting shall be preceded by three (3) days' notice to the Mayor and all of the Commissioners except in cases of emergency involving a potential threat to life, health or property. All meetings of the Mayor and Commissioners shall be open to the public except in special and appropriate circumstances when meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article, Open Meetings Law, of the Annotated Code of Maryland, as amended from time to time. The rules of the Commissioners shall provide that residents of the town shall have a reasonable opportunity to be heard during any open meeting in regard to any municipal question. (Res. No. 90-1, 3-28-90; Res. No. 2008-18, 1-21-09.)

Section C3-5. Judgment of qualifications. (See note (1))

The Commissioners shall be the judge of the election and qualifications, as contained in Article V, of its members.

Section C3-6. Duties of Mayor and Commissioners. (See note (1))



The Commissioners shall elect from among its members a Secretary and a Treasurer of the Town Commissioners. All officers shall retain their right to vote on all Commissioner



matters. The Mayor shall preside at all meetings of the Commissioners when he is present and shall serve as head of the town government. In the absence of the Mayor, a majority of the remaining four Commissioners shall appoint one of the Commissioners as acting Mayor to act in his stead. The Secretary shall read the minutes of the previous meetings and, together with the Mayor shall execute all checks for the Town. In the absence or disability of either of these officials, any Commissioner may sign checks in lieu of one (1) of the above signatures. At least two signatures shall be required for each check. The Treasurer shall oversee the dispersal [disbursal] of the funds of the town. (Res. No. 90-1, 3-28-90; Res. No. 90-8, 9-26-90.)

Section C3-7. Quorum. (See note (1))

A majority of the Mayor and Commissioners shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of at least three (3) members of the Mayor and Town Commissioners. The Mayor shall have the right to vote on all matters. (Res. No. 90-1, 3-28-90.)

Section C3-8. Rules of procedure. (See note (1))

The Commissioners shall conduct meetings in accordance with Robert’s Rules of Order as modified by the Commissioners. It shall keep minutes of its proceedings and enter therein the yeas, nays or abstentions upon final action of any question, resolution or ordinance or at any other time if required by any one (1) member. The minutes shall be open to public inspection.

Section C3-9. Vacancies. (See note (1))

A. If, during the term for which a Commissioner is elected, his office shall be vacated for any of the reasons listed in C3-9B, the vacancy so created shall be filled by appointment of the Mayor for the remainder of the unexpired term, subject to approval and confirmation by a majority of the remaining Commissioners. In the event that a vacancy should arise in the Office of Mayor, the remaining Commissioners shall elect a new Mayor from among said Commissioners to serve the remainder of the Mayor’s term, said election to require approval of the remaining Commissioners excluding the Commissioner so elected. The vacancy on the Board of Commissioners created by the election of a Commissioner as the new Mayor as aforesaid shall be filled pursuant to the procedure for appointing a new Commissioner set forth at the beginning of this section.

B. A vacancy shall occur for the following reasons:

- (1) Resignation.
- (2) Criminal conduct, including a violation of Chapter 8 of the Code of the Town of Perryville.
- (3) Death.
- (4) Ceasing to reside in the Town of Perryville. (Res. No. 90-1, 3-28-90.)

## ARTICLE IV Ordinances

### Section C4-1. Deferral of adoption. (See note (1))

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners, held not less than six (6) nor more than [than] sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected, or its consideration deferred to some specific future date. This requirement may be suspended by affirmative votes of at least three (3) Commissioners. (Res. No. 90-3, 3-28-90.)

### Section C4-2. Effective dates. (See note (1))

A. Every ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Commissioners.

B. An ordinance declared to be an emergency ordinance shall become effective on the date specified in the ordinance, but not until it has been approved by the Commissioners.

### Section C4-3. Publication.

A summary of each ordinance shall be published within 14 days after it is adopted at least once in a newspaper or newspapers having general circulation in the Town of Perryville and on the town's website. (Res. No. 2012-01, 7-25-2012).

### Section C4-4. Filing.

Ordinances shall be permanently filed by the Town Clerk and shall be kept available for public inspection. A copy shall also be filed with the State Department of Legislative Reference [Services] and the Clerk of the Circuit Court for Cecil County. (See note (2))

### Section C4-5. Enforcement. (See note (1))

A. *Misdemeanors.* To ensure the observance of the ordinances of the town, the Commissioners shall have the power to provide that violation thereof shall be a misdemeanor, and shall have the power to affix hereto penalties of a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding six (6) months, or both such fine and imprisonment.

