

CHARTER  
OF THE  
**Town of Mountain Lake Park**

GARRETT COUNTY, MARYLAND

*As found in the Public Local Laws of  
Garrett County, 1971 Edition*

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# MOUNTAIN LAKE PARK

(See note (1))

## General Corporate Powers

### Section 26-1. Incorporated.

The inhabitants of the Town of Mountain Lake Park, Maryland, within the corporate limits legally established from time to time are hereby continued a body corporate by the name of "The Town of Mountain Lake Park" 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. (Res. 1, December 15, 1964, sec. 1.)

## Corporate Limits

### Section 26-2. Boundaries. (See notes (2), (5), (6), and (7))

The corporate limits of the Town of Mountain Lake Park shall be filed at all times with the Clerk of the Circuit Court of Garrett County, the Commissioners of the Land Office and the Director of the Department of Legislative Reference [Services] and shall include all of the territory within the following limits:

BEGINNING at the easterly side of the Railroad bridge west of Mountain Lake Park Railroad Station; thence, two lines with the southerly limits of the Baltimore and Ohio Railroad and with the original corporate limits, S 67° 00' E, 1578 feet, then by a curve concave to the north having a long chord S 88° 03' W, 3019.95 feet to an iron pipe at Corner No. 11 of said original corporate limits; thence with part of said original line, N 23° 54' E, to a one inch iron pipe at the southeasterly corner of the Browning's Annexation as shown on the plat by Morgan C. France, L.S., P.E., dated 28 December 1987, and at the northeasterly corner of Earl J. Hershman (Liber 148 at folio 22); thence, with part of the northerly line of Hershman, and the southerly line of said Annexation, N 66° 06' W, 689.94 feet to a one inch pipe; thence, leaving said Hershman line, and with the division line of said Browning Annexation, N 22° 30' E, 680.68 feet to a 5/8 inch rebar in the southerly margin of the State Highway right-of-way near Sta. 224+95 as shown on State Highway Administration Plat No. 19011; thence, crossing said State Highway right-of-way, N 22° 30' E, 150 feet to a 5/8 inch rebar in the northerly limit of said right-of-way; thence, with said right-of-way, by a curve concave to the north having a long chord S 67° 37' E, 29.23 feet, and a radius of 7605.44 feet, to a 5/8 inch rebar in the westerly line of the Oak Park Annexation of November 2, 1970 as described in Liber 356 at folio 243; thence, with the westerly line of said Oak Park Annexation, being the easterly margin of Church Street, N 22° 27' E, to a fence post standing 15 feet from the middle of State Route 41, otherwise known as Oakland Drive; thence, S 65° 43' E, 652.64 feet to the northeasterly corner of the Nemith Annexation as described in Liber 356 at folio 243; thence, crossing said Oakland Drive to an iron pipe at original Corner No. 10; thence, with the northerly margin of said Drive to a southerly

