

TOWN OF COLMAR MANOR

A Port Towns Community

**Town Council
Work Session
February 4, 2025
7:00 P.M.**

Agenda

1. Call to Order
2. Parking and Traffic Ordinance
3. Audit/ Withdrawal Committee Ordinance
4. Right of Way Ordinance
5. Walkable Watershed Grant Match
6. Charter amendments
7. Budget Discussions- Council priorities, ideas, and public discussion
8. Adjournment

**Ayuntamiento de la ciudad
Sesión de trabajo
4 De febrero 2025
7:00 PM.**

Agenda

1. Llamada al orden
2. Ordenanza de estacionamiento y tráfico
3. Ordenanza del comité de auditoría / retiro
4. Ordenanza sobre derecho de paso
5. Subvención para cuencas hidrográficas transitables
6. Enmiendas a los estatutos
7. Discusiones presupuestarias: prioridades, ideas y debate público del Consejo
8. Aplazamiento

Attend in person or to listen to/view the meeting,
visit www.zoom.us or call (301) 715-8592

Meeting ID: 826 7950 6698 Password: 3611

<https://us02web.zoom.us/j/82679506698?pwd=Z2RsRUtQZ2FJaWdYK3pwWIBUTnNEdz09>

3701 Lawrence Street
Colmar Manor, Maryland 20722

Office (301) 277-4920 * Fax (301) 699-5245

ARTICLE IV
Residential Parking Permits
[Added 11-10-2020 by Ord. No. O-7-2020]

§ 250-25. Permit parking areas; findings of fact.

- A. The Mayor and Town Council find that the continued vitality of the Town depends on the preservation of safe, healthy, and attractive neighborhoods and residential areas. The Mayor and Town Council further find that one factor threatening the safety, health and attractiveness of the Town's neighborhoods is the availability of parking, because the number of motor vehicles and trailers attempting to park in those areas often exceeds the number of available parking spaces. A program of preferential parking for residents in designated neighborhoods, the Mayor and Town Council further find will help to reduce the parking burden in these neighborhoods and, thus, promote the health, comfort and convenience of the Town.
- B. Accordingly, the Mayor and Town Council specifically finds that there is a compelling need (1) for maintenance of the attractiveness and livability of the Town's neighborhoods and other residential areas which will enhance the health, comfort and convenience of the Town neighborhoods and their residents; and (2) help to provide on a daily basis for Town residents to find parking for their vehicles in or near their residences. The Mayor and Town Council further find that the influx of motor vehicles and trailers from nonresidents competes for the limited available parking further burdening the residents of the Town.

§ 250-26. Definitions.

For the purposes of this Article IV, the following words shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

COMMUTER VEHICLE — A motor vehicle, other than a resident vehicle as defined below, parked in a residential area in which it is not registered.

CURBSIDE PARKING SPACE — Twenty linear feet of curb, exclusive of those portions of the curb, where parking, apart from the provisions of this chapter, is otherwise permitted.

NONCOMMERCIAL PROPERTY — Property zoned for residential but used for schools, parks, churches, fraternal and veteran organizations, hospitals and nursing homes.

PARKING LOT OR AREA — Any parking lot or area owned by or leased to the Town on which vehicle or trailer parking is permitted by the Town.

RESIDENCE — A dwelling unit.

RESIDENT — A person who lives or resides in a structure approved for residential occupancy and can demonstrate the right to occupancy of his residence.

RESIDENT VEHICLE — A vehicle including trailers parked in a residential area in which it is registered with the Town in accordance with the provisions of this chapter of the Code and is validly registered in the Town of Colmar Manor with the State of Maryland Department of Motor Vehicles.

RESIDENTIAL DISTRICT — A contiguous or nearly contiguous area containing public streets and highways or parts thereof primarily abutted by residential property.

RESIDENTIAL PARKING PERMIT AREA — A residential area within the Town where curbside parking on public streets and highways and on property owned or leased to the Town is limited at posted times unless the vehicle or trailer properly displays a parking permit authorized by this article.

TRAILER —

- A. A trailer is any vehicle defined in § 11-169, Trailer, of the Transportation Article of the Annotated Code of Maryland, as amended to date. A trailer is a vehicle that:
 - (1) Has no motive power;
 - (2) Is designed to carry people or property and to be towed by a motor vehicle; and
 - (3) Is constructed so that no part of its weight rests on the towing vehicle.
- B. A trailer also includes a boat trailer as defined by § 11-104.1, a camping trailer as defined by § 11-106 to date, and a travel trailer as defined by § 11-170, all of the Transportation Article of the Annotated Code of Maryland, as amended to date.

VEHICLE — Any device in, on, or by which any individual or property is or might be transported or towed on a highway, all as defined by § 11-176 of the Transportation Article of the Annotated Code of Maryland. "Vehicle" includes a low-speed vehicle and an off-highway recreational vehicle. As defined herein an electric personal assistive mobility device is not a "vehicle," and a "vehicle" does not include an electric personal assistive mobility device as defined in § 21-101(j) of the Transportation Article of the Annotated Code of Maryland.

§ 250-27. Permits; designation/withdrawal of designation of residential parking permit areas.

- A. Except as provided herein, the Town of Colmar is hereby designated a resident restricted parking area. Curbside parking spaces and property owned or leased to the Town whereon public parking is permitted by the Town as hereinafter designated shall be posted as residential parking permit areas permitting parking only where the vehicle, ~~including trailers~~, displays a permit issued by the Town permitting residential parking during specified times of the day. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Criteria. In determining whether an area may be a residential parking permit area, whether conditions are to be imposed, the Mayor and Town Council shall consider factors, including but not limited to the following:
 - (1) The number of driveways available to a residential block.
 - (2) The number of cars with Colmar Manor residential parking stickers on a given block. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. Posting of residential parking permit area. Upon the initial or any future effective dates of the Town's designation or withdrawal of designation, appropriate parking signs shall be erected or moved in the designated area. The signs shall indicate prominently that curbside parking on public streets in the designated area for the time posted is prohibited unless the vehicle or trailer properly displays a parking permit authorized by this article. **[Amended at time of**

adoption of Code (see Ch. 1, General Provisions, Art. D)]

- D. The Mayor and Town Council find the restricted parking permits hours to be posted shall be from 5:00 p.m. until 10:00 a.m. the following day for each day of the week.
- E. The parking restrictions are applicable to all vehicles in curbside parking spaces along public streets and highways in the designated area that do not properly display a parking permit authorized by the provisions hereof.¹

§ 250-28. Issuance and transfer of residential parking permits.

A. Issuance.

- (1) An application for residential parking permit. The applicant is to provide at a minimum the following information for each motor vehicle and trailer to receive a residential parking permit:
 - (a) A valid Motor Vehicle Administration permit showing Colmar Manor as the town of residence;
 - (b) A valid vehicle registration and a motor vehicle registration change of address card showing Colmar Manor as the town of residence;
 - (c) The make, model, license plate number and vehicle identification number of the vehicle or trailer; and
 - (d) The name, address and signature of the applicant for the residential parking permit.
- (2) An applicant for a residential parking permit shall also submit a valid Motor Vehicle Administration vehicle driver's license showing Colmar Manor as the town of residence or a valid Motor Vehicle Administration issued driver's license and a change of address card showing Colmar Manor as the town of residence. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (3) Subject to the limitations outlined herein, upon the applicant's submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions hereof controlling issuance, or transfer of residential parking permits, the applicant may receive one residential parking permit for the motor vehicle described in the application. The residential parking permit shall be securely affixed to the inside of the vehicle at a location directed by the Town.
- (4) The residential parking permit shall display the permit number and numerical designation of the residential parking permit area.²

B. Other requirements.

- (1) No residential parking permit shall be issued to a vehicle ~~or a trailer~~ whose principal

1. Editor's Note: Former Sec. 10-119.E, regarding the applicability of parking restrictions, of the Town Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Former Sec. 10-120.A.(D), regarding the issuance and display of residential parking permits, of the Town Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

operator does not reside within the designated residential parking permit area. Except as provided herein, the applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle or trailer receiving the parking permit.

- (2) A motor vehicle ~~or trailer~~ shall be issued a residential parking permit only if it displays valid license plates issued by the Maryland Motor Vehicle Administration.
- (3) Upon notice to the resident of an unpaid citation issued to the vehicle or any licensed operator thereof that is legally overdue, the Town may revoke the permit.
- (4) Except as provided elsewhere herein, there shall be no fee for any permit issued for any vehicle or trailer titled to a Colmar Manor resident and not used in a trade or business.
- (5) Permits issued for vehicles ~~and trailers~~ which are operated by Colmar Manor residents and used in their business or trade shall be subject to payment of a fee as set from time to time by the Mayor and Town Council. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Commented [GH1]: We need to set a fee.

C. Transfer. Upon the holder's payment of any hereinafter established fee, submission of complete and validated residential parking permit application, fulfillment of all applicable provisions hereof controlling issuance, renewal, or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit for their qualifying vehicle or trailer.

D. Replacement. Upon the holder's payment of any hereinafter established fee, verification of the holder's prior submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions hereof and affirmation that the holder's permit was lost, stolen, or destroyed, the holder may receive a new residential parking permit. The lost, stolen or destroyed permit shall be considered void, and thereupon any use of a voided permit is prohibited.

~~D.~~ E. Renewal. Residential parking permits shall expire every three years.

Formatted: Font: 12 pt

§ 250-29. Temporary permits.

- A. Display of temporary parking permits. All temporary parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the permit number and the numerical designation of the residential parking permit area.
- B. Temporary parking permits.
 - (1) The Town may issue a temporary parking permit for vehicles that belong to a student resident in Colmar Manor during the course of their academic year or a member of the military services of the United States on active duty or a resident whose home cannot be occupied because of ongoing improvements.
 - (2) Such permits are to be issued for a period of three months or longer commensurate with the academic term, military assignment, or the period of time no greater than is necessary to complete the military assignment, or the period of time no greater than is necessary to complete the home improvement permitting occupancy. In each situation the individual requesting the permit shall provide to the Town such information as

required by the Town to issue the permit authorized by this section.

(3) Temporary parking permits may be issued for a maximum of 30 days for residential permit holders due to medical emergency, home and property repairs, traveling for work or pleasure, or other reasons that would prohibit the vehicle from moving within the required 48 hours after parking.

Formatted: Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.67"

§ 250-30. Use of parking permits and exemptions.

- A. A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times when the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic ordinance or regulation.
- B. Whenever the holder of a parking permit, or the vehicle ~~or trailer~~ for which the parking permit was issued, no longer fulfills one or more of the applicable provisions hereof controlling issuance, renewal or transfer of parking permits, the permit shall be deemed to have expired and the holder shall notify the Town, and surrender the parking permit. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the Mayor and Town Council designate for renewal and the holder continues to reside within the designated residential parking permit area.
- C. It shall be a violation hereof for the holder of a parking permit to fail to surrender the permit when directed to do so by the Chief of Police or authorized person.
- D. It shall be a violation hereof for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized herein when they or it are not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.
- E. It shall be a violation hereof for any person by any means to duplicate, attempt to duplicate or display a parking permit issued under the terms hereof.
- F. Exemptions.
 - (1) The provision hereof shall not supersede the provisions of the Town ordinances, county and state laws relating to parking by disabled persons.
 - (2) The following vehicles are specifically exempted from the parking restrictions imposed herein:
 - (a) A motor vehicle or trailer owned by, or operated under contract to a utility, when used in the construction, operation, removal or repair of utility property or facilities or engaged in work in the designated residential parking permit area.
 - (b) A motor vehicle identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.
 - (c) An authorized emergency vehicle as defined by state law.

