

CHARTER
OF THE
Town of Chestertown

KENT COUNTY, MARYLAND

*As enacted by a
November 11, 1980 Resolution*

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CHESTERTOWN

Section 1. Incorporated: general powers.

The inhabitants of the Town of Chestertown, in Kent County, State of Maryland, within the corporate limits legally established from time to time are hereby constituted a body corporate by the name of "The Town of Chestertown", with all the privileges of the 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 2. Boundaries.

The corporate limits of Chestertown shall be as follows:

Beginning for the same at a point in the center of the bridge where the public road from Chestertown to Tolchester crosses Radcliffe Creek. Said beginning point being the same as described in Section 47, titled "Boundaries," as set down in the code of Public Laws of Kent County, 1959 edition;

Thence, leaving said beginning point so fixed, and binding on the first line of the aforementioned Section 47, titled "Boundaries," North 81° 49' 18" East 3,663.12 feet to a stone marking the northerly corner of the Leasehold lands of Washington College, and the end of the second line (South 73° 13' West 43.60 feet) as described in a 1955 resolution to enlarge the corporate boundaries of Chestertown;

Then, leaving said northerly corner of the Leasehold lands of Washington College and binding on the first and second corporate boundaries as described in the Municipal Corporation Charter adopted February 1, 1965, the following two (2) courses and distances; North 64° 56' 21" East 43.60 feet to the easterly side of Maryland Route 213 and North 25° 12' 32" West 623.20 feet to the southerly side of Morgnec State Road, as called for in the aforementioned Municipal Corporation Charter adopted February 1, 1965;

Then, leaving said point and the southerly side of Morgnec Road and binding on the easternmost side of the aforementioned Maryland Route 213, North 25° 12' 32" West 1,475.75 feet to a point on the southerly side of Scheeler Road;

Thence, leaving said point and said Maryland Route 213 and binding on the southerly side of the aforementioned Scheeler Road, the following courses and distances, North 45° 07' 40" East 212.89 feet to a point of curve;

Thence, with the arc of a curve to the right having a chord of North 48° 18' 40" East 194.14 feet to a point;

Thence, North 51° 29' 40" East 129.87 feet to a point;

Thence, North 52° 14' 40" East 189.47 feet to a point;

Thence, North 52° 08' 40" East 332.69 feet to a point in the westernmost side of Center Road;

Thence, leaving said point and binding on the end of Center Road, North 52° 52' 43" East 51.10 feet to a concrete monument found;

Thence, still continuing with the southerly side of Scheeler Road, North 52° 08' 40" East 1,139.56 feet to a concrete monument found in the westernmost outline of the lands of William J. Bringman;

Thence, leaving said monument and binding on the aforesaid westernmost outline of the lands of William J. Bringman, South 25° 17' 50" East 1,960.71 feet to a point on the southerly side of Morgnec Road (now known as Maryland Route 291);

Then, leaving said point and binding on the aforesaid southerly side of Morgnec Road, North 63° 13' 20" East 480.81 feet to a point;

Thence, leaving said point and said road and binding on the corporate lines as described in the aforementioned Municipal Corporation Charter adopted February 1, 1965, and described as by and with the Byron Lot, Schauber and Phillips lands and the Chestertown Brick Company lands, South 26° 52' 40" East 213.90 feet to a concrete monument; South 27° 20' 40" East 823.10 feet to a concrete monument and South 28° 32' 40" East 944.40 feet to a concrete monument on the northernmost outline of the lands of Loux Brothers Enterprises (see E.H.P. 56/60);

Thence, leaving said monument and binding on the division line between the lands of the Chestertown Brick Company, Inc. (see E.H.P. 13/391 and E.H.P. 13/381), and the aforementioned Loux Brothers Enterprises lands, the following three (3) courses and distances: North 62° 49' 07" East 559.50 feet to a concrete monument found; South 26° 48' 55" East 556.45 feet to a concrete monument found; and South 63° 33' 55" East 1759.20 feet to the mean high water line of the Chester River; passing in transit a concrete monument found 1000.00 feet from the beginning thereof;

Thence, leaving said point and binding by and with the mean high water line of the aforesaid Chester River in a southwesterly direction to the end of the third line as described in Section 47, titled "Boundaries," in the Code of Public Laws of Kent County;

Thence, by and with the fourth line of said Section 47 along the line between the Peerless Fertilizer Company and the Atlantic Refining Company to the centerline of the road leading from Chestertown to Pomona;

Thence, by and with the fifth line of the often mentioned Section 47, titled "Boundaries," in a straight line to intersect the division line between the lands of Gillespie & Son, Inc. (see E.H.P. 33/262), and the lands of Kent Research & Manufacturing, Inc.[:];

Thence, leaving said point of intersection and binding on the outline of the lands of the aforementioned Kent Research & Manufacturing, Inc., five (5) courses and distances to another division line between Gillespie & Son, Inc. (see E.H.P. 30/837) and the lands of Kent Research & Manufacturing, Inc.;

Thence, leaving said point and binding on the aforesaid division line to intersect the aforementioned fifth line of Section 47, titled "Boundaries";

Then, leaving said point of intersection and binding on the aforesaid fifth line to the place of beginning. (See note (1))

Section 2A. 1982 Chestertown Annexation No. 1.

The boundaries of the Town of Chestertown are hereby extended to include that area, contiguous and adjoining the existing corporate area, specifically described as follows:

Beginning for the same at a point in the center of the bridge where the Public Road from Chestertown to Tolchester crosses Radcliffe Creek. Said beginning point being the same as described in Section 47 titled "Boundaries" as set down in The Code of Public Laws of Kent County 1959 Edition;

Thence, leaving said beginning point so fixed and binding on the centerline of the aforementioned highway which is now designated as Maryland Route 20 to a point in the easterly right-of-way line of the railroad spur of the Penn Central Railroad;

Thence, leaving said point and binding on the easterly right-of-way line of the aforesaid Penn Central Railroad to a point at the intersection of the division line between the lands formerly of P.M. Brooks and Baltimore Business Forms, Inc. intersect the aforementioned easternmost right-of-way line of the Penn Central Railroad;

Thence, leaving said point and binding on the westerly outline of the lands of the aforementioned Baltimore Business Forms, the following courses and distances;

North 55° 04' 39" West 362.82 feet to a point,

North 62° 40' 29" West 58.90 feet to a concrete monument,

North 26° 19' 41" East 69.64 feet to a concrete monument,

North 51° 49' 09" West 405.06 feet to a point,

South 26° 44' 31" West 81.00 feet to a point,

North 63° 15' 29" West 111.84 feet to a concrete monument,

North 21° 12' 31" East 122.70 feet to a point,

North 15° 16' 11" East 378.55 feet to a point,
North 66° 43' 39" West 61.60 feet to a point,
South 70° 02' 21" West 178.50 feet to a point,
North 16° 48' 39" West 103.22 feet to a concrete monument,
North 70° 05' 21" East 142.48 feet to a point and,
North 81° 37' 01" East 144.26 feet to a concrete monument;

Thence, leaving said monument and binding on the easternmost outline of Washington Park, the following courses and distances:

North 80° 14' 11" East 68.90 feet to a point,
North 55° 33' 11" East 60.00 feet to a point,
North 59° 02' 11" East 143.19 feet to a point,
North 33° 57' 11" East 20.23 feet to a point and,
North 50° 07' 11" East 83.78 feet to a point;