extension of the westerly line of Pensinger's Addition; thence, with said southerly extension and said westerly line to the northwesterly corner of Lot 1A in Pensinger's Addition, also being in the seventh line of the original corporate limits; thence, with part of said seventh line, reversed, N 66° 32' W, to an iron pipe at the original Corner No. 7, being in the southerly margin of Dennett Road; thence, crossing Dennett Road, and with part of the original 6th line, reversed, N 30° 13' E, to the southeasterly corner of the Harvey Development Annexation of May 5, 1970 as described in Liber 356 at folio 245; thence, with the southerly line of said Annexation, N 66° W, 1554.30 feet to a stake at the beginning of said Annexation; thence, with part of the westerly line of said Annexation, N 24° E, to the southeasterly corner of the Andrew Fike Subdivision; thence, two lines with said Subdivision, N 66° 00' W, 246.18 feet to an iron pin; N 24° 00' E, 294.35 feet to an iron pin in the outline of Southern Pines II; thence, three lines with said outline, N 63° 02' 48" W, 485.86 feet to an iron pin; N 26° 52' 41" E, 768.60 feet to an iron pin; S 63° 00' 26" E, 567.00 feet to the northwesterly corner of Southern Pines Development; thence, with the northerly line of said development, S 62° 48' 03" E, 1807.47 feet to an iron pin in said 6th line of the original limits; thence, with part of said 6th line, reversed, N 30° 13' E, to a concrete monument at Corner No. 6 of said original limits, being the 18th corner of the Broadford Area Annexation as shown on the plat by Morgan C. France dated 2 March 1989; thence, seventeen courses with said Broadford Area Annexation, N 65° 38' W, 1815.74 feet to a concrete monument in the easterly margin of Oakland–Deer Park Road; N 69° 17' E, 182.57 feet to an iron pin; N 61° 36' E, 76.99 feet to an iron pin; N 52° 22' E, 152.69 feet to a one inch pipe; N 46° 01' E, 225.56 feet to an iron pin; N 39° 40' E, 58.17 feet to a 3/4 inch pipe; N 32° 56' E, 521.38 feet to a corner fence post; S 65° 55' E, 847.90 feet to a concrete monument; S 65° 55' E, 1195.77 feet to a concrete monument; S 42° 10' W, 303.07 feet to an iron pin; S 42° 58' W, 429.61 feet to an iron pin; S 42° 51' W, 246.01 feet to an iron pin; S 43° 08' W, 64.78 feet to an iron pin; S 43° 26' W, 258.85 feet to a point; 330 feet by a curve concave to the southeast having a radius, 2914.98 feet and a long chord, S 40° 12' W, 330.91 feet to a point; S 36° 58' W, 138.06 feet to a concrete monument in the fifth line of said original corporate limits and the northwesterly margin of Broadford Road; thence, crossing said Road with part of said fifth line, and with the fourth, third, second and first lines of said original limits, reversed, S 66° 32' E, to an iron pipe at Corner No. 5; S 23° 28' W, 1650.05 feet to Corner No. 4; S 66° 32' E, 1326.01 feet to an iron pipe at Corner No. 3; S 23° 28' W, 3118.00 feet to an iron pipe at Corner No. 2; S 67° 01' W, 2683.31 feet to the beginning. (Res. 1, December 15, 1964, sec. 2; Res. 1991–1, 9–27–91.)

## **Mayor and Council**

### Section 26–3. Number, selection, term.

All legislative powers of the Town shall be vested in a Council consisting of a Mayor and five Councilmen who shall be elected as hereinafter provided and who shall hold office for a term of two years or until the succeeding Council takes office. The regular term of the Mayor and Councilmen shall expire on the first Tuesday following the election of their successors. The Mayor and Councilmen holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Mayor and Council takes office under the provisions of this Charter. (Res. 1, December 15, 1964, sec. 3.)

Section 26-4. Qualifications.

The Mayor and Councilmen shall have resided in the Town for at least one year immediately preceding their election, shall be registered voters of the town, and shall reside within the corporate limits while active in office. (Res. 1, December 15, 1964, sec. 4; Res. 1983-3, 8-8-83.)

Section 26-5. Salary.

The Mayor shall receive \$100.00 per meeting he attends. Each Councilman shall receive \$50.00 per meeting he/she attends. Provided, however, that the above stated salaries shall not take effect for the Mayor and Councilmen holding office on March 10, 1983, but shall become effective only for the Mayor and members of the Council elected in 1983 and 1984, and the Mayor and all members of the Council thereafter. (Res. 1, December 15, 1964, sec. 5; Res. No. 1-1975, May 27, 1975; Res. No. 1-1979, June 28, 1979; Res. No. 1982-1, June 28, 1982; Res. No. 1983-1, 4-29-83.)

Section 26-6. Meetings. (See Notes)

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-Treasurer upon the request of the Mayor or three Councilmen. The Council shall keep its rules open to the public and shall observe the requirements of Subtitle 5 of Article 10 of the State Government Article, Subtitle "Meetings" and shall observe its requirements regarding open meetings, executive sessions and rights of the public to have reasonable opportunities to be heard. (Res. 1, December 15, 1964, sec. 6; Res. No. 01-01, 9/27/01; Res. No. 2005-02, 2-25-05.)

Section 26-7. Judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members. (Res. 1, December 15, 1964, sec. 7.)

Section 26-8. President.

The Mayor shall serve as President of the Council and be a member of the Council. The Mayor may take part in all discussions, and he shall not have a vote except to break a tie. The Council shall elect a Vice-president of the Council from among its members who shall act as President of the Council in the absence of the President of the Council. (Res. 1, December 15, 1964, sec. 8.)

Section 26-9. Quorum.

A majority of the members of the Council 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 at least three members of the Council. (Res. 1, December 15, 1964, sec. 9.)

Section 26–10. Procedure.

