STATUS MEMORANDUM
RE: RECODIFICATION
HANCOCK CHARTER
AND
HANCOCK CODE

Prepared by:

Kuczynski & Kuczynski, P.A.
55 North Jonathan Street
Hagerstown, MD 21740
INDEX

1. Memorandum re status of Charter/Code Recodification

2. Attachments

   (a) Timetable for passage
   (b) Seven (7) copies Volume One – Code of Ordinances
       (1) Two (2) copies Volume One Supplement to Building Code
           Chapter 7
   (c) Bonds/Grants
       (1) Summary to each Councilperson and comments
       (2) Notebook with copies of all documents and summary
           to Town Manager for records
   (d) Memorandum Kuczynski & Kuczynski re: rates & fees
       (1) Proposed resolution for adoption of fees present and future
       (2) Copy of revised (new) Chapter 37 re water & sewer rates
           as example.
   (e) Copy of notice of passage of Code for insertion in Hancock paper
       proposed dates: May 17, 2006; May 24, 2006 indicating effective
       date June 1, 2006.
MEMORANDUM

To: The Mayor and Council of the Town of Hancock
    David Smith, Town Manager

From: R. E. Kuczynski

Date: April 6, 2006

Subject: Recodification of Ordinances/Charter of
         The Town of Hancock

We have completed our review, compilation and recodification of the Hancock
Charter, Ordinances and Resolutions.

At the present time, it appears that the Town of Hancock does not have an
adequate “Code” that is in compliance with the Annotated Code of Maryland.

Our review and analysis consisted of obtaining all available ordinances of record,
recorded among the Acts, Ordinances and Resolutions in the Circuit Court for
Washington County, Maryland, copies of the incomplete Code as compiled in 1983 for
the Town of Hancock, our files, and other available records furnished by the Town
Manager.

The Town Charter was updated and slightly revised as indicated in our previous
memorandum which is incorporated herein by reference.

The results of our effort consist of the compilation of documents listed herein.
We have suggested a timetable in the past. However, we are of the opinion, and strongly
urge you to follow the timetable contained next to each document and as set forth on
“timetable.”

CHARTER

Each of you has been furnished with bound copies of:

1. The revised Charter of the Town of Hancock, together with:

   a. An appendix of annexations.
The Town Manager was furnished with the summary of annexations in a loose-leaf binder. Copies of the documents referred to in the Appendix are contained in that document which we assume is now and will be a part of the permanent records of the Town and available for ready reference in the future.

The original Charter as proposed has been furnished to the Town Manager in loose-leaf form also to be utilized as a permanent record upon becoming effective. This method would allow insertion of amendments as may be appropriate from time to time and will facilitate the filing and compilation of same.

2. **Original Resolutions:** Two original resolutions to adopt the Charter have been furnished. They are in your possession at this time.

   We suggest that the following timetable be followed:

   a. **Introduction:** Introduce and pass April 12, 2006.

      At that time the Mayor and Town Manager must sign the Resolutions in the appropriate places. One remains in the permanent file. One is to be posted in Town Hall for the period specified.¹

3. **Notice:** Each of you has a copy of the notice to be inserted in the Hancock paper after passage for four successive weeks as follows:

   - Wednesday: April 19, 2006
   - Wednesday: April 26, 2006
   - Wednesday: May 3, 2006
   - Wednesday: May 10, 2006

   **Only the notice needs to be inserted!**

   If there is no valid petition for referendum (which is not anticipated) the Charter becomes effective on June 1, 2006. However, the Article 23A of the Annotated Code provides that the Charter must be recorded with the State in order to be totally effective.

¹ There are two more originals of this Resolution in the possession of the writer. After same become effective, we will file one with the State of Maryland and one with the Clerk of Court. Appropriate forms must be utilized at that time for recordation with the State. We will, of course, need the signatures of the Mayor and Town Manager affixed along with our signatures at that time.

Ordinances: Memo to M&C re charter & code
4. **Recordation:** At that time, our office will file and record the Charter and the Resolution with the State, Clerk of the Circuit Court for Washington County, Maryland, and the Clerk of the Town of Hancock, as required.

5. **General Comments:** The Code/Charter and Annotated Code of Maryland provide that corporate boundaries must be filed among the Land Records of Washington County, Maryland. In our previous memorandum we mentioned that we were not able to locate any maps and/or metes and bounds description of the entire corporate boundary. We presume that since none have been forthcoming for our information, that none exist. If they do, please furnish so that we may record. If not, we strongly urge you to have a proper description/map of the town made, and have same recorded among the Land Records of Washington County, Maryland.