Thence, leaving said point and binding across the lands of the aforementioned Baltimore Business Forms, North 60° 18' 30" East 1673.66 feet to a point at the northwesternmost corner of the lands of Delmarva Power;

Thence, leaving said point and binding on the northernmost outline of the lands of the aforementioned Delmarva Power, North 86° 21' 31" East 335.00 feet to a point in the westernmost right-of-way line of Maryland Route 291;

Thence, leaving said point and binding on the aforesaid railroad, South 22° 43' 29" East 1,553.92 feet to a point at the intersection of the aforesaid railroad, with the southernmost right-of-way line of Maryland Route 291;

Thence, leaving said point of intersection and binding on the aforesaid Maryland Route 291, North 55° 24' 05" East 153.80 feet to a point;

Thence, leaving said point and said Maryland Route 291 and binding on the outline of the lands of Washington College, the following four (4) courses and distances:

South 34° 35' 55" East 419.74 feet to a point,

South 49° 21' 09" East 122.70 feet to a point,

North 59° 41' 30" East 578.25 feet to a point and,

South 35° 29' 24" East 51.61 feet to a point;

Thence, leaving said point and binding on the outline of the lands of Harry Ross and the Peoples Bank of Kent County, Maryland the following three (3) courses and distances:

North 25° 12' 32" East 368.80 feet to a point,

South 64° 47' 28" West 40.00 feet to a point and,

North 25° 12' 32" West 215.45 feet to a point in the aforementioned southernmost right-of-way line of Maryland Route 291;

Thence, leaving said point and binding on the aforesaid Maryland Route 291, the following courses and distances:

North 68° 50' 11" East 13.26 feet to a point,

North 55° 10' 38" East 98.54 feet to a point,

North 66° 45' 56" East 147.38 feet to a point and,

South 73° 35' 21" East 110.19 feet to a point in the westernmost right-of-way line of Maryland Route 213;

Thence, leaving said point and binding on the aforesaid Maryland Route 213, South 25° 07' 31" East 125.00 feet to a point;

Thence, leaving said point and crossing the aforementioned Maryland Route 213, North 64° 52' 30" East 70.98 feet to a point in the original easterly line of the Chestertown to Kennedyville State Road (Maryland Road 213) forty (40) foot wide as recorded in the 1955 Resolution;

Thence, leaving said point and binding on the aforesaid easterly line of Maryland Route 213, South 25° 12' 32" East 854.55 feet to a point at the end of the first or South 16° 47' 00" East 623.60 foot line of a 1955 Resolution to enlarge the corporate boundaries of Chestertown. (1982 Annexation Res. No. 1, April 15, 1982.)

Section 2B. 1987 Chestertown Annexation No. 1.

BEGINNING for the same at a point in the center of the road leading from Chestertown to Pomona where the fourth line intersects the fifth line in Section 47, titled "Boundaries" in the Code of Public Laws of Kent County;

THENCE leaving said beginning point so fixed and binding along said right-of-way line, south 31° 31' 45" west 590.00 feet to a point of curvature.

THENCE binding along the arc of a curve to the left 422.06 feet to a point of tangency. Said curve having a radius of 4,430.38 feet and scribed by a chord of South 28° 48' 00" West 421.90 feet.

THENCE South 26° 04' 15" West 532.33 feet to a point along the mean high water line of Radcliffe Creek.

THENCE leaving Maryland Route 289, and binding along mean high water line of Radcliffe Creek, the eighteen (18) following courses and distances: North 78° 53' 27" West 95.77 feet to a point, North 44° 25' 17" West 70.00 feet to a point, North 56° 44' 06" West 149.50 feet to a point, North 25° 09' 33" West 437.51 feet to a point, North 46° 56' 29" West 166.97 feet to a point, South 69° 47' 37" West 153.44 feet to a point, South 41° 44' 01" West 285.43 feet to a point, South 36° 44' 51" West 93.60 feet to a point, North 60° 10' 36" West 180.97 feet to a point, North 70° 01' 01" West 105.34 feet to a point, North 46° 50' 51" West 175.45 feet to a point, North 16° 29' 46" West 243.00 feet to a point, North 89° 23' 26" East 94.01 feet to a point, South 71° 58' 49" East 261.84 feet to a point, North 84° 17' 22" East 140.70 feet to a point, North 44° 12' 55" East 154.87 feet to a point, North 27° 49' 27" East 284.94 feet to a point and North 35° 24' 40" East 229.39 feet to a point at the southwesternmost corner of the lands of the Town of Chestertown, (see E.H.P. 18/205).

THENCE binding along the division line between the herein described lands and the lands of the Town of Chestertown, the three (3) following courses and distances: North 79° 53' 33" East 220.91 feet to a concrete monument found, North 10° 06' 27" West 65.03 feet to a concrete monument found and South 79° 53' 33" West 184.42 feet to a point along the aforementioned mean high water line of Radcliffe Creek.

THENCE binding along said mean high water line, the eight (8) following courses and distances: North 10° 28' 16" West 46.39 feet to a point, North 60° 11' 09" West 102.58 feet to a point, North 76° 08' 12" West 321.36 feet to a point, North 47° 29' 22" West 65.12 feet to a point, North 46° 26' 14" East 197.34 feet to a point, North 26° 26' 51" East, 653.38 feet to a point, North 10° 14' 39" West 84.34 feet to a point and North 83° 18' 58" West 159.18 feet to a point at the southwesternmost corner of the lands of George G. Pennington (see E.H.P. 80/13).

THENCE binding along the southernmost outline of said Pennington, Jr. lands North 68° 15' 23" East 807.00 feet to intersect the aforementioned fifth line in section 47, titled Boundaries. (1987 Annexation Res. No. 1, 5-21-87.)

Section 2C. 1987 Annexation No. 2.

BEGINNING for the same, at a point in the center of the bridge where the Public Road from Chestertown to Tolchester crosses Radcliffe Creek, said beginning point being the same as

described in Section 47 titled "Boundaries" as set down in The Code of Public Laws of Kent County 1959 Edition;

THENCE, leaving said beginning point so fixed and running to the northernmost right-of-way line of Maryland Route 20, South 82° 12' 54" West 437.69 feet to a point;

THENCE, continuing along the northernmost right-of-way line of Maryland Route 20, South 65° 02' 22" West 1373.03 feet to a point at the intersection of the division line between the lands now or formerly of Jane B. Sprinkle, and the lands now or formerly of Phillip M. Brooks, Jr.;

THENCE, leaving Maryland Route 20 and binding partly on the aforesaid division line, North 02° 33' 21" West 1704.94 feet to a point along the southernmost outline of the lands now or formerly of Frank Hogans;

THENCE, binding on the southernmost outline of the Hogans lands, South 84° 23' 41" West 435.18 feet to a point along the southernmost outline of the lands of the County Commissioners of Kent County;

THENCE, with the southernmost and westernmost outline of the aforesaid County Commissioners lands, the three following courses and distances: South 84° 23' 30" West 459.00 feet to a point, thence North 04° 06' 48" West 651.92 feet to a point, and thence North 02° 24' 02" West 158.56 feet to a point;

THENCE, binding on the northernmost outline of the aforesaid Commissioners' lands, and crossing Maryland Route No. 514, North 83° 28' 52" East 735.54 feet to a point on the easternmost right-of-way line of the aforesaid Maryland Route N. 514;