The Council shall determine its own rules and order of business. It shall keep a journal of its own proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection at all reasonable times. (Res. 1, December 15, 1964, sec. 10.)

Section 26–11. Vacancies.

Vacancies in the Council shall be filled as provided in Section 26–29 of this Charter. (Res. 1, December 15, 1964, sec. 11.)

Section 26–12. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative votes of four members of the Council. An ordinance shall become effective on the date specified in the ordinance. A summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation within the Town of Mt. Lake Park. All ordinances shall be subject to referendum as outlined in Article 23A, Section 16, of the Maryland Annotated Code. (Res. 1, December 15, 1964, sec. 12.)

Section 26–13. Same; files.

Ordinances shall be permanently filed by the Clerk–Treasurer and shall be kept available for public inspection. (Res. 1, December 15, 1964, sec. 13.)

Section 26–14. Mayor; powers and duties.

(a) *Chief executive.* The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the Chief Executive Officer, and the head of the administrative branch of the town government.

(b) *Appointments.* The Mayor with the approval of the Council shall appoint the heads of all offices, and departments of the town government as established by this Charter or by ordinances. All subordinate officers and employees of the offices, and departments of the town government shall be appointed and removed by the Mayor, with the approval of the Council in accordance with rules and regulations in any merit system which may be adopted by the Council.

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

(d) *Finances.* The Mayor shall have complete supervision over the financial administration of the Town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(e) *Other powers.* The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter. (Res. 1, December 15, 1964, sec. 14.)

## General Powers

### Section 26–15. General powers.

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

(b) *Specific.* The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(1) *Advertising.* To provide for advertising for the purpose 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 public welfare for licensing, regulating, or restraining theatrical or other 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) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, or other place within the Town.

(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 the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(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, and departments, other than [than] the offices and departments established by this Charter; to assign additional functions or duties to offices or departments established by this Charter, but not including the power to discontinue or assign to any other office or department any function or duty assigned by this Charter to a particular office or department.

(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 provide[,] wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(18) *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.

(19) *Filth.* To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(20) *Finances.* To levy, assess, and collect ad valorem property taxes, not to exceed \$.85 maximum per \$100.00 assessed base except by referendum, any increase not to exceed an average of 5¢ per year up to the said \$.85 rate; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town.

(21) *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.

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

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

(24) *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 and unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(25) *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, agreeable to the conditions under which the gifts or grants were made.

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

(27) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the

introduction of contagious diseases into the Town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; provided that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health, or any public general or local law relating to the subject of health.

(28) *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.

(29) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the Town or to use the County jail for such purpose.

(30) *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 license and permits issued under the authority of this Charter.

(31) *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.

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

(33) *Livestock.* To prohibit or regulate by permit the running at large of cattle, horses, swine, fowl, sheep, goats, 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.

(34) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

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

(36) *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, junkyards and abandoned vehicles. This listing is by way of enumeration, not limitation.

(37) *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 at the expense of the owners.

(38) *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.

(39) *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 Roads Commission of Maryland must first be approved by the Commission.

(40) *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.

(41) *Police force.* To establish, operate and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of constables in this State.

(42) *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.

(43) *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.

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

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

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

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

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

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

(50) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland.

(c) *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. (Res. 1, December 15, 1964, sec. 15.)

#### Section 26–16. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in the 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. (Res. 1, December 15, 1964, sec. 16.)

#### Section 26–17. Enforcement.

The Mayor and Town Council may provide that violations of any Town Ordinance shall be a “municipal infraction” as defined by Article 23A, Section 3 of the Annotated Code of Maryland unless the violation is declared to be a felony or misdemeanor by State Law. All “municipal infractions” shall be considered civil offenses and shall be handled in accordance with the procedure set forth in Article 23A, Section 3 of the Annotated Code of Maryland or any amendments thereto. The Mayor and Council shall from time to time by resolution establish the level of fines to be imposed for all such “municipal infractions”. Nothing contained in this section shall prohibit or prevent the town from seeking other legal remedies such as injunctions, criminal prosecution, or damages in a civil action pursuant to Section 3 of Article 23A or Section 7.01 of Article 66B Annotated Code of Maryland as amended. (Res. 1, December 15, 1964, sec. 17; Res. No. 2003–01, April 17, 2003; Res. No. 2003–02, October 16, 2003.)