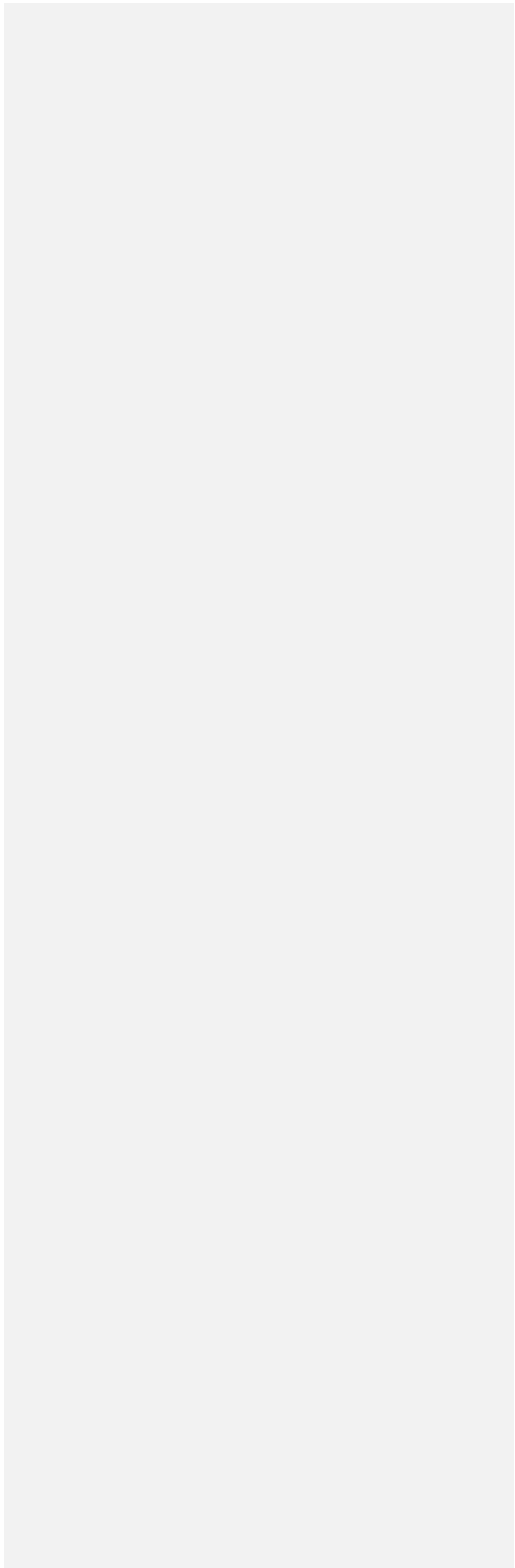
§ 250-31. Regulations and enforcement.

Town of Colmar Manor, MD

§ 250-30

§ 250-27

The Chief of Police is authorized to establish all written regulations and procedure necessary to implement and enforce the provisions hereof and collect all fees and fines.



§ 250-32. Violations and penalties; late fee.

- A. It shall be a municipal infraction for any person to park or leave standing any vehicle during the time designated on the posted signs in a designated residential permit parking area, without a permit for such zone. Unless otherwise provided, the penalty for each parking violation hereof shall be a fine of \$50.
- B. It shall be a municipal infraction for any person to violate any provisions hereof other than the parking provisions as outlined immediately above. The penalty shall be \$100.
- C. The falsification of any application for a permit or temporary permit, the use of any permit, visitor permit or temporary permit by other than the permittee and the allowance of such use by a permittee shall all constitute municipal infractions. The penalty shall be a fine of \$500 for the first offense and \$1,000 for each subsequent offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. A request for the renewal of a permit after expiration thereof shall be subject to a fee of \$45.

§ 250-33. Revocation of permit.

- A. In addition to the penalties provided above for violation hereof, the Town may revoke the residential parking permit of any person found to be in violation hereof and, upon written notification thereof, the person shall surrender such permit to the Town.
- B. Failure to surrender a revoked residential parking permit when requested to do so shall constitute a separate municipal infraction.
- C. Nothing in herein shall be construed as authorizing a permittee to violate any traffic regulation, emergency or otherwise, duly adopted by the Town.

~~§ 250-34. Visitor permits.~~

~~A. Issuance of visitor permits. Upon application of any resident and upon good cause being shown, the Mayor or her/his designee may issue a visitor parking permit to a resident for vehicles belonging to a visitor to their residence. Said visitor parking permit to be subject to such limitations as are reasonably imposed by the Mayor upon application and showing of good cause. The administrative office may also issue to a specified resident an unlimited number of visitor permits. For the purposes hereof, the resident shall be the holder of and responsible for the use and misuse of visitor parking permits issued to the resident. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**~~

~~B. Display of visitor parking permits. All visitor parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from the outside of the vehicle.~~

§ 250-35. Nonresident parking areas; designation of residential parking areas.

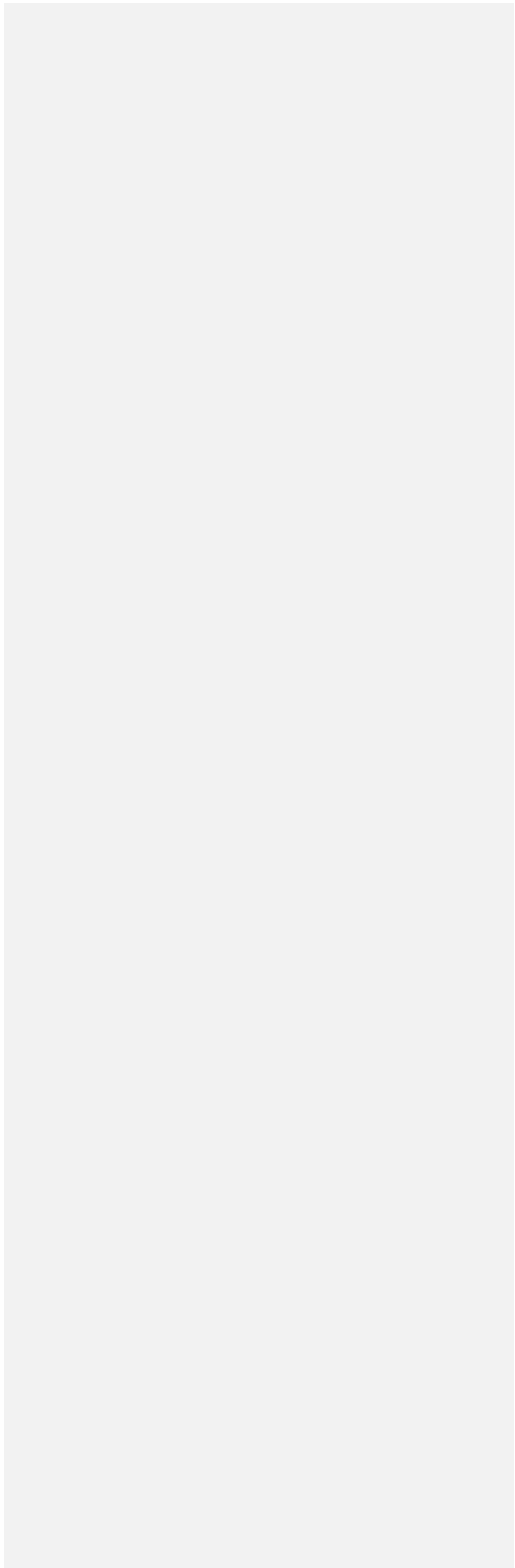
- A. Except between the hours of 5:00 p.m. and 10:00 a.m., no vehicle issued a residential parking permit shall park in a parking space posted for nonresident vehicle parking.
- B. The Mayor and Town Council may designate any area of the Town to be parking for

Town of Colmar Manor, MD

§ 250-35

§ 250-35

residential parking only at all times, temporarily or permanently.



ARTICLE I
Traffic

§ 250-1. Scope.

The provisions of this chapter are intended to be in addition to, and supplementary to, the provisions of the Transportation Article of the Annotated Code of Maryland, as amended, and in accordance with authority specifically granted by said Article.

§ 250-2. Definitions.

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

OPERATOR — Includes every individual who shall operate a vehicle as owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of a vehicle within the boundaries of Colmar Manor.

PARK or PARKING — The standing of a vehicle, whether occupied or not, upon a street, except:

- A. When temporarily, and while actually engaged in, receiving or discharging passengers, or loading or unloading merchandise, which in all situations shall be in obedience of traffic regulations of the Town; or
- B. An involuntary stopping of the vehicle by reason or causes beyond the control of the operator of the vehicle.

VEHICLE — Any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

§ 250-3. Traffic and parking control signs.

Whenever, in the judgment of the Mayor and Town Council of Colmar Manor, it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Mayor and Council of Colmar Manor may erect or cause to be erected "stop," "no parking," "speed limit," "one way" and other traffic control and parking restriction signs, designated to control, regulate, warn or guide traffic, or limit parking on public streets, highways, or other areas in the Town of Colmar Manor. A list of such signs posted shall be available for public inspection at the Colmar Manor Town Office. It shall be the duty of all persons to observe such signs, and any person failing to observe such sign shall, upon conviction thereof, be guilty of a misdemeanor. Additionally, it shall be unlawful for any person to drive, or conduct any vehicle, so as to fail to stop at any stop sign, or fail to obey any similar traffic sign or signal in the Town of Colmar Manor without bringing such vehicles to a full and complete stop, or complying with such similar sign or traffic signal. Nothing here contained shall be deemed to constitute a repeal of the authority heretofore granted by the Mayor and Town Council of the Town of Colmar Manor for the erection of traffic control and parking restriction signs, and failure to observe any such signs here before erected shall be subject to the same penalties as set forth hereafter.

§ 250-4. Parking regulations.

- A. General rule. The provisions of this section apply except as necessary to avoid conflict with

other traffic or in compliance with law or the directions of a police officer or traffic control device.

