

CHARTER

OF THE

Town of Luke

ALLEGANY COUNTY, MARYLAND

*As found in 1979 Edition
as amended*

(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

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

1001.

ARTICLE II Corporate Limits

2001.

ARTICLE III The Commission

- 3001. Number, Selection, Terms.
- 3002. Qualifications of Members of the Commission.
- 3003. Salary of Commissioners.
- 3004. Meetings of the Commission.
- 3005. Commission To Be Judge of Qualifications of its Members.
- 3006. Quorum.
- 3007. Procedure of the Commission.

ARTICLE IV General Powers

- 4001. General Powers.
- 4002. Specific Powers.
- 4003. Advertising.
- 4004. Aisles.
- 4005. Amusements.
- 4006. Appropriations.
- 4007. Auctioneers.
- 4008. Band.
- 4009. Billboards.
- 4010. Buildings.
- 4011. Codification.
- 4012. Community Services.
- 4013. Cooperative Activities.
- 4014. Curfew.
- 4015. Dangerous Conditions.
- 4016. Departments.
- 4017. Disorderly Houses.
- 4018. Elevators.

- 4019. Explosives.
- 4020. Filth.
- 4021. Finances.
- 4022. Fire.
- 4023. Food.
- 4024. Franchises.
- 4025. Gambling.
- 4026. Garbage.
- 4027. Grants-in-Aid.
- 4028. Hawkers.
- 4029. Health.
- 4030. House Numbers.
- 4031. Jail.
- 4032. Licenses.
- 4033. Liens.
- 4034. Lights.
- 4035. Livestock.
- 4036. Markets.
- 4037. Minor Privileges.
- 4038. Noise.
- 4039. Nuisances.
- 4040. Obstructions.
- 4041. Parking Facilities.
- 4042. Parking Meters.
- 4043. Parks and Recreation.
- 4044. Police Force.
- 4045. Police Powers.
- 4046. Property.
- 4047. Quarantine.
- 4048. Regulations.
- 4049. Sidewalks.
- 4050. Sweepings.
- 4051. Taxicabs.
- 4052. Vehicles.
- 4053. Voting Machines.
- 4054. Zoning.
- 4055. Saving Clause.

ARTICLE V

Exercise of Powers

- 5001. Exercise of Powers.

**ARTICLE VI
Enforcement**

6001. Enforcement of Ordinances.

**ARTICLE VII
File of Ordinances**

7001. File of Ordinances.

**ARTICLE VIII
Registration, Nominations and Elections**

8001. Voters.
8002. Board of Supervisors of Elections.
8003. Removal.
8004. Duties.
8005. Notice.
8006. Registration.
8007. Registration of Absentee Voters.
8008. Appeal.
8009. Nominations.
8010. Election of the Commission.
8011. Conduct of Elections.
8012. Special Elections.
8013. Vote Count.
8014. Preservation of Ballots.
8015. Vacancies.
8016. Women.
8017. Absentee Voting.
8018. Regulation and Control.
8019. Penalties.
8020. Miscellaneous Clause.

**ARTICLE IX
Finance**

9001. Office of Clerk Treasurer.
9002. Powers and duties of Clerk–Treasurer.
9003. Bond of Clerk–Treasurer.
9004. Fiscal Year.
9005. Budget.
9006. Budget Adoption.
9007. Appropriations.
9008. Transfer of Funds.

- 9009. Over–Expenditure Forbidden.
- 9010. Appropriations Lapse After One Year.
- 9011. Checks.
- 9012. Taxable Property.
- 9013. Budget Authorizes Levy.
- 9014. Notice of Tax Levy.
- 9015. When Taxes are Overdue.
- 9016. Sale of Tax Delinquent Property.
- 9017. Fees.
- 9018. Audit.
- 9019. Tax Anticipation Borrowing.
- 9020. Payment of Indebtedness.
- 9021. Previous Issues.
- 9022. Purchasing and Contracts.

ARTICLE X

Personnel

- 10001. Clerk to the Commission.
- 10002. Town Attorney.
- 10003. Authority to Employ Personnel.
- 10004. Retirement System.
- 10005. Compensation of Employees.
- 10006. Employee Benefit Programs.