## **Registration, Nominations, and Elections**

### Section 26-18. Voters.

Every person who (1) is a citizen of the United States, (2) is at least eighteen years of age, (3) has resided within the corporate limits of the Town for thirty days next preceding any Town election, and (4) is registered in accordance with the provisions of this Charter, shall be a registered voter of the Town. Every registered voter of the Town shall be entitled to vote in any or all Town elections. (Res. 1, December 15, 1964, sec. 18; Res. 1985-2, 5-3-85.)

### Section 26-19. Clerk's duties.

The Clerk-Treasurer shall be in charge of the registration of voters, nominations, and all town elections. The Council may appoint election clerks or other employees to assist the Clerk-Treasurer in any of his election duties. (Res. 1, December 15, 1964, sec. 19.)

### Section 26-20. Notices.

The Clerk-Treasurer shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town. (Res. 1, December 15, 1964, sec. 20.)

### Section 26-21. Registration.

Registration books will be open the second Tuesday following the General Election in July 1985 and remain open until the second Tuesday in May of the following year 1986 and all years thereafter, to register qualified persons not registered to vote. If necessary for the performance of registration or the convenience of the citizens of the Town, the Council may designate additional days as registration days. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the Clerk-Treasurer to keep the registration lists up to date. The Mayor and Council, may, by ordinance, adopt and enforce any provisions necessary to establish and maintain a system of permanent registration, and to provide for a re-registration when necessary. (Res. 1, December 15, 1964, sec. 21; Res. 1985-3, 5-3-85.)

### Section 26-22. Appeal.

If any person shall feel aggrieved by the action of the Clerk-Treasurer 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 may be appealed to the Circuit Court for Garrett County within thirty days of the decision or action of the Council. (Res. 1, December 15, 1964, sec. 22.)

Section 26–23. Supervisors of Elections.

There shall be a board of supervisors of elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in March in every second odd numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in March in the year in which appointed and shall run for four years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Council. (Res. 1, December 15, 1964, sec. 23.)

Section 26–24. Same; removal of members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Council if he so requests within ten days after receiving the written copy of the charges against him. (Res. 1, December 15, 1964, sec. 24.)

Section 26–25. Nominations.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections on or before the first Monday in June next preceding the town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time. (Res. 1, December 15, 1964, sec. 25.)

Section 26–26. Primaries.

A primary election shall be held in the town on the second Tuesday in June, in every year, in order to select candidates for the general election on the second Tuesday in July. The primary election shall be conducted generally as specified in this subtitle for the conduct of special and general elections. Candidates names shall appear in alphabetical order for the office sought, on the ballots or voting machine labels, with no party designation of any kind. If not more than four persons have filed as candidates for the office of Councilman in any odd numbered year and if not more than six persons have filed as candidates for the office of Councilman in any even numbered year, and if not more than two persons have filed as candidate for the office of Mayor, no primary election shall be held as to that office or those offices. In such instances those nominated for Mayor or the nominees for councilmen shall be considered as nominees and their names shall be placed on the ballots or voting machines at the general election on the second Tuesday in July. Of the candidates participating in the primary election, the two persons receiving the highest number of votes cast for the office of Mayor, and the four candidates receiving the highest number of votes cast for the office of councilmen in any odd numbered year, and the six candidates receiving the highest number of votes cast for the

office of councilmen in any even numbered year shall be named and considered as nominees at the general municipal election following. (Res. 1, December 15, 1964, sec. 26.)

Section 26–27. Elections.

(a) *Date; election.* On the second Tuesday in the month of July, in every odd numbered year, the qualified voters of the town shall elect one person as mayor and two persons as councilmen to serve for terms of two years; and in every even numbered year the qualified voters of the Town shall elect three persons as councilmen to serve for terms of two years.

(b) *Odd-numbered years.* In every odd numbered year, if only one person is nominated for mayor and only two persons are nominated for councilmen, there shall be no general election on the first Tuesday in July in the odd numbered year, and the mayor and two councilmen nominated shall be declared elected by the Board of Supervisors of Elections and shall take office on the second Tuesday in July.

(c) *Even-numbered years.* In every even year if only three persons are nominated for councilmen, there shall be no general election on the first Tuesday in July in the even numbered year, and the three councilmen nominated shall be declared elected by the Board of Supervisors of Elections and shall take office on the second Tuesday in July. (Res. 1, December 15, 1964, sec. 27.)