It is my understanding that you are currently working on a Zoning Ordinance. If this is the case, in order to properly accomplish this project, it will be necessary to have a map of the Town. We assume that you are compiling same for that purpose. The two maps can be combined and the zoning map and the corporate boundary map can be recorded as one plat and map. Other municipalities have followed this methodology. Whenever there is any change or annexation, it is a simple matter to update either the zoning change and/or the description.

**CODE**

As indicated, the Hancock Code has been compiled from various sources. Existing ordinances were incorporated and/or updated. Some were added.

**Attached are the following:**

1. Seven (7) copies of **Volume One of the Code of the Town of Hancock.** This volume contains all the basic ordinances that you as Mayor and/or Councilpersons will refer to from time to time. (One for the Mayor and for each Councilman for utilization.)

   It contains the resolution of adoption and signature pages. These, of course, must be eventually signed by the Mayor, Town Manager and, where appropriate, the writer.

   At least one copy of Volume One is to remain as the original for your records and archive and to be utilized for updating.

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Note: A separate document entitled Volume One Supplement to the Building Code, Chapter 7, has been furnished. We have only furnished two copies of this document since it is incorporated in Chapter 7 and will mainly be utilized by the Town Manager and office staff in their administrative activities. It is not so voluminous that copies cannot be made and/or sold as desired.

One copy of Volume One Supplement must be kept in the permanent town records.

2. **Volume Two:** This volume pertains to land use and management. You have previously been furnished with copies of this Volume Two. It contains a copy of the existing Comprehensive Plan, Subdivision Ordinance, and some general comments. Copies were not made for all councilpersons in the interest of economy since you would not be utilizing same on a regular basis.

*You will note that* this Volume Two contains a section for a Zoning Ordinance. It is labeled “Reserved.” This is obviously because you have no zoning ordinance. Once you have passed a zoning ordinance, same should be inserted and kept in your permanent records as a part of this Volume Two on a permanent basis so that it will be readily available and updated.

3. **Volume Three:** This is self-explanatory. It is a loose-leaf document that was previously furnished to the Town Manager and copies of the correspondence to each of you. This contains the annual budget and annual audit. It is a simplistic method to be utilized for the budget ordinance since it must be changed and updated each year.

**BONDS/GRANTS**

The new Code of Ordinances, although it revokes any conflicting or existing ordinances, does not revoke and cannot revoke Bonds, Grants, financial obligations, loans, etc.

We were not privy to complete documentation as to bonds, grants, etc. However, we located some extracts of bond ordinances and grant agreements of record. We can only assume that all of the original documents pertaining to bonds/grants and financial obligations are contained in your permanent records and archives. We have prepared a summary of what we were able to locate and/or were furnished. A copy of the summary is enclosed for your review.

A loose-leaf document containing the summary and copies and all of the documents is enclosed for the Town Manager to place in the permanent Town records.
MISCELLANEOUS ORDINANCES

We reviewed miscellaneous land ordinances and other ordinances. Most of them were not of a regulatory nature and are not a part of the Code. Therefore, they are not included. We assume that most of these land transactions are on file in Town Hall.

General Comments:

Generally speaking, for your information, there are two types of ordinances. There are regulatory ordinances which require codification. These are the types that are contained in the re-codification as presented. They are regulatory in nature and provide for exercise of powers and the enforcement of same.

Some ordinances are required by Article 23A in order to adopt contracts, sell real estate, etc. These are not regulatory and do not necessitate nor require being placed in the Code. However, it is a good practice to still record same among the Acts, Ordinances, and Resolutions in the Circuit Court for Washington County, Maryland. The reason, of course, is obvious that they are a matter of permanent record and can be ultimately located if required or needed.

Resolutions are utilized in many instances. These do not have the effect of law. They are merely establishment of policy and/or adopting certain fees.

For instance, we note that often times you have included a complete chart of fees and charges in an ordinance. This is not absolutely necessary. Charges for the utilization of the park and other items of this nature can be established by resolution. Rules for conduct in public places of that type can be established by resolution. However, you cannot provide for criminal penalty by resolution.

Water and sewer rates must be established in accordance with the provisions of the Annotated Code of Maryland. Prior to any change in any of the water or sewer rates, there must be a public hearing and ultimately a rational basis for the change in rates. There then must be an ordinance passed and advertised in the normal course of business. The Annotated Code must be closely followed in order to adopt these rates and regulations.1

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1 See our letter of March 31, 2006 re water/sewer rates and resolutions attached and incorporated re fees.