ARTICLE XI

Public Ways and Sidewalks

- 11001. Definition of Public Ways.
- 11002. Control of Public Ways.
- 11003. Public Ways: Powers.
- 11004. Sidewalks: Powers.

ARTICLE XII

Water and Sewers

- 12001. Powers.
- 12002. Placing Structures in Public Ways.
- 12003. Obstructions.
- 12004. Entering on County Public Ways.
- 12005. Connections.
- 12006. Charge for Connections.
- 12007. Improper Uses.
- 12008. Private Systems.
- 12009. Extensions Beyond Boundaries.

- 12010. Right of Entry.
- 12011. Pollution of Water Supply.
- 12012. Contracts for Water.
- 12013. Charges.

ARTICLE XIII
Special Assessments

- 13001. Power: Special Assessments.
- 13002. Procedure.

ARTICLE XIV
Town Property

- 14001. Acquisition, Possession, and Disposal.
- 14002. Condemnation.
- 14003. Town Buildings.
- 14004. Protection of Town Property.

ARTICLE XV
General Provisions

- 15001. Oath of Office.
- 15002. Official Bonds.
- 15003. Prior Rights and Obligations.
- 15004. Misdemeanors.
- 15005. Effect of Charter on Existing Ordinances.
- 15006. Separability.

ARTICLE XVI
Public Information

- 16001. Provisions and Regulations.

LUKE

ARTICLE I General Corporate Powers

Section 1001.

The inhabitants of the Town of Luke within the corporate limits legally established from time to time are hereby constituted and continued as a body corporate by the name of Mayor and Commissioners of Luke 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 2001.

The corporate limits or boundaries of the town of Luke shall be as described on a plat thereof to be recorded in the office of the Clerk of the Circuit Court for Allegany County and shall include all of the territory within the following limits:

Beginning for the same at a concrete monument standing on the third line of a tract of land called "Taken Up Thrice," it being also on the west side of the Western Maryland Railroad, 33 feet distant from the center line thereof, and about 400 feet northeast of the tipple at Devon Mine No. 2, and running thence reversing the lines of said tract. "Taken Up Thrice," (1) north 57 degrees, 52 minutes west 1,077.7 feet to a concrete monument, (2) south 55 degrees, 33 minutes west 863 feet to a concrete monument, (3) north 45 degrees, 00 minutes west 662.5 feet to a planted stone No. 3, standing at the beginning of said tract, "Taken Up Thrice"; thence leaving the lines thereof, (4) north 72 degrees, west 1,093 feet to a point on the boundary line between Allegany and Garrett counties; thence with said boundary line, (5) south 30 degrees, 10 minutes west 300 feet, (6) south 15 degrees, west 121.5 feet, to the boundary line between the State of Maryland and West Virginia, being the West Virginia shore of the Potomac River; thence with the said boundary line and down and with the West Virginia shore of the Potomac River; thence with the said boundary line and down with the West Virginia shore of the Potomac River to intersect a line drawn south 57 degrees, 52 minutes east from the place of beginning; thence reversing said intersecting line north 57 degrees, 52 minutes west 482 feet to the place of beginning.

All bearings refer to the magnetic meridian of 1919 and distances are measured horizontally. (P.L.L., 1930, Art. 1, sec. 431; 1955 Code, sec. 386; 1922, ch. 73, sec. 3; 1931, ch. 418, sec. 431.)

ARTICLE III

The Commission

Section 3001. Number, Selection, Terms.

All legislative powers of the town shall be vested in a Commission consisting of a Mayor and four commissioners who shall be elected as hereinafter provided and who shall hold office for a term of two years or until the succeeding Mayor and Commissioners take office. As used in this charter, the terms "Commission" and "Members of the Commission" shall hereinafter be deemed to include the Mayor. The regular term of Members of the Commission shall expire on the third Monday in June following the election and qualification of a successor. Members of the Commission 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 Commissioners take office under the provisions of this Charter.

Section 3002. Qualifications of Members of the Commission.

Members of the Commission shall have resided in the Town at least two years immediately preceding their election, shall continue such residence during their entire term of office, and shall be qualified voters of the Town. If any elected official moves outside the corporate limits of the Town of Luke, his office will be declared vacant and shall be filled in accordance with the provisions of this Charter.