THENCE, binding on the easternmost right-of-way line of Maryland Route 514, the six following courses and distances; North 29° 59' 50" West 2128.87 feet to a point of curvature, thence with the arc of a curve to the left, 592.91 feet to a point of tangency, said curve being a radius of 2889.79 feet and scribed by a chord of North 35° 52' 38" West 591.87 feet; thence North 41° 45' 20" West 135.70 feet to a point of curvature, thence with the arc of a curve to the right 1041.67 feet to a point of tangency, said curve having a radius of 1884.86 feet and scribed by a chord of North 26° 07' 48" West 1015.34 feet; thence North 10° 30' 12" West 147.63 feet, and thence North 37° 46' 59" East 59.26 feet to a point along the southernmost side of Cromwell Clark Road;

THENCE, leaving Maryland Route No. 514 and binding on the southernmost side of Cromwell Clark Road and the northernmost outline of the lands of Alfred E. Hickman, North 88° 44' 20" East 565.39 feet to a point on the northernmost boundary of the lands now or formerly of the Coventry Farm;

THENCE, continuing along the southernmost side of Cromwell Clark Road and the northernmost outline of the aforesaid lands of Coventry Farm, the three following courses and distances: North 77° 23' 01" East 1935.64 feet to a point, thence North 80° 13' 51" East 1122.00

feet to a point, and thence North $76^{\circ} 43' 51''$ East 511.42 feet to a point along the westernmost right-of-way line of the lands of The Maryland Department of Transportation:[;]

THENCE, binding on the aforesaid right-of-way line, South $17^{\circ} 14' 29''$ East 92.09 feet to the lands now or formerly of Millard F. Reed, Jr.;

THENCE, leaving the Maryland Department of Transportation lands and binding on the westernmost outline of the aforesaid Reed lands, South $02^{\circ} 56' 11''$ West 1848.94 feet to a point;

THENCE, binding on a portion of the southernmost outline of the Reed lands and the southernmost outline of the lands of Edwin C. Fry, the two following courses and distances: South $60^{\circ} 16' 29''$ East 270.50 feet to a point, and thence South $78^{\circ} 58' 49''$ East 548.02 feet to a point along the westernmost right-of-way line of the aforementioned lands of the Maryland Department of Transportation;

THENCE, running across the aforesaid lands, South $79^{\circ} 19' 25''$ East 79.21 feet to a point at the northwesternmost corner of a subdivision known as Foxley Manor;

THENCE, leaving the lands of the Maryland Department of Transportation and binding on the northernmost outline of Foxley Manor and crossing U.S. Route No. 213, South $78^{\circ} 58' 12''$ East 1413.92 feet to a point along the easternmost right-of-way line of the aforesaid U.S. Route 213;

THENCE, binding on the easternmost right-of-way line of U.S. Route 213, the two following courses and distances: with the arc of a curve to the right having a radius length of 924.93 feet and scribed by a chord of North $13^{\circ} 36' 34''$ East 310.54 feet, and thence North $23^{\circ} 17' 27''$ East 935.21 feet to a point at the intersection of the division line of the lands now or formerly of Ina Rae Levey;

THENCE, leaving U.S. Route 213 and binding on the aforesaid division line South $66^{\circ} 48' 38'$ [$38''$] East 705.78 feet to a point on the easternmost right-of-way line of Center Road;

THENCE, binding on the easternmost right-of-way line of Center Road, the two following courses and distances: South $01^{\circ} 20' 03''$ West 931.78 feet to a point, and thence South $25^{\circ} 26' 20''$ East 334.52 feet to a point located along the southernmost outline of the lands now or formerly of George F. Scheeler;

THENCE, leaving Center Road and binding on the aforesaid outline, North $63^{\circ} 23' 55''$ East 1274.45 feet to a point along the westernmost outline of the lands of the Department of Health and Mental Hygiene;

THENCE, binding on the perimeter outline of the aforesaid lands, the four following courses and distances: North $27^{\circ} 26' 29''$ West 840.00 feet to a point, thence North $63^{\circ} 23' 55''$ East 1040.00 feet to a point, thence South $27^{\circ} 26' 29''$ East 840.00 feet to a point, and thence South $63^{\circ} 23' 55''$ West 917.01 feet to a point located at the northwesternmost corner of the lands now or formerly of William J. Bringman;

THENCE, binding on the westernmost outline of the aforesaid Bringman lands, South 25° 17' 50" East 106.54 feet to a point located at the southeasternmost corner of Scheeler Road, said point further being located at the end of the eleventh or North 52° 08' 40" East 1139.56 foot-line as contained in the description of the Annexation to the Town of Chestertown in 1980. (1987 Chestertown Annexation Resolution No. 2, 7-2-87; Ratified in 1988 Annexation Resolution No. 1, 6-23-88.)

Section 2D. 1988 Annexation No. 2.

BEGINNING for the same at a point in the center of the road leading from Chestertown to Pomona where the fourth line intersects the fifth line in Section 47, titled "Boundaries" in the Code of Public Laws of Kent County;

THENCE leaving said beginning point so fixed and binding along said right-of-way line, South 31° 31' 45" West 590.00 feet to a point of curvature.

THENCE binding along the arc of a curve to the left 422.06 feet to a point of tangency. Said curve having a radius of 4,430.38 feet and scribed by a chord of South 28° 44' 00" West 421.90 feet.

THENCE South 26° 04' 15" West 532.33 feet to a point along the mean high water line of Radcliffe Creek.

THENCE leaving Maryland Route 289, and binding along the mean high water line of Radcliffe Creek and proceeding in a northerly direction to a point at the southwesternmost corner of the lands of George G. Pennington (see EHP 80/13).

THENCE along the center line of Radcliffe Creek to the boundary of the lands of William L. Walbert and Greta Walbert (see EHP 185/150).

THENCE continuing along the center line of Radcliffe Creek to the boundary of the lands of Gillespie and Son, Inc. (see EHP 33/262).

THENCE, continuing along the center line of Radcliffe Creek to close with the present corporate limits of the Town of Chestertown. (1988 Annexation Resolution No. 2, 11-6-88.)

Section 2E. 1994 Annexation No. 1.

BEGINNING for the same at a point at the intersection of the division line between the lands of Kent and Queen Annes [Anne's] Hospital Inc. (see E.H.P. 198/234) and lands of College Heights Development Company (see E.H.P. 158/344), with the southernmost right-of-way of Maryland Route 291.

THENCE; leaving Kent and Queen Annes [Anne's] Hospital lands and binding on the southernmost side of Route 291 the following (2) two courses and distances: North sixty three

degrees thirty two minutes twenty three seconds East (N 63°32'23" E), a distance of seventy eight and 33/100 (78.33) feet to a point; and North sixty eight degrees ten minutes fifty two seconds East (N 68°10'52" E), a distance of eighty eight and 77/100 (88.77) feet to a point at the intersection of the division line between the lands of Delmarva Power & Light Company of Maryland (see E.H.P. 25/28 & 29/842) and the aforesaid College Heights Development Company lands.

THENCE; leaving Maryland Route 291 and binding on the division line between the aforesaid College Heights Development Company lands, other lands of College Heights Development Company lands, other lands of College Heights Development Company the following (3) courses and distances: South twenty six degrees fifty two minutes eighteen seconds East (S 26°52'18" E), a distance of two hundred thirty five and 44/100 (235.44) feet to a concrete monument found; North sixty three degrees seven minutes forty two seconds East (N 63°07'42" E), a distance of three hundred ten and 70/100 (310.70) feet to a concrete monument found; and North twenty six degrees fifty two minutes eighteen seconds West (N 26°52'18" W), a distance of fifty (50.00) feet to a point at the intersection of the division line between the lands of Delmarva Power & Light Company, lands of Ollie H. Ervin etux. [et ux] (see E.H.P. 9/743) and lands of College Heights Development Company.