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The budget ordinance is, of course, of great importance. It must be passed by ordinance and is generally inflexible except by an ordained revision or change under certain circumstances.

Fines for parking, etc., of course, must be established by ordinance because they are of a punitive and regulatory nature.

These are only samples that we point out for your ready reference.

SUMMARY

We envision that you will enact the Code at your regular meeting in May. The Resolution can be introduced and passed as an emergency ordinance. We suggest that the Code become effective June 1, 2006. This will coincide with the effective date of the Charter.

At that time, the Mayor, Town Manager, and the writer will sign all of the Resolutions, certifications, etc., in order to properly file and record with the appropriate State, County and municipal bodies.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: [Signature]

Robert E. Kuczyński

By: [Signature]

Edward L. Kuczyński

REK:bsw

cc: Lisa Fleegle, Town Clerk

Enclosures: as noted herein and in index
Attachments: as noted

Ordinances: Memo to M&C re charter & code
TIMETABLE

CHARTER:

1. April 12, 2006 - Introduce Charter
   a. Mayor, Town Manager sign resolutions
   b. Post same in Town Hall
   c. Insert notice in Hancock paper to run four times
      - April 19, 2006
      - April 26, 2006
      - May 3, 2006
      - May 10, 2006

2. June 1, 2006 – Effective Date

3. June 2, 2006 - Kuczyński & Kuczyński, P.A. file and record
   Resolutions and Charter with the appropriate agencies.

CODE OF ORDINANCES:

1. May 10, 2006 – Introduce as emergency ordinance
   a. Mayor and Town Manager sign original resolution and
      appropriate certifications of passage.

2. May 17 and May 24, 2006 publish notice of passage twice
   in Hancock paper. Proposed notice attached.

3. June 1, 2006 – Effective Date

4. Mayor, Town Manager and Kuczyński & Kuczyński, P.A.
   sign certifications, resolutions, etc. for appropriate
   filing with State Department of Legislative
   Reference, Circuit Court Clerk and Town Manager/
   Clerk.

5. Kuczyński & Kuczyński, P.A. record and file with all
   agencies.
TOWN OF HANCOCK, MARYLAND

BOND DOCUMENTS

GRANT DOCUMENTS
MEMORANDUM

To: The Mayor and Council of the Town of Hancock
    David Smith, Town Manager

From: R. E. Kuczynski

Date: April 6, 2006

Subject: Bond Ordinances/Grants
          The Town of Hancock

In the course of our review of various documents available in reference to the recodification of the Ordinances and republication of the Charter of the Town of Hancock, we were able to locate certain documents that appear to be summaries of bonds and/or grant ordinances.

We have compiled and indexed some of these documents. Copies of same are attached.

We can in no way render an opinion as to whether or not this is a complete copy of bond/grant documents available. We can only presume that you have a master file of same contained in the official archives in the office of the Manager/Clerk of the Town of Hancock. The new Charter and Code, of course, provide that any loans, bond issues, indebtedness outstanding still remain in full force and effect.

As an aside, we would presume that your annual audit reflects all of the matters that are of financial concern and indebtedness on the part of the town.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: Robert E. Kuczynski

By: Edward L. Kuczynski

REK: bsw

cc: Lisa Fleegle, Town Clerk
BOND DOCUMENTS
GRANT DOCUMENTS

The following documents were located, reviewed, and compiled. We can in no way form an opinion as to whether or not this is a complete set of documents.

1. Ordinance 00-01 introduced January 12, 2000. Recorded Liber 8, folio 00829 – states that it is a summary of Ordinance on file at Town Hall. It is bond issue in the amount of $800,000 to finance the “Town of Hancock Water Quality Bond series 2,000.”


4. Resolution authorizing and ratifying acceptance of a financial agreement for water supply grant and contract for construction of Pennsylvania Avenue water supply facilities. Agreement and contract with Trademark Builders, Inc. introduced June 5, 1997, recorded Liber 6, folio 289.

5. Resolution authorizing acceptance of certain grants and contract with Trademark Builders, Inc. for renovations to sanitary pump station No. 1, dated June 5, 1997, recorded Liber 6, folio 292.


7. Resolution authorizing acceptance of certain grants from the State of Maryland pursuant to the provisions of Senate Bill 881, Community Center Loan, dated August 13, 1997, recorded Liber 6, folio 428.


