

CHARTER

OF THE

Town of Denton

CAROLINE COUNTY, MARYLAND

*As adopted by Resolution No. 1
Effective December 27, 1994*

(Reprinted November 2008)

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

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Department of Legislative Services
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CONTENTS

ARTICLE I Corporate Powers

Section

C1-1. Incorporation; corporate powers.

ARTICLE II Corporate Limits; Annexations

C2-1. Filing of corporate limits; records available for inspection.
C2-2. Town boundaries.
C2-3. Annexations.

ARTICLE III The Commissioners

C3-1. Number; selection; terms.
C3-2. Qualifications.
C3-3. Salary.
C3-4. Meetings.
C3-5. Council to be judge of qualifications of its members.
C3-6. Mayor, Vice Mayor and Mayor Pro Tem.
C3-7. Quorum.
C3-8. Determination of rules and order of business; minutes.
C3-9. Vacancies.
C3-10. Filling of vacancies.
C3-11. Forfeiture of office.
C3-12. Ordinances.
C3-13. Emergency ordinances.
C3-14. Advisory boards and commissions.

ARTICLE IV Powers of the Council

C4-1. General powers; enumeration.
C4-2. Exercise of powers.
C4-3. Enforcement of ordinances.

ARTICLE V Registration, Nomination and Elections

C5-1. Regular elections.

- C5-2. Qualifications of voters.
- C5-3. Board of Supervisors of Elections.
- C5-4. Removal of members of Board of Supervisors of Elections.
- C5-5. Duties of Board members.
- C5-6. Notice of registration days and elections.
- C5-7. Appeal from action of Board of Supervisors of Elections.
- C5-8. Nominations.
- C5-9. Elections of Councilpersons.
- C5-10. Conduct of elections.
- C5-11. Absentee ballot.
- C5-12. Mailing of absentee ballots.
- C5-13. Write-in votes.
- C5-14. Special elections.
- C5-15. Vote count.
- C5-16. Preservation of ballots and records.
- C5-17. Regulation and control.
- C5-18. Women and election process; word usage.
- C5-19. Violations and penalties.

ARTICLE VI

Finance

- C6-1. Fiscal year.
- C6-2. Submission of budget.
- C6-3. Budget message.
- C6-4. Budget form and scope.
- C6-5. Council action on budget.
- C6-6. Appropriation Ordinance.
- C6-7. Amendments after adoption.
- C6-8. Overexpenditures.
- C6-9. Appropriations lapse.
- C6-10. Checks.
- C6-11. Taxable property.
- C6-12. Notice of levy.
- C6-13. Taxes: levy and limitations.
- C6-14. Assessments of annexed property.
- C6-15. Overdue taxes.
- C6-16. Sale of tax delinquent property.
- C6-17. Fees.
- C6-18. Audits.
- C6-19. Tax anticipation borrowing.
- C6-20. Payment of indebtedness.
- C6-21. Borrowing authority.
- C6-22. Previous indebtedness.
- C6-23. Purchasing and contracts.

**ARTICLE VII
Administration**

- C7-1. Town Administrator.
- C7-2. Clerk-Treasurer.
- C7-3. Town Attorney.
- C7-4. Development of administrative policy.
- C7-5. Authority to employ personnel.
- C7-6. Retirement system.
- C7-7. Compensation of employees.
- C7-8. Employee benefit programs.
- C7-9. Unlawful activities.

**ARTICLE VIII
Public Ways and Sidewalks**

- C8-1. Definitions.
- C8-2. Control of public ways.
- C8-3. Public ways: town powers.
- C8-4. Sidewalks: town powers.

**ARTICLE IX
Water and Sewers**

- C9-1. Town powers.
- C9-2. Placing structures in public ways.
- C9-3. Obstructions.
- C9-4. Entering on county public ways.
- C9-5. Connections.
- C9-6. Charge for connections.
- C9-7. Improper uses.
- C9-8. Private systems.
- C9-9. Extensions beyond boundaries.
- C9-10. Right of entry.
- C9-11. Pollution of water supply.
- C9-12. Contracts for water.
- C9-13. Charges.

**ARTICLE X
Special Assessments**

- C10-1. Powers; special assessments.
- C10-2. Procedures for special assessments.

ARTICLE XI Town Property

- C11-1. Acquisition, possession and disposal.
- C11-2. Condemnation.
- C11-3. Town buildings.
- C11-4. Protection of town property.

ARTICLE XII General Provisions

- C12-1. Oath of office.
- C12-2. Surety bonds.
- C12-3. Prior rights and obligations.
- C12-4. Effect on other laws.
- C12-5. Severability.
- C12-6. Violations and penalties.

ARTICLE XIII Redevelopment; Urban Renewal

Repealed. See Appendix I.

ARTICLE XIV Transitional Provisions

- C14-1. Officers and employees.
- C14-2. Continuance of office or employment.
- C14-3. Personnel system.
- C14-4. Council.

APPENDIX I Urban Renewal Authority for Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Additional Powers.
- A1-104. Establishment of Urban Renewal Agency.
- A1-105. Powers Withheld from the Agency.
- A1-106. Initiation of Project.
- A1-107. Preparation and Approval of Plan for Urban Renewal Project.
- A1-108. Disposal of Property in Urban Renewal Area.
- A1-109. Eminent Domain.
- A1-110. Encouragement of Private Enterprise.
- A1-111. General Obligation Bonds.

- A1-112. Revenue Bonds.
- A1-113. Short Title.
- A1-114. Authority to Amend or Repeal.

DENTON

(See Notes (17) and (20))

ARTICLE I Corporate Powers

Section C1-1. Incorporation; corporate powers.

The inhabitants of Denton, within the corporate limits legally established from time to time, are hereby constituted and continued a body corporate by the name of the “Town of Denton,” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common Seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE II Corporate Limits; Annexations

Section C2-1. Filing of corporate limits; records available for inspection.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of the Circuit Court for Caroline County, the Commissioner of the Land Office, the Director of the Department of Legislative Reference [Services] (See note (1)) and in the office of the President or of the Clerk-Treasurer. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

Section C2-2. Town boundaries.

The boundaries of the Town of Denton are as follows: beginning for the same at a point at the mouth of Saulsbury’s Branch at the northwest corner of the limits of said town as shown on a plat of the same recorded among the Land Records of Caroline County in Liber J.K.S. No. 75, Folio 187, and running thence westerly, parallel to the railroad, to the navigable channel of the Choptank River; thence down the Choptank River with the navigable channel thereof, to a point in said navigable channel opposite the mouth of a branch shown in said plat at the southwesternmost corner thereof; thence easterly, up said branch and with the meanderings thereof to the southwestern corner of the corporate limits as shown on said plat; thence with said limits, as shown, north 82° 10’ east 225 feet, more or less, to the easterly side of South Second Street extended, as shown on a plat of the Lawrence B. Towers Subdivision of the lands of John S. Barnhart, recorded among the Land Records of Caroline County in Liber No. 81, Folio 98; thence southerly with the easterly side of said street, as shown on the last-named plat, 332 feet, more or less, to the division line between Lots Nos. 16 and 17; thence easterly with the division line between said Lots Nos. 16 and 17, 150 feet, more or less, to a twenty-foot alley there being, and shown on said plat; thence with the westerly side of said alley, as there shown, south 5° 45’

west 417.2 feet, more or less, to the Kerr land; thence easterly with the Kerr land and the southerly side of a thirty-foot street shown on said plat, 1213 1/2 feet, more or less, to the eastern limits of Lot No. 29 as shown on said plat; thence northerly with the division line between said Lot No. 29 and the Towers and Redden land as shown on a plat recorded among the Land Records of Caroline County in Liber No. 69, Folio 573, 500 feet, more or less, to a corner in said town's limits at the northern side of Choptank Avenue as shown on the aforesaid plat recorded in Liber No. 75, Folio 187; thence with said town limits as shown on said last-mentioned plat to the place of beginning. (Amended 10-30-1984 by Res. No. 327.)

Section C2-3. Annexations.

A. *Annexation of 1967.* The boundaries of the Town of Denton are hereby extended to include the following lands contiguous and adjoining to the existing corporate boundaries of said town; beginning for the outlines thereof at a marble marker at the northeast corner of the intersection of Sunnyside Avenue and Seventh Place, which marker is on the south boundary line of the Town of Denton, Maryland, and is so inscribed; thence binding with the north lot lines of Sunnyside Avenue north $75^{\circ} 52'$ east 557.75 feet to a concrete marker set in the northeast corner of the intersection of Sunnyside Avenue and South Eighth Street; thence binding with the east side of South Eighth Street, south $22^{\circ} 05'$ west 196.7 feet to a concrete marker; thence still binding on the east side of South Eighth Street, south $14^{\circ} 08'$ east 396.85 feet to a concrete marker set on the southeast corner of the intersection of Choptank Avenue and South Eighth Street; thence still binding with the east side of South Eighth Street, south $14^{\circ} 08'$ east 550.0 feet to a concrete marker set at the southeast corner of the intersection of Kerr Avenue and said South Eighth Street; thence binding with the south side of Kerr Avenue, south $75^{\circ} 52'$ west 815.75 feet to a concrete marker at the southeast corner of the intersection of Kerr Avenue and Maryland State Highway No. 404; thence binding with the east right-of-way line of said highway, south $14^{\circ} 30'$ east 500.0 feet to a concrete marker set at the southeast corner of the intersection of Maryland State Highway No. 404 and South Avenue; thence still binding with the east right-of-way line of the aforesaid highway, south $14^{\circ} 30'$ east 370.6 feet to a concrete marker set over the center of the culvert pipe carrying the water of the stream known as "Kerr's Branch" under the state highway; thence binding with the thread of said branch and across a small pond; south $51^{\circ} 56'$ west 511.3 feet to a point on the pond's earth dam; thence binding with the thread of said Kerr's Branch the following 6 courses immediately adjacent to said branch (1) south $69^{\circ} 18'$ west 149.8 feet; (2) south $87^{\circ} 54'$ west 135.5 feet; (3) north $16^{\circ} 6'$ west 55.75 feet; (4) north $87^{\circ} 47'$ west 286.85 feet; (5) south $58^{\circ} 29'$ west 158.0 feet; (6) south $84^{\circ} 34'$ west 118.5 feet to a concrete marker; thence binding with the east lot lines of the lots facing on Siesta Drive south $00^{\circ} 56'$ west 508.55 feet to a concrete monument on the back lot line of lots facing on Siesta Drive; thence binding with the aforesaid back lot lines the following 2 courses; (1) north $88^{\circ} 19'$ west 456.0 feet, and (2) north $87^{\circ} 51'$ west 147.75 feet to a concrete monument; thence north $00^{\circ} 54'$ east 201.53 feet to a concrete monument on the south lot line of Siesta Drive; thence south $88^{\circ} 22'$ east 399.9 feet to a concrete monument at the southeast corner of the intersection of Siesta Drive and Susanne Street; thence across Siesta Drive north $01^{\circ} 45'$ east 50.0 feet to a concrete monument at the northeast corner of the aforesaid intersection; thence binding with the north lot lines of Siesta Drive north $88^{\circ} 16'$ west 98.05 feet to a marble marker; thence north $01^{\circ} 45'$ east 177.55 feet to an iron pipe on the south side of Kerr's Branch; thence binding with the thread of Kerr's Branch the following 3 courses immediately adjacent to said stream; (1) north

67° 00' west 309.1 feet; (2) north 48° 14' west 362.38 feet; (3) south 52° 14' west 53.1 feet to a concrete marker set on the south bank of the branch approximately 7.0 feet from the center of the stream; thence south 01° 12' west 152.8 feet to a concrete monument at the southeast corner of the town's sewage pumping station property; thence north 88° 48' west 136.35 feet to a concrete monument on the west side of South Second Street (extended); thence binding with the west side of said South Second Street, north 00° 48" east 292.1 feet to a concrete marker set on the southwest corner of the intersection of South Second Street and Sunset Drive; thence binding with the south, west and northern sides of circular Sunset Drive the following 6 courses: (1) north 83° 13' west 321.3 feet to a concrete monument; (2) north 89° 13' west to a point; (3) north 80° 41' west 50.0 feet to a point; (4) north 78° 11' west 34.0 feet to a point; (5) north 72° 11' west 33.0 feet to a concrete monument; (6) north 33° 11' west 5.0 feet to a spike in the west edge of a driveway; thence south 63° 29' west 388.0 feet to Kerr's Branch; thence binding with said branch north 60° 31' west 203.0 feet to its intersection with the Choptank River; thence with said river the following 4 courses: (1) north 15° 29' east 148.0 feet; (2) north 31° 29' east 144.0 feet; (3) north 65° 59' east 265.0 feet; (4) north 45° 59' east 72.0 feet; thence south 54° 01' east 145 feet to an iron pipe on the northwest side of Sunset Drive; thence north 37° 19' east 101.45 feet to a point; thence north 84° 21' east 430.0 feet to an iron pipe at the northwest corner of the northern intersection of Sunset Drive and South Second Street; thence binding with the west side of South Second Street, north 00° 48' east 150.7 feet to an iron pipe; thence diagonally across South Second Street, north 49° 34' east 52.73 feet to a concrete marker set in the northeast corner of the intersection of South Second Street and Kerr Avenue; thence binding with north side of Kerr Avenue north 84° 34' east 150.0 feet to a concrete monument at the corner of an alley, which point is on the existing boundary of the Town of Denton; thence following the present boundary line of the Town of Denton to the place of beginning.

B. *Annexation of 1971.* The boundaries of the Town of Denton are hereby extended to include the following lands contiguous and adjoining to the existing corporate boundaries of said town:

(1) Beginning for the same at a concrete monument at the southeast corner of the intersection of Maryland Highway No. 404 and Kerr Avenue, said monument being at the most westerly corner of the hereinafter described land and being at the end of the fifth course of the description of the land annexed by the Town of Denton in 1967, and from said place of beginning running (1) by and with the south side of said Kerr Avenue and the Town of Denton, north 75° 52' east 790 feet; thence by and with the land of the Commissioners of Caroline County the following 2 courses and distances: (2) south 14° 30' east 130 feet to a concrete monument; thence (3) south 75° 52' west 360 feet to a concrete monument and the land of Ralph W. Paul; thence with said Paul land the following 2 courses and distances: (4) south 14° 30' east 320 feet to the north side of South Avenue; thence (5) by and with the north side of the said South Avenue, south 75° 52' west 240 feet thence (6) north 14° 30' west 350 feet to a concrete monument and the most easterly corner of the land of Edward R. Henry; thence (7) by and with the southerly side of said Henry land south 75° 52' west 190 feet to a concrete monument and the east side of the aforementioned Maryland Highway No. 404; thence (8) by and with the easterly side of said highway, north 14° 30' west 100 feet to the place of beginning, containing 3.990 acres of land, more or less.

(2) Beginning for the same at the point of intersection of the northwesternmost right-of-way line of Maryland Route 313 and the center line of an existing stream, said stream also being the present town boundary of the Town of Denton: Thence leaving said point of beginning and binding on the aforementioned Maryland Route 313 right-of-way line, north $41^{\circ} 28' 50''$ east 78 feet to a point. Said point being at the intersection of the northwesternmost right-of-way line of Maryland Route 313 and the northeasternmost right-of-way line of Wilmuth Avenue; thence leaving said point and binding on the aforesaid right-of-way line of Wilmuth Avenue, north $50^{\circ} 46' 10''$ west 200 feet to a corner post found; thence leaving said post and binding on the southeastern side of a twenty-foot alley, north $41^{\circ} 28' 50''$ east 601.50 feet to a point in the northeasternmost right-of-way line of Caroline Street; thence leaving said point and binding on the aforesaid right-of-way line, north $50^{\circ} 58' 40''$ west 257.89 feet to a point; thence leaving said point and binding on the division line between the lands of Leslie Pinkett, Donald Trice and Ormand Andrew, north $35^{\circ} 32' 30''$ east 367.95 feet to an iron pipe found; thence leaving said pipe and binding on the division line between the lands of Donald Trice, William Lake and Elmer Shoemaker, north $55^{\circ} 34' 40''$ west 410.85 feet to an iron pipe found; thence leaving said pipe and still binding on the aforementioned division line, south $31^{\circ} 14' 30''$ west 119.07 feet to a point; thence leaving said point and binding on the division line between the lands of Poindexter, Gates, Hammond, Brown, Carter and Shoemaker, north $61^{\circ} 86' 20''$ west 748.76 feet to a point; thence leaving said point and binding on the division line between the lands of the Board of Education and Elmer Shoemaker, north $16^{\circ} 22' 50''$ east 299.31 feet to a concrete monument found; thence leaving said monument and binding on the division line between the lands of the Board of Education and Donald Trice the following 4 courses and distances: north $67^{\circ} 39' 00''$ west 196.59 feet to a concrete monument found, south $81^{\circ} 52' 30''$ west 88 feet to a concrete monument found; north $61^{\circ} 10' 00''$ west 296.59 feet to a concrete monument found; and north $85^{\circ} 25' 10''$ west 196.87 feet to an iron pipe found in the mean high-water line of the Choptank River; thence leaving said pipe and binding on the aforesaid mean high-water line of the Choptank River in a southerly direction to a point in the center line of the aforementioned stream and the town boundary of the Town of Denton; thence leaving said point and binding on the aforesaid stream and the town boundary line in a southeastern direction to the place of beginning, as surveyed by J.R. McCrone, Jr., Inc., registered engineers and land surveyors, in October 1970.