THENCE; leaving the Delmarva Power & Light Company lands and binding on the division line between the Ervin lands and the College Heights Development Company lands North sixty three degrees four minutes thirty nine seconds East (N 63°04'39" E), a distance of one hundred fifty and 61/100 (150.61) feet to a concrete monument found at the intersection of the division line between the Ervin lands, lands of Chestertown Brick Company (see E.H.P. 13/391) and lands of College Heights Development Company.

THENCE; leaving the Ervin lands and binding on the division line between the lands of Chestertown Brick Company, College Heights Development Company, lands of Francis E. Schaubert (see E.H.P. 69/660) and lands of P.U.M.H. of Maryland Inc. (see E.H.P. 284/84 & M.L.M. 14/526) South twenty six degrees fifty four minutes fifty six seconds East (S 26°54'56" E), a distance of one thousand seven hundred sixty one and 53/100 (1761.53) feet to a iron pipe found at the intersection of the division line between the lands [of] Chestertown Brick Company, other lands of P.U.M.H. of Maryland Inc. (see E.H.P. 273/435 & 291/484) and lands of P.U.M.H. of Maryland Inc.

THENCE; leaving the Brick company lands and binding on the division line between the lands of P.U.M.H. of Maryland Inc. and other lands of P.U.M.H. of Maryland Inc. the following (2) two courses and distances: South sixty two degrees forty nine minutes seven seconds West (S 62°49'07" W), a distance of five hundred ninety four and 40/100 (594.40) feet to a point. Passing in transit a concrete monument found 35.01 feet from the end thereof; and North twenty eight degrees thirty four minutes fifty three seconds West (N 28° 34' 53" W), a distance of three hundred fifty and 10/100 (350.10) feet to a [an] iron rod found at the intersection of the division line between the lands of College Heights Development Company (see W.H.G. 53/546) lands of Francis E. Schaubert (see E.H.P. 69/660) and lands of P.U.M.H. of Maryland (see E.H.P. 284/84 & M.L.M. 14/526).

THENCE; leaving P.U.M.H. of Maryland lands and binding on division line between the College Heights Development Company lands and the Schauber lands North twenty eight degrees thirty four minutes fifty three seconds West (N 28°34'53" W), a distance of five hundred ninety four and 30/100 (594.30) feet to a point at the intersection of the division line between College Heights Development Company lands and lands of Schauber.

THENCE; leaving the Schauber lands and running through the College Heights Development Company lands North twenty seven degrees twenty one minutes twenty two seconds West (N 27°21'22" W), a distance of eight hundred nineteen and 73/100 (819.73) feet to a concrete monument found at the intersection of the division line between the lands of the aforementioned Kent and Queen Annes Hospital Inc. lands, other lands of College Heights Development Company (see E.H.P. 158/344) and lands of College Heights Development Company.

THENCE; leaving College Heights Development Company lands and binding on the division line between Kent and Queen Annes Hospital Inc. lands and other lands of College Heights Development Company North twenty six degrees fifty minutes forty nine seconds West (N 26°50'49" W), a distance of one hundred ninety four and 75/100 (194.75) feet to the place of beginning. Containing in all twenty five and 31/100 (25.31) acres of land more or less, as surveyed by Michael A. Scott in March 1994, as shown on a plat attached hereto and intended to be recorded herewith. (1994 Annexation Resolution No. 1, 7-1-94.)

Section 2F. 1994 Annexation No. 2.

BEGINNING FOR THE SAME at a point in the easternmost right-of-way line of Maryland Route 213 and at the end of the North 23 degree 17 minute 27 second East 692.21 foot line contained in Annexation Resolution No. 1, for the Town of Chestertown, dated February 1994. Said beginning point further begin at the intersection of the division line between the lands of Ida Rae Levy (see EHP 52/443) and the lands of Charles W. and Margaret L. Sommers (see EHP 271/447) with the aforementioned easternmost right-of-way line of Maryland Route 213;

THENCE, leaving said point of beginning so fixed and binding on the aforesaid Maryland Route 213, North 23 degrees 12 minutes 16 seconds East 621.16 feet to the point of intersection of the division line between the lands of Speakman Company (see EHP 73/739) and other lands of Charles W. and Margaret L. Sommers (see EHP 267/510) with the aforesaid Maryland Route 213;

THENCE, leaving said point so fixed and binding on the aforesaid division line, South 66 degrees 47 minutes 44 seconds East 400.00 feet to a point;

THENCE, leaving said point so fixed and binding on the division lines between the lands of Joan F. Baxter, Marlene E. Starkey, and Margaret G. Eshman (see Parcel No. 5 of MLM 36/466) and the herein described lands of Charles W. and Margaret L. Sommers, the following three (3) courses and distances: (1) South 23 degrees 12 minutes 16 seconds West 374.29 feet to a point, (2) South 66 degrees 53 minutes 48 seconds East 48.00 feet to a point, and (3) South 23 degrees 12 minutes 16 seconds West 246.84 feet to a point;

THENCE, leaving said point so fixed and binding on the first mentioned division line between the lands of Ida Rae Levy and Charles W. and Margaret L. Sommers, North 66 degrees 48 minutes 38 seconds West 448.00 feet to the place of beginning. Containing in all 5.975 acres of land more or less as described by James M. Luff, Registered Land Surveyor in March of 1994 from various surveys by McCrone, Inc. (1994 Annexation No. 2, 7-1-94.)

Section 2G. 2002 Annexation Resolution No. 1.

BEGINNING FOR THE SAME at a point in the centerline of Maryland Route 289. Said point further being located N 20° 12' 19" W, a distance of 37.22' from an iron rod found at the intersection of the division line between the lands of K.R.M. Development Corporation (see M.L.M. 105/556), formerly Peerless Fertilizer Company and the lands of Alger Oil Inc. (see E.H.P. 196/112), formerly Atlantic Refining Company, with the southeasternmost side of said road.

THENCE, leaving the centerline of said road and running with the existing town boundary on the division line between the K.R.M. lands and the Alger lands S 20° 12' 19" E, a distance of 819.16' to a point on the approximate shoreline of the Chester River. Passing in transit an iron pipe found a distance of 27.18' from the end thereof.