11. Resolution authorizing and ratifying acceptance of a financial agreement for a water supply grant and contract for construction of water system improvements, Main Street, with Charles E. Brake Company, Inc., dated November 12, 1997, recorded Liber 6, folio 710.


13. Resolution authorizing and ratifying acceptance of a financial agreement for a water supply grant and contract for water softener system, Hancock Water Treatment Facility contract, 2001, dated April 11, 2001, recorded Liber 9, folio 283.

14. Resolution authorizing and ratifying acceptance of a financial agreement for a water supply grant and contract for improvements to sewer facilities Phase II contract, 2000-1, with AMLiner East, Inc., dated April 11, 2001, recorded Liber 9, folio 0288.

15. Resolution authorizing and ratifying acceptance of a financial agreement for a water supply grant and contract for renovations to sanitary pump station No. 2 and Center Street agreement and contract with Excavating Associates, Inc., dated March 14, 2001, recorded Liber 9, folio 418.

As indicated, there is no opinion rendered by the firm of Kuczynski & Kuczynski, P.A., as to whether or not this is a complete list of the type of documents referred to. Each of the documents refer to attachments and/or matters being on file in Town Hall.

We can only presume that all of the pertinent documents referred to and the entire text of same, together with attachments and agreements, are contained in the Town Archives.

This listing has been made for convenience purposes and in the interest of organizational facilitation, and is as of March 30, 2006.
MEMORANDUM

To: The Mayor and Council of the Town of Hancock

From: R. E. Kuczynski

Date: March 30, 2006

Subject: Rates and Fees

In reviewing the Ordinances and Resolutions for purposes of recodification, we noted that you had included Water and Sewer Rates with ordinary fees for services and various charges.

As you know, the water and sewer rates must be established in accordance with the provisions of Title 9, Environment, of the Annotated Code of Maryland. This requires public hearings and ultimately the establishment of a fair rate.

We determined that your fee schedule for rentals, etc. really does not need to be placed in Ordinance form. The Charter and the Annotated Code generally give you the power to establish these rates by resolution approved by the Mayor and Council. Thus, we have taken the liberty of re-establishing your rates that were effective as of July 1, 2004 in Chapter 12 of the Hancock Code in the form of an ordinance. The revision of these rates will be facilitated in the future by the utilization of resolutions as opposed to Ordinances.

A resolution is attached.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: [Signature]

By: [Signature]

REK:bsw

cc: David Smith, Town Manager
    Lisa Fleegle, Town Clerk
RESOLUTION ESTABLISHING
RATES AND FEES FOR VARIOUS SERVICES
IN THE TOWN OF HANCOCK, MARYLAND

RECITAL

The Mayor and Council of the Town of Hancock, Maryland, as its duly constituted legislative body is authorized pursuant to the provisions of the Annotated Code of Maryland and the Charter of the Town of Hancock, to establish certain fees for permits and other services rendered by the Town to the public in general.

The purpose of this Resolution is to establish rates and fees applicable to the items set forth herein.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED, by the Mayor and Council of the Town of Hancock, as its duly constituted legislative body, that the fees and charges are hereby established as follows:
BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this Resolution became effective and is effective as of July 1, 2004, and reaffirmed and passed on this date.

WITNESS AND ATTEST AS TO CORPORATE SEAL

By: ____________________________  ____________________________
    David Smith, Town Manager          Daniel A. Murphy, Mayor

TOWN OF HANCOCK, MARYLAND

DATE OF INTRODUCTION: ____________, 2006
DATE OF PASSAGE: ____________, 2006
EFFECTIVE DATE: ____________, 2006
CHAPTER 37

AN ORDINANCE REGULATING RATES OF WATER AND SEWER USAGE
IN THE TOWN OF HANCOCK

SECTION 1: PURPOSE

The Town of Hancock, as a political subdivision of State of Maryland, is granted the
authority under the provisions of the Annotated Code of Maryland and the Charter of the
Town of Hancock to establish reasonable rates for water service and reasonable charges for
sewer upkeep and sewer service. The Town has complied with all provisions of the Statute
and the Charter in reference to establishing these rates. The purpose of this Ordinance is to
establish rates for water and sewer service and upkeep serving the corporate limits of the
Town of Hancock and surrounding environs.

SECTION 2. RATES ESTABLISHED

The rates that shall be charged to water service and sewer service users within the
corporate limits of the Town of Hancock, Maryland, and outside the corporate limits of the
Town, effective as of July 1, 2004, are as follows.