Section 3003. Salary of Commissioners.

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners. The Mayor shall also receive an annual salary which shall be determined by the Commission. All salaries shall be as specified from time to time by an ordinance passed by the Commission in the regular course of its business; provided, however, that the salary specified at the time any Commissioner or the Mayor takes office shall not be changed during the period for which the member of the Commission was elected. An ordinance making any change in the salary paid to the several Commissioners or Mayor, by way of increase shall take effect only as to Members of the Commission who shall be elected or re-elected to office after the passage of such salary change. Any member of the Commission may decide at his discretion, to refuse all or a portion of his salary.

Section 3004. Meetings of the Commission.

Members of the Commission shall have power to meet and adjourn from time to time as they shall think proper, except that they shall meet at least once in every month, unless changed for cause. The Mayor shall preside at all their meetings, vote on all questions before them, and remain in office until superseded by the election of a new Mayor. Special meetings shall be called by the Mayor or a majority of the members of the Commission. All regular meetings of the Commission shall be open to the public, and the rules of the Commission shall provide that residents of the town shall have a reasonable opportunity to be heard in regard to any municipal question. (Res. No. 86-1, 5-6-86.)

Section 3005. Commission To Be Judge of Qualifications of its Members.

The Commission shall be the judge of the election and qualifications of its members.

Section 3006. Quorum.

A majority of the members of the Commission 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 whole number of members elected to the Commission.

Section 3007. Procedure of the Commission.

The Commission shall determine its own rules and order of business. It shall keep a journal of its 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.

ARTICLE IV

General Powers

Section 4001. General Powers.

The Commission 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.

Section 4002. Specific Powers.

The Commission shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes.

Section 4003. Advertising.

To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

Section 4004. 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.

Section 4005. Amusements.

To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

Section 4006. Appropriations.

To appropriate municipal monies for any purpose within the powers of the Commission.

Section 4007. Auctioneers.

To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

Section 4008. Band.

To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

Section 4009. Billboards.

To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the corporate limits of the Town and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the corporate limits of the Town.

Section 4010. 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 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.

Section 4011. Codification.

To provide for the codification of all ordinances which have been or may hereafter be passed.

Section 4012. 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.

Section 4013. 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.

Section 4014. Curfew.

To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

Section 4015. 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.

Section 4016. 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.

Section 4017. Disorderly Houses.

To suppress bawdy houses, disorderly houses and houses of ill fame.

Section 4018. Elevators.

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

Section 4019. 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.

Section 4020. 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.

Section 4021. 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.

Section 4022. Fire.

To suppress fires and prevent the dangers thereof; 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.

Section 4023. Food.

To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

Section 4024. 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.

Section 4025. Gambling.

To restrain and prohibit gambling.

Section 4026. 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 other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal, and the Town will not be held

responsible for any damages incurred in the act of removing garbage or trash from the premises of any resident.

Section 4027. 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.

Section 4028. 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.

Section 4029. 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; 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 or [of] health and to enter into an agreement with any of the above to promote better health in the Town.

Section 4030. 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.

Section 4031. 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.

Section 4032. 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.

Section 4033. 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.

Section 4034. Lights.

To provide for the lighting of the Town.

Section 4035. 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.

Section 4036. Markets.

To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

Section 4037. 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.

Section 4038. Noise.

To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

Section 4039. Nuisances.

To prevent or abate by appropriate ordinances 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.

Section 4040. 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.

Section 4041. 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.

Section 4042. 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 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.

Section 4043. 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.

Section 4044. Police Force.

To establish, operate, and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of Sheriffs in this State.

Section 4045. 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.

Section 4046. 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.

Section 4047. Quarantine.

To establish quarantine regulations in the interests of the public health.

Section 4048. 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.

Section 4049. 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.

Section 4050. 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.

Section 4051. Taxicabs.

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

Section 4052. Vehicles.

To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

Section 4053. Voting Machines.

To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

Section 4054. Zoning.

To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said Article.

Section 4055. 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.

ARTICLE V

Exercise of Powers

Section 5001. Exercise of Powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter the Commission 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. In particular, the Mayor shall execute all ordinances passed by the Commission.

ARTICLE VI

Enforcement

Section 6001. Enforcement of Ordinances.