THENCE, binding on the approximate shoreline of the Chester River the following sixty three (63) courses and distances: S 39° 28' 58" W, a distance of 32.82' to a point, S 00° 06' 41" W, a distance of 63.38' to a point, S 01° 30' 49" W, a distance of 107.43' to a point, S 16° 59' 40" W, a distance of 53.92' to a point, S 11° 54' 54" W, a distance of 41.90' to a point, S 27° 35' 41" W, a distance of 43.21' to a point, S 19° 30' 45" W, a distance of 29.33' to a point, S 19° 47' 22" W, a distance of 23.78' to a point, S 61° 26' 23" W, a distance of 11.57' to a point, S 77° 29' 49" W, a distance of 23.53' to a point, N 29° 30' 00" W, a distance of 23.18' to a point, N 00° 23' 51" W, a distance of 20.60' to a point, N 20° 07' 24" W, a distance of 33.00' to a point, N 88° 15' 01" W, a distance of 21.94' to a point, N 74° 16' 47" W, a distance of 22.95' to a point, N 51° 22' 25" W, a distance of 12.64' to a point, S 89° 41' 04" W, a distance of 55.60' to a point, S 83° 31' 18" W, a distance of 26.46' to a point, S 56° 48' 55" W, a distance of 37.61' to a point, S 43° 29' 42" W, a distance of 20.14' to a point, S 64° 36' 11" W, a distance of 24.48' to a point, S 51° 26' 25" W, a distance of 23.14' to a point, S 61° 40' 09" W, a distance of 15.01' to a point, N 24° 34' 48" W, a distance of 9.82' to a point, N 01° 33' 29" W, a distance of 15.84' to a point, N 75° 15' 26" W, a distance of 4.08' to a point, S 27° 00' 15" W, a distance of 12.47' to a point, S 80° 50' 39" W, a distance of 9.66' to a point, S 35° 28' 06" W, a distance of 19.59' to a point, S 06° 37' 43" W, a distance of 9.25' to a point, N 86° 43' 30" W, a distance of 22.30' to a point, S 08° 54' 47" W, a distance of 20.62' to a point, S 40° 26' 16" W, a distance of 15.21' to a point, S 49° 30' 26" W, a distance of 17.21' to a point, S 77° 30' 44" W, a distance of 35.46' to a point, N 50° 04' 43" W, a distance of 21.28' to a point, N 08° 26' 06" W, a distance of 9.49' to a point, S 80° 38' 38" W, a distance of 14.37' to a point, S 41° 25' 43" W, a distance of 39.44' to a point, S 21° 37' 27" W, a distance of 19.06' to a point, S 19° 57' 43" W, a distance of 20.85' to a point, S 56° 13' 17" W, a distance of 14.45' to a point, S 38° 02' 23" E, a distance of 12.87' to a point, S 14° 59' 47" W, a distance of 11.24' to a point, S 48° 29' 10" W, a distance of 9.10' to a point, N 43° 29' 07" W, a distance of 16.57' to a point, S 16° 12' 16" W, a distance of 12.02' to a point, S 50° 32' 25"

W, a distance of 14.49' to a point, S 20° 52' 53" E, a distance of 12.86' to a point, S 65° 06' 42" E, a distance of 5.79' to a point, S 28° 06' 24" W, a distance of 29.39' to a point, N 79° 26' 45" W, a distance of 6.23' to a point, S 46° 43' 54" W, a distance of 3.94' to a point, S 41° 05' 58" E, a distance of 8.69' to a point, S 10° 03' 28" W, a distance of 11.08' to a point, S 08° 52' 38" W, a distance of 12.50' to a point, S 32° 06' 06" W, a distance of 34.24' to a point, S 11° 48' 06" W, a distance of 33.87' to a point, S 06° 54' 11" W, a distance of 26.16' to a point, S 34° 14' 20" W, a distance of 17.71' to a point, N 69° 45' 14" W, a distance of 89.32' to a point, N 88° 01' 29" W, a distance of 13.43' to a point, N 60° 31' 07" W, a distance of 48.03' to a point in the centerline of the aforementioned road.

THENCE, binding on the centerline of said road the following three (3) courses and distances: N 17° 11' 35" E, a distance of 463.63' to the beginning point of a curve, thence with the arc of a curve to the right an arc length of 547.78' to a point of tangency, said curve having a radius length of 5729.58', and being scribed by a chord bearing N 19° 55' 55" E, with a chord length of 547.57', and thence N 22° 40' 15" E, a distance of 491.62' to the place of beginning.

Containing in all 11.580 acres of land more or less, as surveyed by Michael A. Scott Inc. in August 2002.

Section 3. Mayor and Councilmen.

(a) *Number* – The government of said town shall be vested in a mayor and four councilmembers. Each councilmember to be a resident of the ward which he represents.

(b) *Mayor's Qualifications* – The Mayor of said town shall be a legal voter of said town at the time of his election, not less than twenty–five years of age, a citizen of the United States, and shall have been a resident within the limits of said town for not less than two years next previous to the date of the election. In case the mayor should change the place of his residence from said town, he shall cease to be mayor, and there shall exist a vacancy in said office to be filled as hereinafter provided.

(c) *Councilmember's Qualifications* – The Councilmembers of said Town shall be legal voters of said town at the time of their election, not less than twenty–one years of age, citizens of the United States, and shall have been residents within the limits of said town for not less than one year next previous to the date of their election. Each of said Councilmembers shall dwell for not less than 30 days prior to the date of his election, in the ward which he is elected to represent, and in case he moves during his term of office from the ward from which he is elected, his term shall at once terminate and there shall exist a vacancy in the office of Councilmember of such ward, to be filled as hereinafter provided.

Section 4. Oath of Office.

(a) *Oath required* – Before entering upon the duties of their offices, the Mayor, the Councilmembers, the Town Manager, 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 State [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 support and comply with the charter, laws, and ordinances of the Town of Chestertown; and that I will, to the best of my skill and judgement diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution of [and] the laws of this State.”

(b) *Before whom taken and subscribed* – The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor.

(c) Councilmembers elected hereunder shall, on the first meeting in January next ensuing after the date of their election, appear before the Mayor and make the appropriate oath as required by the Charter.

Section 5. Mayor: Duties.

[(a)] The Mayor shall be the chief executive officer of the Town and will be responsible for a sound fiscal policy. The Mayor shall be President of the Council, preside at its meetings and shall have the right to discuss and vote upon any question coming before the Council. He shall have no power to veto any measure, but every ordinance, measure or resolution passed by the Council must be signed by the Mayor and two Councilmembers, or three Councilmembers, and be recorded in the minutes before same shall become effective and enforceable.

(b) *Special Meetings* – He shall have power to call special meetings of the Council upon one day’s notice whenever in his opinion the public good may require it. In times of public danger, whenever it is impossible to convene the Council, he shall have the power to authorize the appointment of officers of the peace and safety for said town, charged with the duty of obtaining the peace and order thereof.

(c) The Mayor, during the first quarter of each calendar year, shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and welfare of the town.

(d) *Other powers and duties* – The Mayor shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the Council, not inconsistent with this charter.

Section 6. Acting Mayor.

In case the Mayor is unable to perform the duties of his office by reason of temporary or continued absence or sickness, the said Council shall appoint by ballot, by a majority vote of all members thereof, one of their number to act in his stead, whose official designation shall be “Acting Mayor”, and the councilman so appointed shall be vested with all powers, and shall

perform all the duties of Mayor during such absence or sickness, and shall receive the salary of the Mayor during such vacancy; provided, that if such disability continue ten days or longer, during such absence in excess of ten days, the Mayor shall receive no salary provided, further, that the Councilman receiving compensation as Acting Mayor shall not receive his salary as Councilman for the same time he receives compensation as Acting Mayor.

Section 7. Removal from office.

The Mayor and/or a councilmember shall be removed from office (a) upon conviction of a felony, or (b) having been declared mentally incompetent by the circuit court, or (c) by extended absenteeism, defined as missing 50% of the meetings of the Mayor and Council within a six-month period. Removal from office under section (c) of this article shall be effected only after an advertised public hearing and shall require the affirmative vote of three members of the Council. A vote of three (3) members of the Council is required to initiate the hearing for removal.

Section 8. Vacancies.

In case of a vacancy on the council for any reason, the Mayor and Council, within 45 days, shall elect from the same ward in which the vacancy occurred some qualified person to fill such vacancy for the unexpired term. In case of a vacancy in the office of Mayor for any reason, the council within 45 days, shall elect some qualified person to fill the vacancy until the next regular town election. Any vacancies on the council or in the office of mayor shall be filled by the favorable votes of a majority of the remaining members of the Mayor and Council. The results of any such vote shall be recorded in the minutes of the council. In the event no one is appointed within the specified 45 day period, the Board of Election Supervisors for the Town will arrange for a special election.