B. *Municipal infractions.*

(1) *Definitions.*

*Infraction* – An infraction is any violation of this Code, which violation has been specifically declared to be an infraction. For purposes of this Code, an infraction is a civil offense.

*Misdemeanor* – A misdemeanor is:

(a) A criminal offense, not amounting to a felony, arising from a violation of a law of the state, which violation is defined as a misdemeanor; or

(b) Unless otherwise specified, a violation of any law of this town. All violations of this Code shall be treated as misdemeanors unless specifically declared to be infractions.

(2) *Declaration as infraction; fine.* The Commissioners shall by official act declare the violation of which ordinance or ordinances shall be an infraction or infractions, and for each such violation, a specific fine shall be set. The amount of each specific fine shall be included within the chapter, article or section of this code that sets forth the infraction for which the fine is to be imposed. The fine shall be expressed as a discrete amount rather than being expressed in terms of a maximum or minimum amount. The authority to declare infractions and set fines shall not be delegated by the Commissioners to any other administrative or legislative body.

(3) *No formal hearing by town.* The town shall not conduct any formal hearing for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense as provided by State law. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information from the town concerning the infraction.

(4) The issuance, service, administration, processing and adjudication of municipal infractions shall be as provided and regulated by State law. (Res. No. 2012-01, 7-25-2012).

(Continued on page 7)

*(revised 11/13)*



## **ARTICLE V**

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

#### Section C5-1. Qualifications of voters; right to vote.

Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided in the State of Maryland for at least thirty (30) days next preceding any town election, has resided within the corporate limits of the town for thirty (30) days next preceding any town election and is registered in accordance with the provisions of this Charter shall be a registered voter of the town. Every registered voter of the town shall be entitled to vote at any or all town elections.

#### Section C5-2. Board of Supervisors of Elections. (See note (1))

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Commissioners on or before the first Tuesday in March for a term of one (1) year. The terms of members of the Board of Supervisors of Elections shall begin on the first Tuesday in March in the year in which they are appointed and shall run for one (1) year. Members of the Board of Supervisors of Elections shall be registered voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Commissioners for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Commissioners.

#### Section C5-3. Removal of Board members. (See note (1))

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

#### Section C5-4. Duties of Board.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.

#### Section C5-5. Notices of elections.

The Board of Supervisors of Elections shall give at least two (2) weeks notice of every registration day and every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section C5-6. Registration of voters. (See note (1))

The Commissioners are hereby authorized to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a reregistration when necessary. Such action shall be by ordinance or resolution. In addition, the Commissioners shall also provide for a system, in cooperation with the Cecil County Board of Elections, that shall permit a voter who resides within the Town of Perryville municipal limits and who is registered with the County Board of Elections to vote in all municipal elections held within the Town of Perryville. (Res. No. 90-4, 3-28-90.)

Section C5-7. Appeals. (See note (1))

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Commissioners. Any decision or action of the Commissioners upon such appeals may be appealed to the Circuit Court for Cecil County within thirty (30) days of the decision or action of the Commissioners.

Section C5-8. Nominations.

A. Persons shall be nominated for elected office in the town by filing a certificate of nomination with the Board of Supervisors of Elections on or before the second Monday in April next preceding the town election, during normal operating hours of the Town Hall.

B. Such certificate shall state the following:

- (1) The office which the candidate is seeking.
- (2) The name, address and signature of the candidate.

C. No persons shall file for nomination to more than one (1) elective town office or hold more than one (1) elective town office at any one time.

Section C5-9. Conduct of elections.

A. Elections shall be on a nonpartisan basis. 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.

B. It shall be the duty of the Board of Supervisors of Elections 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.



C. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 7:00 p.m. on election days or such hours as modified by the Mayor and Commissioners. (See note (1))

D. The Board shall permit one (1) election observer for each candidate.

E. Two (2) members of the Board of Supervisors of Elections must certify the ballots.

F. It shall be the duty of the Board of Supervisors of Elections to provide for absentee ballots and write-in ballots at all municipal elections of the Town of Perryville. (Res. No. 90-4, 3-28-90; Res. No. 2007-4, 4-25-07.) (See note (4))

Section C5-10. Repealed. (See note (4))

Section C5-11. Special elections.