B. Stopping, standing, or parking. No person shall stop, stand, or park a vehicle:

- (1) In front of a public driveway;
- (2) On a sidewalk;
- (3) In an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a sign ordered erected by the Mayor and Town Council indicates a different length by signs or markings;
- (6) Alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic;
- (7) On any bridge or other elevated structure on a highway;
- (8) At any place where stopping is prohibited by a sign erected by order of the Mayor and Town Council or in an emergency by the order of the Chief of Police. **[Amended 3-3-2009 by Ord. No. O-2-2009]**

C. Standing or parking. No person shall stand or park a vehicle:

- (1) In front of a private driveway without the consent of the owner or occupant of the premises;
- (2) Within 15 feet of a fire hydrant; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (3) Within 20 feet of a crosswalk at an intersection; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (4) Within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (5) Within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly sign posted;
- (6) At any place where standing is prohibited by a sign erected by order of the Mayor and Town Council;
- (7) On the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway;
- (8) With one or more of the side wheels more than 12 inches from the curb;
- (9) So as to prevent another vehicle already stopped near the curb, or otherwise legally

parked, from moving away;

- (10) Not wholly within a designated parking space, or within two feet of the front or rear bumper of another vehicle parked at or parallel to the curb;
- (11) In a taxi stand when properly posted by signs erected by order of the Mayor and Town Council;
- (12) Upon any street or alley in such a manner or under such conditions as to leave available less than nine feet of the width of a roadway for free movement of vehicular traffic;
- (13) Between the curblines and the adjacent property lines except where signs are installed at the order of the Mayor and Town Council designating the area as a permissible parking area;
- (14) On an unpaved area of any lot or parcel of property that is one acre or less in size.

D. Parking. No person shall park a vehicle:

- (1) Unless for the use of handicapped individual, in a space or zone marked as restricted for the use of handicapped individuals;
- (2) At any other place where parking is prohibited by a sign erected by order of the Mayor and Town Council.

E. Penalty. Except as elsewhere provided herein, any person or the owner of any vehicle issued a citation for a violation of this § 250-4 shall be subject to a fine as set forth in § 250-16 of this article. Any fine cited hereunder not paid within 30 days for which a request for hearing has not timely been made to the District Court of Maryland shall double. Any person or the owner of any vehicle issued a citation for a violation of the handicapped parking regulations as set forth in § 250-4D(1) shall be subject to a fine of \$250. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

F. Any vehicle in violation of the provisions of this article for a period of greater than 48 consecutive hours shall, at the direction of any police office or Code Enforcement Officer, be subject to impoundment. In the event such vehicle is impounded, the Town, by the Clerk-Treasurer or his designee, shall notify the Chief of Police, the Code Enforcement Officer, the Maryland State Motor Vehicle Administration, and such other police and government agencies as deemed proper by the Clerk-Treasurer, together with the owner of record of the vehicle as set forth in the records of the Maryland State Motor Vehicle Administration or, if the vehicle is not presently registered then the last registered owner of the vehicle. The costs of such impoundment, including any cost to the Town, or charge for towing and storage, shall be paid in full to the Clerk-Treasurer, or his designee, prior to the release of any vehicle impounded hereunder to any person having the right to possess such vehicle. Impounded vehicles shall also be subject to the provisions of § 250-13 of this article. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 250-5. Parking restricted; abandoned vehicles.

A. It shall be unlawful for any person to park any vehicle on any of the streets of Colmar Manor

for a continuous period of more than 48 hours at any one time.

- B. It shall be unlawful for any person to operate or park any motor vehicle in and upon the streets of Colmar Manor which motor vehicle does not bear current year motor vehicle license plates. It shall also be unlawful for any person to leave any abandoned vehicle at any place with the Town, and no owner, lessee, or custodian in charge or any lot, field, road, street, lane, or other property, except as licensed by law to store such vehicles, shall permit any abandoned motor vehicle to remain on such property within the Town for a continuous period of more than 48 hours at any one time.
- (1) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:
- (a) That is inoperable and left unattended on public property for more than 48 hours.
 - (b) That has remained illegally on public property for more than 48 hours.
 - (c) That has remained on public property for more than 48 hours; and:
 - [1] Is not displaying currently valid registration plates; or
 - [2] Is displaying registration plates of another vehicle.
 - (d) That has remained on private property for more than 48 hours; and:
 - [1] Is inoperable in that one or more of its major mechanical components, including but not limited to engine, transmission, drive train and wheels, is missing or not functional unless such vehicle is kept in an enclosed building; or
 - [2] Is not displaying currently valid registration plates; or
 - [3] Is displaying registration plates of another vehicle.
- (2) Any partially dismantled, wrecked, or junked motor vehicle may be presumed to have been or be abandoned.
- (3) Any person issued a citation for violation of this section shall be subject to a fine of \$50 for each violation.
- C. It shall be unlawful ~~To perform any service, maintenance, or repair on any motor vehicle parked therein except for emergency service and repair necessary for the removal of an inoperative motor vehicle; to make repairs to any motor vehicle parked in and upon the streets of Colmar Manor, except herefrom those items which do not require the removal of units by which the vehicle propels itself and which do not require interior and exterior body repairs.~~ **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. All vehicles on the streets of Colmar Manor, when not in motion, shall park or stand in the direction of traffic, with their right side parallel to and near the right-hand side of the highway, street, or alley as practicable, and no driver shall park or stop a vehicle otherwise on the public highways of the Town of Colmar Manor.

§ 250-6. Overnight parking of trailers and commercial vehicles prohibited. [Amended 12-9-2014 by Ord. No. O-2-2014; 11-10-2020 by Ord. No. O-8-2020]

- A. Except as provided herein and elsewhere in the Town Code, the parking of any trailer as defined herein or commercial vehicle on any street or highway in the Town between the hours of 6:00 p.m. and 6:00 a.m. each day of the week, including weekends and holidays, is prohibited.
- B. Definition of commercial motor vehicle. "Commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property or to provide services when the vehicle:
- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater;
 - (2) Is designed or used to transport more than 15 passengers, including the driver, with or without compensation; or
 - (3) Is used in transporting material found by the Chief of Police to be hazardous under 49 U.S.C. § 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary of Transportation of the United States under 49 CFR, Subtitle B, Chapter I.¹
- C. Provided, however, commercial vehicles, as defined herein, parked for the purpose of the restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or the provision of essential supplies (such as food and fuel), as and when recognized by the Chief of Police, shall not be included in the definition of a commercial vehicle. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Tow-away. The towing and storage charge shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.
- E. All trailers exceeding 16 feet in length, including the tongue, are prohibited from parking on the streets and highways of the Town of Colmar Manor from 6:00 p.m. to 6:00 a.m. every day of the week, including weekends and holidays.
- F. The penalty for a violation of this § 250-6 shall be fine of up to \$250. Any towing and storage charge shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.

§ 250-7. Safety zones established.

It shall be unlawful for any person to drive or operate, or cause to be used or driven or operated, any vehicle into any part of any safety zone which has been or is hereafter established by the authority of the Mayor and Town Council, and indicated by yellow lines painted on the curb or street.

1. Editor's Note: See 49 CFR 105.5 et seq.

Commented [GH1]: New weight or definition?

§ 250-8. Throwing objects at vehicles.

It shall be unlawful for any person to throw, or propel, use to thrown or propelled, any object, substance or paper against or into any vehicle within the corporate limits of the Town of Colmar Manor.

§ 250-9. Maximum speed.

It shall be unlawful for any person to operate any motor vehicle upon any street or alley of the Town of Colmar Manor at a rate of speed greater than reasonable and proper, or at a speed greater than 25 miles per hour.

§ 250-10. Bicycles.

It shall be unlawful for any person to ride any bicycle or vehicle upon any curb or sidewalk within the corporate limits of the Town of Colmar Manor; provided, this section shall not prohibit small children from riding velocipede or other light toy vehicles upon the sidewalks. It shall also be unlawful for any persons to ride any bicycle upon the streets of the Town at night without displaying a front white light and a rear red light or red reflector.

§ 250-11. Reservation of powers.

Nothing in this chapter shall be construed as prohibiting the Town of Colmar Manor from providing for bus stops, for taxicab stands and other matters of similar nature. The loading and unloading of a truck, van or other commercial vehicle may be conducted for a reasonable period, usually two hours, at any time.

§ 250-12. Parking of certain vehicles in Town prohibited.

It shall be unlawful for any person to park a motor vehicle with a rated load capacity in excess of 3/4 ton on any of the streets of Colmar Manor, except while loading or unloading.

§ 250-13. Impounding of motor vehicles standing or parked in violation of Town ordinances.

- A. No person shall allow or permit any motor vehicle in any public place or street or upon private property in the Town to be in violation of any of the ordinances or local laws of this Town regulating the standing and parking of vehicles, nor shall any vehicles be so placed or parked by any person.
- B. Any vehicle found standing or parked in violation of any such ordinance or local law whether on public or private property provided that two or more such vehicles are found to be in violation on any one lot or group of adjacent lots under common ownership or control may be removed, towed, conveyed by, or at the direction of a member of any peace officer of the State of Maryland or its political subdivisions, or the Code Enforcement Officer to any vehicle pound designated by Prince George's County or the Mayor and Town Council, and such removal shall be deemed to be abatement of a nuisance and at the risk and expense of the owner, or other person entitled to the possession thereof. Such owner or person entitled to possession of the vehicle shall pay to the vehicle pound the amount of all expenses actually



Commented [GH2]:

Commented [GH3]: Does this need to change?

and necessarily incurred in effecting such removal, together with any charges for storage. The Town shall be deemed a creditor of such owner or person entitled to possession and shall have a lien against such vehicle for the amount of expense so incurred. The Town may maintain an action against the owner or owners, the person who parked said vehicle, the vehicle or any of them to recover the amount of the lien in a civil action or as penalty for violation of Subsection A of this section. Whenever the owner or person, firm or business entity entitled to possession of any said motor vehicle, or part thereof, fails to redeem the same from impoundment for a period of 60 days, the same may be disposed of at public sale in accordance with the provisions of the Annotated Code of Maryland as amended from time to time.

- C. If no bids are received at the public sale hereinbefore authorized, Prince George's County or the Mayor and Town Council, through their respective authorized agents, may remove, destroy and break up or otherwise dispose of such vehicle without being liable to the owners thereof, or to any person having or claiming any interest therein, for any amounts received for the sale or disposition of said vehicle, and further the Town may maintain a civil action against them to recover the amount of expense for such removal advertisement, sale, destruction or disposal.²

§ 250-14. Vehicle weight limits.

It shall be unlawful to operate any vehicle with which its load exceeds 15,000 pounds in weight, on any of the streets of Colmar Manor without prior written permission from the Mayor and Town Council.

Commented [GH4]: Conflicting weight limit with other section

§ 250-15. Cleated vehicles prohibited without permit.

It shall be unlawful to operate any vehicle of the cleated tread on any street, or portion thereof, of the Town, without first obtaining permission from the Mayor and Town Council.

§ 250-16. Violations and penalties; administrative fee. [Amended 12-13-2022 by Ord. No. O-04-2023]

- A. Because of the expenses to the Town for the flagging of vehicles with outstanding violations and unless stated otherwise within this article, the Clerk-Treasurer is authorized to impose a fee of up to \$25 for the processing of such violations issued under this Article I, Traffic, which are not paid within 30 days of their issuance.
- B. Unless another penalty is set forth in other sections of this article, a violation of this article shall be declared a municipal infraction. The penalty for violation shall be \$50 for the first violation and \$100 for each subsequent violation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. Any violation of § 250-4, 250-5, 250-7, 250-8, 250-10, 250-12, 250-14 or 250-15 is hereby declared to be a municipal infraction. The penalty for violation shall be \$50 for each initial offense and \$100 for each repeat offense.

2. Editor's Note: Original Subsections 10-113D and E of the Town Code, regarding impounding of vehicles, which immediately followed this subsection, were repealed 3-3-2009 by Ord. No. O-2-2009.