C. *Annexation of October 1971.* The boundaries of the Town of Denton are hereby extended to include the following lands contiguous and adjoining to the existing corporate boundaries of said town: beginning for the outbounds of the same at a point on the line between the lands of W. Henry Brown and the lands of John J. Smith and wife, described in a deed from William S. Orme, widower, to John J. Smith and Esther R. Smith, his wife, recorded in Liber M.C.B. No. 152, Folio 697, one of the Land Record Books for Caroline County. At the southeast corner of the said Smith lot and running thence north $80^{\circ} 30'$ west 206 feet with the Smith line and the boundary line of the Town of Denton to a concrete marker on the east side of Suzanne Street (formerly called Pine Street); thence south with the east side of Suzanne Street south $9^{\circ} 30'$ west 250 feet to the northwest corner of the Francis Holsinger property; thence with said Holsinger line south $80^{\circ} 30'$ east 203 feet to the lands of Helen M. Brown; thence with said Brown lands north $9^{\circ} 30'$ east 250 feet to the place of beginning, containing about 50,750 square feet of land, more or less.

D. *Annexation of 1973.* The boundaries of the Town of Denton are hereby extended to include the following lands contiguous and adjoining to the existing corporate boundaries:

(1) *Murphy, Middlemas and Henry lands on Fifth Avenue extended.* All those lots, pieces or parcels of land situate, lying and being in the Third Election District for Caroline County, Maryland on the easterly side of Fifth Avenue extended (same being old Maryland State Route No. 404) and more fully described as follows: beginning for the outbounds thereof at the northeasterly corner of the intersection of said Fifth Avenue and South Avenue and at the southwesterly corner of the lot of Virginia G. Murphy; thence (1) with the northerly side of said South Avenue north $81^{\circ} 47'$ east 200 feet to a fifteen-foot alley; thence (2) running with the westerly edge of said fifteen-foot alley north $08^{\circ} 13'$ west 350 feet; thence (3) south $81^{\circ} 47'$ west 200 feet to the easterly side of said Fifth Avenue; thence (4) with said Fifth Avenue south $08^{\circ} 13'$ east 350 feet to the place of beginning containing 70,000 square feet or 1.607 acres of land, more or less. It being Lot Nos. 28, 29, 30, 31, 32, 33 and 34 shown on a plat entitled "L.B. Towers Addition to Denton" and recorded in Liber L.B.T No. 73, Folio 386, one of the Land Records for Caroline County, Maryland. It being the same property described in the following deeds: (1) the remainder of Virginia D. Murphy land described in Liber D.R.H. No. 110, Folio 387; William B. Middlemas, Jr., and wife land described in a deed recorded in Liber M.C.B. No. 180, Folio 403; the Edward R. Henry and wife land described in a deed recorded in Liber D.R.H. No. 154, Folio 260, all among Land Records of Caroline County, Maryland.

(2) *Helen Mae Brown and Helen Darlene McMahan land on Pine Street.* All that piece or parcel of land, situate, lying and being in the Third Election District of Caroline County, State of Maryland, on the southern outskirts of the Town of Denton, more particularly described as follows: beginning for the outlines thereof at the southeast corner of the Gloyd lot at the west line of Pine Street, and running thence south $9^{\circ} 30'$ west 200 feet to the intersection with an unnamed street; thence north $80^{\circ} 30'$ west 200 feet with the north line of said street; thence north $9^{\circ} 30'$ east 200 feet; thence south $80^{\circ} 30'$ east to the place of beginning, containing whatsoever quantity of land it may, according to survey of J. Malcolm Bye, registered surveyor, dated March 6, 1964, it being the same land described in a deed recorded in Liber M.C.B. No. 175, Folio 258, one of the Land Records of Caroline County, Maryland.

(3) *Wesleyan District Parsonage land on Second Street extended.* All those 2 parcels of land situate, lying and being in the Third Election District of Caroline County, State of Maryland, on the east side of Second Street extended near the Town of Denton, more particularly described as follows:

(a) Parcel No. 1, beginning for the same at an iron post in the center of the stream at the southwest corner of Lot No. 50 as laid out on plat of the Orme subdivision of the Kerr lands, as recorded in Liber D.R.H. No. 109, Folio 229, one of the Land Record Books for Caroline County, Maryland; thence running with the east side of said Second Street extended south 9° west 350 feet to an iron post; thence south 81° east 300 feet to an iron post; thence north 9° east 280 feet to an iron post in the center of said stream; thence westerly with the center of said stream to the place of beginning, containing 2.42 acres of land, more or less.

(b) Parcel No. 2, beginning for the same at the southwest corner with the the land conveyed by William S. Orme and Martha B. Orme, his wife, to James A. Wise and Dorothy D. Wise, his wife, by deed dated April 1, 1955, and recorded among the Land Records for Caroline County, Maryland, in Liber D.R.H. No. 125, Folio 329, and running with the same in an easterly direction 300 feet; thence southerly and parallel with said Second Street extended 100 feet, thence westerly and parallel with the first line hereof 300 feet to the east side of said Second Street extended 100 feet, thence westerly and parallel with the first line hereof 300 feet to the east side of said Second Street extended; thence with the same in a northerly direction to the place of beginning, containing whatsoever quantity of land it may.

(c) Save and except therefrom all that part of Parcel No. 1 as mentioned and described in a deed from said James A. Wise et al. to the Commissioners of Denton dated April 21, 1964, and recorded among the Land Records for Caroline County, Maryland, in Liber D.R.H. No. 153, Folio 375, described as follows: beginning for the same at a point on the east line of Second Street, 50 feet wide as now laid out and existing, said point being at the center line of an existing culvert and stream, and running thence in the meridian of the stream with and along said east line of Second Street, south 9° west 108 feet to a point, thence leaving said east line of Second Street and running south 81° east 95 feet to a point; thence north 9° east 75 feet, more or less, to intersect the center line of a stream; thence with and along the center line of said stream 115 feet, more or less, to the point of beginning, containing 8,554 square feet, or 0.1964 acres, more or less. It being the same land described in a deed to the Delmarva District of the Wesleyan Church, Inc., recorded in Liber M.C.B. No. 170, Folio 401, among the Land Records of Caroline County, Maryland.

(4) *Dunn and Harper lands on Second Street extended and Siesta Drive.* All those lots, pieces or parcels of land situate, lying and being in the Third Election District of Caroline County, State of Maryland, being more particularly described as follows: beginning on the west line of South Second Street in the center of the stream of Kerr's Branch; thence running by line of said street south $9^{\circ} 30'$ west 440.0 feet to the north line of a proposed fifty-foot street or road; thence turning at a right angle and running with the line of the same north $80^{\circ} 20'$ west 361.0 feet to a concrete monument set at the line of William S. Orme land; thence turning at a right angle and running with the line of the same north $9^{\circ} 30'$ east 205.0 feet to a concrete monument set on the west bank of a gully; thence running across low land north $17^{\circ} 00'$ west 84.0 feet to a marked gum tree; thence continuing on by the same course approximately 50 feet to the stream of said branch; thence turning and running by center of the same in a northwesterly direction to the place of beginning and containing a calculated area of 3.3 acres of land. It being the same property described in the following 2 deeds: (1) W.E. Dunn and wife land described in a deed recorded in Liber D.R.H. No. 130, Folio 234; and (2) Thomas W. Harper and wife land described in Liber M.C.B. No. 181, Folio 397, both among the Land Records of Caroline County, Maryland.

(5) *Welch land; 104 Sunset Drive.* All those three (3) lots, places or parcels of land and improvements situate, lying and being in the Third Election District of Caroline County, Maryland, on the northerly side of Sunset Drive, and being Lot Nos. 10, 11 and 12, as shown on a plat entitled "William S. Orme Subdivision of the Jonathan W. Kerr land," said plat being recorded in Liber D.R.H. No. 109, Folio 229, one of the Land Records for Caroline County,

Maryland, said land being more fully described as follows: beginning for the outbounds thereof at the northerly edge of said Sunset Drive and at the southwesterly corner of Lot No. 3 as shown on the aforementioned plat; thence (1) north 90° east 150 feet; thence (2) north 88° west 150 feet to Lot No. 13 as shown on said plat; thence (3) with said Lot No. 13 south 9° west 150 feet to the aforesaid Sunset Drive; thence (4) with said Sunset Drive south 88° east 150 feet to the place of beginning, containing 22,500 square feet of land, more or less. It being the same land described in a deed from Olivia Cann Carter, widow, to J. Edward Welch and Eleanor R. Welch, his wife, dated December 5, 1972, and recorded in Liber M.C.B. No. 179, Folio 81, one of the Land Records for Caroline County, Maryland.

E. *Annexation of October 1975.* The boundaries of the Town of Denton are hereby extended to include the following lands contiguous and adjoining to the existing corporate boundaries of said town:

(1) *Parcel One.* All that piece or parcel of land situate, lying and being in the Third Election District of Caroline County, State of Maryland, and more particularly described as follows: beginning for the same at the north side of East Gay Street (30 feet wide) being the common corner of Nuttle Lumber and Coal Company described in a deed in the Land Records of Caroline County, State of Maryland, in Liber D.R.H. No. 112, Folio 390, and Thomas Brown described in Liber D.R.H. No. 153, Folio 127, also an angle point in the previous boundary of the Town of Denton; thence with said line (1) north 17° 54' 20" east 166.48 feet to a point near a monument found; thence (2) south 64° 30' 00" east 82.00 feet to an iron pipe found near a concrete monument; thence (3) south 25° 30' 00" west 27.02 feet to a point; thence (4) south 64° 30' 00" east, 120.65 feet to a point; thence (5) south 70° 59' 00" east, 16.75 feet to a concrete monument; thence (6) south 88° 39' 10" east 99.06 feet to a point passing over a concrete monument found 63.16 feet from the beginning; thence (7) south 85° 30' 00" east, 162.30 feet to a point; thence (8) south 04° 30' 00" west 250.00 feet to a point on the north side of Hobbs Road (30 feet wide); thence (9) north 85° 30' 00" west 98.20 feet to a point on the south side of East Gay Street; thence (10) north 65° 30' 00" west 437.11 feet to a point; thence (11) north 25° 30' 00" east 30.00 feet to the point of beginning, containing a computed area of 2.343 acres of land, according to a survey made by Frank J. Colt and Associates, registered land surveyor, May, 1975.

(2) *Parcel Two.* All that piece or parcel of land situate, lying and being in the Third Election District of Caroline County, State of Maryland, and more particularly described as follows: beginning for the same on the north side of Caroline Street (50 feet wide) being 200 feet west of the intersection of Maryland Route 313 and also the previous boundary of the Town of Denton, thence to run along the north side of Caroline Street thence (1) south 50° 46' 10" east 200.00 feet to a concrete monument set at the intersection of Maryland State Route 313; thence, to cross and include that portion of Caroline Street; thence (2) south 41° 28' 50" west 605.04 feet to an iron pipe set at the southeast corner of Lot No. 1 as described in a plat of Carter's Subdivision of the Georgeanna Gravatt land recorded in the Land Records of Caroline County, State of Maryland, in Liber L.B.T. No. 79, Folio 462, and the intersection of Wilmuth Avenue; thence with the previous town boundary the following 2 courses: (3) north 50° 46' 10" west 200.00 feet to a concrete monument set; thence (4) north 41° 28' 50" east, 605.04 feet to the point

of beginning, containing a computed area of 2.775 acres of land, according to a survey made by Frank J. Colt and Associates, registered land surveyor, May 1975.

(3) *Parcel Three.* All that piece or parcel of ground situate, lying and being in the Third Election District of Caroline County, State of Maryland, on the southern outskirts of the Town of Denton, Maryland; that portion of Pine Drive, formerly known as "Suzanne Street," 50 feet wide, being more particularly described as follows: beginning at a point at the end of the 21st line of the area to be annexed by the Town of Denton by resolution dated October 19, 1967, and December 20, 1973, made by E. Todd, February 1974, the same point being the southwest corner of Earl Towers property described in the Land Records of Caroline County, State of Maryland, in Liber M.C.B. No. 173, Folio 148, also common side with Francis L. Holsinger property, described in Liber M.C.B. No. 158, Folio 370; thence along said line (1) north 88° 19' 00" west 50.00 feet to a point at the intersection of Martha Jane Street; thence (2) north 00° 54' 00" east 50.0 feet to a point at the end of the 24th line of the resolution dated October 19, 1967, and December 20, 1973; thence continuing along Pine Drive, formerly known as "Suzanne Street" the following 3 courses: (3) north 00° 54' 00" east 200.00 feet to a point; thence (4) south 88° 19' 00" east 50.00 feet to a point; thence (5) south 00° 54' 00" west 250.00 feet to the point of beginning, containing a computed area of 12,400 square feet of land, according to a plat made by Frank J. Colt and Associates, dated May 1975, for the Commissioners of Denton.

F. *Annexation of August 1976.* The boundaries of the Town of Denton are hereby extended to include the following lands contiguous and adjoining to the existing corporate boundaries of said town:

(1) *Parcel One.* All that piece or parcel of land, situate, lying and being near the Town of Denton in the Third Election District of Caroline County, State of Maryland, and being more particularly described as follows: beginning for the same at a concrete monument set on the west side of the Denton By-Pass, Maryland Route 404, said point 100.00 feet opposite the centerline Station P.T. 108 + 15.68 as shown on Maryland State Road Commission Plat No. 37956; thence (1) south 14° 58' 02" 150.00 feet to a point of intersection on the north side of Sharp Road (50 feet wide); thence with said road (2) South 89° 19' 33" west 1570.63 feet to a point on the southwest corner of a deed from M. Louise Dukes, Catherine Dukes Magruder and Anne Dukes Fonvielle to W. Henry Brown and Helen Mae Brown, et ux, recorded in the Land Records of Caroline County, Maryland, in Liber D.R.H. 125 at Folio 462; thence with the west side of said tract (3) north 00° 30' 53" west 1292.66 feet to a point; thence (4) north 82° 36' 07" east 118.50 feet to a point; thence (5) north 57° 02' 07" east 158.00 feet to a point; thence (6) south 89° 13' 53" east 286.85 feet to a point; thence (7) south 17° 32' 53" east 55.75 feet to a point; thence (8) north 86° 27' 07" east, 135.50 feet to a point; thence (9) north 67° 51' 07" east 149.80 feet to a point; thence (10) north 50° 29' 07" east 511.30 feet to a point on the east side of Fifth Street; thence (11) north 15° 56' 53" west 370.60 feet to a point; thence (12) north 15° 56' 53" west 45.03 feet to a point on the north side of South Avenue; thence with South Avenue (13) north 74° 03' 07" east 430.22 feet to a concrete monument found; thence (14) north 15° 56' 53" west 320.00 feet to a point; thence (15) north 74° 03' 07" east 360.00 feet to a point; thence (16) north 15° 56' west 130.00 feet to a point on the south side of Kerr Avenue, now part of the Nursing Home of Denton; thence (17) north 74° 03' 07" east 255.55 feet to a point; thence (18) north 15° 56' 53" west 927.84 feet to a point on the east side of Eighth Street; thence (19) north

20° 16' 07" east 221.22 feet to the intersection of the north side of Sunnyside Avenue being north 74° 03' 07" east 557.75 feet from a concrete monument found; thence (20) north 74° 03' 07" east 1051.56 feet to a concrete monument set on the west side of Franklin Avenue (Denton By-Pass, Route 404 as shown on M.S.R.C. Plat Nos. 37951 and 38171); thence along a curve deflecting to the right having an arc length of 164.17 feet and a radius of 946.45 feet and a chord bearing and distance of (21) south 48° 24' 56" east 163.96 feet to a concrete monument set 50 feet from the P.T. Station 44 + 12.14; thence (22) south 43° 26' 48" east 234.21 feet to a concrete monument set 50 feet from the P.C. Station 46 + 46.35; thence along a curve deflecting to the right having an arc length of 812.75 feet and a radius of 522.96 feet and a chord bearing and distance of (23) south 01° 04' 33" west 733.39 feet to a concrete monument set 111.00 feet opposite center-line station 74 + 32.37 = 55 + 36.80 as shown on M.S.R.C. Plat 37952; thence (24) south 45° 22' 43" west 536.68 feet to a concrete monument set, being 100.00 feet opposite center-line station 79 + 69 as shown on M.S.R.C. Plat 37953; thence (25) South 46° 33' 12" west 385.85 feet to a concrete monument set 100.00 feet opposite center-line station P.C. 83 + 54.85; thence along a curve deflecting to the left having an arc length of 2568.19 feet and a radius of 2391.83 feet and a chord bearing and distance of (26) south 15° 47' 35" west 2446.58 feet to the point of beginning containing a computed area of 102.260 acres of land according to a survey made by Frank J. Colt & Associates dated July 4, 1976.