Section 9. Meetings.

Regular meetings of the Council shall be held on the first and third Monday of every month at such time as they may fix. If that Monday falls on a Town holiday, the meeting will be held on the next calendar day. The Council may, by a majority vote, change or cancel a meeting by advertising this change in a paper of local circulation at least once, at least six days prior to the new meeting date. However in no case will the Council hold fewer than one regular meeting a month. Additional special meetings of the Council may be called by the Mayor and two members of the Council, or three members of the Council, upon reasonable notice being given to each member of the Council. Notice of additional meetings will be published at least once where time permits or posted in designated public place as soon as they are called. The Mayor and Council may, at its discretion, call for a closed meeting when the business to be conducted concerns matters considered appropriate for closing a meeting of a public body under the Public Information Act, Article 76A [24] of The Annotated Code of Maryland. The results of the discussion of a closed meeting, but not the discussion itself, shall be recorded and placed in the journal. The rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any open meeting of the Council with regard to any municipal question.

Section 10. Procedure.

At all meetings of the Mayor and Council, the Mayor and two Councilmembers shall constitute a quorum, or in the absence of the Mayor, three Councilmembers present and voting shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary for the passage of an ordinance, law, resolution or measure of any description at all times. Upon every vote the yeas and nays shall be called and recorded.

Section 11. Rules and order of business; journal.

The Council 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 of any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 12. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six or more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In case of emergency, the above requirement may be suspended by the affirmative votes of four members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval. A brief but fair description for each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 13. Referendum.

If, before the expiration of twenty days following passage of any ordinance, a petition is filed with the Town Manager containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, then the operation of the ordinance or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance or part

thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 53 of this Charter, 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 Section 77 and 78 of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 14. File of ordinances.

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

Section 15. Salary.

(a) *Salary of Mayor* – The Mayor shall be compensated at a rate as set from time to time by an ordinance passed by the council in the regular course of business. Provided, however, that no change shall be made in the salary for any mayor during the term for which he was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase of [or] decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor.

(b) *Salary of councilmembers* – Each councilmember shall receive an annual salary the amount of which shall be specified from time to time by an ordinance passed by the council in the regular course of its business. The salary for each councilmember shall be equal except that the salary specified at the time any councilmember takes office shall not be changed during the period for which the councilmember was elected.

Section 16. General Powers.

The council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the town and visitors thereto and sojourners therein.

Section 17. Specific Powers.

The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

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

(b) *Aisles* – 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.

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

(d) *Appointments* – To appoint such officers or commissions or committees as the Council deems necessary to effect the efficient and proper operation of the town. The Mayor and Council shall not make up more than 50 of the members of any commission or committee; the exception is the Utilities Commission.

(e) *Appropriations* – To appropriate municipal monies for any purpose within the powers of the council.

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

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

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

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

(j) *Buildings* – To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for the same; 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.

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

(l) *Codification* – To provide for the codification of all ordinances which have been or may hereafter be passed.

(m) *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.

(n) *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.

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

(p) *Dangerous Conditions* – 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.

(q) *Disorderly Houses* – To suppress bawdy houses, disorderly houses and houses of ill fame.

(r) *Dogs* – To regulate the keeping of dogs in the town and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

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

(u) *Filth* – To compel the occupant of any premises, building, or outhouse situated in the Town, when the same 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 such property, making it collectible by taxes or against the occupant or occupants.

(v) *Finances* – To levy, assess, and collect municipal taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town.

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

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

(y) *Franchises* – To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, cable television companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town; subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(z) *Gambling* – To restrain and prohibit gambling.

(aa) *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.

(bb) *Grants-in-Aid* – To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(cc) *Hawkers* – To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the street of the Town and to revoke such licenses for cause.

(dd) *Health* – To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious disease 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 conditions or conditions detrimental to health; provided, that nothing herein shall be construed to affect in any manner any of [the] powers and duties of the State Board of Health, the County Board of Health, or any public general or local law relating to the subject of health.

(ee) *House Numbers* – To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(ff) *Jail* – To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the town or to use the County jail for such purposes.

(gg) *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 businesses 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.

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

(ii) *Lights* – To provide for the lights of the town.

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

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

(ll) *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.

(mm) *Noise* – To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding or [of] whistles and horns, or any other noise deemed unreasonable.

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

(oo) *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.

(pp) *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.

(qq) *Parking meters* – To install parking meters on the streets and public places of the town in such places as they shall by ordinance determine, and by ordinance to prescribed rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

(rr) *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.

(ss) *Police Force* – To establish, operate, and maintain a police force. All town policemen shall have the powers and authority of deputy sheriffs in this state.

(tt) *Police Powers* – To prohibit, suppress, and punish within the town all vice, gambling, and games of chance; prostitution and solicitation 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.

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

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

(ww) *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.

(xx) *Sidewalks* – To regulate the use of sidewalks and all structures in, under, or above the same; 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.

(yy) *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 onto any public or private property in the town.

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

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

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

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

(ddd) *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 18. Exercise of Powers.

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

Section 19. Enforcement and the General Penalty.

Whenever in this Charter any act is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such Charter the doing of any act is required under penalty, or the failure to do an act is required under penalty, or the failure to do an act is declared to be unlawful, the violation of any such provision shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

Registration, Nominations, and Elections

Section 20. Qualifications of Voters.

Every person who for at least 30 days prior to the election in said town, is registered with the Kent County Board of Election Supervisors as a voter residing within the corporate limits of said town, shall be a qualified voter of the Town.

Section 21. Districting and Apportionment.

It shall be the duty of the Mayor and Council, by Ordinance, to divide the Town into four (4) wards and apportion the Council in such manner for election purposes so as to reflect population and voter equality.

Section 22. Board of supervisors of elections.

There shall be a Board of Supervisors of elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in October in every second odd-numbered year. The terms of members of the board of supervisors of elections shall begin on the first Monday in October in the year in which they are appointed and shall run for four years. Members of the board of supervisors of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Mayor and Council shall appoint one of the members of the board as chairman. Vacancies on the board shall be filled by the mayor with the approval of the council for the remainder of the unexpired term. The compensation of the members shall be determined by the council.

Section 23. Same – Removal of members.

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

Section 24. Same – Duties.

The board of supervisors of elections shall be in charge of all town elections. The board may appoint election clerks or other employees to assist it in any of its duties.

Section 25. Notice of registration days and elections.

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

Section 26. Appeal from action of board of supervisors of elections.

If any person shall fee [feel] aggrieved by any 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 council. Any decision or action of the council upon such appeals may be appealed to the circuit court for the county within thirty days of the decision or action of the council.

Section 27. Candidates.

(a) Any person desiring to have his name placed upon the official ballot at the time of election for Mayor or Councilmember, shall at least thirty days prior to the election file with the Supervisors of Election, a petition setting forth his name, residence, age, the length of time he has lived in the town, the office which he seeks, and such petition shall be signed by at least twenty qualified voters, and in the case of a candidate for Councilmember, the voters signing the said petition shall reside within the limits of the ward for which he is a candidate.

(b) *Certificate of candidacy* – A certificate in the following form shall be sufficient:

To the Supervisors of Election of Chestertown, Maryland:

I hereby request that you print my name on the official ballot in the town election to be held _____ as candidate for _____ and I do hereby certify that my name is _____: I am _____ years old; I am a resident of the _____ ward, and have lived in the town for _____ years; I am a

registered voter. We, the undersigned, qualified electors in said town request the candidacy of

Name

Ward

Street

Section 28. Election of Mayor and Councilmen.