Section 26–28. Special elections.

All special town elections shall be conducted by the board of supervisors of elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Res. 1, December 15, 1964, sec. 28.)

Section 26–29. Conduct of elections.

(a) *Equipment; hours.* It shall be the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 9:00 a.m. to 6:00 p.m. on election days or for longer hours if the council requires it.

(b) *Vote count.* Within four (4) hours after the closing of the polls, the Clerk–Treasure [Clerk–Treasurer] shall determine the vote cast for each candidate or question, shall certify the results and shall record the results in the minutes of the Council. The candidate for mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidates for Councilmen with the highest number of votes in the general election shall be declared elected as Councilmen.

(c) *Preservation of ballots.* All ballots used in any Town election shall be preserved for at least six months from the date of the election.

(d) *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 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.

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

(f) *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.

(g) *Penalties.* Any person who (1) fails to perform any duty required of him under the provisions of this subtitle or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will or will tend to affect fraudulently [fraudulently] any registration, nomination, or Town election, shall be deemed guilty of a misdemeanor under the provisions of this section [and] shall immediately upon conviction thereof cease to hold such office or employment. (Res. 1, December 15, 1964, sec. 29.)

## Finance

### Section 26–30. Clerk–Treasurer.

There shall be a Clerk–Treasurer appointed by the Mayor with the approval of the Council. He shall serve at the pleasure of the Mayor. His compensation shall be determined by the Council. The Clerk–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 Clerk–Treasurer under the direct supervision of the Mayor. (Res. 1, December 15, 1964, sec. 30.)

### Section 26–31. Same; powers and duties.

Under the supervision of the Mayor, the Clerk–Treasurer shall have authority to:

(1) Prepare at the request of the Mayor an annual budget to be submitted by the Mayor to the Council.

(2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(3) Maintain a general accounting system for the Town in such form as the Council may require, not contrary to State law.

(4) 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 through the Mayor, and have the same published and a statement submitted with each tax bill.

(5) Ascertain that all taxable property within the Town is assessed for taxation and present a certified copy of the tax roll to the Mayor and Council.

(6) Collect all taxes, special assessments, license fees, liens and other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the Town.

(7) 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.

(8) 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. (Res. 1, December 15, 1964, sec. 31.)

Section 26–32. Same; bond.

The Clerk–Treasurer shall provide a bond with such corporate surety and in such amount as the council by ordinance may require. (Res. 1, December 15, 1964, sec. 32.)

Section 26–33. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end of [on] the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Res. 1, December 15, 1964, sec. 33.)

Section 26–34. Budget.

The Mayor, at least thirty–two days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Clerk–Treasurer, open to public inspection by anyone during normal business hours. (Res. 1, December 15, 1964, sec. 34.)

Section 26–35. Same; procedure.

Before adopting the budget, the council shall hold a public hearing thereon by giving two weeks' notice in a newspaper of general circulation in 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, subject to the rate limit on the tax basis. A favorable vote of at least a majority of the total elected membership of the council shall be necessary for adoption. (Res. 1, December 15, 1964, sec. 35.)

Section 26–36. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Res. 1, December 15, 1964, sec. 36.)

Section 26–37. Transfer of funds.

Any transfer of funds between appropriations for different purposes by the Mayor must be approved by the Council before becoming effective. (Res. 1, December 15, 1964, sec. 37.)

Section 26–38. 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 amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts 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. (Res. 1, December 15, 1964, sec. 38.)

Section 26–39. Appropriations lapse.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. 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. (Res. 1, December 15, 1964, sec. 39.)

Section 26–40. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Clerk–Treasurer and shall be countersigned by the mayor and purchase slips shall be signed by purchasers and attached to the invoice. (Res. 1, December 15, 1964, sec. 40.)

Section 26–41. Taxable property.

All real property shall, 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, may 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. (Res. 1, December 15, 1964, sec. 41.)

Section 26–42. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Res. 1, December 15, 1964, sec. 42.)

Section 26–43. Notice of tax levy.

Immediately after the levy is made by the council in each year, the Clerk–Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Res. 1, December 15, 1964, sec. 43.)

Section 26–44. When taxes are overdue.

The taxes provided for in Section 41 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at a rate to be set by the Mayor and Town Council by its Resolution, and such rate shall be within the legal rate provided for by Maryland Law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 26–45. (Res. 1, December 15, 1964, sec. 44; Res. 02, 4–12–00.)

