

CHARTER

OF THE

# **Town of Midland**

ALLEGANY COUNTY, MARYLAND

*As adopted by Resolution No. 10 effective March 29, 1977  
as prepared by Maryland Technical Advisory Service*

(Reprinted November 2008)

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 Areas: (1-800-492-7122)

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

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

E-mail: [libr@mlis.state.md.us](mailto:libr@mlis.state.md.us)

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

The Department of Legislative Services does not discriminate on the basis of 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 designated 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 General Corporate Powers**

Section

- 101. Corporate Name.

### **ARTICLE II Corporate Limits**

- 201. Records of Corporate Boundaries.
- 202. Description of Corporate Boundaries.

### **ARTICLE III The Council**

- 301. Number, Selection, Term.
- 302. Qualifications of Councilmembers.
- 303. Salary of Councilmembers.
- 304. Meetings of the Council.
- 305. Council to be Judge of Qualifications of its Members.
- 306. Quorum.
- 307. Procedure of Council.
- 308. Vacancies on the Council.
- 309. Ordinances.
- 310. Files of Ordinances.

### **ARTICLE IV The Mayor**

- 401. Selection and Term.
- 402. Qualifications of Mayor.
- 403. Salary of the Mayor.
- 404. Powers and Duties.

### **ARTICLE V General Powers**

- 501. General Powers.
- 502. Specific Powers.
- 503. Exercise of Powers.
- 504. Enforcement and Penalties.

**ARTICLE VI**  
**Registration, Nomination, and Elections**

- 601. Voters.
- 602. Clerk – Election Duties.
- 603. Notice.
- 604. Registration.
- 605. Appeal.
- 606. Election of Mayor and Council.
- 607. Election of the Mayor and Councilmembers.
- 608. Conduct of Elections.
- 609. Absentee Ballots.
- 610. Special Elections.
- 611. Vote Count.
- 612. Preservation of Ballots.
- 613. Vacancies.
- 614. Regulation and Control.
- 615. Penalties.

**ARTICLE VII**  
**Finance**

- 701. Treasurer.
- 702. Powers and Duties of the Treasurer.
- 703. Tax Collector.
- 704. Powers and Duties of the Tax Collector.
- 705. Bond of Treasurer and Tax Collector.
- 706. Fiscal Year.
- 707. Budget.
- 708. Budget Adoption.
- 709. Transfer of Funds.
- 710. Appropriations.
- 711. Over-Expenditure Forbidden.
- 712. Appropriations Lapse After One Year.
- 713. Checks.
- 714. Taxable Property.
- 715. Budget Authorized Levy.
- 716. Notice of Tax Levy.
- 717. When Taxes are Overdue.
- 718. Sale of Tax Delinquent Property.
- 719. Fees.
- 720. Audit.
- 721. Tax Anticipation Borrowing.
- 722. Authorization to Borrow Money.
- 723. Payment of Indebtedness.

- 724. Previous Issues.
- 725. Purchasing and Contracts.

**ARTICLE VIII  
Administration**

- 801. Town Clerk.
- 802. Town Attorney.
- 803. Authority to Employ Personnel.
- 804. Retirement System.
- 805. Compensation of Employees.
- 806. Employee Benefit Programs.

**ARTICLE IX  
Public Ways and Sidewalks**

- 901. Definition of Public Ways.
- 902. Control of Public Ways.
- 903. Public Ways: Powers.
- 904. Sidewalks: Powers.

**ARTICLE X  
Water and Sewers**

- 1001. Powers.
- 1002. Placing Structures in Public Ways.
- 1003. Obstructions.
- 1004. Entering on County Public Ways.
- 1005. Connections.
- 1006. Charge for Connections.
- 1007. Improper Uses.
- 1008. Private Systems.
- 1009. Extensions Beyond Boundaries.
- 1010. Right of Entry.
- 1011. Pollution of Water Supply.
- 1012. Contracts for Water.
- 1013. Charges.

**ARTICLE XI  
Special Assessments**

- 1101. Powers: Special Assessments.
- 1102. Procedure.

**ARTICLE XII**  
**Town Property**

- 1201. Acquisition, Possession, and Disposal.
- 1202. Condemnation.
- 1203. Town Buildings.
- 1204. Protection of Town Property.