(2) *Parcel Two.* All that piece or parcel of land situate, lying and being in the Third Election district of Caroline County, State of Maryland, and being more particularly described as follows: beginning for the same at a concrete monument set on the west side of the Denton By-Pass, Maryland Route 404 and the intersection of the north side of Legion Road, said point 100 feet opposite the center-line station 91 + 89.28 as shown on Maryland State Roads Commission Plat No. 37954; thence clockwise and with the north side of Legion Road as shown on M.S.R.C. Plat No. 37955 (1) south 65° 03' 54" west 126.03 feet to a concrete monument set; thence (2) south 77° 24' 46" west 50.00 feet to a concrete monument set; thence (3) south 60° 42' 46" west 52.20 feet to a concrete monument set; thence (4) south 77° 24' 46" west 258.50 feet to the intersection of Fifth Avenue; thence with the east side of Fifth Avenue (5) north 15° 56' 53" west 427.64 feet to a concrete monument found; thence with said line (6) north 15° 56' 53" west, 45.03 feet to a point on the north side of South Avenue; thence with South Avenue (7) north 74° 03' 07" east 430.22 feet to a concrete monument found; thence (8) north 15° 56' 53" west 320.00 feet to a point; thence (9) north 74° 03' 07" east 360.00 feet to a point; thence (10) north 15° 56' 53" west 130.00 feet to a point on the south side of Kerr Avenue, now part of the Nursing Home of Denton; thence (11) north 74° 03' 07" east 25.55 feet to a point; thence (12) north 15° 56' 53" west 927.84 feet to a point on the east side of Eighth Street; thence (13) north 20° 16' 07" east 221.22 feet to the intersection of the north side of Sunnyside Avenue, being north 74° 03' 07" east 557.75 feet from a concrete monument found; thence (14) north 74° 03' 07" east 1051.56 feet to a concrete monument set on the west side of Franklin Avenue (Denton By-Pass, Route 404 as shown on M.S.R.C. Plat Nos. 37951 and 38171); thence along a curve deflecting to the right having an arc length of 164.17 feet and a radius of 946.45 feet and a chord bearing and distance of (15) south 48° 24' 56" east 163.96 feet to a concrete monument set 50 feet from the P.T. Station 44 + 12.14; thence (16) south 43° 26' 48" east 234.21 feet to a concrete monument set 50 feet from the P.T. Station 44 + 12.14; thence (16) south 43° 26' 48" east 234.21 feet to a concrete monument set 50 feet from the P.C. Station 46 + 46.35; thence along a curve deflecting to the right having an arc length of 812.75 feet and a radius of 522.96 feet and a chord bearing

and distance of (17) south $01^{\circ} 04' 33''$ west 733.39 feet to a concrete monument set 111.00 feet opposite center–line station $74 + 32.37 = 55 + 36.80$ as shown on M.S.R.C. Plat No. 37952; thence (18) south $45^{\circ} 22' 43''$ west 536.68 feet to a concrete monument set, being 100.00 feet opposite center–line station P.C. $83 + 54.85$; thence along a curve deflecting to the left having an arc length of 2568.19 feet and a radius of 2391.83 feet and a chord bearing and distance of (20) south $36^{\circ} 07' 24''$ west 866.05 feet to the point of beginning containing a computed area of 51.067 acres of land according to a survey made by Frank J. G. Colt & Associates dated July 4, 1976. (Added 10–30–1984 by Res. No. 327.)

G. *Annexation of March 1981.*

(1) The boundaries of the Town of Denton are hereby extended to include the following area, which is hereby added to said town: All that piece or parcel of land situate, lying and being in the Third Election District of Caroline County, Maryland, and more fully described as follows: beginning for the same at a point at the most northerly corner of the intersection of Maryland Route 313 and Wilmuth Street, said point being at the end of the second course of the description of Parcel Two of the 1975 Annexation to the Town of Denton and from said place of beginning running by and with the existing town boundary of the Town of Denton the following 3 courses and distances: (1) by and with the northwesterly side of said Maryland Route 313 north $38^{\circ} 13' 52''$ east 602.23 feet to the most northerly corner of the intersection of Route 313 and Caroline Street; thence (2) by and with the northerly side of said Caroline Street north $54^{\circ} 13' 38''$ west 457.92 feet; thence (3) by and with the westerly line of the land of Ormand L. Andrew, Sr., North $32^{\circ} 17' 42''$ east 367.95 feet to an iron pipe found and the land of W. Nadal Pinckett, Sr.; thence (4) leaving the existing town boundary and running by and with the aforementioned Pinckett and Andrew lands south $58^{\circ} 32' 27''$ east 263.04 feet to a concrete monument found and the land of Richard C. North; thence (5) running by and with the said North and Pinckett lands north $33^{\circ} 45' 51''$ east 270.00 feet to the land of John R. Breeding; thence by and with said Breeding and Pinckett lands the following 2 courses and distances: (6) north $62^{\circ} 25' 28''$ west 334.00 feet to an iron axle found; thence (7) north $21^{\circ} 22' 53''$ east 235.86 feet to a concrete monument found and the land of Delmarva Power and Light Company; thence (8) by and with said Delmarva and Breeding lands south $68^{\circ} 31' 28''$ east 322.34 feet to a concrete monument found and the land of William A. Will; thence (9) by and with said Delmarva and Will lands north $36^{\circ} 24' 32''$ east 69.88 feet to the land of Mark D. Phillips; thence (10) by and with said Will and Phillips lands south $53^{\circ} 50' 28''$ east 99.50 feet to the land of William H. Williamson; thence (11) by and with the said Phillips and Williamson lands and the lands of Julia C. Altfather, Harold S. Bullock and Ernest T. Harris north $36^{\circ} 24' 32''$ east 371.61 feet to an iron post found on the side of Fleetwood Road; thence (12) by and with the southwesterly side of said road north $68^{\circ} 42' 13''$ west 205.07 feet; thence (13) crossing said road and running by and with a fence on the land of Delmarva Power and Light Company north $35^{\circ} 40' 44''$ east 304.42 feet to a fence corner; thence (14) still running by and with the fence of said Delmarva land and crossing the aforementioned Maryland Route 313 south $53^{\circ} 30' 15''$ east 455.76 feet to the southeasterly side of said highway; thence (15) by and with the southeasterly side of said highway south $37^{\circ} 05' 56''$ west 167.99 feet to the division line between the lands of Arthur M. Wheatman and Charles W. Murphy; thence (16) by and with said Wheatman and Murphy lands south $53^{\circ} 07' 02''$ east 383.84 feet to a concrete monument found and the land of Rodman E. Seese; thence (17) by and with the said Wheatman and Seese lands north $80^{\circ} 22' 58''$ east 227.58 feet to a concrete

monument found and the lands of Frederick A. Reinhold and Delmarva Power and Light Company; thence (18) by and with the said Delmarva land and the land of said Reinhold and the land of Walter B. Palmer continuing north $80^{\circ} 22' 58''$ east 471.19 feet; thence (19) still with said Delmarva and Palmer lands north $15^{\circ} 56' 02''$ west 52.50 feet; thence (20) still with said Delmarva and Palmer lands and the land of Wallace A. Hutson north $73^{\circ} 07' 42''$ east 350.07 feet to an iron pin found and the land of the Estate of Elmer J. Seese; thence (21) by and with the said Seese land, said Hutson land and the land of Dawson W. Fearins north $77^{\circ} 50' 04''$ east 1022.60 feet to the land of Arthur W. Beaver; thence (22) by and with said Seese and Beaver lands south $16^{\circ} 52' 44''$ east 428.31 feet to the land of James H. Corsey; thence (23) by and with said Corsey and Beaver lands north $64^{\circ} 50' 51''$ east 575.00 feet to a concrete monument found and another parcel of land of the Estate of Elmer J. Seese; thence (24) by and with the said Corsey and Seese lands and the land of Richard Blight continuing north $64^{\circ} 50' 51''$ east 819.25 feet; thence (25) still by and with the said Corsey and Blight lands north $74^{\circ} 20' 51''$ east 132.00 feet to the land of Delmarva District of the Wesleyan Church, Inc.; thence (26) by and with said Corsey and Wesleyan lands south $05^{\circ} 25' 50''$ east 1104.18 feet to the northerly side of Camp Road; thence by and with the northerly side of said road the following 2 courses and distances: (27) by and with the arc of an irregular curve deflecting to the right, the chord of which bears south $81^{\circ} 50' 22''$ east 208.25 feet; thence (28) south $80^{\circ} 22' 41''$ east 187.00 feet; thence (29) crossing said Camp Road south $09^{\circ} 37' 19''$ west 40.00 feet to the land of Florence W. Hynson and another parcel of land of Delmarva District of the Wesleyan Church, Inc.; thence (30) by and with said Wesleyan and Hynson lands south $51^{\circ} 40' 58''$ east 191.62 feet; thence (31) still by and with said Wesleyan and Hynson lands and the land of Paul E. Hynson south $22^{\circ} 28' 19''$ west 978.23 feet to an iron pipe found and the land of Percy W. Robertson; thence (32) by and with said Wesleyan and Robertson lands south $17^{\circ} 20' 21''$ west 589.14 feet to another parcel of the land of Delmarva District of the Wesleyan Church, Inc.; thence still with said Wesleyan and Robertson lands the following 2 courses and distances: (33) south $03^{\circ} 08' 53''$ west 305.25 feet; thence (34) south $04^{\circ} 47' 53''$ west 543.84 feet to the land of Irvin P. Manship; thence (35) by and with said Robertson and Manship lands south $03^{\circ} 32' 31''$ west 218.00 feet to the land of Mary M. Rost; thence (36) by and with said Robertson and Rost lands and the land of James O. Henry south $87^{\circ} 18' 08''$ east 800.00 feet; thence (37) by and with said Robertson and Henry lands and crossing Hobbs Road south $02^{\circ} 55' 50''$ west 434.85 feet to the southerly side of said Hobbs Road; thence (38) by and with the southerly side of said road north $87^{\circ} 04' 10''$ west 2318.06 feet to the easterly side of Pearson Road; thence (39) by and with the easterly side of said road south $06^{\circ} 53' 49''$ east 532.12 feet; thence (40) crossing said road and running by and with the lands of Philip M. Towers, Wilmer S. Starkey, et al., and James W. Wright north $83^{\circ} 35' 45''$ west 600.08 feet to the land of Wright's Building Supplies, Inc.; thence by and with said Wright's Building Supplies and James Wright lands, the following 4 courses and distances: (41) south $06^{\circ} 41' 20''$ west 434.42 feet; thence (42) south $02^{\circ} 39' 12''$ east 448.80 feet; thence (43) south $03^{\circ} 05' 48''$ west 654.06 feet to an iron post found; thence (44) south $75^{\circ} 00' 56''$ west 253.41 feet to an iron rod found and the land of Walter M. Shaffer; thence by and with said Wright's Building Supplies and Shaffer lands the following 2 courses and distances: (45) south $46^{\circ} 31' 38''$ west 128.04 feet; thence (46) north $74^{\circ} 48' 22''$ west 1068.54 feet to the land of the State Highway Administration; thence (47) by and with said Wright's Building Supplies and state highway lands north $14^{\circ} 11' 38''$ east 880.77 feet to the land of John B. Hubbard; thence (48) by and with said Wright's Building Supplies and Hubbard lands south $75^{\circ} 33' 22''$ east 139.44 feet; thence (49) still by and with said Wright's Building Supplies and Hubbard lands and the land of Richard F. Baker, et al.,

and the land of Calvary Baptist Church of Denton, Inc., north 01° 54' 29" west 837.02 feet to an iron bar found and the land of Maxwell F. Strunk; thence (50) by and with said Baker and Strunk lands and the land of Joseph W. Collins north 86° 57' 56" west 146.60 feet to an iron bar found and the land of Russell F. Stafford, et al.; thence (51) by and with said Baker and Stafford lands south 00° 01' 56" east 305.70 feet; thence (52) still by and with said Baker and Stafford lands and the land of George William Hardee north 58° 00' 45" west 118.08 feet to an iron pipe found and the land of Southern States Farmers Supply Cooperative, Inc.; thence by and with the original tract of Southern States Cooperative and other lands of said Southern States Cooperative the following 2 courses and distances: (53) north 86° 25' 49" west 643.10 feet; thence (54) north 03° 17' 49" west 350.71 feet to a point on the line of the Town of Denton as surveyed in 1912 by H.A. Paine, said point bearing north 24° 25' 00" east 146.00 feet from a marble monument found, a town boundary marker; thence (55) by and with the 1912 survey of the town boundary north 24° 25' 00" east 424.00 feet to the southerly side of Gay Street; thence by and with the existing town boundary (1975 Annexation, Parcel 1) the following 10 courses and distances: (56) by and with the southerly side of said Gay Street south 65° 30' 00" east 437.11 feet to the northerly side of the aforementioned Hobbs Road; thence (57) by and with the northerly side of said road south 85° 30' 00" east 98.20 feet; thence (58) north 04° 30' 00" east 250.00 feet; thence (59) north 85° 30' 00" west 162.30 feet; thence (60) north 88° 39' 10" west 99.06 feet; thence (61) north 70° 59' 00" west 16.75 feet; thence (62) north 64° 30' 00" west 120.65 feet; thence (63) north 25° 30' 00" east 27.02 feet; thence (64) north 64° 30' 00" west 82.00 feet; thence (65) south 18° 24' 02" west 173.99 feet to the northerly side of the aforementioned Gay Street; thence by and with the existing town boundary (1912 survey) the following 8 courses and distances: (66) north 08° 20' 00" east 171.20 feet; thence (67) north 37° 50' 00" west 1080.00 feet; thence (68) north 48° 05' 00" west 394.00 feet; thence (69) north 41° 05' 00" west 209.50 feet; thence (70) north 08° 40' 00" west 151.40 feet; thence (71) north 31° 40' 00" west 132.50 feet; thence (72) north 88° 00' 00" west 73.00 feet; thence (73) south 73° 50' 32" west 11.86 feet to the northwesterly side of the aforementioned Maryland Route 313; thence (74) by and with the northwesterly side of said highway north 38° 13' 52" east 78.00 feet to the place of beginning, containing 490.820 acres of land, more or less.