Section 26–45. Tax sales.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by Section 26–44 of this Charter shall be turned over by the Clerk–Treasurer to the office 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; and it shall be made mandatory that the appropriate county official shall be charged with the collection of town taxes on all advertised property. (Res. 1, December 15, 1964, sec. 45.)

Section 26–46. 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. (Res. 1, December 15, 1964, sec. 46.)

Section 26–47. Audits.

The financial statements of the town shall be audited annually by a Certified Public Accountant. (Res. 1, December 15, 1964, sec. 47; Res. No. 2006–01, 6–23–06.)

Section 26–48. Tax anticipation borrowing.

During the first six months of any fiscal year, the town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidence [evidences] of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidence [evidences] of such indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being used. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes. (Res. 1, December 15, 1964, sec. 48.)

Section 26–49. Authority for borrowing; Payment of indebtedness.

(a) The Mayor and Town Council of Mountain Lake Park shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other certificates of indebtedness in the manner prescribed in Section 26–49(b).

(b) As determined by and provided in the authorizing ordinance of the Mayor and Town Council, the bonds, notes or other evidences of indebtedness of the Town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale; and if by public sale, after one (1) or more insertions of a notice of the sale in either a newspaper of general circulation in the town, or a publication having a circulation primarily among the investment and financial community, the first insertion of the notice of sale to be published at least ten (10) days before the date fixed for the sale;

(2) For a price or prices which may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or as determined by a method approved by the Mayor and Town Council;

(4) For either cash or other valuable consideration:[;] and

(5) With or without a reservation of the right of redemption.

(c) The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of, or as security for, the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(d) The power and obligation of the town to pay any and all bonds, notes or other evidences of the 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 as to rate or amount. The full faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Res. 1, December 15, 1964, sec. 49; Res. No. 2006-03, 7-21-06.)

Section 26-50. Prior bond issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to December 15, 1964, 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. (Res. 1, December 15, 1964, sec. 50.)

Section 26-51. Purchases and contracts.

All purchases and contracts for the town government shall be made by the Mayor and/or the Clerk-Treasurer or such other individual appointed by the mayor and approved by a majority vote of the Town Council. The Council shall provide for the rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts by ordinance. (Res.

1, December 15, 1964, sec. 51; Res. 1982-3, 9-9-82; Res. 1985-1, 5-3-85; Res. 1993-1, 4-28-93; Res. 2005-01, 2-25-05.)

## Personnel

### Section 26-52. Clerk to the Council.

The Clerk-Treasurer 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 and designate a place and time for tax collection and disbursement of payments, preferably in the city hall at least one day each week. (Res. 1, December 15, 1964, sec. 52.)

### Section 26-53. Town attorney.

The mayor with the approval of the council shall 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 such legal consultants as it deems necessary from time to time. (Res. 1, December 15, 1964, sec. 53.)

### Section 26-54. 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, providing [that] no member of the Council be employed by the Town or do business with the Town. (Res. 1, December 15, 1964, sec. 54; Res. No. 98-2, 9-30-98; Res. No. 00-04, 8-31-00.)

### Section 26-55. 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. (Res. 1, December 15, 1964, sec. 55.)

### Section 26-56. Compensation of elected officials and employees.

(a) *Elected officials.* The compensation of all elected officials of the Town shall be set from time to time by amending the Town's Elected Official Compensation Policy by resolution, subject to the restrictions imposed upon establishing the salaries of the Councilmen and Mayor. A resolution decreasing the compensation of the Mayor or Councilmen will become effective immediately. A resolution increasing the compensation of the Mayor or Councilmen

shall only become effective for each affected position upon the completion of the current term of office of the official holding that office.

(b) *Employees.* The compensation of subordinate officers and employees of the offices and departments of the town government shall be set by the Mayor, with the approval of the Council, and in accordance with a schedule approved by the Council which sets forth a pay scale for each job position. (Res. 1, December 15, 1964, sec. 56; Res. No. 2006-02, 6-23-06.)

Section 26-57. 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 to expend public monies of the Town for such programs. (Res. 1, December 15, 1964, sec. 57.)

**Public Ways and Sidewalks**

Section 26-58. Public ways; definition.

The term “public way” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res. 1, December 15, 1964, sec. 58.)

Section 26-59. Same; control.

