

CHARTER

OF THE

Town of Oakland

GARRETT COUNTY, MARYLAND

*The Charter of the Town of Oakland was repealed and
a new Charter was adopted by Resolution No. R2000-02
Effective May 1, 2000*

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

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CONTENTS

ARTICLE I

Incorporation; Powers; Boundaries and Annexation

Section

- 1-101. Body Corporate; Name; General Powers; Continued Existence.
- 1-102. Boundaries.
- 1-103. Annexation – Applicable Law.
- 1-104. Annexation – Jurisdiction Over Inhabitants and Territory.

ARTICLE II

The Town Council

- 2-101. Members; Tenure; Oath.
- 2-102. Qualifications.
- 2-103. Meetings; Compensation.
- 2-104. Vacancy.
- 2-105. Meetings; Election of President.
- 2-106. Quorum.
- 2-107. General Powers.
- 2-108. Specific Powers.
- 2-109. Removals.
- 2-110. Conflict of Interest; Interest in Contracts.
- 2-111. Control of Assets; Streets; Etc.

ARTICLE III

Mayor

- 3-101. Qualifications.
- 3-102. Term of Office.
- 3-103. Vacancy.
- 3-104. Compensation.
- 3-105. Powers and Duties.
- 3-106. Oaths and Contracts.
- 3-107. Veto Power.
- 3-108. Oath of Office.
- 3-109. Right to Vote.
- 3-110. Removal.

ARTICLE IV

Town Officials

- 4-101. Municipal Officers.

- 4-102. Appointments.
- 4-103. Town Clerk; Bond; Duties; Compensation.
- 4-104. Successor in Office to Town Clerk.
- 4-105. Town Attorney; Duties; Compensation.
- 4-106. Chief of Police; Bond; Duties; Compensation.
- 4-107. Removal of Officers; Supervisors.
- 4-108. Vacancy.

ARTICLE V

Elections

- 5-101. Mayor and Council Elected for Two Years.
- 5-102. Elections; Qualifications of Voters.
- 5-103. Elections; Term of Office; Appointments.
- 5-104. Nomination by Petition; Filing Fees.
- 5-105. Ballots.
- 5-106. Appointment of Election Judges.
- 5-107. Polls; Election Returns.
- 5-108. Registration Rolls.
- 5-109. Appointment of Registration Clerks; Maintenance of Voter Rolls.

ARTICLE VI

Finances and Taxes

- 6-101. Tax Rate; Discount.
- 6-102. Authority for Borrowing; Payment of Indebtedness.
- 6-102A. Acquisition of Real, Personal or Mixed Property through Capital Leases.
- 6-103. Taxes; Collection.
- 6-104. Tax Collector; Interest on Taxes.
- 6-105. Assessments.
- 6-106. Dogs; Tags.

ARTICLE VII

Water and Sewerage System

- 7-101. Construction; Contracts; Condemnation.

ARTICLE VIII

General Provisions

- 8-101. Mayor and Town Council; Interest in Contracts.
- 8-102. Condemnation; Appeal.
- 8-103. Sidewalks; Repair.
- 8-104. Licensing Power.
- 8-105. Codification of Ordinances.

- 8-106. Franchises.
- 8-107. Tort Liability – Notice of Claim.
- 8-108. Retirement; Pension System.
- 8-109. Effective Date.

OAKLAND

ARTICLE I

Incorporation; Powers; Boundaries and Annexation

Section 1–101. Body Corporate; Name; General Powers; Continued Existence.

The citizens of the Town of Oakland, in Garrett County, Maryland, are hereby constituted a body corporate to be known as the “Mayor and Town Council of Oakland”, with all the privileges, rights and powers of a municipal body corporate and by that name shall have perpetual succession. The Mayor and Town Council of Oakland may sue and be sued, may purchase and hold personal or mixed property as may be required for the use of the said corporation, and may dispose of such property when necessary for the benefit of said corporation, and all of the property and funds of every kind belonging to the said corporation are vested in the Mayor and Town Council of Oakland.

Section 1–102. Boundaries.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court in Garrett County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference [Services]. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Office of the Town Clerk.

Section 1–103. Annexation – Applicable Law.

The Mayor and Town Council of Oakland shall exercise all governmental powers in any area annexed to it, which it exercises within the present limits of the Town. All the provisions of the Constitution of the State of Maryland and the Charter of the Town of Oakland, and all other general laws applicable to the Mayor and Town Council of Oakland, and all amendments thereto, and all existing ordinances and resolutions of the Mayor and Town Council of Oakland are hereby extended and made applicable to such portions of Garrett County as shall be annexed to and made a part of the Mayor and Town Council of Oakland.