(2) All of the interterritory hereby annexed to the Town of Denton and the persons residing therein and their property shall, after the effective date of this resolution, be subject to the Charter and all the laws, ordinances and regulations of said town except as is otherwise hereinafter provided:

(a) *Rights and privileges.*

1. The respective current residents of properties within the area proposed to be annexed shall be residents of the Town of Denton and shall be entitled to all of the rights and privileges appertaining thereto, however, the respective owners of those respective properties shall be entitled to waive such privileges and rights as long as the respective current owners of such properties continue to own their respective property.

2. So long as any said resident or owner of property within the area proposed to be annexed who has executed a waiver prior to October 1, 1980, continues to waive his respective right to receive the municipal services of police protection, trash collection,

garbage collection, road maintenance, snow removal, protective road lighting, sewer, water or other such municipal services, he shall be exempt from assessment of town real estate taxes.

3. Upon the transfer of a respective property within the area proposed to be annexed or upon the release of the waiver of the privileges and rights mentioned in Subsection G(2)(a)2 above, the Commissioners of Denton shall have right to withhold such services until it shall be convenient and expedient to extend such services to the property being transferred or released.

(b) Notwithstanding the above right to receive municipal services, any property owner within the area proposed to be annexed who is currently receiving water from the town water facilities shall be entitled to continue to receive the same at the same rates charged from time to time to properties out of the town limits of Denton, and such right to continue to receive town water shall not constitute an acceptance by that respective property owner to receive other municipal services and therefor subjecting that respective property to taxation by the municipal authorities.

(c) Notwithstanding the provision above that a respective property will not be subject to taxation for as long as the current property owner owns the same, in the event the property owner is mandated by Maryland law to connect to the town sanitary sewer system, the owner of that respective property shall, upon the connection with said town sanitary sewer system, be generally subject to the multiple sewage charges that would normally be imposed on out-of-town users.

H. *Annexation of October 1983.*

(1) Beginning for the same at a town marble monument found, a corner of the town boundary as surveyed by H.A. Paine in 1912, and from said place of beginning running (1) by and with the 1912 town boundary line north 24° 25' 00" east 146.00 feet to the line of the Town of Denton as annexed March 6, 1981; thence by and with said 1981 Annexation Line the following 10 courses and distances: (2) by and with a parcel of the land of Southern States Farmers Supply Cooperative, Inc., south 03° 17' 49" east 350.71 feet; thence (3) still by and with said Southern States land south 86° 25' 49" east 643.10 feet to the land of Russell P. Stafford; thence (4) by and with said Stafford land and the land of George W. Hardee south 58° 00' 45" east 118.08 feet; thence (5) still by and with said Hardee land north 00° 01' 56" west 305.70 feet to a corner of another parcel of land of George W. Hardee; thence (6) by and with said Hardee land and the land of Maxwell F. Strunk south 86° 57' 56" east 146.60 feet to the land of Calvary Baptist Church of Denton, Inc.; thence (7) by and with said Calvary Baptist Church land and the land of Wright's Building Supplies, Inc., south 01° 54' 29" east 836.02 feet; thence still running by and with said Wright's Building supply land the following 4 courses and distances: (8) north 75° 33' 22" west 139.44 feet; thence (9) south 14° 11' 38" west 880.77 feet; thence (10) south 74° 48' 22" east 1068.54 feet; thence (11) north 46° 31' 38" east 128.04 feet to an iron rod found and the land of James W. Wright; thence by and with the said Wright land and the land of Fred A. Thompson and leaving the line of the 1981 Annexation (12) south 30° 15' 52" east 462.04 feet to an iron rod found; thence by and with the said Fred A. Thompson land the following 2 courses and distances: (13) south 36° 17' 58" west 1050.00 feet; thence (14) south 47° 20' 12" east 407.80

feet to the side of Foy Road; thence (15) by and with the northerly side of Foy Road and crossing Legion Road south $70^{\circ} 14' 52''$ west 908.76 feet; thence by and with the westerly side of said Legion Road the following 4 courses and distances: (16) south $30^{\circ} 43' 14''$ east 22.22 feet to a concrete monument found at a corner of the land of William C. Engerman; thence (17) south $26^{\circ} 08' 03''$ east 138.17 feet; thence (18) south $24^{\circ} 52' 33''$ east 98.88 feet; thence (19) south $23^{\circ} 47' 28''$ east 1323.11 feet to a concrete monument found; thence (20) by and with a part of the land of the said William C. Engerman and the land of William L. DeFord, Sr., south $73^{\circ} 21' 39''$ west 3344.75 feet to the side of Maryland Route No. 404; thence (21) by and with the easterly side of said Maryland Route No. 404 north $07^{\circ} 35' 21''$ west 2062.63 feet; thence (22) crossing said Maryland Route No. 404 north $83^{\circ} 23' 32''$ west 99.10 feet to the westerly side of said road and a corner of the Town of Denton boundary line as annexed in August 1976; thence by and with the westerly side of said Maryland Route 404 (Denton By-Pass) and the town boundary line the following 7 courses and distances: (23) north $07^{\circ} 35' 21''$ west 150.00 feet; thence (24) by and with the arc of a curve deflecting to the right which has a radius of 2391.83 feet, the chord of which bears north $23^{\circ} 17' 50''$ east 2446.59 feet; thence (25) north $54^{\circ} 03' 27''$ east 385.85 feet; thence (26) north $52^{\circ} 52' 58''$ east 536.68 feet to a concrete monument found; thence (27) by and with the arc of a curve deflecting to the left which has a radius of 522.96 feet; the chord of which bears north $08^{\circ} 34' 48''$ east 733.39 feet to a concrete monument found; thence (28) north $35^{\circ} 56' 33''$ west 234.21 feet to a concrete monument found; thence (29) by and with the arc of a curve deflecting to the left which has a radius of 946.45, the chord of which bears north $40^{\circ} 14' 01''$ west 141.69 feet to a point on the line of the aforementioned 1912 town boundary line; thence (30) by and with the said 1912 survey north $82^{\circ} 10' 00''$ east 538.94 feet to the place of beginning containing 347.420 acres of land, more or less.

(2) All of the interterritory hereby annexed to the Town of Denton and the persons residing therein and their property shall, after the effective date of this resolution, be subject to the Charter and all the laws, ordinances and regulations of said town except as is otherwise hereinafter provided:

(a) *Rights and privileges.*

1. The respective current residents of properties within the area proposed to be annexed shall be residents of the Town of Denton and shall be entitled to all of the rights and privileges appertaining thereto; however, the respective owners of those respective properties shall be entitled to waive such privileges and rights as long as the respective current owners of such properties continue to own their respective property.

2. So long as any said resident or owner of property within the area proposed to be annexed shall waive his respective right to receive the municipal services of police protection, trash collection, garbage collection, road maintenance, snow removal, protective road lighting, sewer, water or other such municipal services, he shall be exempt from assessment of town real estate taxes.

3. Upon the transfer of a respective property within the area proposed to be annexed or upon the release of the waiver of the privileges and rights mentioned in Subsection H(2)(a)3 above, the Commissioners of Denton shall have right to withhold such

services until it shall be convenient and expedient to extend such services to the property being transferred or released.

(b) Notwithstanding the above right to receive municipal services, any property owner within the area proposed to be annexed who is currently receiving water from the town water facilities shall be entitled to continue to receive the same at the same rates charged from time to time to properties out of the town limits of Denton, and such right to continue to receive town water shall not constitute an acceptance by that respective property owner to receive other municipal services and therefore subjecting that respective property to taxation by the municipal authorities.

(c) Notwithstanding the provision above that a respective property will not be subject to taxation for as long as the current property owner owns the same, in the event the property owner is mandated by Maryland law to connect to the town sanitary sewer system, the owner of that respective property shall, upon the connection with said town sanitary sewer system, be generally subject to all taxes and assessments levied against residents and property within the Town of Denton.

I. *August 1984 Annexation.*

(1) All that piece or parcel of land situate, lying and being in the Third Election District of Caroline County, Maryland, and more fully described as follows: Beginning for the same at a point on the westerly side of a twenty-foot alley running from Myers Street to Kerr Avenue, said point being at the northeasterly corner of the land of Dierk B. Walsh and Marypat C. Walsh (Liber 193, Folio 328) and being at the end of the sixth course of the boundary of the Town of Denton described in C2-2 of the Town of Denton Charter, and from said place of beginning running (1) by and with the westerly side of said alley and the land of the forementioned Dierk B. Walsh and Marypat C. Walsh, the land of Herman E. Keen and Elizabeth P. Keen (Liber 99, Folio 203, and Liber 104, Folio 392) and the land of T. Clayton Long and Inez W. Long (Liber 173, Folio 614) south 05° 45' 00" west 386.12 feet to a concrete monument found and the side of the aforementioned Kerr Avenue; thence (2) by and with the northerly side of Kerr Avenue north 87° 47' 31" west 150.28 feet to a concrete monument found and the side of Second Street; (3) crossing said Second Street diagonally south 57° 05' 24" west 52.73 feet to an iron pipe found and the land of Deane V. Wright and Martha E. Wright (Liber 156, Folio 72); thence (4) by and with said Wright land and the easterly side of said Second Street south 08° 34' 24" west 150.58 feet to an iron pipe found and the side of Sunset Drive; thence (5) by and with the northerly side of said Sunset Drive north 87° 50' 58" west 150.00 feet to the land of J. Edward Welch and Eleanor R. Welch (Liber 179, Folio 81); thence by and with said Welch land the following 3 courses and distances: (6) north 08° 34' 24" east 150.00 feet; thence (7) north 87° 50' 58" west 150.00 feet; thence (8) south 08° 34' 24" west 150.00 feet to the aforementioned Sunset Drive; thence (9) by and with the northerly side of said Sunset Drive and an extension of said street north 87° 50' 58" west 130.00 feet; thence (10) south 45° 17' 06" west 101.45 feet to an iron pipe found and the land of Andrew W. McCauley and Julianne R. McCauley (Liber 126, Folio 259); thence by and with said McCauley land the following 2 courses and distances: (11) north 42° 08' 26" west 169.77 feet to an iron pipe found; thence (12) continuing north 42° 08' 26" west 3 feet, more or less, to the waters of the Choptank River;

thence by and with the mean high–water line of said Choptank River and the many meanderings thereof, generally, the following 4 courses and distances: (13) north 49° 35' 59" east 403.15 feet; thence (14) north 22° 18' 15" east 206.17 feet; thence (15) north 53° 38' 02" east 148.68 feet; thence (16) north 12° 24' 07" east 247.41 feet to the land of Clifford L. Stafford, Jr., and Barbara C. Stafford (Liber 207, Folio 700) thence (17) by and with said Stafford land and the center line of a branch, and extending the same line across the aforementioned Second Street north 79° 44' 34" east 220 feet, more or less, to the easterly side of said Second Street; thence by and with the easterly side of Second Street the following 2 courses and distances: (18) by and with the arc of a curve deflecting to the left, the chord of which bears south 10° 54' 43" west 199.61 feet; thence (19) south 05° 45' 00" west 126.42 feet to an iron pipe found and the land of the aforementioned Dierk B. Walsh and Marypat C. Walsh; thence (20) by and with the said Walsh land south 83° 49' 00" seconds east 150.00 feet to the place of beginning, containing 8.352 acres of land, more or less.

(2) All of the interterritory hereby annexed to the Town of Denton and the persons residing therein and their property shall, after the effective date of this resolution, be subject to the Charter and all the laws, ordinances and regulations of said town except as is otherwise hereinafter provided:

(a) *Rights and privileges.*

1. The respective current residents of properties within the area proposed to be annexed shall be residents of the Town of Denton and shall be entitled to all of the rights and privileges appertaining thereto; however, the respective owners of those respective properties shall be entitled to waive such privileges and rights as long as the respective current owners of such properties continue to own their respective property or until such owners shall elect to receive town services.

2. So long as any said resident or owner of property within the area proposed to be annexed shall waive his respective right to receive the municipal services of trash collection, garbage collection, road maintenance, snow removal, protective road lighting, sewer, water or other such municipal services, he shall be exempt from assessment or town real estate taxes and other fees and assessments for such services.

(b) Notwithstanding the above right to receive municipal services, any property owner within the area who is currently receiving water from the town water facilities shall be entitled to continue to receive the same at the same rates charged from time to time to properties out of the town limits of Denton, and such right to continue to receive town water shall not constitute an acceptance by that respective property owner to receive other municipal services and therefor subjecting that respective property to taxation by the municipal authorities.

(c) Notwithstanding the provision above that a respective property will not be subject to taxation for as long as the current property owner owns the same, in the event the property owner is mandated by Maryland law to connect to the town sanitary sewer system, the owner of that respective property shall, upon the connection with said town sanitary sewer

system, be generally subject to the multiple sewage charges that would normally be imposed on out-of-town users. (Added 8-16-1984 by Res. No. 319.)

J. *December 1985 Annexation.*

(1) All that piece or parcel of land situate, lying and being in the Third Election District of Caroline County, Maryland, and more fully described as follows: beginning for the same at a point on the northerly side of Fleetwood Road, said point being at the southwesterly corner of the herein-described land and the southeasterly corner of the land of Leland T. Short, Jr. (Liber 210, Folio 724) and from said place of beginning running by and with said Short land the following 2 courses and distances; (1) north $16^{\circ} 28' 37''$ east 407.12 feet to the center of a transmission line right-of-way; thence (2) continuing north $16^{\circ} 28' 37''$ east 32.26 feet to the side of Maryland Route 404 (Denton By-Pass); thence by and with the southerly side of said Maryland Route 404 the following 3 courses and distances; (3) south $70^{\circ} 00' 42''$ east 168.35 feet; thence (4) south $74^{\circ} 00' 57''$ east 351.28 feet; thence (5) south $69^{\circ} 07' 00''$ east 175.00 feet to the side of Maryland Route Number 313; thence by and with the westerly side of said Maryland Route Number 313 the following 4 courses and distances; (6) south $03^{\circ} 15' 29''$ west 55.55 feet; thence (7) south $12^{\circ} 03' 53''$ west 83.53 feet to the center of the aforementioned transmission line right-of-way; thence (8) continuing south $12^{\circ} 03' 53''$ west 72.09 feet; thence (9) south $29^{\circ} 40' 41''$ west 18.54 feet to the line of the town boundary of the Town of Denton; thence by and with the said Town of Denton boundary line the following 7 courses and distances; (10) north $60^{\circ} 55' 16''$ west 382.79 feet to a fence corner; thence (11) south $28^{\circ} 15' 43''$ west 268.63 feet to the side of the aforementioned Fleetwood Road; thence (12) crossing said Fleetwood Road continuing south $28^{\circ} 15' 43''$ west 30.18 feet; thence (13) by and with the southerly side of said Fleetwood Road south $75^{\circ} 54' 26''$ east 204.78 feet; thence (14) south $29^{\circ} 01' 08''$ west 376.29 feet to a metal fence post found; thence (15) north $61^{\circ} 13' 52''$ west 100.09 feet to an iron rod set; thence (16) north $29^{\circ} 01' 08''$ east 70.42 feet; thence (17) north $75^{\circ} 54' 26''$ west 321.29 feet; thence (18) north $14^{\circ} 05' 34''$ east 406.28 feet to the southerly side of the aforementioned Fleetwood Road; thence (19) crossing said Fleetwood Road and continuing north $14^{\circ} 05' 34''$ east 29.26 feet to the northerly side of said road and the land of the aforementioned Leland T. Short, Jr.; (20) by and with the northerly side of said road south $75^{\circ} 54' 26''$ east 49.74 feet to the place of beginning containing 9.365 acres of land, more or less. Being part of the land described in a deed from Delmarva Power and Light Company to Donald N. Trice and Joseph D. Quinn dated November 30, 1984, and recorded in the Land Record Books of Caroline County, Maryland, under Liber 222, Folio 140.

(2) All of the interterritory hereby annexed to the Town of Denton and the persons residing therein and their property shall, after the effective date of this resolution, be subject to the Charter and all the laws, ordinances and regulations of said town. (Added 12-19-1985 by Res. No. 335.)