**ARTICLE XIII**  
**General Provisions**

- 1301. Oath of Office.
- 1302. Official Surety Bonds.
- 1303. Prior Rights and Obligations.
- 1304. Misdemeanors.
- 1305. Effect of Charter on Existing Ordinances.
- 1306. Gender.
- 1307. Separability.

**ARTICLE XIV**  
**Transitional Provisions**

- 1401. Nature of this Article.
- 1402. Transition Between Present and Charter–Mandated Forms of Government.
- 1403. Date of Next Municipal Election.

# MIDLAND

## ARTICLE I General Corporate Powers

### Section 101. Corporate Name.

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

## ARTICLE II Corporate Limits

### Section 201. Records of Corporate Boundaries.

The corporate limits or boundaries of the Town of Midland are described on a plat thereof recorded in the office of the Clerk of the Circuit Court for Allegany County on the 18th day of April 1903, and recorded in Liber No. 92, folio 492, etc., of the land records of Allegany County.

A record of the preceding shall be filed at all times with the Clerk of the Circuit Court for Allegany County, the Commissioners of the Land Office, the Director of the Department of Legislative Reference [Services], and a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Mayor or of the Town Clerk.

### Section 202. Description of Corporate Boundaries. (See note (1))

The corporate limits of the Town of Midland shall include all the territory within the following boundaries:

Commencing at a locust post on the southeast corner of the Midland Park Association grounds on the left bank of George’s Creek and running north thirty–seven degrees, west eight hundred and twenty–five feet to the corner of Midland Park Association fence; thence north eight–five degrees, east nineteen hundred feet to a red oak tree on George Sharp’s lot; thence north fifty degrees, east four hundred feet to a locust gate post situated near Robert Izasett’s house, on the road to Dan’s Rock; thence north forty–two degrees, west a distance of one thousand and seventy feet to a pine tree near Dr. A. G. Smith’s residence, and the George’s Creek and Cumberland Railroad; thence north fifty degrees west a distance of eight hundred and fifty feet to a white oak tree standing near the convent; thence due west five and hundred and fifty feet to a pine tree near Squirrel Neck Run; thence south twenty–nine degrees, west five

hundred feet to a locust post on southeast bank of George's Creek, and on the near corner of Harry Taylor's lot; thence along the left bank of George's Creek to the place of beginning.

### **ARTICLE III**

#### **The Council**

##### Section 301. Number, Selection, Term.

All legislative powers of the Town shall be vested in a body designated as "The Council of Midland," consisting of a Mayor and four (4) Councilmembers who shall be elected as hereinafter provided. The regular term of the Mayor and Councilmembers shall be four (4) years or until their successors have been elected and qualified. The regular terms of the Mayor and all Councilmembers shall expire on the third Monday in May following the election of their successors. (Res. No. 01-2008, 4-22-08.)

##### Section 302. Qualifications of Councilmembers.

Councilmembers shall have resided in the Town for at least one year immediately preceding their election and shall be qualified voters of the Town.

##### Section 303. Salary of Councilmembers.

Each Councilmember shall receive an annual salary which shall be equal for all Councilmembers and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council [Councilmembers] takes office shall not be changed during the period for which that Council [Councilmembers] was elected. The ordinance making any change in the salary paid to the several Councilmembers, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council.

##### Section 304. Meetings of the Council.

The newly elected Council shall meet at 7:30 P.M. on the first Monday in June following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk upon the written request of the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

##### Section 305. Council to be Judge of Qualifications of its Members.

The Council shall be the judge of the election and qualification of its members.

Section 306. Quorum.

A majority of the Councilmembers shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the Councilmembers.

Section 307. Procedure of Council.

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

Section 308. Vacancies on the Council.

In event of a vacancy on the Council for any reason, the Councilmembers by a majority vote shall appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term.

Section 309. Ordinances.

a. In order to enable the Councilmembers of Midland to fully exercise the power conferred upon them by this Charter and to enable them to better promote and preserve the public health, safety and welfare, the Councilmembers of Midland may pass all ordinances or by-laws that are from time to time necessary.

b. An ordinance may be passed at the meeting at which it is introduced.

c. Unless otherwise specified, an ordinance will become effective at the expiration of twenty (20) calendar days following its approval.

d. Each ordinance shall be published at least once in a newspaper having general circulation in the municipality.