On the first Tuesday in November 2001 and on the first Tuesday in November every fourth year thereafter, the qualified voters of the town shall elect one person as Mayor of said town, who shall have the necessary qualifications as hereinbefore provided. The Mayor so elected shall serve a term of four years, or until his successor is elected and qualified.

On the first Tuesday in November 2001 the qualified voters of the town shall also elect two persons to be members of the council of said town, one each from the 1st and 3rd wards, who shall have the necessary qualifications as hereinbefore provided. The councilmen so elected from the 1st and 3rd wards shall serve a term of 4 years, or until their successors are elected and qualified. The councilmen from the 2nd and 4th wards shall complete their present term of 4 years, or until their successors are elected and qualified. Thereafter, commencing with the first Tuesday in November 2003 and on the first Tuesday in November in every second year thereafter, the qualified voters of the town shall elect two persons to be members of the Council of said town, who shall have the necessary qualifications as hereinbefore provided, and who shall serve a term of four years, or until their successors are elected and qualified. (Res. No. 2-01, 3-27-01.) (See note (3))

Section 29. Conduct of elections generally.

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. The ballots and/or 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 board of supervisors of elections shall keep the polls open from 7:00 A.M. to 8:00 P.M. on election days or for longer hours if the council requires it.

Section 30. Absentee Voting.

The Mayor and Council shall make provisions for an absentee ballot for those persons who are qualified to vote and may be unavoidably absent from Chestertown for any reason on election day or for those persons who are qualified to vote and whose physical disability will prevent them from being present at the polls on election day.

Section 31. 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 32. Vote Count.

Within forty–eight hours 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 to the Town Manager who shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidates for councilmember with the highest number of votes in each ward in the general election shall be declared elected as councilmember to represent said ward in the town council.

Section 33. Ballots.

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

Section 34. Regulation and control by council.

The council shall have the power to provide by ordinance or emergency 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 35. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of the subtitle or any ordinances passed thereunder, or (b) willfully or corruptly does anything which will or will tend to affect fraudulently and registration, nomination, or town 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.

Finance

Section 36. 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 37. Budget.

The Mayor, on such date as the Council may require, but at least thirty–two days before the beginning of any fiscal year, shall submit to the Council 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 budget may also provide a contingent fund not to exceed ten per cent (10%) of the total amount of the budget. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall show in each category the amount budgeted for the current fiscal year and actual expenditures as of the the end of the previous month, as well as proposed expenditures for the coming fiscal year. Along with the budget the Mayor shall present a statement showing the Town’s total assets and liabilities. The budget shall be a public record in the office of the Mayor and Council open to public inspection by anyone during normal business hours.

Section 38. Same – Adoption.

Before adopting the budget, the Council shall hold a public hearing thereon after two successive weeks’ notice in some newspaper or newspapers having general circulation within the municipality. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such proposed total expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

Section 39. Appropriations.

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

Section 40. Transfer of funds.

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

Section 41. Over–expenditures forbidden.

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 expenditures pursuant to this charter. Any contract, verbal or written, made in violation of this charter 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 or notes, 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, nor the expending of money out of the contingent fund or other reserves or other surpluses for town purposes after the approval of the same by a majority of the total elected membership of the council.

Section 42. Appropriations lapse after one year.

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. Any expenditure of such surplus or unbudgeted funds in a subsequent year shall be by amendment to the budget to be adopted in the form of an ordinance.

Section 43. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by those designated by the Mayor. All checks shall require two signatures.

Section 44. 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 the municipal purposes, and the assessment used shall be the same as that for State and County taxes.

Section 45. Budget authorizes 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 46. Notice of tax levy.

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

Section 47. When taxes are overdue.

The taxes provided for in Section 45 of this charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first

day of the following October. They shall bear interest as set by the Mayor and Council as part of the budget ordinance for each month or fraction of a month until paid.

Section 48. Sale of tax–delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by Section 47 of this charter shall be turned over 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 the State law.

Section 49. 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 50. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 of the Annotated Code of Maryland.

Section 51. Tax anticipation borrowing.

During the first six months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a 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 fifty per centum (50%) of the property tax levy for the fiscal year in which such 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 Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 52. Borrowing on Notes.

At any time, the town shall have the power to borrow and to evidence such indebtedness by signing promissory notes. Such promissory notes shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the getting of promissory notes and shall not be required to solicit competitive bids upon the same, but shall be authorized to negotiate the best rate of interest available, privately, if the Council deems the same advisable.

Section 53. Payment of Indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidence of indebtedness issued by it under the authority of this charter and Section 31 of Article 23A of the Annotated Code of Maryland 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. All bonds payable as to principal and interest solely from the revenue of one or more revenue-producing projects of the town shall not constitute an indebtedness to which the full faith and credit or taxing power of the town are pledged. The full faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all other bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this charter and Section 31 of Article 23A of the Annotated Code of Maryland, whether or no [not] such pledge be stated in the bonds[,] notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 54. Borrowing.

(a) The town may borrow money for any public purpose, including refinancing of any indebtedness of the town outstanding from time to time, and may evidence such borrowing by the issue and sale of its general obligation bonds or bond anticipation notes. Such bonds or notes may be issued and sold in the manner prescribed in Sections 31 to 37, inclusive of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended and replaced), Title “Corporations – Municipal,” Subtitle “Home Rule,” Subheading “Creation of municipal public debt”; provided that, if any ordinance authorizing the issue and sale of any of such bonds or notes so specifies, the bonds or notes may be sold at private sale, without advertisement or publication of notice of sale, or solicitation of competitive bids.

(b) The authority and powers contained in this section shall be supplementary to existing law and may be exercised in whole or in part by the town notwithstanding any other provision or limitation of law.

Section 55. Issuance of revenue bonds.

The town may provide by ordinance for the issuance and sale of revenue bonds for the purpose of financing any part or all of the cost of construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance, and repair of any municipally owned property, facility or project. Such bonds are to be payable as to both principal and interest solely from the revenues of any portion or all of such property, facilities or projects as are financed by such revenue bonds. Such bonds shall not constitute an indebtedness to which the town’s faith and credit or taxing power are pledged and all such bonds shall contain on their faces a statement to that effect.

Section 56. Previous issues.

All bonds, notes or other evidences of indebtedness 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 57. Purchasing and contracts.

All purchases and contracts for the town government shall be made by the officer so designated by the Council. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than ten thousand dollars (\$10,000) will be made on written contract. The designated officer shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Mayor and Council shall have the right to reject all bids and readvertise. The town at any time, in its discretion, may employ its own forces for the construction or reconstruction of public improvements, without advertising (or re-advertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Res. No. 1-01, 3-27-01.) (See Note (3))

Personnel

Section 58. Authority to Employ Town Personnel.

The town will 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. The town will provide by ordinance for appointments and promotions in employment on the basis of merit and fitness.

Section 59. Town Manager.

(a) The Mayor, with the formal approval of the Council shall appoint an officer of the town who shall have the title of Town Manager. The Town Manager shall be chosen on the basis of having executive and administrative qualifications suitable for the position.

(b) The Town Manager shall be the chief financial officer of the town.

(c) The Town Manager shall be responsible for the day-to-day operation of the town and the enforcement of ordinances, under the direct supervision of the Mayor. He shall perform whatever other duties are specified by the Council.