(a) To ensure the observance of the ordinances of the Town, the Commission shall have the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and shall have the power to affix thereto penalties of a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not exceeding ninety (90) 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 ten (10) days to the Circuit Court of the County in which the fine, forfeiture, or penalty was imposed. The Commission 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.

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

(2) A fine not to exceed one hundred dollars (\$100.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed two hundred dollars (\$200.00) for each repeat offense, and each day a violation continues shall constitute a separate offense.

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

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

ARTICLE VII

File of Ordinances

Section 7001. File of Ordinances.

Ordinances shall be permanently filed by the Clerk–Treasurer and shall be kept available for public inspection.

ARTICLE VIII

Registration, Nominations and Elections

Section 8001. Voters.

Every person who (a) is a citizen of the United States, (b) will be eighteen years of age on or before the next election day, (c) is a physical resident living within the corporate limits of Luke, (d) has resided within the corporate limits of the Town of Luke for at least 30 days preceding any Town election, and (e) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections. (Res. No. 86–2, 5–6–86.)

Section 8002. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Town Commissioners on or before the first Monday in July of each even-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in July in the year in which they are appointed and shall run for two 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 Chairperson. Vacancies on the Board shall be filled by the Town Commissioners for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Commission. Procedures will be established by the Town Commission and enumerated in the Town’s Code of Ordinances.

Section 8003. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Commissioners. 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 Commission if he so requests within ten days after receiving the written copy of the charges against him.

Section 8004. Duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties. Procedures will be established by the Town Commission and enumerated in the Town's Code of Ordinances.

Section 8005. Notice.

The Clerk to the Commission shall give at least two (2) weeks notice of every registration day and every election day by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice hereof [thereof] in some public place or places in the Town.

Section 8006. Registration.

(a) Provided that persons meet the voting qualifications enumerated in this charter, registration to vote by the Allegany County Board of Elections shall be deemed registration for Town elections and the Town Board of Supervisors of Elections shall accept the list of voters provided by the Allegany County Board of Elections as a valid registration list for the Town. County voter registration forms shall be made available at the Town offices during normal business hours.

(b) There shall be a supplemental registration on the second Monday in May, beginning at 8 a.m. and ending at 6 p.m., in every even numbered year, of qualified persons not registered to vote who would like to register to vote in Town elections, only. If necessary for the performance of registration or the convenience of the citizens of the Town, the Commission may designate additional hours and/or additional days for registration. At the close of the registration day, held 30 days prior to a voting date, the supplemental registration books will be considered closed until the day following the voting. At times other than a scheduled registration day in an election year, whenever the requirements to register have been met, eligible citizens may register in person, or by the absentee method, with the Town clerk. 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 Board of Supervisors of Elections to keep the supplemental registration lists up to date by striking from the lists persons known to have died or to have moved out of the Town. The Commission is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent supplemental registration, and to provide for a re-registration when necessary. To be eligible to register for the Town supplemental voter registration list the following qualifications must be met: (a) be a United States citizen; (b) be eighteen years of age on or before the next election; (c) be a physical resident of Luke; (d) be a resident living within the corporate limits of Luke for at least thirty days prior to the next election; and (e) be in compliance with other provisions as may be required by the Charter.

(c) No person shall be entitled to vote in a Town election unless he is duly registered to vote at least thirty (30) days prior to that election. (Res. No. 86-3, 5-6-86; Res. No. 2010-2, 5-27-10.)

Section 8007. Registration of Absentee Voters.

Any person who is otherwise qualified as a voter in accordance with Article VIII, Section 8001, of this Charter and whose physical disability confines him to a hospital or causes him to be confined to his home or who is otherwise permanently prevented from being present to register or re-register with the Board of Supervisors of Elections, shall be allowed to register or re-register by casting his absentee ballot in accordance with the procedure established under Article VIII, Section 8017, of this Charter. When properly registered under this section, a person shall continue as a registered voter to the same extent and for the same period that he would be registered had he appeared in person and been registered under Article VIII, Section 8006, of this Charter and the election laws of the Town. Such procedures for absentee registration will be established by the Town Commission and enumerated in the Town's Code of Ordinances.