Section 1–104. Annexation – Jurisdiction Over Inhabitants and Territory.

All of the inhabitants of the territory annexed to the Town of Oakland shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Mayor and Town Council of Oakland, and to all the ordinances and resolutions now in force, or which may be in force at the time of such annexation. The Mayor and Town Council of Oakland may, however, include such special provisions in any annexation resolution as may be provided for and permitted under this Charter or under Maryland law.

ARTICLE II The Town Council

Section 2–101. Members; Tenure; Oath.

The Town Council shall be composed of six (6) members, who shall be elected as hereinafter provided. An elected member of the Town Council shall hold his or her office for two (2) years from the first Monday in April next after his or her election or until his or her successor has been duly elected and qualified. Before entering upon their duties, the members of the Council shall make oath before the Mayor, a District Court Judge or some other person duly authorized to administer an oath of office, that they will diligently perform all duties required of them by law as members of the Town Council without fear, partiality or prejudice.

Section 2–102. Qualifications.

No person shall be eligible to occupy a seat on the Town Council unless he or she shall have attained the age of twenty–one (21) years and shall have resided within the corporate boundaries of the Town of Oakland for at least six (6) months prior to his or her election. He or she shall be a qualified voter in Town elections.

Section 2–103. Meetings; Compensation.

The Town Council shall meet on the first Monday in each month and at such other times as it may deem necessary for the public business. The members of the Town Council shall receive such compensation as may be provided for by The Mayor and Town Council by the adoption of a resolution for the purpose of setting such compensation.

Section 2–104. Vacancy.

In the event that any member of the Town Council, during the pendency of his or her term, shall remove his or her residence from the Town of Oakland and no longer reside within its corporate boundaries, that person shall, upon such removal, forfeit his or her office. If any vacancy shall occur in the Office of Town Council by reason of death, resignation, removal of residency from within the corporate boundaries, removal from office for cause or incapacity (missing three (3) consecutive monthly meetings), as provided for in this Section, or otherwise, the elected Oakland Town Council shall, as soon as practicable, meet and elect from among the qualified voters of Oakland, some qualified person to fill such vacancy for the unexpired term. Any vacancy on the Council 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. (Res. No. R2009–15, 12–11–09.)

Section 2–105. Meetings; Election of President.

The members of the Town Council shall meet at their regular place of meeting on the first Monday in April in each year to organize; they shall elect one (1) of their number to be the President of the Town Council, who shall preside at their meetings and, in the absence of the

Mayor, or in case of vacancy in that office, shall become the Acting Mayor and shall have all the powers and perform all the duties of the Mayor.

Section 2–106. Quorum.

A majority of all of the members elected to the Town Council shall constitute a quorum for the transaction of business.

Section 2–107. General Powers.

The Town Council shall have the power to pass all such ordinances not contrary to the Constitution or the 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 peace and good order; for securing persons and properties from violence, danger or destruction; and for the protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents and employees of the Town, and visitors thereto, and sojourners therein.

Section 2–108. Specific Powers.

A. In addition to the general powers referred to in Section 2–107 of this Article, the Town Council shall expressly have the power to pass ordinances for the specific purposes enumerated in Article 23A, Section Two (2), of the Annotated Code of Maryland, as amended, and enumerated in any other State law pertaining to the Mayor and Town Council of Oakland or to municipal corporations generally.

B. The Town Council may purchase or acquire by eminent domain or gift, or by any other means, such properties as the Town Council may believe to be of historical or architectural significance and may maintain, renovate, restore or repair buildings so acquired, and may sell, lease, rent or retain the same, preserving insofar as reasonably possible the exterior architectural appearance for the benefit of the overall historic appearance of the Town of Oakland, which renovation, repair and restoration is believed by the Town Council to be for the overall public good of the community, which renovation, repair and restoration may be undertaken upon negotiated contracts.

Section 2–109. Removals.

A member of the Town Council may be removed from office for cause by a majority vote of the Town Council. Willful neglect of duty or misbehavior in office, misappropriation of Town funds or the commission of a crime in any way related to Town business may be considered cause.

Section 2–110. Conflict of Interest; Interest in Contracts.

No member of the Town Council shall knowingly violate any State statute or ordinance of the Town regarding ethics or conflicts of interest. Such a violation may be considered cause for removal.

Section 2–111. Control of Assets; Streets; Etc.