K. *Annexation of July, 1989.*

(1) Added on October, 1989 by Resolution No. 376. All that parcel or tract of land situate, lying and being in the Third Election District of Caroline County, Maryland, and being more fully described as follows: beginning for the same at an Iron Rod set on the southerly

side of the public road, which leads from Denton to Greensboro, known as Maryland Highway No. 313, said Rod being at the westerlymost corner of the herin [herein] described land, and being the northerlymost corner of the land of Arthur M. Wheatman, et. ux. (Liber 97, folio 392); and from said Place of Beginning, running by and with the said Maryland Highway No. 313, the following four courses and distances: (1) North 29 degrees 15 minutes 35 seconds East 39.12 feet; thence (2) North 17 degrees 22 minutes 14 seconds East 50.99 feet; thence (3) North 28 degrees 40 minutes 50 seconds East 100.00 feet to an Iron Rod set; thence (4) South 89 degrees 22 minutes 57 seconds East 20.06 feet to the land of the State of Maryland to the use of the State Highway Administration of the Department of Transportation (Liber 217, folio 466); thence by and with the said land of the State of Maryland to the use of the State Highway Administration of the Department of Transportation, the following four courses and distances: (5) South 59 degrees 37 minutes 01 seconds East 157.11 feet to an Iron Rod set; thence (6) North 28 degrees 40 minutes 50 seconds East 76.85 feet to an Iron Rod set; thence (7) South 79 degrees 00 minutes 34 seconds East 78.65 feet; thence (8) South 59 degrees 37 minutes 01 seconds East 576.34 feet to an Iron Rod set and the land of Delmarva Power and Light Company, (Liber 208, folio 230) thence by and with the said Delmarva Power and Light Company land (9) South 72 degrees 55 minutes 52 seconds West 409.44 feet to an Iron Rod set and the aforementioned land of Arthur M. Wheatman, et. ux., (Liber 97, folio 392); thence by and with the said Arthur M. Wheatman land (10) North 59 degrees 37 minutes 01 seconds West 530.69 feet to the place of beginning, containing 4.279 acres of land, more or less. The foregoing description being taken from a plat and survey by Rauch, Walls, and Lane, Inc. dated September 15, 1988, and entitled "Plat Showing The Land of Frederic A. Reinhold in the third Election District," which is recorded among the Land Records for Caroline County, Maryland in Liber F.D.M. No. 235, folio 272.

It being the same land described in a deed from Frederic A. Reinhold to Donald N. Trice and Janice E. Trice, his wife, dated September 27, 1988, and recorded in Liber F.D.M. No. 235, folio 270, one of the Land Records for Caroline County, Maryland.

Parcel No. 2: All that lot or parcel of land situate, lying and being in the Third Election District of Caroline County, Maryland and described as follows: being at the center of the State Road leading from Denton to Greensboro and opposite a stone on the edge, and running thence south 53 degrees 30 minutes east 417 feet to an iron pin; thence north 80 degrees east 245 feet to a stake; thence north 53 degrees 30 minutes west 585 feet to the center of the State Road; thence with the center of the State Road south 36 degrees 30 minutes west 180 feet to the place of beginning, containing two (2) acres of land, more or less.

It being the same land described in a deed from Thurman B. Harris and Clara M. Harris, his wife, to Arthur M. Wheatman and Ruth E. Wheatman, his wife, dated October 6, 1937 and recorded in Liber 97, folio 392.

Parcel No. 3: A 0.137 acre parcel of land owned by the State of Maryland, Department of Transportation, as shown on State Highway Plat No. 51361 and more particularly described as follows: From the point of beginning as shown on said plat the following four courses and distances: (1) South 28 degrees 40 minutes 34 seconds West 58.93 feet, (2) North 59 degrees 36 minutes 58 seconds West 157.11, (3) South 89 degrees 22 minutes 58 seconds East 101.29 feet, and (4) South 66 degrees 54 minutes 04 seconds East 67.98 feet to the beginning point.

L. *Annexation of March, 1997.*

(1) *Added on May, 1997, by Resolution No. 480.*

Parcel No. 1: All that parcel or tract of land situate, lying and being in the Third Election District of Caroline County, Maryland, and being more fully described as follows: beginning for the same at an iron pin set at the southwest corner of a parcel of land conveyed to Roland E. and Betty J. Jester by a deed recorded in Liber 191 at Folio 89; thence leaving said pin and binding the northerly line of land owned by Joseph Cesarini by a deed recorded in Liber 243 at Folio 873, also being the Corporation line for the Town of Denton:

1. N 58° 03' 00" W, a distance of 263.30 feet to the northeast corner of a parcel of land conveyed to Thomas Pinder, Jr., by a deed recorded in Liber 171 at Folio 710; thence leaving said point and binding the north line of land of Pinder continuing the same course a distance of 78.01 feet to an iron pin set, comprising a total distance of 341.31 feet; thence leaving said pin set and running for a new line of division;

2. N 36° 24' 34" E, a distance of 246.91 feet to an axle found; thence leaving said axle and binding the south line of land of John R. and Ruth A. Breeding by a deed recorded in Liber 175 at Folio 655 and the Corporation Line of the Town of Denton;

3. S 61° 53' 29" E, a distance of 346.14 feet to an iron pin set; thence leaving said pin set and binding the west line of land of Mary H. North as recorded in Liber 309 at Folio 112 and the west line of a parcel of land conveyed to Sylvia D. Pinkett as recorded in Liber 311 at Folio 83 and the west line of land of Jester as aforesaid:[]

4. S 36° 53' 00" W, a distance of 270.35 feet to the point and place of beginning and containing an area of 2.026 acres all according to a survey prepared by Land Surveys, Inc., and dated February 14, 1997. It being the same land and intending hereby [hereby] to describe a part of that same land conveyed to Sylvia D. and William N. Pinkett by a deed dated October 6, 1994, and recorded in Liber 273 at Folio 171, one of the Land Records for Caroline County, Maryland.

M. *Annexation of April, 1999.*

(1) *Added on August, 1999, by Resolution No. 533.*

Engerman Property: All that parcel or tract of land situate, lying and being in the Third Election District of Caroline County, Maryland, and being more fully described as follows: beginning for the same at a stone found, said stone being at the northwesterly corner of the herein described land and the northeasterly corner of the land of Paul H. DeFord, et al. (Liber 231, Folio 800), said stone also being on the southerly boundary of Lot 8 of Denton Industrial Park (Subdivision Plat Book 2, No. 32), and from said place of beginning running 1) with the said Denton Industrial Park North 73° 21' 40" East 530.24' to a concrete monument found; thence 2) continuing North 73° 21' 40" East 24.60' to the center of Legion Road and the land of

Christian Edward Jensen, et al. (Liber 237, Folio 378); thence with the said Jensen land the following three courses and distances: 3) with the center of said road South 23° 35' 58" East 519.28'; thence 4) leaving the center of said road North 69° 25' 34" East 25.00' to an iron rod with cap set; thence 5) continuing North 69° 25' 34" East 799.00' to an iron rod with cap set and the land of Arnold W. Jensen and Ruth L. Jensen (Liber 197, Folio 401); thence with the said Jensen land the following three courses and distances: 6) South 03° 10' 18" East 400.25' to an iron rod with cap set; thence 7) South 21° 55' 18" East 396.00' to an iron rod with cap set; thence 8) South 30° 25' 18" East 24.75' to a stone found and the land of James S. Stark (Liber 220, Folio 229); thence 9) with the said Stark land South 67° 54' 59" West 430.98' to other land of William C. Engerman and Virginia L. Engerman (Liber 227, Folio 948; Subdivision Plat Book 2, No. 27); thence with the said other Engerman land the following three courses and distances: 10) North 23° 44' 18" West 2.46' to an iron rod with cap found; thence 11) continuing North 23° 44' 18" West 200.09' to an iron rod with cap set; thence 12) South 67° 57' 27" West 217.80' to an iron rod with cap set on the easterly side of the aforementioned Legion Road; thence 13) with the easterly side of said road South 23° 44' 18" East 202.71' to the aforementioned Stark land; thence 14) crossing said road and running with the land of Dorothy V. Ware, et al. (Liber 275, Folio 874) and "Stafford Heights" subdivision (Plat File 3, No. 196) South 67° 54' 59" West 583.39' to an iron rod with cap set and the land of Charles Olin Jarrell, Jr., and Jane A. Jarrell (Liber 215, Folio 67); thence 15) with the said Jarrell land and the aforementioned DeFord land North 23° 19' 59" West 1392.91' to the place of beginning, containing 29.662 acres of land, more or less.

N. *Annexation of April, 1999.*

(1) *Added on August, 1999, by Resolution No. 540.*

Quinn/Trice: All that parcel or tract of land situate, lying and being in the Third Election District of Caroline County, Maryland, and being more fully described as follows: Beginning for the same at an iron rod set along the northernmost right-of-way line of Fleetwood Road, a thirty (30) foot wide right-of-way; said beginning point being further located at the southeasternmost corner of the lands now or formerly of Karen L. Kilheffer & Robin Stallings (see 291/451) as shown on a plat entitled "Annexation Plat of the Lands of Donald N. Trice & Joseph D. Quinn and a Part of Fleetwood Road" by McCrone, Inc., Dated July 1999; thence leaving said beginning point so fixed and binding on the division line between the herein described lands and the said Kilheffer & Stallings lands; 1) North 05° 52' 51" East 503.39 feet to an iron rod found at the northeasternmost corner of said Kilheffer & Stallings lands and along the southernmost right-of-way line of Maryland Route 404 (Denton By-Pass); thence leaving the aforementioned Kilheffer & Stallings lands and binding on the southernmost right-of-way line of said Maryland Route 404, the following four (4) courses and distances; 2) South 79° 21' 21" East 86.30 feet to a point and; 3) South 75° 14' 34" East 744.26' to a point; 4) South 72° 56' 39" East 300.67' to a point and; 5) South 67° 54' 49" East 269.10 feet to an iron rod found at the northwesternmost corner of the lands now or formerly of Donald N. Trice & Joseph D. Quinn (see 222/140); thence leaving the southernmost right-of-way line of the aforementioned Maryland Route 404 and binding on the division line between the herein described lands and the said Trice & Quinn lands; 6) South 16° 28' 37" West 439.38 feet to a concrete monument found on the northernmost right-of-way line of the aforementioned Fleetwood Road; thence leaving the aforementioned Trice & Quinn lands and crossing said Fleetwood Road; 7) South 16° 28' 37" West 30.03 feet to

an iron rod set along the southernmost right-of-way line of said Fleetwood Road; thence binding on the southernmost right-of-way line of said Fleetwood Road; 8) North 76° 01' 40" West 0.84 feet to a point at the northwesternmost corner of other lands of Donald N. Trice & Joseph D. Quinn (see 222/140); said point bearing South 14° 07' 40" West 0.84 feet from a concrete monument found; thence binding on the division line between the herein described lands and said other Trice & Quinn lands; 9) South 14° 07' 40" West 405.42 feet to a concrete monument found at the northeasterly corner of the lands now or formerly of Sylvia Pinkett (313/137); thence binding on the division line between the herein described lands and said Sylvia Pinkett lands; 10) North 85° 42' 13" West 335.70 feet to a concrete monument found at the southeasterly corner of the lands now or formerly of Nancy A. Depriest & Preston O. Gooch (see 274/869); thence binding on the division line between the herein described lands and the said Depriest & Gooch lands, the following two (2) courses and distances; 11) North 16° 41' 27" East 120.89 feet to an iron rod found and; 12) North 14° 12' 40" East 341.05 feet to a point along the southernmost right-of-way line of the aforementioned Fleetwood Road, passing in transit an iron rod found 327.23 feet from the beginning of said course; thence binding on the southernmost right-of-way line of said Fleetwood Road; 13) North 76° 01' 57" West 957.99 feet to an iron rod set at the southwesternmost terminus of said Fleetwood Road; thence binding on the westernmost terminus of said Fleetwood Road; 14) North 05° 52' 51" East 30.30 feet to a concrete monument found at the northerwesternmost [northwesternmost] terminus of Fleetwood Road; thence binding on the northernmost right-of-way line of said Fleetwood Road; 15) South 76° 01' 57" East 30.19 feet to the place of beginning. Containing in all 19.305 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and land [Land] Surveyors, in July 1999.

O. *Annexation of October, 1999.*

(1) *Added on December, 1999, by Resolution No. 548.*

Beginning for the same at a concrete monument found at the southwesterly intersection of South Second Street and Sunset Drive, said monument being at the northeasterly corner of the herein described land and the northeasterly corner of the land of James Alan Jurena and Leigh Casey Jurena (Liber 301, folio 684); and from said place of beginning running 1) with the westerly side of said South Second Street South 10° 10' 49" West 162.76' to an iron pipe found and the land of Thomas G. Cook and Constance F. Cook (Liber 192 folio [Folio] 40 and Liber 230, folio [Folio] 922); thence leaving said street and running with the said Cook land the following three courses and distances: 2) North 81° 32' 49" West 88.00'; thence 3) North 80° 32' 49" West 62.00'; thence 4) North 81° 32' 49" West 54.00'; thence 5) continuing partially with the said Cook land North 84° 32' 49" West 69.00'; thence 6) North 68° 32' 49" West 100.00'; thence 7) North 83° 32' 49" West 52.00'; thence 8) North 81° 32' 49" West 52.00'; thence 9) North 67° 32' 49" West 52.00'; thence 10) North 74° 54' 36" West 360.31' to the land of Roy Carter Bowman and Grace Bowman (Liber 183, Folio 496); thence 11) with the said Bowman land North 72° 05' 06" East 387.88' to the southerly side of the aforementioned Sunset Drive; thence with the southerly side of said Sunset Drive the following six courses and distances: 12) South 18° 54' 25" East 5.00' to an iron stake found; thence 13) South 57° 45' 25" East 34.40'; thence 14) South 63° 54' 25" East 35.36'; thence 15) South 66° 34' 25" East 51.93'; thence 16) South 79°

54' 25" East 103.12' to a concrete monument found; thence 17) South 75° 00' 00" East 321.37' to the place of beginning, containing 3.134 acres of land, more or less.

P. *Annexation of October, 1999.*

(1) *Added on December, 1999, by Resolution No. 549.*

Beginning for the same at a point at the northwesterly intersection of Siesta Drive and South Second Street, said point being at the northeasterly corner of the herein described land and the southeasterly corner of the land of Randolph P. Moore and Catherine P. Moore (Liber 336, Folio 480), and from said place of beginning running 1) with the westerly side of said South Second Street South 09° 08' 27" West 150.68' to a concrete monument found and the land of Gordon A. Wheat and Betty F. Wheat (Liber 159, Folio 10); thence 2) leaving said street and running with the said Wheat land North 79° 52' 12" West 199.73' to a concrete monument found and the land of Helen M. Spence, et al. (Liber 210, Folio 595); thence 3) with the said Spence land and crossing the aforementioned Siesta Drive North 08° 57' 41" East 150.22' to the northerly side of said Siesta Drive and the aforementioned Moore land; thence 4) with the northerly side of said Siesta Drive and with aforementioned Moore land; South 80° 00' 13" East 200.02' to the place of beginning containing 30,080 square feet of land, more or less.