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section C5-12. Vote count. (See note (1))

Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election of [to] the Town Clerk who shall record the results in the minutes of the Town Commissioners.

Section C5-13. Preservaton [Preservation] of ballots.

All ballots and records used in any town election shall be preserved for at least six (6) months from the date of the election.

Section C5-14. Power of regulation and control. (See note (1))

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

Section C5-15. Violations and penalties.

Any person who fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder or in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nominations or election shall be deemed 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 VI**

### **Finance**

#### Section C6-1. Fiscal year.

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

#### Section C6-2. Preparation of budget. (See note (1))

On such date as the Commissioners shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, the Commissioners shall prepare a budget. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the town, open to public inspection by anyone during normal business hours.

#### Section C6-3. Adoption of budget. (See note (1))

Before adopting the budget, the Commissioners shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the town. The Commissioners may insert new items or may increase or decrease the items of the budget. Where the Commissioners shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of a quorum of the Commissioners shall be necessary for adoption.

#### Section C6-4. Appropriations. (See note (1))

No public money may be expended without having been appropriated by the Commissioners. 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 C6-5. Transfers of funds. (See note (1))

Any transfer of funds between appropriations for different purposes proposed by a Commissioner must be approved by the Town Commissioners before becoming effective.

**Section C6-6. Overexpenditures prohibited.**

No officer or employee shall during any budget year 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 section shall be null and void. Nothing in this section contained, however, 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, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

**Section C6-7. Lapse of appropriations.**

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been 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 C6-8. Issuance and signing of checks. (See note (1))**

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Secretary and shall be countersigned by the Mayor. In the absence or disability of either of these officials, any Commissioner may sign checks in lieu of one (1) of the above signatures. At least two (2) signatures shall be required for each check. (Res. No. 90-8, 9-26-90.)

**Section C6-9. Taxable property.**

All real property and all 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, shall be subject to taxation for municipal purposes; provided, however, that household furniture and effects held for household use of the owners or members of his family and not held or employed for the purposes of profit or in connection with any business, profession or occupation shall not be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for state and county taxes.

**Section C6-10. Budget to authorize tax levy.**

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

Section C6–11. Notice of tax levy; assessment. (See note (1))

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

B. All levies shall be assessed by the Commissioners in accordance with the laws of the State of Maryland and appropriate public hearings shall be conducted, with prior notice being given thereof, when required by law as a result of a proposal to increase the tax rate or the constant yield tax rate within the town. No public hearings shall be required by this Charter other than those required by the applicable laws of the State of Maryland or the United States Government.

Section C6–12. Overdue taxes.

The taxes provided for in this Charter shall be due and payable on the first day of July in the year from which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at a percentage not to exceed that of state law for each month or fraction of a month until paid. All taxes and water and sewer charges not paid and in arrears shall be collected pursuant to state and county laws and regulations. (Res. No. 90–9, 9–26–90.) (See note (5))

Section C6–13. Sale of tax delinquent property.

A list of all property on which the town taxes have not been paid and water and sewage charges which have not been paid and which are in arrears as provided by § C6–12 of this Charter shall be turned over by the Town Clerk to the official of the county responsible for the sale of tax delinquent property as provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by state law.

Section C6–14. Disposition of fees.

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

Section C6–15. Annual audit. (See note (1))

The financial books and accounts of the town shall be audited annually in a manner determined by the Commissioners but not contrary to applicable state law.

Section C6-16. Authorization to borrow.

The town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue of its general obligation bonds, notes, or other certificates of indebtedness in a manner prescribed in this Charter or the Maryland Code [Annotated Code of Maryland], notwithstanding any provisions in the Maryland Code [Annotated Code of Maryland] to the contrary, bonds of the municipal corporation may be sold privately to a financial institution or other party after requesting and receiving a bid price for said bonds from at least three potential buyers, at least one of which must be a commercial bank authorized to conduct business in the State of Maryland. No public advertisement soliciting bids for said bonds shall be required. In addition to borrowing by issuance of bonds and tax anticipation notes, the town may also borrow funds for a period of up to one year in an amount not to exceed one million dollars by executing a note or other certificate of indebtedness, after approval of a resolution adopted at a public meeting by the Mayor and Commissioners. Such additional form of borrowing shall not require adoption of an ordinance. Such borrowing by resolution may be renewed for additional periods not exceeding one year for each renewal. Each renewal shall require adoption of a new resolution by the Mayor and Commissioners at a public meeting. (Ch. Amend. Res. No. 93-1, 7-21-93.)