MAYOR AND TOWN COUNCIL OF COLMAR MANOR

ORDINANCE NO. XXXXXX

AN ORDINANCE to amend the Town of Colmar Manor Code creating a process to authorize residents and companies to perform certain work on property owned by the Town of Colmar Manor through the issuance of a Right-of-Way Work Permit approved by the Town Administrator upon payment of an applicable fee.

WHEREAS, the Town owns much property adjacent to, or abutting private property; and

WHEREAS, residents of the Town often would like to repair or improve their property which could not be completed without disturbing property owned by the Town; and

WHEREAS, the Mayor and Council believe it is in the best interests of the residents to formalize the process to make certain the process is done efficiently, safely, and in compliance with all law; and

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of Colmar Manor, that the Town of Colmar Manor Code (December 31, 2008, Edition), as amended, as stated herein below regarding a newly added Chapter 237 (Certain Work in Public Rights of Way) is hereby, enacted, adopted, revised and amended such that said Code and the provisions of said Code shall henceforth read as follows:

CHAPTER 237 CERTAIN WORK IN PUBLIC RIGHTS OF WAY

§ 237-1. POLICY OF THE TOWN.

IT IS THE POLICY OF THE TOWN GOVERNMENT TO PERMIT CERTAIN ACTIVITY ON PROPERTY OWNED BY THE TOWN FOR RESIDENTS AND REGULATED UTILITIES TO MAKE IMPROVEMENTS OR REPAIRS, THROUGH THE ISSUANCE OF A RIGHT-OF-WAY WORK PERMIT. SUCH IMPROVEMENTS OR REPAIRS INCLUDE, BUT ARE NOT LIMITED TO, CURB CUTS, INSTALLATION OF UTILITY EQUIPMENT SUCH AS LIGHT POLES, DRIVEWAY-WIDENING, AND SIDEWALK REPAIRS, WHICH ARE REGULATED UNDER THE PROVISIONS OF THIS CHAPTER. SUCH IMPROVEMENTS AND REPAIRS SHALL BE HEREINAFTER REFERRED TO AS “WORK” IN THIS CHAPTER.

§ 237-2. OTHER LAWS APPLICABLE.

NO WORK IS PERMITTED ON PROPERTY OWNED BY THE TOWN WITHOUT A PERMIT BEING OBTAINED AS PROVIDED FOR HEREIN. NO WORK SHALL BE

OPERATED IN VIOLATION OF ANY APPLICABLE LAW OR REGULATION OF ANY GOVERNMENTAL AGENCY HAVING JURISDICTION IN THE MATTER.

§ 237-3. FEES.

THE FEE FOR THE RIGHT-OF-WAY WORK PERMIT SHALL BE AS SET BY THE COUNCIL IN ITS ANNUAL BUDGET ORDINANCE, AND REVISED TIME-TO-TIME BY RESOLUTION.

§ 237-4. PERMIT--REQUIRED AND CONDITIONAL.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PERFORM ANY WORK ON PROPERTY OWNED BY THE TOWN WITHOUT HAVING FIRST MADE APPLICATION FOR AND RECEIVED PERMISSION TO DO SO BY RECEIVING A RIGHT-OF-WAY WORK PERMIT FROM THE TOWN ADMINISTRATOR.

(B) THE PERMIT SHALL BE GRANTED UPON RECEIPT OF A COMPLETED APPLICATION AND PAYMENT OF THE FEE, BUT THE PERMIT SO GRANTED SHALL BE CONDITIONED UPON FULL COMPLIANCE DURING THE WORK FOR WHICH THE PERMIT IS ISSUED.

§ 237-5. PERMIT--APPLICATION.

APPLICATION FOR A RIGHT-OF-WAY T PERMIT SHALL BE MADE TO THE TOWN ADMINISTRATOR OR HIS DESIGNEE NOT LESS THAN THIRTY (30) DAYS PRIOR TO THE SCHEDULED DATES OF THE PROPOSED WORK. THE APPLICATION SIGNED BY THE PERSON OR DULY AUTHORIZED AGENT SHALL PROVIDE THE FOLLOWING INFORMATION:

1. NAME AND ADDRESS OF THE PERSON REQUESTING TO PERFORM THE WORK.
2. ADDRESS OF THE PROPERTY UPON WHICH THE IS TO BE HELD.
3. NAME AND ADDRESS OF PERSONS PROVIDING MECHANICAL EQUIPMENT TO BE USED FOR THE WORK
5. THE SCHEDULED DATES OF THE WORK AND THE PROPOSED HOURS OF OPERATION.
6. A SKETCH OR MAP OF THE PROPOSED WORK AND SITE SHOWING ABUTTING PROPERTIES AND STREETS.
7. THE SECURITY AND SAFETY TO BE PROVIDED.
8. ANY OTHER SPECIAL OR UNIQUE CIRCUMSTANCES OR CONDITIONS ASSOCIATED WITH THE WORK OR OTHER INFORMATION WHICH MAY BE REQUIRED BY THE TOWN ADMINISTRATOR.

§ 237-6. PERMIT--ISSUANCE.

UPON RECEIPT OF THE APPLICATION THE TOWN ADMINISTRATOR SHALL INFORM THE APPROPRIATE DEPARTMENTS THAT ARE DEEMED NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE. UPON COMPLETION OF THIS NOTIFICATION, INVESTIGATION AND PAYMENT OF THE PERMIT FEE, THE TOWN ADMINISTRATOR MAY ISSUE THE PERMIT REQUIRED BY THIS CHAPTER.

§ 237-7. APPEAL FROM ACTION OF TOWN ADMINISTRATOR UPON FAILURE TO ISSUE.

AN APPEAL FROM THE DENIAL BY THE TOWN ADMINISTRATOR OF A RIGHT-OF-WAY PERMIT APPLICATION MAY BE TAKEN TO THE MAYOR AND COUNCIL, WHICH SHALL, AFTER A PUBLIC HEARING UPON REASONABLE PUBLIC NOTICE, AFFIRM THE ACTION OF THE TOWN ADMINISTRATOR OR OVERRULE IT AND DIRECT THE TOWN ADMINISTRATOR TO ISSUE THE PERMIT. THE MAYOR AND COUNCIL SHALL ISSUE THEIR DECISION WITHIN THIRTY (30) DAYS AFTER HEARING SUCH APPEAL. THE DECISION OF THE MAYOR AND COUNCIL SHALL BE FINAL, WITH NO FURTHER RIGHT TO APPEAL.

§ 237-8. DURATION OF PERMIT

THE PERMIT SHALL BE GOOD FOR A PERIOD OF TIME NOT TO EXCEED THIRTY (30) DAYS. AN EXTENSION OF THE PERMIT MAY BE AUTHORIZED BY THE TOWN ADMINISTRATOR UPON A SHOWING OF GOOD CAUSE IN WRITING BY THE APPLICANT. AN EXTENSION MUST BE REQUESTED BEFORE THE EXPIRATION OF THE PERMIT.

§ 237-9. INSURANCE AND INSPECTIONS.

THE TOWN ADMINISTRATOR SHALL DETERMINE THAT THE APPLICANT HAS MADE PROVISIONS FOR PUBLIC LIABILITY AND WORKERS' COMPENSATION INSURANCE. THE TOWN SHALL INSPECT ANY WORK AFTER COMPLETION TO ENSURE THE WORK IS IDENTICAL TO WHAT WAS CONTAINED IN THE APPLICATION, AND IN COMPLIANCE WITH ALL LAWS.

§ 237-10. REMOVAL OF EQUIPMENT, CLEARING SITE.

ALL MATERIAL AND EQUIPMENT USED IN CONJUNCTION WITH THE WORK SHALL BE COMPLETELY REMOVED FROM THE SITE WITHIN TWENTY-FOUR (24) HOURS AFTER COMPLETION OF THE WORK. THIS INCLUDES THE REMOVAL OF ALL TRASH OR ANY OTHER MATTER OF DEPOSITS OF ANY KIND GENERATED BY THE WORK.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the Town of Colmar Manor that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or

subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the Town of Colmar Manor that this Ordinance shall become effective at the expiration of thirty (30) calendar days following its passage by the Town Council.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the Town, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

AND BE IT FURTHER ORDAINED AND ENACTED that the Mayor shall be authorized to sign this Ordinance on behalf of the Mayor and Town Council.

HAVING BEEN INTRODUCED AND HAVING BEEN READ at a regular meeting and passed by a yea and nay vote of the Mayor and Council with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Colmar Manor held on this ____ day of _____ 2025.

I HEREBY CERTIFY that the above Ordinance No. XXXXXX was passed by the required yea and nay votes of the Mayor and Council on the ____ day of _____ 2025

ATTEST:

MAYOR AND TOWN COUNCIL OF COLMAR
MANOR

Daniel R. Baden, Clerk-Treasurer

By: _____
Monica Casañas, Mayor

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Clerk-Treasurer of the Town of Colmar Manor, Maryland, that on the ___ day of _____ 2025 with ___ Aye votes and _____ Nay votes, the aforesaid Ordinance XXXXXXXX passed.

Daniel R. Baden, Clerk-Treasurer

Motion by: _____.

Seconded by: _____.

Vote: ___ Ayes
 ___ Nays
 ___ Absent
 ___ Abstain

**CHARTER
OF THE
TOWN OF COLMAR MANOR
PRINCE GEORGE'S COUNTY, MARYLAND**

*As enacted by Charter Resolution 1-2003
January 28, 2004*

**(Printed November 2008)
(Revised October 2022)**

The Department of Legislative Services
General Assembly of Maryland
Prepared this document

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Area: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Services to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate based on race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designed to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I Incorporated

Section

- 101. Incorporated
- 102. Definition

ARTICLE II Town Boundaries

- 201. Corporate boundaries
- 202. Ward boundaries
- 203. Redistricting ward boundaries

ARTICLE III Mayor and Town Council

- 301. Number, succession, and oath.
- 302. Elections, tenure, residency
- 303. Qualification of candidates
- 304. Compensation
- 305. Meeting, procedures, attendance
- 306. Vacancies
- 307. Passage of ordinances
- 308. Referendum
- 309. Powers and duties of the Mayor
- 310. Duties of the Council

ARTICLE IV Powers, Enforcement, Infractions

- 401. Powers of Town Council
- 402. Enforcement of ordinances
- 403. Municipal infractions

ARTICLE V Powers, Enforcement, Infractions

- 501. Qualifications of voters
- 502. Board of Elections Supervisors: appointment
- 503. Same: removal of members

- 504. Same: voter registration
- 505. Same: Elections
- 506. Special elections
- 507. Qualification elections
- 508. Absentee ballots

ARTICLE VI
Finance

- 601. Borrowing power
- 602. Evidence of indebtedness
- 603. Sale of bonds: taxes
- 604. Revenue bonds
- 605. Benefits assessment for improvements
- 606. Prior issues
- 607. Fiscal and budget years
- 608. Budget
- 609. Adoption of budget
- 610. Taxes: levy
- 611. Same: collection
- 612. Annual audit

ARTICLE VII
Personnel

- 701. Appointive officers
- 702. Clerk Treasurer
- 703. Powers and duties of the Clerk Treasurer
- 704. Bond
- 705. Town Attorney
- 706. Police coordinator
- 707. Personnel authorization and compensation
- 708. Employee programs

ARTICLE VIII
(Reserved)

ARTICLE IX
Streets and Sidewalks

- 901. Powers as to streets and sidewalks
- 902. Declaration of public ways
- 903. Petition for improvements

ARTICLE X
General Provisions

- 1001. Effects of Charter on existing ordinances
- 1002. Severability
- 1002.1 Official bonds
- 1003. Violation as a misdemeanor; penalty
- 1004. Prior rights and obligations
- 1005. Charter review

APPENDIX I
Urban Renewal Authority for Slum Clearance

- A1 – 101. Definitions
- A1 – 102. Powers
- A1 – 103. Establishment of Urban Renewal Agency
- A1 – 104. Initiation of Project
- A1 – 105. Preparation and Approval of Plan for Urban Renewal Project
- A1 – 106. Disposal of Property in Urban Renewal Area
- A1 – 107. Eminent Domain.
- A1 – 108. Encouragement of Private Enterprise
- A1 – 109. General Obligation Bonds
- A1 – 110. Revenue and Approval
- A1 – 111. Separability
- A1 – 112. Review and Approval
- A1 – 113. Short Title
- A1 – 114. Authority to Amend or Repeal

Charter of the Town of Colmar Manor

COLMAR MANOR

ARTICLE I Incorporation

Section 101. Incorporated.