Q. *Annexation of October, 1999.*

(1) *Added on December, 1999, by Resolution No. 550.*

Beginning for the same at a point on the east side of MD Route 313, at the southwest corner of the lands of Dawson and Mary Fearins and the northwest corner of the lands herein described; this point of beginning being further described as being at (MD State Plane Coordinate system NAD83/1991 Adjustment) North 450139.2723, East 1648752.1025; thence by and with the lands of the said Fearins the eleven following courses: South 44 degrees 27 minutes 38 seconds East, a distance of 150.88 feet to Coordinate N 450,031.5843, E 1,648,857.7816; South 54 degrees 05 minutes 01 second East a distance of 87.84 feet to Coordinate N 449,980.0570, E 1,648,928.9209; South 65 degrees 11 minutes 26 seconds East a distance of 110.14 feet to Coordinate N 449,933.8420, E 1,649,028.8959; South 49 degrees 16 minutes 57 seconds east a distance of 76.29 feet to Coordinate N 449,884.0758, E 1,649,086.7188; South 48 degrees 50 minutes 54 seconds East a distance of 43.81 feet to Coordinate N 449,855.2464, E 1,649,119.7064; South 34 degrees 52 minutes 34 seconds East a distance of 41.70 feet to Coordinate N 449,821.0362, E 1,649,143.5506; South 22 degrees 35 minutes 30 seconds East a distance of 214.47 feet to Coordinate N 449,623.0201, E 1,649,225.9426; South 25 degrees 22 minutes 17 seconds East a distance of 214.97 feet to Coordinate N 449,428.7841, E 1,649,318.0538; South 51 degrees 57 minutes 43 seconds East a distance of 382.82 feet to a point on the line of the lands now or formerly of Aura P. Seese and Coordinate N 449,192.8963, E 1,649,619.5635; thence by and with the lands of Aura P. Seese South 70 degrees 40 minutes 12 seconds West a distance of 29.60 feet to a point on the northerly line of Ramp "D", part of MD Route 404, and Coordinate N 449,183.0984, E 1,649,591.6321; thence by and with the northerly line of Ramp "D" aforesaid, the seven following courses: North 44 degrees 59 minutes 38 seconds West a distance of 13.39 feet to Coordinate N 449,192.5676,

E 1,649,582.1649; North 43 degrees 08 minutes 32 seconds West a distance of 69.81 feet to Coordinate N 449,243.5051, E 1,649,534.4280; by and with a curve to the left, having a radius of 2789.93 feet and arc length of 207.44 feet, subtended by a chord of North 54 degrees 13 minutes 04 seconds West a distance of 207.39 feet, to Coordinate N 449,364.7662, E 1,649,366.1839; North 65 degrees 39 minutes 47 seconds West a distance of 104.51 feet to Coordinate N 449,407.8360, E 1,649,270.9609; by and with a curve to the left having a radius of 2,774.93 feet and arc length of 309.48 feet, subtended by a chord of North 61 degrees 40 minutes 22 seconds West a distance of 309.32 feet to Coordinate N 449,554.6103, E 1,648,998.6813; North 57 degrees 19 minutes 51 seconds West a distance of 157.40 feet to Coordinate N 449,639.5729, E 1,648,866.1818; North 76 degrees 14 minutes 30 seconds West a distance of 260.27 feet to the southwestern most corner of the lands herein described and Coordinate N 449,701.4718, E 1,648,613.3795 which bears North 36 degrees 30 minutes 53 seconds East a distance of 605.78 feet from the intersection of the East line of MD Route 313 and the South line of MD Route 404, a corner of the corporate limit line of the Town of Denton, MD; thence by and with the East line of MD Route 313, the four following courses: North 25 degrees 05 minutes 20 seconds West a distance of 84.41 feet to Coordinate No [N] 449,777.9177, E 1,648,577.5875; North 20 degrees 06 minutes 15 seconds East a distance of 101.12 feet to Coordinate N 449,872.8753, E 1,648,612.3447; North 34 degrees 20 minutes 44 seconds East a distance of 100.50 feet to Coordinate N 449,955.8522, E 1,648,669.0442; North 24 degrees 21 minutes 45 seconds East a distance of 201.35 feet to the point of beginning, and containing 5.527 acres of land, more or less.

R. *Annexation of February, 2001.*

(1) *Added on May, 2201 [2001], by Resolution No. 570.*

Beginning for the same at a point located on the west right-of-way line of Legion Road, said point being located South 28 Degrees 41 Minutes 26 Seconds East, a distance of 145.43 feet from a concrete monument located at the point of intersection with the north line of Lot 9B as shown on a plat recorded in FDM 7 at Folio 68; thence leaving said point and crossing Legion Road as aforesaid:

1) N 61 Degrees 18 Minutes 34 Seconds E, a distance of 48.47 feet to a concrete monument found; thence continuing along the same course and binding the south line of a parcel of land conveyed to Christian E. and Gail L., Arnold W. & Ruth L. Jensen by a deed recorded in Liber 237 at Folio 378 a distance of 335.08 feet to an iron pin found, comprising a total distance of 383.56 feet; thence leaving said point and binding the west line of land of Jensen as aforesaid; 2) S 28 Degrees 41 Minutes 26 Seconds E, a distance of 260.00 feet to an iron pin found; thence leaving said pin and binding the north line of land of Jensen as aforesaid; 3) S 61 Degrees 18 Minutes 34 Seconds W, a distance of 324.96 feet to an iron pin set and continuing along the same course a distance of 10.12 feet to a point on the easterly right-of-way line of Legion Road; thence leaving said point and crossing said road 48.56 feet to a point, comprising a total distance of 383.64 feet; thence leaving said point and binding the west right-of-way line of Legion Road, also being the east line of Lot 9B as aforesaid; 4) N 28 Degrees 30 Minutes 42 Seconds W, a distance of 29.81 feet to a monument found; thence leaving said monument and continuing to bind the westerly right-of-way line of Legion Road; 5) N 28 Degrees 41 Minutes

26 Seconds W, a distance of 230.19 feet to the point and place of beginning and containing an area of 2.289 acres of land all according to a plat prepared by Land Surveys, Inc., and dated November 27, 2000. Being and intending hereby to describe all that same tract or parcel of land conveyed to Judge Properties, LLC by deed dated April 11, 2000 and recorded in Liber 383 at Folio 876 and all that portion of Legion Road that lies between the projection of the north and the south lines of land of Judge as aforesaid.

S. *Annexation of May, 2002.*

(1) *Added on August, 2002, by Resolution No. 595.*

All that piece of parcel of land situate, lying and being in the Third Election District of Caroline County, Maryland, and more fully described as follows: Beginning for the same at an iron pipe found at the southeasternmost corner of the lands now or formerly of Wesleyan Home Care, Inc. (see 383/555), said place of beginning being further located along the easterly outline of the corporate limits of the Town of Denton as shown as a plat entitled, "Plat of a survey of a parcel of land in the Third Election District, Caroline County, Maryland, prepared for the Town of Denton," dated November 1980, and prepared by J.R. McCrone, Jr., Inc., said plat being recorded among the plat records of Caroline County, Maryland, in Plat File 11, Plat No. 716; said place of beginning being still further located at the northwesternmost corner of the herein described lands and the southwesternmost corner of the lands now or formerly of Horace B. Wells, Jr., et ux (see 401/597) as shown on a plat entitled, "Proposed Annexation of the Lands of Garland & Hobbs, LLC," by McCrone, Inc., dated November 2001, and revised March 1, 2002, which is attached hereto, and intended to be recorded herewith;

Thence leaving said beginning point so fixed and binding on the perimeter of the herein-described land proposed for annexation, and said Wells Lands;

(1) South 74° 03' 47" East 832.53 feet to a stone found at the southwesternmost corner of the lands now or formerly of Sheila J. Benchhoff, et al (see 241/133); Thence leaving the aforementioned Wells lands and binding on the divisions lines between the herein-described lands and said Benchhoff lands, the following two (2) courses and distances;

(2) South 76° 05' 36" East 557.96 feet to an iron rod found:[;]

(3) North 04° 12' 34" East 1,260.36 feet to an iron rod found located along the southerly right-of-way line of Camp Road, a fifty foot (50') wide public right-of-way; Thence leaving the aforementioned Benchhoff, et al lands and binding on the southerly right-of-way line of said Camp Road;

(4) South 85° 01' 17" East 1,049.74 feet to a point located at the intersection of the southerly right-of-way line of said Camp Road, with the westerly right-of-way line of Garland Road, a fifty foot (50') wide public right-of-way; Thence leaving the aforementioned Camp Road and binding on the westerly right-of-way line of said Garland Road, the following three (3) courses and distances;

(5) South 05° 02' 23" East 179.20 feet to a point of curvature; Thence with the arc of a curve to the right a distance of 475.32 feet to a point of tangency, said curve having a radius of 580.00 feet, and scribed by a chord of;

(6) South 18° 26' 16" West 462.13 feet;

(7) 41° 54' 55" West 1,289.22 feet to a point located at the easternmost corner of the lands now or formerly of Alan G. Crites, et ux (see 225/106); Thence leaving the aforementioned Garland Road and binding on the division lines between the herein-described lands and the said Crities [Crites] lands, the following five (5) courses and distances;

(8) North 81° 52' 04" West 176.65 feet to an iron rod set, passing in transit a concrete monument found and re-set North 81° 52' 04" West 13.23 feet from the beginning thereof;

(9) North 08° 07' 56" East 165.00 feet to an iron rod found;

(10) North 81° 52' 04" West 215.00 feet to an iron rod found;

(11) South 08° 07' 56" West 200.00 feet to an iron rod found and re-set and;

(12) South 81° 52' 04" East 368.23 feet to a point located along the westerly right-of-way line of the aforementioned Garland Road, passing in transit a concrete monument found South 81° 52' 04" East 354.73 feet from the beginning thereof; Thence leaving the aforementioned Crites lands and bindings [binding] on the westerly right-of-way line of said Garland Road, the following three (3) courses and distances;

(13) South 41° 54' 55" West 236.72 feet to a point of curvature; Thence with the arc of a curve to the left a distance of 435.58 feet to a point of tangency, said curve having a radius of 615.00 feet, and scribed by a chord of;

(14) South 21° 37' 32" West 426.53 feet;

(15) South 01° 20' 08" West 745.40 feet to a point located in the approximate centerline of Hobbs Road, a forty foot (40') wide public right-of-way; Thence binding on the approximate centerline of said Hobbs Road, the following two (2) courses and distances; By and with a curve to the left a distance of 77.11 feet to a point of tangency, said curve having a radius of 374.68 feet, and scribed by a chord of;

(16) North 81° 14' 06" West 76.98 feet;

(17) North 87° 07' 51" West 526.28 feet to a point located along the easternmost boundary of the Corporate Limits of the Town of Denton, as shown on the aforementioned plat; Thence crossing said Hobbs Road and binding on the existing Corporate Limits of the Town of Denton, as now surveyed;

(18) North 02° 55' 54" East 419.99 feet to an iron set at the northeasternmost corner of the lands now or formerly of James C. Darling (see 283/522); Thence continuing to bind on the existing Corporate Limits of the Town of Denton, as now surveyed, and binding on the division lines between the herein-described lands proposed for annexation, the said Darling lands, and the lands now or formerly of Joan M. Elliott and Frank G. Elliott (see 406/75),[;]

(19) North 87° 19' 01" West 800.00 feet to a cedar post found along the easterly outline of other lands of Joan M. Elliott and Frank G. Elliott (see 313/528 and 313/535); Thence binding on the division line between the herein-described lands proposed for annexation and the said Elliott lands, and continuing to bind on the existing Corporate Limits of the Town of Denton, as now surveyed;

(20) North 03° 34' 59" East 218.67 feet to a point; Thence leaving the aforementioned Elliott lands and continuing to bind on the existing Corporate Limits of the Town of Denton, as now surveyed;

(21) North 04° 42' 13" East 543.55 feet to an iron rod found at the southeasternmost corner of the lands now or formerly of the Wesleyan Christian School (see 253/563); Thence binding on the division line between the herein-described lands proposed for annexation and the said Wesleyan Christian School lands, and continuing to bind along the existing Corporate Limits of the Town of Denton, as now surveyed;

(22) North 03° 12' 23" East 305.25 feet to an iron rod set at the southeasternmost corner of the lands now or formerly of Wesleyan Heritage Community, Inc. (see 219/426); Thence leaving the aforementioned Wesleyan Christian School lands and binding on the division line between the herein-described lands proposed for annexation, and the said Wesleyan Heritage Community, Inc. lands, and continuing to bind along the existing Corporate Limits of the Town of Denton, as now surveyed;

(23) North 17° 23' 39" East 589.55 feet to the place of beginning. Containing in all 82.758 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in November 2001.

(2) Added on August, 2002, by Resolution No. 594.

All that tract or parcel of land situate in the Third Election District, Caroline County, Maryland and is further bounded and described as follows.

Beginning for the same at an iron pin set on the East right-of-way line of Legion Road (50 feet wide) at the point of intersection with the South line of a parcel of land conveyed to John F. and Carolyn P. Buchanan by a deed recorded in Liber 210 at Folio 584 said pin also being located N 67 deg 32 min 50 sec E a distance of 3.40 feet from a stone found thence leaving said pin and binding the South line of Buchanan as aforesaid;

1. N 67 deg 32 min 50 sec E a distance of 965.00 feet to an iron pin set thence leaving said pin and binding the West line of a parcel of land conveyed to Christian E., Arnold W. and George A. Jensen by a deed recorded in Liber 273 at Folio 573;

2. S 01 deg 37 min 46 sec W a distance of 337.00 feet to an iron pin set thence leaving said pin and binding the West line of Jensen as aforesaid to be agreed upon generally following the centerline of a ditch the following six courses;

3. S 28 deg 37 min 54 sec E a distance of 34.43 feet to a point, thence;

4. S 29 deg 58 min 03 sec E a distance of 30.26 feet to a point, thence;

5. S 37 deg 11 min 35 sec E a distance of 290.29 feet to a point, thence;

6. S 31 deg 37 min 28 sec E a distance of 26.54 feet to a point, thence;

7. S 25 deg 06 min 16 sec E a distance of 20.06 feet to a point, thence;

8. S 24 deg 43 min 23 sec E a distance of 32.08 feet to an iron pin set thence leaving said pin and binding the West line of a parcel of land conveyed to Arnold W. and Ruth L. Jensen by a deed recorded in Liber 377 at Folio 375;

9. S 03 deg 10 min 18 sec E a distance of 287.05 feet to an iron pin found thence leaving said pin and binding the North line of a parcel of land conveyed to William C. and Virginia Engerman by a deed recorded in Liber 227 at Folio 948;

10. S 69 deg 25 min 34 sec W a distance of 799.00 feet to an iron pin found and continuing along the same course a distance of 25 feet to a point in the centerline of Legion Road comprising a total distance of 824.00 feet thence leaving said point and binding said centerline and the corporation line for the Town of Denton;

11. N 23 deg 35 min 58 sec W a distance of 492.41 feet to a point thence leaving said point and binding the corporation line of the Town of Denton and also being the South line of a parcel of land conveyed to Judge Properties, LLC by a deed recorded in Liber 383 at Folio 886;

12. N 66 deg 09 min 28 sec E a distance of 34.60 feet to an iron pin found and continuing along the same course a distance of 324.96 feet to an iron pin found comprising a total distance of 359.56 feet, thence leaving said pin and continuing to bind the land of Judge and the corporation line as foresaid;

13. N 23 deg 50 min 32 sec W a distance of 260.00 feet to an iron pin found, thence leaving said pin and binding the land of Judge and the corporation line as foresaid;

14. S 66 deg 09 min 28 sec W a distance of 335.08 feet to a monument found and continuing along the same and crossing the right-of-way of Legion Road a distance of 48.51 feet

to a point thence leaving said point and binding the West right-of-way line of Legion Road also being the corporation line;

15. N 23 deg 46 min 42 sec W a distance of 223.17 feet to point thence leaving said point and crossing the right-of-way line of Legion Road;

16. N 67 deg 32 min 50 sec E a distance of 44.80 feet to a stone found and continuing along the same course a distance of 3.40 feet to the point and place of beginning and containing an area of 18.232 Acres [acres] of land all according to a survey prepared by Land Surveys, Inc. and dated 3/28/02.

Being, and intending hereby to describe all of that same tract or parcel of land conveyed to Christian Edward Jensen, Gail L. Jensen, Arnold W. Jensen and Ruth L. Jensen by a deed dated March 22, 1989 and recorded in Liber 237 at Folio 378. (Res. No. 606, 10-29-02.)

ARTICLE III The Commissioners

Section C3-1. Number; selection; terms.

All legislative powers of the town shall be vested in a Town Council consisting of five (5) Councilpersons who shall be elected as hereinafter provided. Newly elected Councilpersons shall take office on the first day of January following election. Each Councilperson holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected or until his successor is elected and takes office under the provisions of this Charter. (Res. No. 617, 4-22-03.)

Section C3-2. Qualifications.

Councilpersons shall have resided in the town for at least one (1) year immediately preceding their election and shall be registered voters of the town. Councilpersons shall maintain a permanent residence in the town during their terms of office. The minimum age for Town Councilperson shall be twenty-five (25) years of age.

Section C3-3. Salary.