Section 8008. Appeal.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or on striking off the name of any person, or by any other action, such person may appeal to the Commission. Any decision or action of the Commission upon such appeals may be appealed to the Circuit Court for the County within thirty days of the decision or action of the Commission.

Section 8009. Nominations.

Any person desiring to be nominated for an elected office in the Town of Luke must submit a certificate of nomination to the Clerk-Treasurer. In order to be eligible for nomination, a person must be a physical resident within the corporate limits of the Town of Luke for at least two years prior to election, a United States citizen, at least eighteen years of age, and be a qualified registered voter of the Town. The certificate of nomination must contain the following information: name and address of candidate, the office being sought, candidate's age, his/her length of most recent residency in Luke, statement that candidate is a registered voter of Luke, and have at least five signatures of qualified voters of the Town. No certificate of nomination shall contain the name of more than one nominee for each office to be filled. 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. Blank certificates of nomination shall be available at the Town offices beginning on the second Monday in April. The Clerk, upon application, shall provide a blank certificate of nomination form to any person requesting same. Completed certificates of nomination must be received in the Town offices by the close of business on the second Monday in May. The completed certificate of nomination shall constitute a statement of candidacy. Any such statement of candidacy filed with the Clerk shall be accompanied by a filing fee. Such fee shall be established by the Commission for the offices of mayor and commissioner. The filing fee for the office of mayor shall be slightly higher than that fee charged

for the office of commissioner. The Town Clerk shall not accept any statement of candidacy unless it is so accompanied by the proper filing fee. (Res. No. 2010-3, 5-27-10.)

Section 8010. Election of the Commission.

On the second Monday in June of each even numbered year, the qualified voters of the Town shall elect one person as Mayor to serve for a term of two years, and four persons as Commissioners to serve for a term of two years.

Section 8011. Conduct of Elections.

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 8 a.m. until 6 p.m. on election days or for longer hours if the Commission requires it. Procedures will be established by the Town Commission and enumerated in the Town's Code of Ordinances.

Section 8012. 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.

Section 8013. Vote Count.

Within twenty four hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk-Treasurer of the Town who shall record the results in the minutes of the Commission. The candidate for Mayor and four candidates for Commissioners with the highest number of votes in the general election shall be declared elected. (Res. No. 2010-4, 5-27-10.)

Section 8014. Preservation of Ballots.

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

Section 8015. Vacancies.

In case of a vacancy in the office of the Mayor for any reason, members of the current Commission will elect a replacement for this office from among themselves for the remaining unexpired term. When the office of a Commissioner is vacated for any reason, the Commission will fill the position by electing a qualified person to the office for the unexpired term. These Commission vacancies shall be filled by the favorable vote of a majority of the remaining

members of the Commission. The results of any such vote shall be recorded in the minutes of the Commission.

Section 8016. 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.

Section 8017. Absentee Voting.

The Commission shall establish by ordinance, provisions for absentee voting by any qualified voter of the Town who, by reason of his physical condition or necessary absence from the Town is unable to go to the polls on a day on which a general or special election is to be held. Procedures will be established by the Town Commission and enumerated in the Town's Code of Ordinances.

Section 8018. Regulation and Control.

The Commission 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 8019. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this sub-title or any ordinance passed thereunder, (b) in any manner wilfully or corruptly violates any of the provisions of this sub-title or any ordinances passed thereunder, or (c) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or Town 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.

Section 8020. Miscellaneous Clause.

Any matter relating to elections which is not provided for in the Town Charter and/or Ordinances shall be in conformity as nearly as may be practicable, with the general election laws of the County, as determined by resolution of the legislative body, or by the Mayor if there is insufficient time in which to present such matter to the legislative body.

ARTICLE IX

Finance

Section 9001. Office of Clerk Treasurer.

The office of Clerk Treasurer shall be a hired hourly at will employee whose position shall be held until such time as the will and pleasure of the Mayor and Commission has been exhausted or the holder of such office willfully resigns the position. The Clerk–Treasurer shall be the Chief Financial Officer of the Town and have financial powers of the Town except as otherwise provided by this Charter, and shall exercise said powers as Clerk–Treasurer under the direct supervision of the Mayor and Commission. (Res. No. 2011–4, 8–25–11.)