This Charter is the Municipal Corporation Charter of the Town of Colmar Manor, formerly known as First Addition of Colmar Manor, Lenox and Top Notch, the corporate name of which is the Mayor and Town Council of Colmar Manor. The Town, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead or be impleaded in any court of law or equity, to have and use a common seal, to purchase and hold all kinds of property including real estate, or dispose of the same by sale or lease for the benefits of said Town and to have perpetual succession unless its Charter and the corporate existence are legally abrogated.

Section 102. Definitions:

The terms “Town”, “city”, “municipality, or “municipal corporation” shall each mean and referred [refer] to the Mayor and Town Council of Colmar Manor.

ARTICLE II Town Boundaries

Section 201. Corporate Boundaries.

The boundaries of the Town of Colmar Manor shall be as follows: Beginning at the intersection of the east boundary line of the Fort Lincoln Cemetery with the line of the **Washington Baltimore Boulevard (Bladensburg Road)**, and running thence due north to the center line of said boulevard and thence along the center line of said boulevard to high water mark on the east bank of Anacostia River, thence along said high water mark on the said east bank to the boundary line of the District of Columbia, thence along said District of Columbia boundary line to a point in the Fort Lincoln Cemetery, thence through the Fort Lincoln Cemetery to the point of beginning.

Section 202. Ward Boundaries

The Town of Colmar Manor shall be divided into four wards, as follows:

- (a) *First Ward.* That portion of said Town lying between its western boundary and a line from Bladensburg Road to the Anacostia River, following the east line of 39th Place.
- (b) *Second Ward.* That portion of said Town bounded on the west by a line from Bladensburg Road to the Anacostia River, following the west side of 39th Place and on the east by a line from

Bladensburg Road to the Anacostia River, following the east line of 40th Place, including Newton Street, the thirty- nine hundred block of Lawrence Street and Newark Road.

- (c) *Third Ward.* That portion of said Town bounded on the west by a line from Bladensburg Road to the Anacostia River, following the west line of 40th Place, and on the east by a line from Bladensburg Road to the Anacostia River, following the west line of 43rd Avenue.
- (d) *Fourth Ward.* That portion of the said Town lying east of a line from Bladensburg Road to the Anacostia River, following the west line of 43rd Avenue.

Section 203. Redistricting Ward Boundaries

The Town Council shall evaluate the wards of the Town of Colmar Manor periodically, but not less than after the publication of the decennial census, to ensure that the representation of the wards is reasonably equal in population, and the Town Council shall have the power to change the boundaries thereof.

The effective date of any change of boundaries shall be determined by the Town Council.

ARTICLE III Mayor and Town Council

Section 301. Number, Succession, and Oath.

All powers of the Town are vested in a Town Council consisting of a Mayor and four Councilmembers who shall be elected as provided herein and shall serve for their designated terms or until their successors take office. The Mayor and Councilmembers holding office at the time this Charter becomes effective shall, except as provided herein, continue to hold office for the term for which each was elected or until their successor takes office. Before entering upon the duties of office, the elected Mayor and each elected Councilmember shall take an oath, within thirty (30) days following the election, that they will diligently and faithfully discharge all duties of the office, punctually, without favor, partiality or prejudice, and said other shall be filed among the records of the Town.

Section 302. Elections, Tenure, and Residency.

- (a) On the first Tuesday in May 2004 and every four (4) years thereafter, the qualified voters of the Town shall elect a Councilmember from each ward to serve a term of four (4) years to be voted for by the qualified voters of their respective wards.
- (b) Each Councilmember must continuously reside within their respective ward during the entire term of office. Failure to reside shall result in a vacancy in that office to be filled as provided for in Section 306.
- (c) On the first Tuesday in May 2006 and every four (4) years thereafter, the qualified voters of said town shall elect a Mayor to be voted for by the qualified voters of the entire Town.
- (d) The Mayor must continuously reside within the Town during the entire term of office. Failure to reside shall result in a vacancy in the office to be filled as provided for in Section 306.
- (e) The Mayor and Council Members are limited to two consecutive terms in office.

Section 303. Qualifications of candidates.

- (a) Candidates for the office of Councilmember shall be twenty-one (21) years old or older, have resided in the Town for at least one year, and their respective ward for at least thirty days, immediately preceding their election, and shall be registered and qualified voters of the Town.
- (b) Candidates for the office of Mayor shall be thirty (30) years old or older, have resided in the Town for at least one year immediately preceding their election, be registered and qualified voters of the Town.
- (c) The Council shall be the judge of the qualification of its members. (Res. No. R-2-2010, 8-25-10, R-2-2012, R-7-25-12).

Section 304. Compensation.

The Mayor and each Councilmember shall receive an annual salary to be paid monthly as set from time to time by ordinance passed by the Town Council in the regular course of business. The salary paid to Councilmembers shall be the same for each such members. The salary specified at the time the Mayor and any Councilmember takes office shall not be changed during the term for which that Mayor or member was elected.

Section 305. Meetings, Procedures, Attendance.

- (a) The Mayor and Council shall meet as the Town Council in some convenient place in the Town not less once in every month. The majority shall constitute a quorum for the transaction of business; and upon each action the yea and nay vote of the Mayor and each Councilmember shall be recorded opposite the member's name. A journal record of the votes shall be maintained by the Clerk or such other person as the Mayor and Town Council may designate. The journal record of the votes shall be open to public inspection.
- (b) The Town Council shall pass rules and regulations by resolution consistent with the provisions of this subtitle for its own government while in session.
- (c) At the first Town Council meeting following each regular Town election, the Mayor with the consent of the Council shall appoint a member of the Council as Mayor Pro-Tempore. The Mayor Pro-Tempore shall act as chairman of the Town Council in the absence of the Mayor. The term of the Mayor Pro-Tempore shall be until the next regular Town election.
- (d) The Mayor shall participate, vote, conduct and preside over the meetings of the Town Council and shall call Town Council meetings from time to time as deemed necessary.
- (e) The Clerk or such person as shall be designated by the Town Council shall take attendance at each meeting of the Town Council or in an event which the elected officials of the Town are required to be present and recorded the same in a journal to be maintained by the Town.

- (f) The Mayor and Town Council recognize their solemn commitment in the service of their constituents to attend and participate in Town meetings and other functions. The service of attendance and participation by the elected officials being recognized as a necessary sacrifice to sustain the representative democracy in which we are privileged to live. Accordingly, the absence of the Mayor or any Councilmember, during any term of office from three (3) meetings of the Town Council, without being formally excused by the Town Council, shall result in that office being deemed vacant and the office shall be as set forth in Section 306.

Section 306. Vacancies.

- (a) In addition to vacancies occurring because of other events, if the Mayor or any member of the Council is unable to perform the duties and responsibilities of office as set forth on this Charter for a continuous period of six (6) months, the office may be deemed vacant by the affirmative vote of not less than two-thirds of the members of the Town Council and such vacancy shall thereupon be filled as provided for in Section 306(b) or (c).
- (b) Provided that a least six (6) months exist before the next Town election as provided herein, in case of a vacancy in the office of Mayor for any cause prior to the expiration of the Mayor's term of office the Board of Election Supervisors shall conduct a special election by the registered voters of the Town to elect a person as Mayor. The person so elected shall meet the qualifications for office provided in Section 303(b), take the oath of office, and shall serve for the remainder of the vacated term until a successor shall have been elected and qualified.
- (c) Provided that at least six (6) months exist before the next Town election in the case of a vacancy in the office of Councilmember for any cause prior to the expiration of the term, the Board of Election Supervisors shall conduct a special election by the registered voters of the Town to elect a person as shall to elect a person to complete the term. The person so elected shall meet the qualifications for office provided in Section 303(a), take the oath of office and shall serve for the remainder of the vacated term until a successor shall have been elected and qualified.
- (d) All special elections conducted pursuant to this section shall be held within sixty-day (60) days of the occurrence of any vacancy in the office of Mayor or Councilmember. The Board of Elections Supervisors shall solicit the filing of nominating petitions as provided in Section 507 hereof within fourteen (14) days following the occurrences of such vacancy. All such petitions shall be filed within thirty (30) days of the announcement of solicitation.

Thereafter the Board of Elections Supervisors shall conduct an election within the sixtieth (60) and seventy-fifth (75) day following the occurrence of the vacancy as determined by the board of election supervisors.

(e) Vacancy of Offices:

- 1) In the event of a Councilmember's vacancy, with less than six (6) months of the term remaining, the town council shall choose a replacement for the remainder of the term by a 2/3rds majority vote.
- 2) In the event of a vacancy of the Office of the Mayor, the Mayor Pro-Tempore shall become Mayor. The newly vacated seat of the Mayor Pro-Tempore shall be appointed by the Council for the remainder of the term by a majority vote.

Section 307. Passage of Ordinances

- A. No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meetings of the Town Council held not less than six (6) nor more than sixty (60) days after the meeting at which the ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specific future date. Any ordinance not passed, passed as amended, rejected or deferred within sixty (60) days of its introduction shall be considered as rejected. In case of an emergency as set forth in a finding made by the Town Council, the period between introduction and adoption may be suspended by the unanimous vote of the members of the Town Council who are present, but in no case less than two-thirds of those eligible to vote.
- B. Every ordinance, unless it is passed as an emergency ordinance shall become effective at the expiration of thirty (30) calendar days following its passage by the Town Council. An emergency ordinance shall become effective on the date specific in the ordinance.
- C. Each passed ordinance shall have a summary published in a newspaper or newspaper having general circulation in the Town.

Section 308. Referendum

If, within thirty (30) days following approval of any ordinances a petition is filed with the Clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the Town from the last gubernatorial election and requesting that the ordinance be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Town Council shall have the ordinance requested for reference, submitted to a vote of the qualified voters of the Town at the next regular election. No ordinance shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, the operation of the ordinance requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance disapproval by the voters, shall stand repealed. The annual budget ordinance or other ordinance making any appropriation for current expenses shall not be subject to petitions for referendum.