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town. (Res. 1, December 15, 1964, sec. 59.)

Section 26-60. Same; powers.

The Town shall have the power:

- (1) 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.
- (2) To grade, lay out, construct, open, extend, and make new Town public ways.
- (3) To grade, straighten, widen, alter, improve, or close up any existing Town public way or part thereof.
- (4) To pave, surface, repave, or resurface any Town public way or part thereof.
- (5) To install, construct, reconstruct, repair, and maintain curbs and or [and/or] gutters along any Town public way or part thereof.

(6) To construct, reconstruct, maintain, and repair bridges.

(7) To name Town public ways.

(8) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res. 1, December 15, 1964, sec. 60.)

#### Section 26–61. Sidewalks.

The Town shall have the power:

(1) 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.

(2) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.

(3) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(4) 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. (Res. 1, December 15, 1964, sec. 65.)

## **Water and Sewers**

#### Section 26–62. Powers.

The Town shall have the power:

(1) To construct, operate and maintain a water system and water plant.

(2) To construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.

(3) To construct, operate, and maintain a storm water drainage system and storm water sewers.

(4) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

(5) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(6) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Res. 1, December 15, 1964, sec. 61.)

Section 26–63. 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. (Res. 1, December 15, 1964, sec. 62.)

Section 26–64. 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 26–76. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. 1, December 15, 1964, sec. 63.)

Section 26–65. Entering on county public ways.

The Town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the Town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. (Res. 1, December 15, 1964, sec. 64.)

Section 26–66. 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. (Res. 1, December 15, 1964, sec. 65.)

Section 26–67. Charge for connections.

The Town may make a charge, the amount to be determined by the Council, for each connection made 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. (Res. 1, December 15, 1964, sec. 66.)

Section 26–68. 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, fixture, or connections as it deems necessary to prevent such waste or improper use. (Res. 1, December 15, 1964, sec. 67.)

Section 26–69. Private systems.

The Town may by ordinance provide that no sewerage, or storm water drainage system, and no water mains, sewer, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. 1, December 15, 1964, sec. 68.)

Section 26–70. Extensions beyond boundaries.

The Town shall have the power to extend its water or sewerage systems beyond the Town limits. (Res. 1, December 15, 1964, sec. 69.)

Section 26–71. 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 an owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor. (Res. 1, December 15, 1964, sec. 70.)

Section 26–72. 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 supplies [supply] system. Any violation of the provisions of this section shall be a misdemeanor. (Res. 1, December 15, 1964, sec. 71.)

Section 26–73. 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. (Res. 1, December 15, 1964, sec. 72.)

Section 26–74. Charges.

The Town may have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other reasonable charges as it deems necessary for water supplied and for the removal of sewage. The charges may be billed and collected by the Clerk–Treasurer, and if bills are unpaid within thirty 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. (Res. 1, December 15, 1964, sec. 73.)

## **Town Property**

Section 26–75. Acquisition, possession, and disposal.

The Town may acquire real, personal, or mixed property within or without the 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, franchise 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. (Res. 1, December 15, 1964, sec. 74.)

Section 26–76. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other state law applicable to the town shall be deemed to be a public purpose, and for the protection of the public, the Mayor and Council shall advertise for two weeks in a local newspaper for a public hearing. At this public hearing, a committee of five persons shall be elected from the floor to determine the public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland, title “Eminent Domain.” This Board will review and pass on the fairness of any award offered by the Town, their decision subject to appeal to the Circuit Court. (Res. 1, December 15, 1964, sec. 75.)

Section 26–77. 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. (Res. 1, December 15, 1964, sec. 76.)

Section 26–78. 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. (Res. 1, December 15, 1964, sec. 77.)

### General Provisions

Section 26–79. Oath of office.

(a) *Terms.* Before entering upon the duties of their offices, the Mayor, the Councilmen, the Clerk–Treasurer, and all other persons elected or appointed to any office of profit or trust in the town government shall take the subscribed 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) *Subscribing.* The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Garrett County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor. (Res. 1, December 15, 1964, sec. 78.)

Section 26–80. Official bonds.

The Clerk–Treasurer and such other officers or employees of the town as the Council or this Charter may require, shall have bond in such amount and with surety as may be required by the Council. The premiums on such bonds shall be paid by the town. (Res. 1, December 15, 1964, sec. 79.)

Section 26–81. Prior rights and obligations.