Section 9002. Powers and duties of Clerk–Treasurer.

Under the supervision of the Commission, the Clerk–Treasurer shall have authority and shall be required to:

- (a) Prepare at the request of the Commission an annual budget to be submitted to the Commission.
- (b) Supervise and be responsible for the disbursement of all monies.

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

(d) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.

(e) Ascertain that all taxable property within the Town is assessed for taxation.

(f) Collect all 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 is responsible, and receive any funds receivable by the Town.

(g) 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.

(h) Do such other things in relation to the fiscal or financial affairs of the Town as the Commission may require or as may be required elsewhere in this Charter.

Section 9003. Bond of Clerk–Treasurer.

The Clerk–Treasurer shall provide a bond with such corporate surety and in such amount as the Commission by ordinance may require.

Section 9004. Fiscal Year.

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

Section 9005. Budget.

The Clerk–Treasurer, on such date as the Commission by resolution shall determine, but at least thirty–two days before the beginning of any fiscal year may be requested to submit a budget to the Commission. 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.

Section 9006. Budget Adoption.

Before adopting the budget the Commission shall hold a public hearing thereon after notice thereof in some newspaper or newspapers having general circulation within the Town. The Commission may insert new items or may increase or decrease the items of the budget. Where the Commission 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 Commission shall be necessary for adoption.

Section 9007. Appropriations.

No public money may be expended without having been appropriated by the Commission.

Section 9008. Transfer of Funds.

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

Section 9009. 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.

Section 9010. Appropriations Lapse After One Year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. An [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 9011. 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.

Section 9012. 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 9013. 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. Once the tax levy is determined, such tax levy must be adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Commission shall be necessary for adoption.

Section 9014. Notice of Tax Levy.

Immediately after the levy is made by the Commission in each year, the Clerk–Treasurer may 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 9015. When Taxes are Overdue.

The taxes provided for in this Charter shall be due and payable as provided in the Tax – Property Article of the Annotated Code of Maryland and shall be overdue and in arrears as provided in that article. They shall bear interest while in arrears and shall be subject to additional interest or penalties as provided by State and County law for real estate taxes due and owing within Allegany County. All taxes not paid and in arrears one year after the date on which they are due and payable shall be collected as provided in Article IX, Section 9016. (Res. No. 2010–1, 5–27–10.)

Section 9016. 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 9015 of this Charter shall be turned over by the Clerk–Treasurer to the official of the County responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall if necessary be sold for taxes by this County official, in the manner prescribed by State law.

Section 9017. 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 9018. Audit.

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

Section 9019. 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 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 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 of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 9020. Payment of Indebtedness.

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

Section 9021. 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 9022. Purchasing and Contracts.

All purchases and contracts for the Town government shall be made by the Clerk-Treasurer. The Commission shall provide, by ordinance, the rules and regulations for the use of competitive bidding for the purchase of and/or construction of public improvements, equipment, or contractual services exceeding the sum of five thousand dollars (\$5,000). All bids submitted to the Town are to be on written contract. In awarding contracts, the bid judged to be best by the quality of goods and work, time of delivery or completion, compliance with State and Federal requirements, and responsibility of bidders will be considered. All such written contracts shall be approved by the Commission before becoming effective. The Commission shall have the right to reject any and all bids. Nothing in this Article limits or affects the purchase of supplies and materials for normal maintenance of the Town under the sum of five thousand dollars (\$5,000); and provided further that nothing herein shall apply to emergency repairs. The Town, at anytime [any time] in its discretion, may employ its own forces for the construction or reconstruction of public improvements without competitive bidding. All contracts entered shall

require such bonds, penalties and conditions as the Town shall direct. It is further provided hereunder, that no financial obligation exceeding the sum of five thousand dollars (\$5,000) shall be incurred by the incumbent Town Commission during an election year which would extend beyond and into the next fiscal year and become an indebtedness of any incoming Town Commission.

(a) *Exceptions.* 1. All contracts involving professional services such as accounting, auditing, law, medical, insurance, etc., shall be exempt from the provisions herein and shall not be on a bid basis but shall be negotiated by the Commission, and such services shall not be in conflict with any Federal, State, or local laws.