Section 309. Powers and Duties of the Mayor.

(1)

- D. Executive. The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.
- E. Voting. The Mayor shall serve as a member of the Council and have an equal voting power.
- F. Appointments. The Mayor, with the approval of the Council, shall appoint the following: Mayor Pro-Tempore, members of boards, committees and commissions. In addition, the appointments of the Town Manager, Chief of Police, and Town Attorney (each referred to herein as a "department head"). The removal of a department head shall be made by the Mayor with the approval of the Council. Subject to the provisions of this Charter, department heads shall have the authority to hire and terminate subordinate employees in their respective departments for those positions that have been approved and funded by the Mayor and Town Council.
- G. Finances. The Mayor shall prepare or have prepared annually a budget and submit it to the Council. They shall supervise the administration of the budget as adopted by the Council. They shall supervise the disbursement of all monies.

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

Section 310. Duties of the Council.

The Council shall:

- (1) Enact all Town legislation, including ordinances, resolutions, Charter amendments and regulations.
- (2) Investigate Town affairs as necessary. Such investigation shall include the power to require any elected or appointed Town official or employees to appear before the Council to provide information or testimony concerning Town affairs.
- (3) Adopt the annual budget ordinance and levy taxes including the power to finally increase or decrease any amount proposed in the budget provided that any increase in total expenditures shall be accompanied by a corresponding increase in anticipated revenue.
- (4) Appoint as necessary persons from the citizens of the Town, who shall serve on committees without compensation, assist in the consideration of Town policies and programs, to study conditions with reference to Town policies and programs, and report findings and recommendations to the Council and Mayor, as appropriate. The Mayor and Council members serve on these committees.

ARTICLE IV

Power, Enforcement, Infractions

Section 401. Power of the Town Council

- (1) *General Powers.* The Town Council shall be have the power to pass all such ordinances not necessary 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 and visitors in the Town.
- (2) *General Authority.* In addition to all the powers granted to the Town Council by this Charter or any other provision of law, the Town Council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.
- (3) *Specific Powers.* The Town Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.
- (4) *Advertising.* To provide advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.
- (5) *Amusements.* To provide, in the interest of the public welfare, for licensing, regulating, or restraining as the business of the Town.
- (6) *Animals.* To regulate the keeping of animals, domestic, or otherwise, to prohibit the running at large, and to provide for the licensing and taxing of them, to provide for the disposition of homeless animals, or animals on which no license fee or taxes are paid, of vicious animals and of impounded, unclaimed animals.
- (7) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Town Council.
- (8) *Band.* To establish a municipal band, symphony, orchestra, or other musical organization, and to regulate by ordinance the conduct and policies thereof.

- (9) *Signs, Billboards.* To license, tax and regulate, restrain or problem the erection or maintenance of signs and 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, if permitted by State law.
- (10) *Boards, Commissions, Committees.* To appoint such boards, commissions and committees as may be necessary to the health, welfare, and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the resolution which creates it.
- (11) *Bridges.* To erect and maintain bridges.
- (12) *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 them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.
- (13) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
- (14) *Codification of Ordinances.* To provide for the codification of ordinances.
- (15) *Community Services.* To provide, maintain, and operate community and social services for the preservation and promotion of health, recreation, welfare, and enlightenment of the inhabitants of the Town.
- (16) *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.
- (17) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys or public places at unreasonable hours.
- (18) *Dangerous Improvements.* To compel persons about to undertake dangerous improvements to execute bonds with enough sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- (19) *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, department, 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.
- (20) *Explosives and Combustibles.* To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

- (21) *Fees and Charges.* Subject to the limitations imposed by the provisions of the Annotated Code of Maryland, to establish and collect reasonable fees and charges.
- (a) for the franchises, licenses or permit authorized by law to be granted by municipal corporations; or
- (b) associated with the exercise of any governmental or proprietary function authorized by law to be executed by a municipal corporation.
- (22) *Filth.* To compel the occupant of any premises, building or outhouse situated in the Town, if it has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers of the Town and to assess the expense thereof against the property, making it collectible by taxes or a lien against the property or occupants.
- (23) *Finances.* To levy, assess, and collect ad valorem property taxes; to expand municipal funds for any public purpose; to have general management and control of the finances of the Town.
- (24) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to inspect building for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazards regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.
- (25) *Food.* To inspect and to require the condemnation of; if unwholesome, and to regulate the sale, of any food products.
- (26) *Franchise.* To grant and regulate franchise to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any other which may deem advantageous and beneficial to the Town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rates and regulations for franchises granted under this section. No franchises shall be granted for a period longer than fifty (50) years.
- (27) *Garbage/Trash.* To prevent the deposit of any unwholesome substance either on private or public property and to compel the removal by public conveyance or private contractor 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 in approved containers conveniently for removal.
- (28) *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, subject to the conditions under which the gifts or grants were made.

- (29) *Licenses and Permits.* 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.
- (30) *Health.* To protect and preserve the health of the Town and its inhabitants; 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 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 unsanitary conditions or conditions detrimental to health; but nothing herein shall be constructed to affect in any manner of the powers and duties of the Secretary of Health and Mental Hygiene, the County Board of Health, or any public general or local law relating to the subject of health.
- (31) *Detention Facilities.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the State, County or Town or to use the county jail for such purpose.
- (32) *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, occupations, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.
- (33) *Liens.* To provide that any valid charges, taxes, or assessments made against any real property within the Town shall be liens upon property, to be collected as municipal taxes are collected.
- (34) *Lights.* To provide for the lighting of the Town, to regulate private lighting to prevent it from becoming a nuisance or distributing the privacy of other citizens.
- (35) *Markets.* To regulate public markets within the Town.
- (36) *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.
- (37) *Noise/Nuisances.* To establish rules and regulations for limits to noise and other nuisances and for the abatement of noise not contrary to the general public laws of the State.
- (38) *Nuisances.* To prevent or abate by appropriate action all nuisances in the Town which are so defined at common law, by this Charter, by the laws of the State of Maryland or by the Town Council of Colmar Manor, whether they are herein specifically names 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, manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health.

- (39) *Obstructions.* To remove or cause to be removed all nuisances and obstructions from the streets, lanes, and alley and from any lots adjoining thereto, or any other place within the limits of the Town.
- (40) *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.
- (41) *Parking Regulation.* To regulate vehicular parking on the street and parking lots of the Town and to install parking meters and provide for other limitations on parking by vehicles on the streets and public places, including private property leased for such purposes, of the Town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the State Highway Administration.
- (42) *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.
- (43) *Police Force.* To establish, operate, and maintain a police force.
- (44) *Police Powers.* To enforce all laws of the Town and State equally within the Town limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the Town and beyond those limits for one half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.
- (45) *Property.* To acquire by conveyance, purchase, or gift, real or leadership property for any public purposes, to erect building and structure thereon for the benefits of the Town and its inhabitants; and to convey any real property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the Town.
- (46) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, buildings, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.
- (47) *Sidewalks.* To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.
- (48) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, trash, handbills, dirty liquids, or other unwholesome materials into any public way or other obstructions; to prevent prescribe hours for cleaning sideways.
- (49) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

- (50) *Voting Machines.* To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.
- (51) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland subject to the limitations and provisions of said article, and Article 28 of the Annotated Code of Maryland.
- (52) *Streets.* To provide for use, construction and maintenance of the streets of the Town.

Section 402. Enforcement of Ordinances.

For the purposes of enforcing the ordinances of the Town, the Mayor and Town Council shall have the power to establish those penalties allowed by the Annotated Code of Maryland. The Mayor and Town Council may provide that if the violation is of a continuing nature and is persisted in, each day that such violation continues shall constitute a separate offense, and a conviction for one violation shall not be a bar conviction for a continuation of the offense for each day subsequent to the first or any succeeding conviction.

In addition to those remedies provided herein, the Town shall have the power to require a person violating this Charter or the ordinances of the Town to cease and desist from such behavior and may seek an injunction against the same from any court duly authorized to grant the same. The costs of such action, including attorney fees incurred by the Town shall be a part of any such judgement and the Town shall be entitled to a lien on any violating property for the payment of such judgement and the Town shall be entitled to a lien on any violating property for the payment of such costs and fees.

Section 403. Municipal Infractions.

The Town Council is authorized to provide that violations of certain municipal ordinances may be designated as municipal, infractions; established penalties for same, that citations for such violations may be appealed; and a municipal infraction is declared to be a civil, not a criminal matter.

ARTICLE V

Elections

Section 501. Qualification of Voters.

All citizens of the United States who have attained the age of eighteen years and who have been bona fide residents of the Town for at least thirty (30) days prior to an election shall be eligible to register, and after registering shall be eligible to vote at all Town elections so long the laws of the State of Maryland. The Board of Election Supervisors shall have the power to determine the eligibility of each voter.

Section 501A. Additional Qualified Voters

(a) Every person who is a resident of the Town of Colmar Manor, who is at least eighteen (18) years of age or will be eighteen (18) years of age on or before the date of the next town election, who does not claim voting residence or claim the right to vote in another jurisdiction, and who has established and maintained a residence in the town for a period of 182 continuous days may thereby qualify and register to vote in accordance with the provisions of this charter.

(b) Every qualified and registered voter of the town is entitled to vote in all town elections, and may sign nominating, referenda, and other petitions authorized by this charter.

Section 501B. Town-Only Voter Registration

(a) Any resident of the town who meets the voter qualifications set forth in section 501A as and when verified by the town may register in accord with the provisions hereof with an official of the town appointed by the mayor and town council to vote in town elections.

Said town official shall be known as the town of Colmar Manor Supplementary Voter Registrar. Said Official shall receive and promptly review and verify the contents of the voter's registration application. Said official shall send any jurisdiction in the United States where the new registrant is registered to vote, a notice in due form and content requesting the cancellation of said voter's prior registration.

(b) The Supplementary Voter Registrar shall maintain a Supplemental Voter Registry, separate from the list of registered voters on the statewide voter registration list for the town generated by the Prince George's County Board of Elections.

(c) Any decision of the Supplementary Voter Registrar to enroll or not to enroll an application on the supplemental voter registry shall be appealable to the Mayor and Town Council.

Section 502. Board of Election Supervisors: Appointment.

The Town Council shall have the power to appoint a Board of Elections Supervisors which shall consist of three (3) members and such judges and clerks as the Mayor and Town Council deem appropriate. The members of the Board of Elections Supervisors shall be appointed for four (4) years terms after July 1 of a Council election year. The Board shall be appointed to conduct reviews of voter registrations, to determine the qualified voters of the Town, nominations for office, and to hold all Town elections. The Board of Elections shall adopt rules and regulations that shall govern the Board's procedures not in conflict with State election law. Any member of the Board shall have the power to administer oaths in all matters incident to the exercise of any lawful duties as election supervisor. Vacancies on the Board shall be filled by the Mayor and Town Council for the remainder of the unexpired term.

Section 503. Same: Removal of Members:

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

Section 504. Same: Voter Registration.