Each Councilperson shall receive an annual salary which shall be specified from time to time by an ordinance passed by the Town Council in the regular course of its business, provided that such a Salary Ordinance be approved by the majority of the qualified voters of the municipality voting thereon at a regular or special municipal election. The ordinance making any change in the salary paid to the several Councilpersons, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

Section C3-4. Meetings.

The newly elected Councilperson and the incumbent Councilpersons holding office for the following fiscal year shall meet on the first Monday in December for organizational purposes, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called at the request of the Mayor or three (3) or more Councilpersons. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded, but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session. (Res. No. 619, 4-22-03.)

Section C3-5. Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members and of the ground for forfeiture of their offices. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the town at least one (1) week in advance of the hearing. Decisions made by the Council under this section shall be subject to review of the Court.

Section C3-6. Mayor, Vice Mayor and Mayor Pro Tem.

At the first meeting in January following a regular municipal election, the Town Council shall select from its members a Mayor, Vice Mayor and a Mayor Pro Tem.

A. *Mayor.* (See note (2))

- (1) The Mayor shall preside at all meetings of the Town Council.
- (2) He may take part in all discussions, but shall have no vote except:
 - (a) In the event of a tie.
 - (b) The absence of one (1) or more members of the Town Council at a meeting.
 - (c) In order to provide the required third vote due to abstention of voting by another Councilperson.
 - (d) In order to provide the fourth vote required for passage of emergency ordinances.
- (3) He shall be recognized as the head of the town government for all ceremonial purposes.

(4) He shall exercise such other powers and perform such other duties as are or may be conferred upon him by this Charter and the ordinances of the town. (Amended 12-2-1982 by Res. No. 300.)

B. *Vice Mayor.* The Vice Mayor shall be designated by a Council resolution. He shall assume all mayoral powers, duties and responsibilities during the Mayor's absence. If the office of the Mayor becomes vacant by his death, resignation, disqualification or forfeiture, the Vice Mayor shall become Mayor. A vacancy in the office of the Vice Mayor shall be filled in accordance with § 3-11 of this Charter. The Vice Mayor may resign from his office as Vice Mayor and continue to serve as Councilperson. (Res. No. 618, 4-22-03.)

C. *Mayor pro tem.* The Mayor Pro Tem shall also be designated by a Council resolution. In the absence of the Mayor and Vice Mayor, he shall be the presiding officer with all the powers, duties and responsibilities empowered to the Mayor. (Res. No. 617, 4-22-03.)

Section C3-7. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business. No ordinance shall be approved nor any other action taken without the favorable votes of three (3) of the members of the Council.

Section C3-8. Determination of rules and order of business; minutes.

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas, nays or abstentions upon final action of any question, resolution or ordinance, or at any other time if required by any one (1) member. The minutes shall be open to public inspection.

Section C3-9. Vacancies.

The office of the Mayor or a Councilperson shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

Section C3-10. Filling of vacancies.

In the event of a vacancy in the office of the Council with the exception of the Mayor, the Councilpersons shall appoint some qualified person in accordance with C3-2 of this Charter to serve until the next regularly scheduled election. A vacancy shall be filled by the favorable votes of a majority of the remaining members of the Council, and the results of such votes shall be recorded in the minutes of the Council. If the Councilpersons fail to appoint a successor within thirty (30) days following the occurrence of the vacancy, the Board of Supervisors of Elections shall call a special election to fill the vacancy, to be held not sooner than sixty (60) days and not later than ninety (90) days following the occurrence of the vacancy and to be otherwise governed by the provisions in Article V of this Charter. Notwithstanding the requirement in C 3-7 that a quorum of the Council consist [consists] of three (3) members, if at any time the membership of

the Council is reduced to three (3) or fewer, a special election shall be called by the Board of Supervisors of Elections with the requirements mentioned above. The candidate with the highest total number of votes shall receive the longest unexpired term. The candidate with the next highest total number of votes shall receive the unexpired term next in duration. There shall be a runoff in the event of a tie.

Section C3-11. Forfeiture of office.

The Mayor or a Councilperson shall forfeit his office if he

- A. Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law;
- B. Violates any express prohibition of this Charter.[:]
- C. Is convicted of a felony; or
- D. Fails to attend three (3) consecutive regular meetings of the Councilpersons without being excused by the Council. (Amended 10-30-1984 by Res. No. 327.)

Section C3-12. 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 (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended or rejected or its consideration deferred to some specified future date. In case of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four (4,) [(4)] members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of seven (7) calendar days following passage by the Council. A summary of or 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. (Amended 10-30-1984 by Res. No. 327; Res. No. 621, 4-22-03.)

Section C3-13. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Article VI. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members shall be required for adoption. After its adoption, the ordinance shall be published and printed as

prescribed for other adopted ordinances. It shall become effective upon the adoption or at such time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (Amended 10-30-1984 by Res. No. 327.)

Section C3-14. Advisory boards and commissions.

The Councilpersons shall have the power to appoint and dissolve boards and commissions to act in an advisory capacity to the town as required by law or as it may deem necessary for the good government of the town. They may also establish mandatory fiscal and administrative procedures for such boards.

ARTICLE IV Powers of the Council

Section C4-1. General powers; enumeration.

A. *General.* 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.

B. *Enumeration.* The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

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

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

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

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

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

(6) *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 (See note (3)) and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector 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.

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

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

(9) *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.

(10) *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.

(11) *Curfews.* To prohibit the persons of the town from being on the streets, lanes, alleys or public places at unreasonable hours of the night.

(12) *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.

(13) *Departments.* To create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter, to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(14) *Disorderly houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(15) *Dogs.* (See note (4)) To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of the same and to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

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

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

(18) *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.

(19) *Finances.* To levy, assess and collect ad valorem property taxes; to expend municipal funds for any public purpose; and to have general management and control of the finances of the town.

(20) *Fire.* To establish or maintain a Fire Department or to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards; to forbid and prohibit the use of fire-hazardous buildings and structures; and to regulate or prevent the use of bonfires, explosives or any other similar things which may endanger persons or property.

(21) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the town, subject, however, to the limitations and provisions of the Corporations and Associations Article of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(22) *Garbage.* (See note (5)) 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.

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

(24) *Hawkers.* To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(25) *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 diseases into the town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary 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.

(26) *Licenses.* Subject to any restrictions imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(27) *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.

(28) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; and to authorize the impounding, keeping, sale and redemption of such animals which are found in violation of the ordinance in such cases provided.

(29) *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.

(30) *Motor vehicles.* (See note (6)) To regulate the speed, weight and operation of motorcycles, motor bikes, motor scooters, buses, trucks, motor vehicles and locomotives within the town limits in accordance with the Transportation Article, § 21–803 of the Annotated Code of Maryland.

(31) *Noise.* (See note (7)) To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(32) *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the town and one-half (1/2) mile beyond the corporate boundaries 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.

(33) *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.

(34) *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.

(35) *Parking meters.* To install parking meters on the streets, public places of the town, in such places as it shall by ordinance determine, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Council.

(36) *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.

(37) *Police force.* To establish, operate and maintain a police force.

(38) *Police powers.* To punish and suppress vagrancy, vice, gambling and the owning or keeping of houses of ill fame within the limits of the town. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the municipality and beyond those limits for one-half (1/2) mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

(39) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' notice of the proposed conveyance; and to control, protect and maintain public buildings, grounds and property of the town.

(40) *Refuse collection.* (See note (8)) To acquire, regulate or provide for the collection, removal and disposal of refuse, garbage, rubbish, filth or any other matter or thing that is or may become injurious to the health or comfort of the inhabitants of the town. Whenever such requirements shall not be met, the town shall arrange for the necessary work to be done, and any expenses incident thereto shall become a lien upon the property.

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

(42) *Sidewalks.* To construct, maintain and improve sidewalks and 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; and to prescribe hours for clearing and cleaning sidewalks.

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

(44) *Zoning.* (See note (9)) 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. Zoning regulations are subject to a referendum of the voters at regular or special elections.

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

Section C4-2. Exercise of powers.

For the purpose of carrying out the powers granted in this Article 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 C4-3. Enforcement of ordinances.

A. *Misdemeanors.* To ensure the observance of the ordinances of the town, the Council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not to exceed the maximum fine permitted pursuant to *Md. Code Ann.* Article 23A, § 3(a), as amended for [from] time to time, or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture or penalty has the right of appeal within ten (10) days to the Circuit Court of the county in which the fine, forfeiture or penalty was imposed. The Council may provide that, if the violation is continuing and is persisted in, a conviction for one violation shall not be a bar to a conviction of offense subsequent to the first or any succeeding conviction.

B. *Infractions.* (See note (10))

(1) The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes or [of] this section, a municipal infraction is a civil offense.

(2) A fine not to exceed the maximum fine permitted pursuant to *Md. Code Ann.* Article 23A, § 3(b), as amended from time to time, may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed the

maximum fine permitted by Article 23A[,] § 3(b) for each repeat offense, and each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. No. 622, 4-22-03.)

ARTICLE V

Registration, Nomination and Elections

Section C5-1. Regular elections.

The election for all elective town officers shall be held on the day of the first Tuesday after the first Monday in November at a place to be designated by the Council. Notices of the designated place must be posted in three (3) public places at least ten (10) days before said election. The polling places shall remain open between the hours of 7:00 a.m. and 8:00 p.m., or longer at the discretion of the Council.

Section C5-2. Qualification of voters.

Every person who is a citizen of the United States, is at least eighteen (18) years of age, and has resided within the corporate limits of the Town for thirty (30) days preceding any Town election, and is registered with the Board of Elections Supervisors for Caroline County, and is registered in accordance with the provisions of this Charter and Town ordinances shall be a qualified voter of the Town. Transfers may be granted by the registration officials from one ward to another in said Town. No person shall be entitled to register on Election Day. Every qualified voter of the Town shall be entitled to vote at any or all Town elections. (Amended 7-25-95 by Res. No. 3; Res. No. 623, 4-22-03; Res. No. 680, 8-22-06.)

Section C5-3. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members who shall be appointed by the Council on or before the first Monday in July in every year. The terms of members of the Board of Supervisors of Elections begin on the first Monday in July in the year in which they are appointed and run for two (2) 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 terms of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Councilpersons' consent for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

Section C5-4. Removal of members of Board of Supervisors of Elections.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council, if, in the judgment of the Council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten (10) days after receiving the written copy of the charges.

Section C5-5. Duties of Board members.

A. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all town elections.

B. The Board may appoint election clerks or other employees to assist it in any of its duties.

Section C5-6. Notice of registration days and elections.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of the schedule of registration and of Election Day by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in three (3) public places in the town.

Section C5-7. Appeal from action of Board of Supervisors of Elections. (See Note (18))

If any person is aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, he 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 the time allowed for such appeals.

Section C5-8. Nominations.

Candidates for election to the office of Councilperson shall file with the Board of Supervisors of Elections a petition signed by at least twenty (20) registered voters of the Town of Denton. The candidate shall file his petition for an elective office not less than thirty (30) days, including Sundays and holidays, prior to the date of such election. Such petition shall state the name and address of the candidate, the fact that such person is eligible for election of the office of Councilperson and that such person wishes his name placed on the ballot as candidate. Such petition shall be sworn to by the person filing same, both as to the fact of the candidate's eligibility and as to the genuineness of the signatures on such petition. The Board of Supervisors of Elections shall advertise the filing requirements once weekly for one (1) month prior to the filing deadline in a paper circulated in the town. No person shall be eligible for elective town public office who has not fulfilled the requirements of this section. No candidate shall file for election for more than one (1) town public office at any one (1) election. The Board of

Supervisors of Elections shall cause to be given general publicity the names of such eligible candidates with the names of the offices they seek and shall post all of such names and offices conspicuously at the polls.

Section C5-9. Elections of Councilpersons. (See note (11))

The town shall elect five (5) Councilpersons to serve for a term of five (5) years. The Councilpersons shall serve staggered terms; one (1) elected in each year.

A. Beginning on the first Tuesday after the first Monday in November 1980, and every fifth year thereafter, the town shall elect one (1) Councilperson.

B. Beginning on the first Tuesday after the first Monday in November 1981, and every fifth year thereafter, the town shall elect one (1) Councilperson.

C. Beginning on the first Tuesday after the first Monday in November 1982, and every fifth year thereafter, the town shall elect one (1) Councilperson.

D. Beginning on the first Tuesday after the first Monday in November 1983, and every fifth year thereafter, the town shall elect one (1) Councilperson.

E. Beginning on the first Tuesday after the first Monday in November 1984, and every fifth year thereafter, the town shall elect one (1) Councilperson.

F. In order to facilitate an orderly transition of election days from the prior Charter which provided for elections in the month of May and the new Election Day, the respective terms of each of the incumbent Councilpersons shall be extended to the 31st of December of the fifth year of their respective elected terms.

Section C5-10. Conduct of elections.

It is 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 voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office, with no party designation of any kind.

Section C5-11. Absentee ballot. (See note (12))

Any qualified voter registered to vote in the Town of Denton is entitled to vote in any municipal election by absentee ballot.

Section C5–12. Mailing of absentee ballots.

The Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to the election. All absentee ballots shall be delivered to Town Hall before the vote counting begins.

Section C5–13. Write-in votes.

The town shall provide for write-in votes at all elections.

Section C5–14. 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, except for the provisions in Section C3–10.

Section C5–15. Vote count.

The Board of Supervisors of Elections shall begin counting the votes immediately after the polls have closed. All votes shall be counted to include the regular ballot, absentee ballots and write-in votes. Once the actual vote counting begins, no persons shall enter or leave the room in which the vote counting is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty-four (24) hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the Treasurer of the town, who shall record the result in the minutes of the Council. The candidates with the highest number of votes shall be declared elected for each Councilperson vacancy. A tie vote shall be decided by special election between the tied candidates.

Section C5–16. Preservation of ballots and records.

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

Section C5–17. Regulation and control.

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

Section C5–18. Women and election process; word usage.

Women shall have equal privileges with men in registering, voting and holding town offices. Whenever the masculine gender has been used as to any registering, voting or holding town office, it shall be construed to include the feminine gender.

Section C5–19. Violations and penalties.

Any person who fails to perform any duty required of him under the provisions of this Article or any ordinances passed thereunder; in any manner willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder; or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or election, shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately, upon conviction thereof, cease to hold such office or employment.

ARTICLE VI

Finance

Section C6–1. Fiscal year.

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

Section C6–2. Submission of budget.

At or before the first Council's meeting in April of each year, the Mayor shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

Section C6–3. Budget message.

The Mayor's message shall explain the budget, both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include such other material as the Mayor deems desirable.

Section C6–4. Budget form and scope.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the

current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections.[:]

A. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs and the method of financing such expenditures.

B. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, when practicable, and the proposed method of financing each such capital expenditure.

C. The total of proposed expenditures shall not exceed the total of estimated income and applied surplus, if any.

Section C6-5. Council action on budget.

A. *Notice and hearing.* The Council shall publish in one (1) or more newspapers of general circulation in the town a notice stating;[:]

(1) The times and places where copies of the message and budget are available for inspection by the public; and

(2) The time and place for a public hearing on the budget.

B. *Amendment before adoption.* After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income or applied surplus, if any.

C. *Adoption.* The Council shall adopt the budget on or before the 10th day of June of the fiscal year currently ending.

D. *Extension.* If the budget is not adopted by July 1, a majority vote of the Council shall be necessary to extend the current budget for a single thirty-day period. Expenditures for that period shall not exceed one-twelfth (1/12) of the annual expenses of the current year.

Section C6-6. Appropriation Ordinance.

Immediately upon adoption of the budget, the Town Council shall adopt an ordinance appropriating funds for the ensuing fiscal year. Funds shall be appropriated to each of the various departments, offices, agencies or functions in accordance with the adopted budget. The Appropriation Ordinance shall also include a summary of estimated income for the ensuing fiscal year in accordance with the adopted budget and shall levy all property and other taxes required to realize the income estimated.

Section C6-7. Amendments after adoption.

A. *Supplemental appropriations.* If during the fiscal year, the Town Administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

B. *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations shall be made by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of tax anticipation notes.

C. *Transfer of appropriations.* At any time during the fiscal year, the Town Administrator may transfer part or all of any unencumbered appropriation balance among programs within a department or office, and the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department or office to another.