<table>
<thead>
<tr>
<th>WATER AND WASTE WATER RATES:</th>
<th>WATER</th>
<th>SEWERAGE</th>
<th>SANITATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Town Users - Residential</td>
<td>6,000 min</td>
<td>$25.20</td>
<td>$22.50</td>
</tr>
<tr>
<td></td>
<td>1,000 over</td>
<td>$4.70</td>
<td>$3.89</td>
</tr>
<tr>
<td>In Town Users – Commercial</td>
<td>6,000 min</td>
<td>$26.20</td>
<td>$22.50</td>
</tr>
<tr>
<td></td>
<td>1,000 over</td>
<td>$4.70</td>
<td>$3.89</td>
</tr>
<tr>
<td>Out of Town Residential</td>
<td>6,000 min</td>
<td>$50.40</td>
<td>$45.00</td>
</tr>
<tr>
<td></td>
<td>1,000 over</td>
<td>$9.40</td>
<td>$7.78</td>
</tr>
<tr>
<td>Out of Town – Commercial</td>
<td>6,000 min</td>
<td>$50.40</td>
<td>$45.00</td>
</tr>
<tr>
<td></td>
<td>1,000 over</td>
<td>$9.40</td>
<td>$7.78</td>
</tr>
<tr>
<td>Flush Tax (Effective Jan 05)</td>
<td>$2.50 per month</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>$2.50 per EDU (240 gal per day x 30 days – 7,500 gal per month = 1 EDU)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulk Sale of Water</td>
<td>$8.00 per 1,000 gal pumped from hydrant in Widmeyer Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reconnection Fee</td>
<td>$75.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grinder Pump</td>
<td>(Actual cost of pump and installation)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONNECTION/READY TO SERVE FEES: (EDU’s)
Water Hookup  Sewer Hookup

<table>
<thead>
<tr>
<th>In-Town</th>
<th>Out-of-Town</th>
<th>In-Town</th>
<th>Out-of-Town</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,000 +1 EDU</td>
<td>$10,000 + 1 EDU</td>
<td>$5,000 + 1 EDU</td>
<td>$10,000 + 1 EDU</td>
</tr>
</tbody>
</table>

Commercial—$5,000 + x = EDU $10,000 + x = EDU $5,000 + X = EDU $10,000 + X = EDU

(For water accounts – 1 EDU = $500) (For sewer accounts 1 EDU - $750, commercial sewer is determined by water usage, estimates can be made and adjustments made after 1 year.)

SECTION 3. EFFECTIVE DATE

The effective date of this Ordinance is July 1, 2004.\(^1\)

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\(^1\) Former Chapter 12, Town of Hancock Code, enacted July 1, 1996, amended July 1, 2004, recorded Liber 10, folio 455, amended July 1, 2004, recorded Liber 10, folio 534. The authority for establishing rates is set forth in the Charter and Title 9, Environment, Article 3, Assessments, Rates, and Charges by Political Subdivisions for Water and Sewage Services of the Annotated Code of Maryland.
NOTICE OF RECODIFICATION
AND ENACTMENT OF THE
CODE OF THE TOWN OF HANCOCK, MARYLAND

NOTICE is hereby given by the Mayor and Council of the Town of Hancock, Maryland, as its duly constituted legislative body that pursuant to the provisions of Article 23A of the Annotated Code of Maryland, and the Charter of the Town of Hancock, Maryland, that a certain document entitled “Code of the Town of Hancock, Maryland” was introduced, adopted and passed on May 10, 2006 at a duly constituted meeting. Said Code was passed as an emergency Ordinance and is effective as June 1, 2006. The Code is a compilation of the Charter and all Ordinances of the Town of Hancock.

The entire Code is not printed herein because of its length and voluminous nature and for economy reasons. The Code is intended to be filed and recorded in the Office of the Clerk of the Circuit Court for Washington County, Maryland; the Office of the Manager/Clerk of the Town of Hancock, Town Hall, Hancock, Maryland; and deposited and filed with the Maryland Department of Legislative Services pursuant to the provisions of Article 23A of the Annotated Code of Maryland. The Code is incorporated herein and made a part hereof by reference “in toto”.

Mayor and Council
Town of Hancock, Maryland
Mayor, Daniel A. Murphy

Lisa Fleegle, Town Clerk

R. E. Kuczynski, Town Attorney
E. L. Kuczynski, Town Attorney

Send bill and certificate of publication to:

David Smith, Town Manager
Town of Hancock
P. O. Box 307
Hancock, MD 21795

Publish: May 17, 2006
May 24, 2006