(a) Any resident of the Town may become a registered voter by registering with the Board of Elections Supervisors of Prince George's County, Maryland, not less than thirty (30) days prior to any election. Not less than twenty-five (25) days prior to the date of any election, the Clerk shall obtain a list of eligible registered voters from Board of Elections Supervisors of Prince George's County, Maryland. Thereupon, the Clerk shall certify to the to the Board of Elections Supervisors of Colmar Manor the list of eligible registered voters received from the Board of Election Supervisors of Prince George's County, Maryland, . At least ten (10) days prior to the holding of any election, the Board of election Supervisors of Colmar Manor shall purge from the list obtained from the Board of Elections Supervisors of Prince George's County, Maryland, and from the list maintained by the Clerk all those persons not eligible to vote in Town elections because of their failure to meet the residency requirements of this section or because they have been disenfranchised as provided by the laws of the State of Maryland.

(b) The said Board of Elections Supervisors of Colmar Manor shall have the power to determine the eligibility of each voter by propounding to each voter under oath the following questions: First: Are you a citizen of the United States? Second: What is your name? Third: Have you resided in Colmar Manor for a period of thirty (30) days immediately preceding this registration? Fourth: Are you eighteen (18) years of age or older? Fifth: In what ward do you reside?

For the purpose of making this examination, the said Board of Elections Supervisors of Colmar Manor shall have the power of administering oaths in all matters applying to or incident to the exercise of their duties set forth in this Charter. Should any of the answers of the applicant to the first, third or fourth questions be in negative, then shall be the duty of the said Board of Election Supervisors to strike such voter from the registration rolls. Should the applicant answer any of the above provided questions falsely such person shall be guilty of perjury and be subject to the penalties in such cases provided by the laws of the State of Maryland.

(c) The Board of Election Supervisors shall provide booths or a ballot box and ballots containing the names of those persons who have complied with the provisions in this Charter and become candidates for the office which they seek.

Section 504B. Voter Registration

As provided in section 504 of this charter any resident of the town registering to vote under sections 501A and 501B must register and be qualified as a voter of the town thirty (30) days prior to any election.

Section 505. Same: Elections.

(a) The Board of Election Supervisors shall conduct Town elections by ballot on the first Tuesday in May, if not a legal holiday, and if a legal holiday, then on the following day, for the election of officers as provided in this Charter. The polls shall be open between the hours of 9:00 a.m. and 7:00 p.m.

(b) All Town elections shall be conducted on a nonpartisan basis, and no ballot shall carry any party affiliation. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the charter arranged in alphabetical order by office.

(c) All ballots and records used in the Town election shall be preserved in accordance with state law and town document retention policy.

(d) The Mayor and Council shall receive all returns to Town elections, and declare the results thereof, provided that nothing herein contained shall be constructed as to depriving any voter of an appeal to the Circuit Court for Prince George's County and such appeal is made within ten (10) days of the election returns.

(e) The Mayor and Council shall, in consultation with the Town Attorney, determine all questions arising from the returns of Town elections within twenty-four (24) hours after the closing of the polls on the date of the election.

Section 506. Special Election.

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

Section 507. Qualifications for Office: Nominations.

A person shall be deemed a candidate for office if Mayor or Councilmember, and their name shall be placed on the official ballot, if the candidate meets all the qualifications for candidates prescribed in this Charter and the candidate shall have at least thirty (30) days prior to the date of the election filed with the Board of Election Supervisors a petition signed by at least ten (10) qualified voters of the Town, The petition shall set forth:

- (a) the name and address of the candidate,
- (b) the ward, if any, from which election is sought,
- (c) the facts which demonstrate eligibility for the Office of Mayor or Councilmember being sought, and
- (d) the request that the candidate's name appear on the ballot. No person shall file for nomination for more than one elective public office or hold more than one elective public office at any time.

When such petitions have been filed and time of filing has expired, the Board shall within five (5) days thereafter cause notice to be posted and published in such manner as shall give general publicity to the names of the candidates and the positions to which they aspire.

Section 508. Absentee Ballots.

Any qualified voter registered to vote is entitled to vote by absentee ballot in all Town elections. The Board of Election Supervisors shall establish the absentee ballot procedures for voting in all Town elections, subject to the approval of the Mayor and Town Council.

ARTICLE VI

Finance

Section 601. Borrowing Power.

The Town Council shall have full power to borrow money on the credit of the Town for the general welfare and improvement of the Town and to make proper provisions for repayment of monies borrowed and for this purpose may execute bonds or other evidences of indebtedness, all as permitted by law.

Section 602. Evidence of Indebtedness.

To effectuate the acquisition, improvement and construction of parks, public buildings, roadways, alleys, curbs, sidewalks, and gutters, or for any other proper public purpose including tax anticipation borrowing, in anticipation of the receipt of current taxes the Town Council is hereby authorized and empowered to borrow from time to time, on the credit of the Town Council is hereby authorized and empowered to borrow from time to time, on the credit of the Town, a sum or sums of money deemed necessary by the Town Council to effectuate such purposes, and to issue bonds or certificates of indebtedness therefor, which shall be payable on or before forty (40) years from the date of issuance or in the case of tax anticipation borrowing on or before eighteen (18) months from the date of issuance, with interest at a rate or rates to be established and paid in a manner prescribed by the Town Council by resolution. The proceeds derived from the sale of bonds or other evidence of indebtedness, which sale shall be for cash and not be at less than par value, shall be deposited by the Town Council in a federally insured banking institution in Maryland as provided by law and shall be subject to the order of the Clerk only when countersigned by the Mayor and vice-chair of the Council. Said proceeds shall be used to pay only the proper expenses for the issuance and sale of the bonds or other evidence of indebtedness, including legal fees, and for the purpose for which the bonds and certificates of indebtedness were issued. In the case of tax anticipation notes, the proceeds therefrom shall be used to pay only the proper expenses for the issuance and sale of the tax anticipation notes, including legal fees, and for the current operating expenses of the Town. Such bonds or evidences of indebtedness shall be sold after solicitation of competitive bids at a public sale; provided, however, that tax anticipation notes may be sold at public or private sale as determined by the Town Council. The bonds or certificates of indebtedness hereunder shall be the direct obligation of the Town.

Section 603. Sale of Bonds: Taxes.

The Town Council shall levy and collect taxes sufficient to make payments on the bonds and/or evidences of indebtedness authorized herein.

Section 604. Revenue: Bonds.

(a) *Authorized.* In addition to the borrowing power provided in Section 601 and 602 of the Charter, the Town Council may borrow money by issuing negotiable revenue bonds as authorized by law for the purpose of financing or refinancing the cost of acquiring, developing, operating or maintaining any property in connection with any improvement authorized for such purpose by law. Such bonds shall be payable, as to principal and interest, solely from the income, proceeds, and funds of the Town derived from or held in connection with any undertaking under this section, or, where permissible under State or Federal law from the proceeds of any grant, contribution or loan from the United States of America or any other source in aid of

such undertaking. The Town Council shall establish the amount of bonds to be issues, the rate or rates of interest the bonds are to bear, and the method of determining such rate or rates.

(b) *Negotiability and Form of Bonds: Execution, Sale or Other Disposition: Payable Solely from Revenue.* All revenue bonds issued pursuant to this section shall be negotiable and registered instruments and signed in the manner prescribed by resolution of the Town Council. All bonds shall be sold in such manner, at public or private sale as permitted by law, and upon such terms as the Town Council deems best. Revenue bonds and interest thereon shall be limited obligations of the Town, the principal of and interest on which shall be payable solely from the income, proceeds, revenues and funds derived from the authorized special public improvement programs or other revenue producing projects undertaken by the Town or from the proceeds derived from other sources in aid of such undertakings. No revenue bond nor any interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Town within the meaning of any Constitutional or Charter provision or statutory limitation and no revenue bond nor the interest thereon shall ever constitute or give rise to any pecuniary liability by the Town.

Section 605. Benefit Assessment for Improvements.

The Town Council shall have power to assess against the abutting property and collect from the owners thereof the cost of an improvement permitted by law, the assessment being in proportion to the number of assessable front feet owned, abutting on the streets where same are improved or constructed; provided that when corner property fronts or abuts on one street where such improvements are made or are about to be made, and abuts or has its side upon another street where such improvements are made or are hereunder for only one-half of the length of such side. Such assessments when made shall constitute a tax or lien upon such abutting property over all recorded after June 1, 1936 and shall be payable in one (1) or two (2) or more equal annual installments, to pay the interest and principal indebtedness due on any bonds said to finance such special public improvement project. Such tax lien shall be enforced and collected by the Town Council in the same manner as Town taxes are collected.

Any person aggrieved by the action of the Town Council shall have the right to appeal the Circuit Court for Prince George’s County, Maryland, provided such appeal is taken within ten (10) days next succeeding the day on which said assessment is made.

Section 606. Fiscal and Budget Year.

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

Section 607. Prior Issues.

Not later than April 30 prior to the beginning of each fiscal year, the Mayor shall submit a proposed budget to the Town Council. The budget shall provide a complete financial plan for the budget year and shall contain

dSection 608. Budget.

Not later than April 30 prior to the beginning of each fiscal year, the Mayor shall submit a proposed budget to the Town Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the proposed expenditures shall not exceed the total of the anticipated revenues. The proposed budget shall be public record kept in the Town officer and shall be open to public inspection by anyone during normal business hours.

Section 609. Adoption of Budget.

Before adopting the budget, the Town Council shall hold a public hearing thereon not less than two (2) weeks after publication of notice thereof in newspaper or newspapers having general circulation within the Town. The Town Council may insert new items or may increase or decrease the items of the budget. Where the Town Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of a majority of the total elected membership of the Town Council shall be necessary for adoption. The annual budget ordinance and other ordinances appropriating funds for current expenses shall not be subject to petition for referendum. No funds shall be expended for any purpose other than that for which they were appropriated, except by two thirds vote of all members of the Town Council.

Section 610. Taxes, Levy.

The annual budget shall include the tax rates necessary to be raised by the property tax and shall constitute a determination of the amount of tax levy in the corresponding tax year. Immediately after the adoption of the budget by the Mayor and Town Council, the Treasurer shall make out and mail or cause to be made out and mailed or otherwise delivered to each taxpayer. The 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 any penalties or 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 the Town Council. The Treasurer is hereby authorized to enter into such arrangement as necessary in order to permit the Treasurer or other proper official of Prince George's County, Maryland, to prepare and deliver the tax bills authorized herein.

Section 611. Same, Collection.

The taxes provided for in the section shall be due and payable and shall be a lien on any and all property affected thereby on the 1st day of July in the year for which they are levied, and from the 1st day of October shall bear a penalty at a per centum for each month, or fraction of a month, and interest at a per centum per month, or fraction of a month in amounts to be set by the Town Council by ordinance. All taxes not paid and in arrears after the 1st day of January of the following year together with interest, penalties and costs, shall be transmitted and certified by the Treasurer to the Treasurer or other official of Prince George's Maryland, for the collection of delinquent property taxes in the manner prescribed by law.

Section 612. Annual Audit.

The financial books and accounts of the Town shall be audited annually by an independent certified accountant selected by the Mayor and Town Council.