All right, title, and interest held by the Town or any other person or corporation on December 15, 1964, 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 on December 15, 1964. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of

action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective. (Res. 1, December 15, 1964, sec. 80.)

Section 26–82. Misdemeanors.

Every act or omission which is made a misdemeanor under the provisions of this Charter, unless otherwise provided shall be punishable upon conviction before any District Court 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 days in the county jail, or both, in the discretion of the court or District Court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, 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. (Res. 1, December 15, 1964, sec. 81.)

Section 26–83. Effect of Charter on existing ordinances.

(a) *Not in conflict.* All ordinances, resolutions, rules, and regulations in effect in the Town on December 15, 1964, which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

(b) *In conflict.* All ordinances, resolutions, rules, and regulations in effect in the Town on December 15, 1964, which are in conflict with the provisions of this Charter be and same hereby are repealed to the extent of such conflict. (Res. 1, December 15, 1964, sec. 82.)

Section 26–84. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res. 1, December 15, 1964, sec. 83.)

Section 26–85. Removal from office.

In the event the Mayor and/or any councilman refuses or neglects to properly fulfill the duties and obligations of his office as set forth in this Charter and in any additional resolutions, statute or by-laws as may be pertinent to his office, shall be removed from office by a majority vote of the remaining members of the council, after written notice of the appropriate charge and opportunity for a public hearing if requested and opportunity to present a defense to the remaining members of the Council. (Res. 1, December 15, 1964, sec. 84.)

## NOTES

(1) The charter of Mountain Lake Park was revised by Charter Amendment Resolution No. 1, effective December 15, 1964. The prior charter was enacted as ch. 507 of the Acts of 1931, codified as sections 409 to 427 inclusive, in the 1957 Code of Public Local Laws of Garrett County. The 1931 charter had been amended by ch. 578 of 1933.

The 1930 Code of Public Local Laws contained the following notation concerning Mountain Lake Park:

“Chapter 430 of 1888 incorporated the community of Mountain Lake Park, but as the Act of incorporation provided that it should not have or possess any political franchises nor have any of those powers ordinarily distinguishing public or municipal corporations from private corporations or associations, it was not included in the 1888 Code. It is, therefore, not included in this edition of the Code, but it seemed desirable to give references to amendments which have been made to ch. 430 of 1888, these amendments being as follows: 1890, ch. 48; 1896, ch. 315; 1914, ch. 688; 1916, ch. 176; 1927, ch. 160.”

Ch. 507 of 1931 repealed ch. 430 of 1888, ch. 315 of 1896, ch. 688 of 1914, ch. 176 of 1916, and ch. 160 of 1927, and section 22 of ch. 507 of 1931 repealed all acts inconsistent therewith.

Ch. 507 of 1931 was enacted subject to a referendum of the voters of the town, to be held on the second Tuesday of July, 1931. It was approved by a vote of 187 “For” and 130 “Against.”

(2) Harvey Development Annexation, May 5, 1970. Oak Park Annexation, November 2, 1970. Kings Hill Estate Annexation, March 27, 1973.

(3) Thus is [in] the Resolution of December 15, 1964.

(4) Thus in the Resolution of December 15, 1964. Sec. 42 (26–42) probably intended.

(5) Resolution 1991–1, effective September 27, 1991, repealed the corporate boundary description and added the present description in order to bring the description up to the date because of various annexations since 1964.

(6) On April 12, 1994, the Mayor and Town Council of Mountain Lake Park passed a resolution to correct some typographical errors in the description of annexed property that was filed pursuant to Resolution 89–1 (Annexation No. 06 – Broadford Road Area), effective July 24, 1989. The April 12, 1994 resolution was entitled “Corrective Filing”, and was filed and recorded April 26, 1994 in the Ordinance and Resolution Records of Garrett County, Maryland.

(7) Resolution 2002–2003–5, effective December 14, 2002, provided for the annexation of 17.52 acres of land more or less. Resolution 2003–6, effective August 9, 2003, provided for the annexation of 10.3050 acres, more or less. Resolution 2003–7, effective August

9, 2003, provided for the annexation of 34.5861 acres of land, more or less. Resolution 2004-2, effective April 28, 2004, provided for the annexation of 509.820 acres of land, more or less. However, these annexation resolutions did not provide for a change in the boundary description in this Charter. The annexation resolutions are simply noted here as pursuant to the municipal general powers.