Section 310. Files of Ordinances.

Ordinances shall be permanently filed by the Town Clerk and shall be made available for public inspection.

## ARTICLE IV The Mayor

### Section 401. Selection and Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of two (2) years or until his successor is elected and qualified. The Mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter.

### Section 402. Qualifications of Mayor.

The Mayor must have resided in the Town for at least one (1) year immediately preceding his election, be at least twenty-one (21) years of age, and must be a qualified voter of the Town. He must maintain a permanent residence in the Town during his term of office.

### Section 403. Salary of the Mayor.

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

### Section 404. Powers and Duties.

(a) *General.* 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.

(b) *Appointments.* The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor, in accordance with rules and regulations which may be adopted by the Council.

(c) *Reports.* The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

(d) *Finances.* The Mayor shall have complete supervision over the financial administration of the Town government. He shall prepare, if requested by the Council, an annual budget and submit such to the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that the budget appropriations are not exceeded.

(e) *Council Meetings.* The Mayor shall serve as President of the Council. He may take part in all discussions, but shall vote only in order to break a tie vote.

(f) *Ceremonial Head.* The Mayor shall be recognized as the head of the Town government for all ceremonial purposes.

(g) *Appointment of Deputy Mayor.* The Mayor, with the approval of the Council, shall appoint a Council member as Deputy Mayor, and such officer shall assume the power and duties of the Mayor in the absence or incapacitation of the Mayor.

(h) *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, but not inconsistent with this Charter.

## **ARTICLE V**

### **General Powers**

#### Section 501. General Powers.

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

#### Section 502. Specific Powers.

The Council shall have, in addition, the power to pass ordinances not contrary to the Constitution and laws of this State, for the specific purposes provided in the remaining subsections of this section.

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

(2) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches, and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

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

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

(5) *Auctioneers.* To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

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

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

(8) *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 the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

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

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

(11) *Community Services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(12) *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.

(13) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(14) *Dangerous Conditions.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

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

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

(17) *Dogs.* To regulate the keeping of dogs in the Town, and to cooperate with the County in the licensing of all dogs; to provide for the disposition of homeless dogs and dogs which have not been licensed.

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

(19) *Explosives.* 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.

(20) *Filth.* To compel the owner or occupant of any premises or building within the Town[,] when such has become filthy or unwholesome, to abate or clean the condition; and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper Town officials and to assess the expense of such against such property; making it collectible by taxes or against the occupant or occupants.

(21) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Council; to borrow money in accordance with the provisions of this Charter.

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

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

(24) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television systems, (following current FCC regulations) and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of Article 23 and Article 78 of the Annotated Code of Maryland (1957 edition, as amended). No franchise shall be granted for a period longer than fifty (50) years.

(25) *Gambling.* To restrain and prohibit gambling.

(26) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

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

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

(29) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which causes or may cause unsanitary conditions or conditions detrimental to health; that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Department of Health and Mental Hygiene and the Health Department of Allegany County, or any public, general or local law relating to the subject of health.

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

(31) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County Jail for such 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, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

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

(34) *Lights.* To provide for the lighting of the Town.

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

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

(37) *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.

(38) *Noise.* To regulate or prohibit any disruptive or disturbing sounds.

(39) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(40) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

(41) *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.

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

(43) *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.

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

(45) *Police Powers.* To prohibit, suppress, and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefor, and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness. To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the

municipality and beyond those limits for one-half mile, or for so much of this distance as does not conflict with the powers of another municipal corporation.

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

(47) *Quarantine.* To establish quarantine regulations in the interests of the public health.

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

(49) *Sidewalks.* To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for clearing and cleaning sidewalks.

(50) *Sweeping.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the Town.

(51) *Taxicabs.* To license, tax, and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

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

(53) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the *Annotated Code of Maryland*, (1957 edition as amended), subject, however, to the limitations and provisions of said Article.

(54) *Saving Clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

#### Section 503. Exercise of Powers.

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

Section 504. Enforcement and Penalties.