ARTICLE VII

Personnel

Section 701. Appointive Officers.

The Mayor, with the approval of the Council, shall have the power to appoint a Town Manager (herein referred to as the "Town Manager"). The Town Manager shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Mayor.

Their compensation shall be determined by the Town Council in the adoption of the annual budget resolution.

NEW SECTION: Town Manager

- A. The Town Manager shall generally assist the Mayor in the day-to-day administration of the Town government. All departments shall be responsible to the Town Manager and through the Town Manager to the Mayor. In addition, the Town Manager shall have the following general duties:
- (7) The Town Manager shall organize, direct and supervise the administration of all departments, offices and agencies of the Town.
 - (7) The Town Manager shall determine that all laws and provisions of the Town Charter and acts of the Council are faithfully executed.
 - (7) Unless excused by the Mayor and Council, the Town Manager shall attend all meetings of the Council and may participate in discussions and make recommendations as appropriate at such meetings, but the Town Manager shall not vote.
 - (7) The Town Manager shall make authorized purchases of materials, equipment, supplies and services.
 - (7) The Town Manager shall actively be involved in supervising the construction, maintenance and disposition of all Town property.
 - (7) The Town Manager shall do such other things in relation to the fiscal, financial or administrative affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in the laws of the Town of Colmar Manor.
 - (7) The Town Manager, with the approval and/or on the recommendation of the applicable department head, may remove employees of the Police Department, Clerk's Office, Treasurer's Department, or Public Works Department (each a "department") in accordance with applicable department standards and procedures. The Town Manager may remove Town employees not employed in the departments with the approval of any department head.

Section 702. Treasurer.

Section 703. Powers, and Duties of the Treasurer.

- A. There shall be a Treasurer appointed by the Mayor with the approval of the Council (herein the "Treasurer"). The Treasurer shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Town Manager.
- B. The Treasurer shall have the following general duties:
- (3) Administer the collection and distribution of all Town funds; prepare financial reports; establish and maintain all financial records; assist the Town Auditor in completing financial review and analysis of the Town's financial condition at the end of each fiscal year; and formulate fiscal policies and investment policies with the Town Manager.
 - (3) Administer a payroll system.
 - (3) The Treasurer, on recommendation to and with the approval of the Town Manager, may remove employees of the Treasurer's Department in accordance with applicable departmental standards and procedures.

- C. The Treasurer shall perform such other duties in relation to the fiscal or financial matters of the Town as the Mayor, Town Council or Town Manager may require or as may be required elsewhere in the Town Charter, Code or laws of the Town of Colmar Manor.

Section 704. Bond.

The Treasurer shall provide a bond with such corporate surety and in such amount as the Town Council may require.

Section 705. Town Attorney.

The Mayor with the approval of the Council shall appoint a Town Attorney (herein referred to as the "Town Attorney"). The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Mayor and Council. The Town Attorney's fee compensation and all financial arrangements with the Town Attorney shall be determined by the Council. The Town shall have the power to employ such additional or other legal consultants as it deems necessary from time to time.

Section 706. Police Chief.

- A. The Mayor, with the approval of the Council, shall have the power to appoint a Chief of Police to head the Police Department. The Chief of Police shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Town Manager.
- B. The general duties of the Chief of Police shall be:
 - (5) To organize, manage and supervise the Town's Police Department in all areas of law enforcement.
 - (5) To establish rules and regulations and operational policies for the Police Department and set the standards for police training performance.
 - (5) To formulate goals and objectives for the Police Department and to insure productivity from its personnel.
 - (5) To set operational strategies that will work best in the community and to insure the residents have a well-trained and professional Police Department.
 - (5) To propose a departmental budget and work within the limits of any budget established for the Police Department by the Council.

The Chief of Police, on recommendation to the Town Manager, may remove employees of the Police Department in accordance with applicable departmental standards and procedures

NEW SECTION:

Town Clerk.

- A. There shall be a Town Clerk appointed by the Mayor with the approval of the Council (herein the "Clerk"). The Clerk shall serve at the pleasure of the Mayor and Council and shall be under the direct supervision of the Town Manager.
- B. The Clerk shall have the following general duties:
 - (4) Attend all meetings of the Council; record all proceedings and legislative actions; maintain custody of all recorded minutes.
 - (4) Assist the Board of Elections Supervisors in the supervision of Town elections.
 - (4) The Clerk shall perform such other duties in relation to the legislative or administrative matters of the Town as the Mayor, Town Council or Town Manager may require or as may be required elsewhere in the Town Charter. Code or laws of the Town of Colmar Manor.
 - (4) The Clerk, on recommendation to and with the approval of the Town Manager, may remove employees of the Clerk's Office in accordance with applicable departmental standards and

procedures.

Section 707. Personnel Authorization and Compensation.

The Town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government. The Town Council shall determine the compensation of all officials and employees of the Town in the adoption of the annual budget resolution. No persons shall be hired, retained or compensated except as previously provided for by the Town Council.

Section 708. Employee Programs.

The Town Council may provide by ordinance for appointments and promotions in the administration on the basis of merit and of merit and fitness. To carry out this purpose, the Town Council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. The Town Council may, by ordinance, provide for or participate in hospitalization, health or dental programs for its employees and to expend public monies of the Town for such programs. The Town Council shall have the power to do all things necessary to include employees within a retirement 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.

(RESERVED)

ARTICLE IX

Streets and Sidewalks

Section 901. Powers as to Streets and Sidewalks.

The Town Council is hereby authorized to do whatever it deems necessary to establish, operate and maintain in good condition the streets, roadways, lanes, alleys, curbs, sidewalks and gutters in the Town except those that are under the jurisdiction of the State Highway Administration.

Section 902. Declaration of Public Ways.

All roads, streets, avenues, lanes or alleys which are now or shall hereafter be shown, on any plat or addition to the platted part of the Town, as public highways, and accepted by the Town Council as such, are hereby made and declared to be public streets, avenues, lanes and alleys of the Town and shall be from time to time improved and repaired as the public interest may require and the resources of the Town of the Town justify.

Section 903. Petition for Improvements.

The Town Council shall give consideration to the construction of streets, roadways, alleys, curbs, sidewalks and gutters as provided for herein whenever the owners of fifty-one per centum (51%) of the property, where property shall abut upon such streets, shall petition the Town Council to that effect, but the Town Council shall have the discretion and final determination as to the improvements, notwithstanding such petitions.

ARTICLE X

General Provisions

Section 1001. Effect of Charter on Existing Ordinances.

(a) All ordinances, resolutions, rules and regulations in effect in the Town of Colmar Manor 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 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 be and the same hereby are repealed to the extent of such conflict.

Section 1002. Severability.

Each article of this Charter and every section of each article are hereby declared to be an individual section, and the holding of any section or sections, of part or parts thereof to be void, ineffective or unconstitutional for any cause shall not be deemed to affect any other section or part thereof.

Section 1002.1. Official Bonds. (see Note (2)).

Such officers or employees of the Town of Colmar Manor as the Town Council or this Charter may be required by the Town Council. The premiums on such bonds shall be paid by the Town.

Section 1003. Violations as a Misdemeanor; Penalty.

Every act or omission which by ordinance is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before any trial magistrate or in the circuit court for the county within the offense is committed by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for ninety (90) days in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under that general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section 1004. Prior Rights and Obligations.

All right, title and interest held by the Town of Colmar Manor 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 thereto. This Charter shall not 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 1005. Charter Review.

The Town Council shall appoint a Charter review committee consisting of interested residents of the Town and including members of the Town Council. The committee should be charged with reviewing the existing Charter and reporting back to the Town Council their findings and recommendations no later than six (6) months after their appointment. Such committee should be appointed in 2013 and every ten (10) years thereafter.

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Note (1))

Section A1-101. Definitions.

(a) In this appendix the following words have the meanings indicated.

(b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any other combination of these factors, are detrimental to the public safety, health or morals.

(d) “Blighted Area” shall mean 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” shall mean 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 plan. Such undertakings and activities may include:

(1) acquisition of a slum area or a blighted area or portion thereof;

(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 in the urban renewal area the urban renewal objectives of this municipality itself, as its fair value for uses 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 structure or monuments.

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

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such 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” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Mayor and City and Council of Colmar Manor.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said 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. No land or property taken by the municipality for any of the aforementioned purpose or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or as awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purpose or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds extended, and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) 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 such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvement and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and apply for, accept and utilize grants or funds from the Federal Government for such purposes;

(2) 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 such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual cost incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contribution 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 such security as may be required therefor; to invest any urban renewal funds held in reserve or sinking funds or any such funds not required for immediate disbursement, property or securities which are legal investments for other municipal funds.

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects, to mortgage, pledge, hypothecate or otherwise encumber such property; to ensure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) 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 agreement with any other public bodies or agencies (which 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 any renewal project and related activities such condition imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) 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 if the event entry is denied or resisted;

(7) to plan, re-plan, install construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playground, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations.

(8) to generally organize and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved.

(9) to exercise all or any part or combinations of powers herein granted.

Section A1-103 Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determine such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall be provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

- (1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix.
- (2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix.
- (3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

Section A1-104. Initiation of Project.

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

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105 Preparation and Approval of Plan for Urban Renewal Projects.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or obligated areas in the municipality, and shall submit such 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 sixty (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 said sixty days then without such 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 thereof by publication in a newspaper 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 for urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan thereof if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and

sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms 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 re-development of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor interest as the municipality may deem advisable and in any event shall be subject to such 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 substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved 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 thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section 106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to each covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchases or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not 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 renewal plan, the municipality shall take into account and give consideration to he uses provided in such plan; the restriction upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of such plan for the prevention of the recurrences of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to 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 thereon. 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 such transferred and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty (60) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the

provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any person interested in undertaking to redevelop or rehabilitate and urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specific period of not less than sixty days after the first day of publication of said and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

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

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

Section A1-107. 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 A-1-108 Encouragement of Private Enterprise.

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

Section A-1-109. 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 limitation prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such 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; provided, however, that payment of such 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 such urban renewal projects or any part thereof, 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 such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or Charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Section 9, 10, and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denominations, be in such form either with or without coupon or registered, carrying such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment at such rank or priority, be executed in such terms of redemption (with or without premium). Be secured in such a manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to 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 signature appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bonds, or in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix to this shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security thereof, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other

obligations issued by the municipality pursuant to this appendix, provided that such 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 agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be constructed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, is held remainder of the appendix and the application of such provision to persons or circumstances to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

SectionA1-112. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the Municipality known as Colmar Manor shall not conflict with, and must conform to the master plan for Prince George’s County. This provision shall be constructed to mean that all urban renewal plans effecting a change in zoning shall be reviewing by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the District Council.

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Colmar Manor Urban Renewal Authority for Slum Clearance Act.

Section A1-114. Authority to Amend or Repeal.

This appendix enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Colmar Manor in Chapter 624 of the General Assembly of 1966.

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 Colmar Manor 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.

(2) Resolution No. 1-2003, effective January 28, 2004, which enacted a new Charter included two sections numbered Section 1002. Due to this duplication, the second Section 1002 (Official Bonds) has been designated Section 1002.1 in this Charter.