Section C6-17. Payment of indebtedness. (See note (1))

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it 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 or [of] indebtedness hereafter 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. However, any note, bond or other evidence of an indebtedness of the Town of Perryville may be issued specifically, providing that said bond, note or other evidence of indebtedness is not secured by the full faith and credit of the Town of Perryville. (Ch. Amend. Res. No. 93-1, 7-21-93.)

Section C6-18. Validation of previous issues.

All bonds, notes or other evidence 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 is herein fully set forth. (Ch. Amend. Res. No. 93-1, 7-21-93.)

Section C6-19. Purchasing procedures. (See note (1))

Purchases for the town government shall be made by the Town Clerk under the direction of the Commissioners. The Commissioners shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids. (Ch. Amend. Res. No. 93-1, 7-21-93.)

## ARTICLE VII Personnel

### Section C7-1. Town Attorney. (See note (1))

There shall be a Town Attorney appointed by the Commissioners. He shall serve at the pleasure of the Commissioners. His compensation shall be determined by the Commissioners. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the town and shall perform such duties in this connection as may be required by the Commissioners. The town shall have the power to employ other legal consultants as it deems necessary from time to time.

### Section C7-2. Authority to employ personnel. (See note (1))

The Commissioners shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the town government.

### Section C7-3. Merit system for appointments and promotions. (See note (1))

The town may provide by ordinance or resolution for appointment and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the Commissioners shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations.

### Section C7-4. Retirement and pension systems.

The town shall have the power to 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 all or part of the cost of any such retirement or pension system out of the general funds of the town.

### Section C7-5. Compensation of employees. (See note (1))

The compensation of all officers and employees of the town (exclusive of the Commissioners) shall be set from time to time by the Commissioners.

### Section C7-6. Employee benefit programs.

The town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and to expend public moneys of the town for such programs.

**ARTICLE VIII**  
**Public Ways**

Section C8-1. Definitions.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C8-2. Authority to control.

The town shall have control of all public ways in the town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Cecil County. 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.

**ARTICLE IX**  
**Water, Sewers and Storm Drainage**

Section C9-1. Powers of town.

The town shall have the power:

- A. To construct, operate and maintain a water system and water plant.
- B. To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. To construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- E. To have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section C9-2. Authorization of work by town.

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

Section C9-3. Obstruction of public ways; notice and removal.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way in the town or in the county which impede the establishment, construction or operation of any town sewer or water main shall, upon reasonable notice, 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 § C11-3. Any violation of this section shall be a misdemeanor.

Section C9-4. County public ways.

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

Section C9-5. Connection with water and sewer systems.

The town shall provide a connection with water and sanitary sewer mains 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 town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains 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.

Section C9-6. Charge for connections. (See note (1))

The town may make a charge, the amount to be determined by the Commissioners, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.



Section C9-7. Prevention of improper use of systems.

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 it deems necessary to prevent such waste or improper use.

Section C9-8. Private systems.

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

Section C9-9. Extension of systems beyond boundaries.

The town shall have the power to extend its water or sewerage systems beyond the town limits.

Section C9-10. Right of entry.

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

Section C9-11. Contracts with other parties.

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

Section C9-12. Charge for use of water and sewer systems.

The town shall have the power to 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 thirty (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.

## ARTICLE X Special Assessment

### Section C10-1. Power to levy. (See note (1))

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

### Section C10-2. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

A. 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 Commissioners. (See note (1))

B. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom.

C. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty (40) years, and in such manner as the Commissioners may determine. The Commissioners 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 Commissioners. (See note (1))

D. All special assessment installments shall be overdue six (6) 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.

## **ARTICLE XI**

### **Town Property**

#### Section C11-1. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property within or without the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the town. All municipal property, funds and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof.

#### Section C11-2. Eminent domain. (See note (1))

Notwithstanding the provisions of § C11-3, below, where, in the judgment of and upon a finding by the Commissioners of Perryville, there is immediate need for certain property for right-of-way for municipal roads, streets or extension of municipal water and sewage facilities, such property may be taken immediately upon payment therefor to the owner or owners thereof, or into court, such amount as a licensed real estate broker appointed by the Commissioners of Perryville shall estimate to be a fair market value of such property, provided that the Town of Perryville shall secure the payment of any further sum that subsequently may be awarded by a jury, as provided for and in accordance with Article III, Section 40A of the Maryland Constitution. This section shall not apply if the property actually to be taken includes a building or buildings.