2. An exception will apply to that area involving the Council's acceptance of revenues received by the Town through loan agreements. The Council must be certain these revenues will be used solely for the establishment of new services for the Town and its citizens, or for any major capital improvements to services already provided by the Town for its citizens. Before entering into such an agreement, the Town's citizens must be informed at a public meeting and through the news media. Should the Town have an opportunity to apply for revenues from a loan agreement, while in the process of paying off a debt from a similar source, a second loan agreement shall not be entered into unless the proposition is made public to the Town's citizens through a public meeting, the news media, and, if necessary, brought to referendum.

3. The Town Council shall be empowered to execute and deliver a general organization bond as security for a loan agreement made pursuant to the exceptions noted hereinabove: provided, however, that the Town Council shall nevertheless specify the terms of such general organization bond in its notices as provided in Section (a) 2. above and shall comply with all other applicable provisions as stated therein.

ARTICLE X

Personnel

Section 10001. Clerk to the Commission.

The Clerk-Treasurer shall serve as Clerk to the Commission. He (she) shall attend every meeting of the Commission at the request of the Commission and keep full and accurate account of the proceedings of the Commission. He shall keep such other records and perform such other duties as may be required by this Charter or the Commission.

Section 10002. Town Attorney.

The Commission 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 Commission. His compensation shall be determined by the Commission. The Town shall have the power to employ such legal consultants as it deems necessary from time to time.

Section 10003. 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 10004. 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 10005. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by a resolution passed by the Commission, subject to the restrictions imposed upon establishing the salaries of the Commission.

Section 10006. 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.

ARTICLE XI

Public Ways and Sidewalks

Section 11001. Definition of Public Ways.

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

Section 11002. Control of Public Ways.

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

Section 11003. 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, curbs, and gutters.
- (b) To grade, lay out, construct, open, extend, close, 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, and to provide for all necessary removal therefrom of ice, snow, and debris.
- (e) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.
- (f) To name or rename Town public ways.
- (g) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 11004. 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 XII

Water and Sewers

Section 12001. Powers.

The Town shall have the power:

- (a) To construct, operate and maintain a water system and water plant, and to regulate the usage of water within the municipality as it may deem necessary.
- (b) To construct, operate, and maintain a sanitary sewerage system and 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 12002. 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 12003. 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 Article XIV, Section 14002. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 12004. 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.

Section 12005. 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 12006. Charge for Connections.

The Town may make a charge, the amount to be determined by the Commission, 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 12007. 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 12008. 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 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.

Section 12009. Extensions Beyond Boundaries.

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

Section 12010. 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 12011. 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 12012. 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 12013. 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 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.

ARTICLE XIII

Special Assessments

Section 13001. Power: 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 main [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 13002. 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 Commission.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property.

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

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed 40 years, and in such manner as the Commission may

determine. The Commission 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 Commission.

(g) All special assessment installments shall be overdue six 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 Clerk–Treasurer.

ARTICLE XIV

Town Property

Section 14001. 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 14002. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceedings shall be that established in the Annotated Code of the Public General Laws of Maryland, title “Eminent Domain.”

Section 14003. 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 14004. 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 XV General Provisions

Section 15001. Oath of Office.

(a) Before entering upon the duties of their offices, the Mayor, the Commissioners, the Clerk–Treasurer, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: “I,, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I shall support the Charter and Code of Ordinances of the Town of Luke; 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 Nation, State, and Town.”

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

Section 15002. Official Bonds.

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

Section 15003. 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 offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 15004. 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 the Circuit Court for the County within which the offense is committed by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for ninety days in the County Jail, or both, in the discretion of the 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. No. 86-4, 5-6-86.)

Section 15005. 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 according to the provisions of this Charter.

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

Section 15006. 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.

ARTICLE XVI

Public Information

Section 16001. Provisions and Regulations.

(a) The Commission 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, pertaining to public information.

(b) This power includes, but is not limited to, the following:

(1) The appointment of an official custodian of all public information, and any other personnel felt to be necessary;

(2) The establishment of procedures for the maintenance, care, and keeping of public records;

(3) The distribution of public records;

(4) The inspection or reproduction of public records;

(5) The establishment of such provisions and regulations as required under Article 26A of the Annotated Code of Maryland.