To ensure the observance of the ordinances of the Town, the Council shall have the power to provide that violation thereof shall be a misdemeanor and shall have the power to affix thereto penalties of a fine not exceeding one hundred dollars (\$100) or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within thirty (30) days to the Circuit Court of Allegany County in which the fine, forfeiture, or penalty was imposed. The Council may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

## **ARTICLE VI**

### **Registration, Nomination, and Elections**

Section 601. Voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen (18) years of age, (3) has resided within the corporate limits of the Town for six (6) months preceding any Town election, and (4) is registered in accordance with the provisions of this Charter, is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote in all Town elections.

Section 602. Clerk – Election Duties.

(a) The Town Clerk shall be in charge of all municipal elections concerning the Town of Midland and shall not be a candidate for any elective office during his appointment as Clerk.

(b) The Town Clerk shall be in charge of the registration of voters, nominations, and all Town elections.

(c) The Town Clerk shall keep a permanent list of all those residents of the Town who are eligible to vote in Town elections. The Council may appoint election clerks or other employees to assist him in any of his duties.

Section 603. Notice.

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

Section 604. Registration.

(a) There shall be a registration on the second monday [Monday] of April in every even numbered year, of qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the Town, the Mayor may designate additional days as registration days.

(b) Registration shall be permanent, and no person is entitled to vote in Town elections unless he is registered. It shall be the duty of the Town Clerk to keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the Town.

(c) The council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when necessary.

Section 605. Appeal.

If any person is aggrieved by the action of the Town Clerk in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may, in turn, be appealed to the Circuit Court of Allegany County within thirty (30) days of the decision or action of the Council.

Section 606. Election of Mayor and Council.

(a) Any person desiring to become a candidate for Mayor or City Council shall, at least 30 days before every regular Town Election, file in person with the City Clerk, a statement of such candidacy in substantially the following form:

Candidate for Nomination for \_\_\_\_\_

STATE OF MARYLAND,  
ALLEGANY COUNTY:

I, \_\_\_\_\_ being first duly sworn, say that I reside at \_\_\_\_\_ Street, City of Midland; that I am a qualified voter therein; that I am qualified to hold office; that I have resided within the City for at least one (1) year preceding the election; that I am a candidate for \_\_\_\_\_ to be voted upon at the general election to be held on the \_\_\_\_ day of \_\_\_\_, 19\_\_\_\_ and I hereby request that my name be printed upon the official ballot for the general election for such office.

Signed: \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me, \_\_\_\_\_,  
a Notary Public, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed: \_\_\_\_\_  
Notary Public

(Char. Am. Res. No. 2, 12-20-82.)

Section 607. Election of the Mayor and Councilmembers.

(a) On the second Monday in May in 1978, and every two (2) years thereafter, the qualified voters of the Town shall elect four (4) persons as Councilmembers for two (2) year terms.

(b) Also, on the second Monday in May in 1978, and every two (2) years thereafter, the qualified voters of the Town shall elect a Mayor for a term of two (2) years.

Section 608. Conduct of Elections.

(a) Elections shall be on a non-partisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.

(b) It shall be the duty of the Town Clerk to provide for each special and general election a suitable place or places for voting and suitable voting machines. The Clerk shall keep the polls open from 7:00 A.M. until 7:00 P.M. (Unnumbered Res., 7-2-90.)

Section 609. Absentee Ballots.

(a) Any qualified voter registered to vote in the Town of Midland is entitled to vote in any municipal election by absentee ballot.

(b) The Town Clerk shall mail absentee ballots to qualified voters, at the request of those voters, not less than fifteen (15) days prior to the elections.

Section 610. Special Elections.

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

Section 611. Vote Count.

Within twelve hours after the closing of the polls, the Town Clerk shall determine the vote cast for each candidate or question and shall record the result in the minutes of the Council. The candidate for mayor with the highest number of votes in the general election shall be declared elected as Mayor. The four (4) candidates for Councilmembers with the highest number of votes in the general election shall be declared elected.

Section 612. Preservation of Ballots.

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

Section 613. Vacancies.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy in the office of Mayor for any reason, the Council shall elect some qualified person from the Council to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Council or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Council. The results of any such vote shall be recorded in the minutes of the Council.

Section 614. Regulation and Control.

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

Section 615. Penalties.

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

## **ARTICLE VII**

### **Finance**

Section 701. Treasurer.