#### Section C11-3. Condemnation of property.

The town shall have the power to condemn property of any kind or interest therein or franchise connected therewith, in fee or as an easement, within or without the corporate limits of the town, for any public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Annotated Code of the public General Laws of Maryland.

#### Section C11-4. Acquisition and maintenance of buildings.

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

#### Section C11-5. Protection of town property.

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

## ARTICLE XII General Provisions

### Section C12-1. Oaths of office. (See note (1))

A. Before entering upon the duties of their offices, the Commissioners, the members of the Board of Supervisors of Elections and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmation: "I, \_\_\_\_\_, do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland and 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."

B. The Commissioners shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Cecil County or before one of the sworn deputies of the Clerk.

### Section C12-2. Bonds. (See note (1))

The Town Clerk and Town Administrator and such other officers or employees of the town as the Commissioners or this Charter may require shall give bond in such amount and with such surety as may be required by the Commissioners. The premiums on such bonds shall be paid by the town.

### Section C12-3. Violations and penalties.

A. *Misdemeanors.* Every act or omission which is made a misdemeanor under the authority of the Code of the Town of Perryville, unless otherwise provided, shall be punishable upon conviction before the Circuit Court for the county within which the offense is committed by a fine not exceeding five hundred dollars (\$500.) or imprisonment not exceeding ninety (90) days in the county jail, or both, in the discretion of the court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. *Infractions.* Every act or omission which by ordinance is made an infraction shall be subject to a fine not to exceed one hundred dollars (\$100.). The fine shall be paid by the offender to the town within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed two hundred dollars (\$200.) for each repeated offense. (See note (3)) (Res. No. 90-5, 3-28-90.)

Section C12-4. Effect of charter on existing legislation.

A. 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. 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 shall be and the same hereby are repealed to the extent of such conflict.

Section C12-5. Word usage.

Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

Section C12-6. Severability.

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

**ARTICLE XIII**

Repealed. See Appendix I



**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**  
(See Note (6))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the Town of Perryville, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (h) “Urban renewal area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.
- (i) “Urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate whatever land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.
- (j) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
- (1) acquisition of a slum area or a blighted area or portion of them;

- (2) demolition and removal of buildings and improvements;
- (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
- (4) disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
- (7) the preservation, improvement or embellishment of historic structures or monuments.

Section A1-102. Powers.

- (a) The municipality may undertake and carry out urban renewal projects.
- (b) These projects shall be limited:
  - (1) to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
  - (2) to acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
  - (3) to sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person, or other legal entity.
- (c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.



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

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

Section A1-103. Additional Powers.

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

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

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

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

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

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

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

(1) to the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction, reconstruction,

installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

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

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

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

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

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

(3) to ensure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(e) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities whatever conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

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

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

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

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

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) 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 the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

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

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

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

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

(c) Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for

the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

Section A1-108. Disposal of Property in Urban Renewal Area.

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

(b) The municipality may operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

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

Section A1–109. Eminent Domain.

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

Section A1–110. Encouragement of Private Enterprise.

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

Section A1–111. General Obligation Bonds.

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

Section A1–112. Revenue Bonds.

(a) In addition to the authority conferred by Section A1–111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued [issued] previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this appendix. However, payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

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

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

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

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

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

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

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

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

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Perryville 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) Amended during codification; see Ch. 1, General Provisions, Art. III.
- (2) “The Secretary of State of Maryland, the State Hall of Records, the State Law Library” were deleted from the listing of required filings at time of readoption of the Charter; see Ch. 1, General Provisions, Art. III.
- (3) Added during codification; see Ch. 1, General Provisions, Art. III.
- (4) Resolution 90–4, effective March 28, 1990, repealed Section C5–9 in its entirety and renumbered Section C5–10 to be Section C5–9. The resolution was silent as to renumbering Section C5–11 et seq.
- (5) The phrase “and water and sewer charges” in the last sentence of Section C6–12 is included as existing language as portrayed in Resolution 90–9, effective September 26, 1990.
- (6) 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 Perryville in Chapter 166 of the Acts of the General Assembly of 1978.

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 Perryville 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, §§ C13–1 through C13–8, inclusive, of this charter.