D. *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. A three-fifths vote of all members of the Town Council shall be required for the authorization of supplemental and emergency appropriations and reduction or transfer of appropriations.

Section C6-8. Overexpenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this 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, nor the making of contracts or lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section C6-9. Appropriations lapse.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. All unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues of the next succeeding budget year.

Section C6–10. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued by the Town Clerk–Treasurer or, in the event of his/her absence or disability, the Council may authorize some other officer of the town to issue and sign such checks. All checks shall be countersigned by the Town Administrator or by any member of the Council.

Section C6–11. Taxable property.

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

Section C6–12. Notice of levy.

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

Section C6–13. Taxes: levy and limitations.

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 tax levy in the corresponding tax year.

Section C6–14. Assessments of annexed property.

Real estate situated within an area annexed after July 1 in any year shall be assessed for taxes on a pro–rata basis; one–twelfth (1/12) for each month or portion thereof of the regular assessment made for state and county purposes for the year.

Section C6–15. Overdue taxes.

The taxes provided for in Section C6–11 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 while in arrears at the interest rate set annually by Caroline County. All taxes not paid and in arrears after eighteen (18) months shall be collected as provided in Section C6–16. (Amended 1–26–1982 by Res. No. 296; Res. No. 624, 4–22–03.)

Section C6–16. 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 C6–15 of this Charter shall be turned over by the Clerk–Treasurer to the official of the County responsible for the sale of tax delinquent property as provided in state law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by state law.

Section C6–17. Fees.

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

Section C6–18. Audits.

The financial books and accounts of the town shall be audited annually.

Section C6–19. Tax anticipation borrowing.

During the first six (6) 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 no later than six (6) 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 evidence 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 C6–20. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

Section C6-21. Borrowing authority.

The town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance of bonds, notes or other evidence of indebtedness. Such bonds, notes or other evidence of indebtedness may be sold either by private negotiations without advertisement or publication of notice of sale, or by public sale after solicitation of competitive bids, as determined by resolution or ordinance authorizing the issuance of the bonds, notes or other evidence of indebtedness. The Town exempts its bonds, notes, or other evidence of indebtedness from *Md. Code Ann.* Article 31, Sections 9 through 11, as amended from time to time. (Amended 1-21-1986 by Res. No. 339; Res. No. 625, 4-22-03.)

Section C6-22. Previous indebtedness.

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

Section C6-23. Purchasing and contracts.

A. The Councilpersons shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids.

B. All expenditures for supplies, materials, equipment, construction of public improvements or contractual services shall be made in accordance with the town procurement ordinance. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. (Amended 10-30-1984 by Res. No. 327; Amended 11-7-95 by Res. No. 4.)

ARTICLE VII

Administration

Section C7-1. Town Administrator.

There shall be a Town Administrator appointed by the Council who shall serve at its pleasure. The Town Administrator or his designee shall attend every meeting of the Council. The administration of the affairs of the town shall be the responsibility of the Town Administrator under policies and ordinances approved and adopted by the Council in a regular public meeting. Supervision of all officers and employees shall be the duty of the Town Administrator. He shall prepare for adoption an annual budget of revenue and expenses. He shall examine for approval all expense vouchers presented and shall report regularly the condition of the town. Compensation shall be determined by the Council. (Res. No. 627, 5/27/03.)

Section C7-2. Clerk-Treasurer.

There shall be a Clerk-Treasurer appointed by the Council who shall serve at its pleasure. The Clerk-Treasurer shall serve as clerk to the Council. He shall keep a full and accurate account of the proceedings of the Council and keep such other records and perform such other duties as may be required by this Charter or the Council. Under the supervision of the Town Administrator, the Clerk-Treasurer shall be the financial officer of the town. In the absence of the Town Administrator, the Clerk-Treasurer shall assume the managerial duties.

Section C7-3. Town Attorney.

There may be a Town Attorney appointed by the Council. He shall serve at the pleasure of the Council, and his compensation shall be so determined by the Council. 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. The town shall have the power to employ other legal consultants as it deems necessary from time to time.

Section C7-4. Development of administrative policy.

The Town Administrator shall present for approval and adoption of the Council from time to time certain policies he deems necessary in the performance of the administration of the affairs of the town. These may include such affairs as the personnel policies, public safety, fiscal matters and urban development.

Section C7-5. Authority to employ personnel.

The Town Administrator shall be authorized to employ and discharge such officers and employees as he deems necessary to execute the powers and duties of the town. In the performance of this authority he shall abide by a written personnel management policy presented for prior approval of the Council.

Section C7-6. Retirement system.

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

Section C7-7. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the Council subject to the restrictions imposed upon establishing the salaries of the Council. (See note (13))

Section C7-8. Employee benefit programs.

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

Section C7-9. Unlawful activities.

A. *Town employees prohibited from holding office.* No officer or employee in the service of the town shall continue in such position after being elected to any public office in the town.

B. *Political solicitation.* No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any town political purpose whatever from any person holding a position in the service of the town. Additionally, no town employee may solicit any political assessment, subscription, contribution or other political support, for himself or herself, or for any other political candidate, while working in his or her capacity as a town employee.

C. *Political contributions.* No person holding a position in the service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office in the town or take any part in the management, affairs or political campaign of any political party or candidate for public office in the town further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

D. *Holding multiple offices and conflict of interest.* No person shall hold more than one (1) town office or position at any time, nor shall any person holding any town office or position have outside business interest in commercial enterprises doing business with the town. A Town Councilperson may serve on one other town board by appointment of the Town Council. For the purposes of this section, "town office or position" shall mean all elective, appointive and classified positions of the town, with no distinction made between paid or unpaid positions. Additionally, nothing in this section shall prohibit a person appointed to a board from serving on multiple committees. (Amended 7-25-95 by Res. No. 2; Res. No. 620, 4-22-03.)

ARTICLE VIII

Public Ways and Sidewalks

Section C8-1. Definitions.

As used in this Charter, the following terms shall have the meanings indicated:

PUBLIC WAYS — Includes all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C8–2. Control of public ways.

The town shall have control of all public ways in the town, except such as may be under the jurisdiction of the Maryland State Roads Commission. 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 C8–3. Public ways: town powers.

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, bridge, curbs and gutters.
- B. To grade, lay out, construct, open, extend and make new town public ways.
- C. To grade, straighten, widen, alter, improve or close up any existing town public ways or part thereof.
- 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 C8–4. Sidewalks: town powers.

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 on town property along any public way or part thereof.
- B. To grade, lay out, 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.

ARTICLE IX Water and Sewers

Section C9-1. Town powers.

The town shall have the power:

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

Section C9-2. 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 [misdemeanor]. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the town may order it removed.

Section C9-3. 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, drainage ditch 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 C11-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C9-4. 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 stormwater sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way in a condition not inferior to that existing before.

Section C9-5. Connections.

The town may provide a connection with water and sanitary sewer mains for all property within the corporate limits abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains and privies be abandoned, filled, removed or left in such a way as not to injure the public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C9-6. Charge for connections.

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 C9-7. Improper uses.

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

Section C9-8. Private systems.

The town may by ordinance provide that no water supply, sewerage or stormwater drainage system, and no water mains, sewers, drains or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution or community,

whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health. Any cesspool or other private method of sewage disposal affecting or likely to adversely affect the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C9-9. Extensions beyond boundaries.

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

Section C9-10. Right of entry.

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

Section C9-11. 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 C9-12. Contracts for water.

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

Section C9-13. 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 supplies and for the removal of sewage and/or solid waste. These charges are to be billed and collected by the Clerk-Treasurer and, if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

ARTICLE X Special Assessments

Section C10-1. Powers; 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 mains, stormwater 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 C10-2. Procedures for special assessments.

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

A. *Cost assessed.* The cost of the project being charged for shall be assessed according to the abutting-foot rule of apportionment or some other equitable basis determined by the Council.

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

C. *Uniformity.* 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. *Levy; procedure.* 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. The Clerk-Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the 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. The Clerk-Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days

after the Clerk–Treasurer shall have completed 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. *Appeals.* 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 of the county within ten (10) days after the levying of any assessment by the Council.

F. *Payment.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed forty (40) years, and in such manner as the 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. *Overdue.* All special assessment installments shall be overdue six (6) months after the date on which they become due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

H. *Collection.* All special assessments shall be billed and collected by the Clerk–Treasurer.

ARTICLE XI Town Property

Section C11–1. 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 otherwise dispose of any property belonging to the town. All municipal property, funds and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof.

Section C11–2. 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 proceedings shall be that established in the Annotated Code of the Public General Laws of Maryland, title “Eminent Domain.” (See note (14))

Section C11–3. 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 as it deems necessary for the operation of the town government.

Section C11–4. Protection of town property.

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

ARTICLE XII General Provisions

Section C12–1. Oath of office.

A. Before entering upon the duties of their offices, the Councilpersons and Town Administrator, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe the following oath or affirmation: “I, _____, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution and laws of this state.”

B. *How subscribed.* The Councilpersons, Town Administrator and others described above shall take and subscribe this oath or affirmation before the Mayor, Clerk of the Circuit Court or before a notary public of Caroline County. A certificate of such qualifications shall be filed and recorded among their proceedings. A failure to qualify on or before the date specified for taking office shall be deemed a refusal to accept the office to which such person has been elected or appointed.

Section C12–2. Surety bonds.

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

Section C12–3. Prior rights and obligations.

All rights, title and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together

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

Section C12-4. Effect on other laws.

A. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

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

Section C12-5. Severability.

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

Section C12-6. Violations and penalties.

Any person who fails to perform any duty required of him under the provisions of this Charter or any ordinances passed thereunder, in any manner willfully or corruptly violates any of the provisions of this Charter or any ordinances passed thereunder or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately, upon conviction thereof, cease to hold such office or employment.

ARTICLE XIII
Redevelopment; Urban Renewal
Repealed. See Appendix I.

ARTICLE XIV
Transitional Provisions

Section C14-1. Officers and employees.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.

Section C14-2. Continuance of office or employment.

Except as specifically provided by this Charter, if at the time this Charter takes effect a town officer or employee holds any office or position which is or can be abolished by this Charter, he shall continue in such office until the specific provision under this Charter directing that he vacate the office or position becomes effective.

Section C14-3. Personnel system.

Any employee holding a town position at the time this Charter takes effect, who is serving in that same position or a comparable position at the time of its adoption, shall not be subject to competitive test as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Article VII.

Section C14-4. Council.

The Mayor and Councilpersons in office at the effective date of this Charter shall continue to hold office until the new Councilpersons are elected and take office as provided for in C5-10A through E and they shall exercise all rights, duties, powers and responsibilities granted by this Charter.

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Note (16))

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 Commissioners of Denton, municipal corporation of this State, the Town of Denton. (Ch. 641, 1976.)

Section A1-102. Powers.

(a) The municipality may undertake and carry out urban renewal projects.

(b) These projects shall be limited:

(1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;

(2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; and

(3) To sell, lease, convey, transfer or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity.

(c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

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

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

Section A1-103. Additional Powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section A1-104. Establishment of Urban Renewal Agency.

(a) A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines the action to be in the public interest, elect to have the powers exercised by a separate public body or agency.

(b) In the event the legislative body makes that determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix.

(c) The ordinance shall include provisions establishing the number of members of the public body or agency, the manner of their appointment and removal, and the terms of the members and their compensation.

(d) The ordinance may include whatever additional provisions relating to the organization of the public body or agency as may be necessary.

(e) In the event the legislative body enacts this ordinance, all of the powers by this appendix granted to the municipality, from the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

Section A1-105. Powers Withheld from the Agency.

The agency may not:

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

(b) Issue general obligation bonds pursuant to Section A1-109 of this appendix.

(c) Appropriate funds, and levy taxes and assessments pursuant to Section A1-103(c) of this appendix. (Ch. 641, 1976.)

Section A1-106. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

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

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

(c) Finds that the rehabilitaiton [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 therefore if it finds that:

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

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

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

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

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

the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms. (Ch. 641, 1976.)

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

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

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

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

Section A1–109. Eminent Domain.

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

Section A1–110. Encouragement of Private Enterprise.

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

Section A1–111. General Obligation Bonds.

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

Section A1–112. Revenue Bonds.

(a) In addition to the authority conferred by Section A1–111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with 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 a time or times;
- (3) Bear interest at a rate or rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) Be secured in a manner; and
- (11) Have other characteristics, as are provided by the resolution, trust indenture or mortgage issued pursuant to it.

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

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the 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 Article.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. However, the bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys committed irrevocably to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity on them. The moneys under the terms of the agreement shall be required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. This section authorizes any persons or public or private political subdivisions and officers to use any funds owned or controlled by them for the purchase of any bonds or other obligations. With regard to legal investments, this section may not be construed to relieve any person of any duty of exercising reasonable care in selecting securities. (Ch. 641, 1976.)

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Denton 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 Department of Legislative Reference referred to in this Charter has reorganized effective 1997 to be the Department of Legislative Services.

(2) Amended during codification; see Ch. 1, General Provisions, Art. III.

(3) See Ch. 38, Building Construction.

(4) See Ch. 32, Animal Control.

(5) See Ch. 64, Garbage, Garbage and Trash.

(6) See Ch. 120, Vehicles and Traffic.

(7) See Ch. 85, Noise.

(8) See Ch. 64, Garbage, and Trash.

(9) See Ch. 128, Zoning.

(10) See Ch. 20, Infractions.

(11) As to Commissioner vacancies, see also Ch. 10, Art. II.

(12) As to absentee ballots, see also Ch. 10, Art. I.

(13) See Ch. 25, Salaries and Compensation.

(14) Article 23 of the Annotated Code of Maryland, to which this title refers, has been repealed by Acts 1972, Ch. 349, 1. For current provisions, see the Real Property Article of the Annotated Code of Maryland, § 12-101 et seq.

(15) See Annotated Code of Maryland, § 12-101 et seq.

(16) 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 Denton in Chapter 494 of the Acts of the General Assembly of 1975. Further changes to this power were made by Chapter 641 of the Acts of 1976.

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 Denton appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95-037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XIII, Sections C13–1 through C13–12, inclusive, of this Charter.

(17) Resolution 617, effective 4–22–03, provides that all references to “Board of Commissioners” be changed to “Council”, and all references to “Commissioners” be changed to “Councilperson”.

(18) Resolution 618, effective 4–22–03, renumbered §§ C5–8 through C5–20 to be §§ C5–7 through C5–19, respectively.

(19) Resolution 614, effective 3–20–03, provided for the annexation of 19.267 acres of land, more or less. Resolution 635, effective 11–6–03, provided for the annexation of 161.967 acres of land, more or less. Resolution 641, effective 7–1–04, provided for the annexation of 853.208 acres of land, more or less. Resolution 642, effective 7–22–04, provided for the annexation of 101.961 acres of land, more or less. Resolution 643, effective 7–22–04, provided for the annexation of 29.177 acres of land, more or less. Resolution 644, effective 10–28–04, provided for the annexation of 32.540 acres of land, more or less. Resolution 645, effective 10–28–04, provided for the annexation of 36.0318 acres of land, more or less. Resolution 653, effective 2–17–05, provided for the annexation of 143.451 acres of land, more or less. Resolution 665, effective 10–27–05, provided for the annexation of 5.70 acres of land, more or less. Resolution 668, effective 11–17–05, provided for the annexation of 207.749 acres of land, more or less. Resolution 671, effective 3–23–06, provided for the annexation of 54.106 acres of land, more or less. Resolution 673, effective 7–20–06, provided for the annexation of 1.12 acres of land, more or less. Resolution 674, effective 9–21–06, provided for the annexation of 32.59 acres of land, more or less. Resolution 681, effective 11–16–06, provided for the annexation of 60.845 acres of land, more or less. Resolution 682, effective 11–16–06, provided for the annexation of 17.882 acres of land, more or less. Resolution 690, effective 4–19–07, provided for the annexation of 17.19 acres of land, more or less. Resolution 720, effective 12–17–09, provided for the annexation of 25.35 acres of land, more or less. These Resolutions, however, failed to provide for the change in the boundary description that is contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section.

(20) Resolution 627, effective 5/27/03, provides that all references in the Charter to “Town Manager” be changed to “Town Administrator”.