There shall be a Treasurer appointed by the Mayor with the approval of the Council. His compensation shall be determined by the Council. The Treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Council.

Section 702. Powers and Duties of the Treasurer.

Under the required supervision, the Treasurer possesses the authority to:

- (a) Prepare an annual budget to be submitted to the Council.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that any budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the Council may require, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council.
- (e) Receive from the Tax Collector all monies collected for taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collection the Town Tax Collector is responsible.
- (f) Have custody of all public monies, belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- (g) Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in this Charter.

Section 703. Tax Collector.

The Mayor, with the approval of the Council, shall appoint a Town Tax Collector who shall serve at the pleasure of the Mayor and whose compensation shall be determined by the Council.

Section 704. Powers and Duties of the Tax Collector.

Under the supervision of the Mayor, the Tax Collector shall have the authority and be required to:

- (a) Ascertain that all taxable property within the Town is assessed for taxation.
- (b) Collect all taxes and other assessments for whose collection the Town is responsible. All monies collected shall be accounted for and turned over to the Town Treasurer.
- (c) Perform such other duties as the Council may require, or as may be required elsewhere in this Charter.

Section 705. Bond of Treasurer and Tax Collector.

The Treasurer and Tax Collector shall each provide a bond with such corporate surety and in such amount as the Council by ordinance may require.

Section 706. Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 707. Budget.

If the Council by ordinance shall require it, the Mayor shall prepare and submit a budget to the Council. Any budget submitted shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. Any budget approved and accepted by the Council shall be a public record kept in the office of the Town Clerk, open to public inspection by anyone during normal business hours.

Section 708. Budget Adoption.

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

Section 709. Transfer of Funds.

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

Section 710. Appropriations.

No public money may, at any time, be expended without having been appropriated by the Council.

Section 711. Over-Expenditure Forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amount which may have been appropriated for, or transferred to, that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this section shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds,

nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 712. Appropriations Lapse After One Year.

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

Section 713. Checks.

All checks issued in payment of salaries or other municipal obligations shall be signed by the Clerk and shall be countersigned by the Mayor.

Section 714. Taxable Property.

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

Section 715. Budget Authorized Levy.

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

Section 716. Notice of Tax Levy.

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

Section 717. When Taxes are Overdue.

The taxes provided for in Section 714 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following January. They shall bear interest while in arrears at the rate of two-thirds of

one per centum (0.667%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following July shall be collected as provided in Section 718.

Section 718. Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 711 of this Charter shall be turned over by the Tax Collector to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by State law.

Section 719. Fees.

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

Section 720. Audit.

The financial books and accounts of the Town shall be audited annually by a public accountant.

Section 721. Tax Anticipation Borrowing.

During the first six (6) months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid no later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per cent (50%) of the property tax levy for the fiscal year in which such notes or other evidence of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 722. Authorization to Borrow Money.

The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in Section 31 to 37, inclusive, of Article 23A of the *Annotated Code of Maryland* (1957 edition, as amended), title "Municipal Corporations," subtitle "Creation of Municipal Public Debt."

Section 723. Payment of Indebtedness.

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

Section 724. Previous Issues.

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

Section 725. Purchasing and Contracts.

(a) All purchases and contracts for the Town government shall be made by the Clerk. The Council shall have the power to provide by ordinance for rules and regulations regarding purchasing procedures such as the use of competitive bids and/or contracts.

(b) All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than two thousand five hundred dollars (\$2500.00) shall be made on written contract. The Clerk shall be required to advertise for sealed bids in such manner as may be prescribed by ordinance. The contract, in writing, shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Clerk shall have the right to reject all bids and readvertise. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

(c) All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying shall be negotiated by the Council.

**ARTICLE VIII**  
**Administration**

Section 801. Town Clerk.

The Mayor, with the approval of the Council, shall appoint a Town Clerk. The Town Clerk shall serve as Clerk to the Council. He shall attend every meeting of the Council and keep

a full and accurate account of the proceedings of the Council. He shall keep such other records and perform such other duties as may be required by this Charter or the Council.

Section 802. Town Attorney.

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

Section 803. Authority to Employ Personnel.

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

Section 804. Retirement System.