(d) The Council may remove one or more departments from the powers and duties of the Town Manager and require the department head to report directly to the Mayor and Council. Such responsibility may be conferred upon the department head as determined by the Mayor and Council.

(e) Town Council members shall deal with the administrative services solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinate employee, either publicly or privately.

(f) The Town Manager may be removed by a majority vote of the Mayor and Council, but in no case is a vote on removal to be made unless fifteen (15) days prior notice is given in writing to all members of the Council.

(g) Should the office of Town Manager become vacant, the Mayor shall temporarily assume or delegate his powers and duties.

Section 60. Town Attorney.

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

Public Ways and Sidewalks

Section 61. Definition of public ways.

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

Section 62. Control of public ways.

The town shall have control of all public ways in the town except such as may be under the jurisdiction [jurisdiction] of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town.

Section 63. Powers of the town as regards the public ways.

The town shall have the power:

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

- (b) To grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (c) To grade, lay out, construct, open, extend, and make new town public ways.
- (d) To pave, surface, repave, or resurface any town public way or part thereof.
- (e) To install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.
- (f) To construct, reconstruct, maintain and repair bridges.
- (g) To name town public ways.
- (h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 64. Powers of town as to sidewalks.

The town shall have the power:

- (a) To establish, regulate, and change from time to time the grade lines, width, [and] construction materials of any sidewalk or part thereof.
- (b) To grade, layout, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
- (c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- (d) To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

Waters and Sewers

Section 65. 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 storm water drainage system and storm water 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 66. 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 shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, [or] storm water systems, the town may order it removed.

Section 67. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main 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 Section 80. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 68. Entering on county public ways.

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

Section 69. Connections.

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, 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 [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 70. Same – Charge.

The town may make a charge, the amount to be determined by the Council, 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 71. Changes in plumbing, etc., to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the town's 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 72. Private systems.

The town may by ordinance 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, 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 73. Extensions beyond boundaries.

The town shall have the power to extend its water and sewer mains beyond the town limits. (Res. No. 1, June 8, 1982.)

Section 74. 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 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 75. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor.

Section 76. Charges.

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 and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be lien on the property, collectible in the same manner including interest charges as town taxes or by suit at law.

Special Assessments

Section 77. Power of town to levy special assessments.

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 main, storm water sewers, curbs, and gutters and 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 78. 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 Council.
- (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, nor shall any special

assessment be levied which shall cause the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed fifty per centum (50%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(c) 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.

(d) All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. Notice shall 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 Council 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. A certificate of publication and mailing of the copies of the notice shall be presented at the hearing which certificate shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after completion of publication and service of notice as provided in this section. Following the hearing, the Council, in its discretion may vote to proceed with the project and may levy the special assessment.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the Council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed thirty years and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(g) All special assessments installments shall be overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and overdue special assessments including interest shall be collected in the same manner as town taxes or by suit at law.

Town Property

Section 79. Acquisition, possession, and disposal.

The town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease, or 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 80. Condemnation.

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 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 shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Annotated Code of Maryland. The town shall also have the power to condemn property for the purpose of Urban Renewal and redevelopment projects within the corporate limits of the town. The manner and procedure in case of any condemnation proceeding shall be that established in the Chestertown Urban Renewal Authority for Slum Clearance Act. (See Appendix I)

Section 81. Town 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 82. 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.

General Provisions

Section 83. Official bonds.

Such officers or employees of the town as the Council or this charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the town.

Section 84. Defense.

The Town may provide for proper legal defense of its officials and employees when they are parties to suits arising from the lawful performance of their official duties. The Town Attorney may be used in this defense or the Town Council may provide special legal counsel when it would not be appropriate or convenient for the Town Attorney to conduct the defense. The Town Council may appropriate funds to defray the costs of any such special legal defense, including the costs of insurance policies or other programs offering such protection.

Section 85. Prior rights and obligations.

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

Section 86. Violations and penalties.

(A) 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 before the District or Circuit Court for the County within which the offense is committed by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for 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, each day shall constitute a separate offense.

(B) (1) *Infractions.* The council 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. This fine shall never exceed \$100 for any single, initial violation, or \$200 for each repeat or continuing violation. 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 council to any other administrative or legislative body.

(2) *Issuance of citation.* Those code enforcement officials authorized by the Council to enforce this code may deliver a citation to any person alleged to be committing an infraction. A copy of the citation shall be retained by the town and shall bear the certification of the enforcing official attesting to the truth of the matter set forth in the citation. The citation shall contain at a minimum the following information:

- (a) Name and address of the person charged;

- (b) The nature of the infraction;
- (c) The location and time that the infraction occurred or was observed;
- (d) The amount of the infraction fine assessed;
- (e) The manner, location, and time in which the fine may be paid to the town; and
- (f) The right of the accused to stand trial for the infraction.

(3) *Payment of fine.* The fine for an infraction shall be as specified in the law violated. The fine is payable by the recipient of the citation to the Town within 20 calendar days of receipt of the citation.

(4) *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. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

(5) *Election to stand trial.* A person receiving the citation for an infraction may elect to stand trial for the offense by notifying the Town in writing of his intentions of standing trial. The notice shall be given at least 5 days prior to the date of payment as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the Town shall forward to the district court having venue a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the district court for violations of infractions shall be remitted to the general fund of the Town.

(6) *Failure to pay fine.* If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, a formal notice of the infraction shall be sent to the offender's last known address. If the citation has not been satisfied within 15 days from the date of the notice, he shall be liable for an additional fine not to exceed twice the original fine. If after 36 days the citation has not been satisfied, the Town may request adjudication of the case through the District Court. The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(7) *Conviction not criminal offense.* Conviction of a municipal infraction, whether by the District Court or by payment of the fine to the town, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(8) *Court proceedings and rights of accused.* In any proceeding for a municipal infraction, the accused shall have the same rights as for the trial of criminal cases. He shall have the right to cross-examine witnesses against him, to testify or introduce evidence in his own behalf and to be represented by an attorney of his own selection and at his own expense.

Section 87. 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) All ordinances, resolutions, rules and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter are repealed and the same hereby are repealed to the extent of such conflict.

Section 88. Separability.

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

Section 89. "Town" construed to mean "city".

Whenever in this article the word "Town" shall appear, it shall be taken and construed to mean also the word "City".

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Note (2))

Section A1-101. Definitions.

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

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

(f) “Urban Renewal Area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

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

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

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

(j) “Municipality” means the Town of Chestertown.

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 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 connectin [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;

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

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

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

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

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

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

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

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

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

Section A1-104. Establishment of Urban Renewal [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 Section A1-106 of this appendix.
- (b) Issue general obligation bonds pursuant to Section A1-109 of this appendix.
- (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 areas;

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

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may 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 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 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 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 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, monies or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. 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, monies in an amount which (together with any other monies 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 monies 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 Chestertown 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) The above bearings are based upon a true meridian as established from U. S. Coast and Geodetic Monument “College,” which azimuth has been established for all town control monuments.

(2) 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 Chestertown in Chapter 380 of the Acts of the General Assembly of 1975.

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 Chestertown 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.

(3) Resolution Number 1–01 and 2–01, effective March 27, 2001, attempted to amend Article VI, Section C6–21 and Article V, Section 5–7. The Charter on file does not follow this numbering. However, the corresponding section numbers in the Charter on file are Section 57 and 28, and the amendment to Sections 57 and 28 will be reflected accordingly.