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

Section 805. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Council, subject to the restriction imposed upon establishing the salaries of the Mayor and Council.

Section 806. Employee Benefit Programs.

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

## **ARTICLE IX**

### **Public Ways and Sidewalks**

Section 901. Definition of Public Ways.

The term "public ways" as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 902. Control of Public Ways.

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

Section 903. Public Ways: Powers.

The Town shall have the power:

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

Section 904. Sidewalks: Powers.

The Town shall have the power:

- (a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.
- (b) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.
- (c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(d) To require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this Section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

## **ARTICLE X**

### **Water and Sewers**

#### Section 1001. Powers.

The Town shall have the power:

- (a) To construct, operate, and maintain a water system and water plant.
- (b) To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- (c) To construct, operate, and maintain a storm water drainage system and storm water sewers.
- (d) To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations, and structures of the above plants and systems.
- (e) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (f) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

#### Section 1002. Placing Structures in Public Ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit[,] pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Town may order it removed.

#### Section 1003. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the Town or in the County which impede the establishment,

construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Section 1202. Any violation of this section shall be a misdemeanor.

Section 1004. Entering on County Public Ways.

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

Section 1005. Connections.

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

Section 1006. Charge for Connections.

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

Section 1007. Improper Uses.

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

Section 1008. Private Systems.

The Town may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private

methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspools or other private method of sewage disposal.

Section 1009. Extensions Beyond Boundaries.

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

Section 1010. Right of Entry.

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

Section 1011. Pollution of Water Supply.

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

Section 1012. Contracts for Water.

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

Section 1013. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Tax Collector and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

## **ARTICLE XI**

### **Special Assessments**

Section 1101. Powers: Special Assessments.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon

such property by the installation or construction of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

Section 1102. Procedure.

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

(a) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(c) When desirable, the affected property may be divided into different classes to be charged different rates, but except for this, any rate shall be uniform.

(d) All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk-Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Council in its discretion, may vote to proceed with the project and may levy the special assessment.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of the County within ten (10) days after the levying of any assessment by the Council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(g) All special assessment installments shall be overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

(h) All special assessments shall be billed and collected by the Tax Collector.

## **ARTICLE XII**

### **Town Property**

#### Section 1201. Acquisition, Possession, and Disposal.

The Town may acquire, real, personal, or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

#### Section 1202. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as in easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the "Real Property" Article of the Annotated Code of Maryland, Title 12, Eminent Domain, enacted by Chapter 12, Acts 1974.

#### Section 1203. Town Buildings.

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

Section 1204. Protection of Town Property

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

**ARTICLE XIII  
General Provisions**

Section 1301. Oath of Office.

(a) Before entering upon the duties of their offices, the Mayor, the Councilmembers, the Clerk, the Treasurer, the Tax Collector, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation:

“I,....., do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ..... according to the Constitution and Laws of this State.”

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

Section 1302. Official Surety Bonds.

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

Section 1303. Prior Rights and Obligations.

All right, title, and interest held by the Town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offense 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 1304. Misdemeanors.

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 which the offense is committed by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for thirty (30) 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 the 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 1305. Effect of Charter on Existing Ordinances.

(a) All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed in accordance with provisions of authority granted in this Charter.

(b) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter shall be and the same hereby are repealed to the extent of such conflict.

Section 1306. Gender.

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

Section 1307. Separability.

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

## **ARTICLE XIV**

### **Transitional Provisions**

Section 1401. Nature of this Article.

The provisions of this Article relate to the transition from the existing form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1402. Transition Between Present and Charter-Mandated Forms of Government.

In order that this Charter may become operative promptly after it becomes law, the present form of government, as such is concerned with the powers and duties of the Mayor and Councilmembers, shall continue in effect until the form of government provided in the Charter, concerning the same subject matter, becomes effective after the next municipal election.

Section 1403. Date of Next Municipal Election.

The date of the next municipal election scheduled by the Town of Midland will be the second Monday in May, 1978.

## NOTES

(1) An annexation resolution, effective May 2, 1985, enlarged the corporate boundaries by the annexation of 2 parcels of land (8.468 and 1.480 acres of land, respectively) which totaled 9.948 acres of land. While the resolution sought to enlarge the boundary description as found in the charter, no specifics were contained in the resolution.