The Mayor and Town Council shall have control of all assets, streets, alleys, lanes and public ways of the Town, and may direct in what manner the same shall be kept up, repaired, opened or closed, and how and for what purpose used.

ARTICLE III

Mayor

Section 3–101. Qualifications.

No person shall be eligible to hold or be elected to the Office of Mayor unless he or she shall have attained the age of twenty–one (21) years and shall have resided within the corporate boundaries of the Town of Oakland for at least six (6) months next preceding his or her election. He or she shall be qualified to vote in Town elections.

Section 3–102. Term of Office.

The Mayor elected at any regular election shall hold office for two (2) years from the first Monday in April next after his election, or until his successor is elected and qualified.

Section 3–103. Vacancy.

In the event that the Mayor, during the pendency of his or her term, shall remove his or her residence from the Town of Oakland and no longer reside within its corporate boundaries, that person shall forfeit his or her office. If any vacancy shall occur in the Office of the Mayor by reason of death, resignation, removal of residency from within the corporate boundaries, removal from office for cause or incapacity (missing three (3) consecutive meetings), as provided for in this Section, or otherwise, the elected Oakland Town Council shall, as soon as practicable, meet and elect, from among its members, someone qualified to fill such vacancy and become the Mayor of Oakland. Such Council person, so appointed, shall forfeit his or her elected position on the Council. In the event, none of the existing members of the Oakland Town Council agree to accept the appointment, then the Oakland Town Council shall appoint, from among the qualified voters of Oakland someone qualified to fill such vacancy and become the Mayor of Oakland. The individual, so appointed shall be compensated as the Town regularly compensates the Mayor, for the unexpired term of office so vacated by the Mayor, and such appointment shall be filled by the favorable votes of a majority of the members of the Council. The results of the vote shall be recorded among the official minutes of the Oakland Town Council. (Res. No. R2009–14, 12–11–09.)

Section 3-104. Compensation.

The Mayor shall receive an annual compensation as set from time to time by a resolution adopted by the Town Council in its regular course of business; provided, however, that no change shall be made in the compensation for any mayor during the term for which he or she was elected. The resolution making any change in the compensation paid to the Mayor shall be finally adopted prior to the municipal election to elect the Mayor and shall take effect only after the succeeding (which shall include the Mayor's reelection) Mayor is elected. The Mayor shall have no vote with respect to any resolution before the Town Council affecting his or her compensation.

Section 3–105. Powers and Duties.

A. The Mayor shall see that the ordinances of The Mayor and Town Council are faithfully executed, shall be the chief executive officer and the head of the administrative branch of the Town government, and shall have general supervision of the Town.

B. The Mayor may appoint committee members and designate chairmen of committees consistent with the ordinances and/or resolutions of the Mayor and Town Council of Oakland.

C. The Mayor shall each year report to the Town Council the condition of municipal affairs and make such recommendations as he or she deems proper for the public good and the welfare of the corporation.

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

E. The Mayor shall read and sign the Minutes of the Town Council after each and every meeting, but only after said Minutes have been accepted and approved by the Town Council.

Section 3–106. Oaths and Contracts.

The Mayor shall have the power to administer oaths and certify the same in all matters pertaining to the corporation and shall have the power to sign and execute any contract or other document on behalf of the Mayor and Town Council of Oakland, and his or her signature shall serve as acknowledgment and acceptance of any such contract or document on behalf of the Mayor and Town Council of Oakland.

Section 3–107. Veto Power.

No ordinance shall be valid without the approval of the Mayor, unless the same be passed over his or her veto by a vote of four (4) members of the Town Council.

Section 3–108. Oath of Office.

Before entering upon his duties, the Mayor shall take and subscribe to before the Clerk of the Circuit Court for Garrett County, or any District Court judge of Garrett County, the oath being that prescribed under Section 9, Article 1, of the Constitution of Maryland.

Section 3–109. Right to Vote.

The Mayor shall have the right to vote on all matters brought before the Mayor and Town Council of Oakland in the same and like manner as the members of the Town Council themselves.

Section 3–110. Removal.

The Town Council shall have the power, by a majority vote, quorum being present, to remove the Mayor for cause. Cause shall include, but not necessarily be limited to, dereliction or willful neglect of duty of the Mayor, his or her conviction of any crime of moral turpitude, death or resignation, or the inability of the Mayor to carry out his or her duties for a period of more than ninety (90) days.

ARTICLE IV

Town Officials

Section 4–101. Municipal Officers.

The officers of the corporation shall consist of the Mayor, the members to [of] the Town Council and the Town Clerk.

Section 4–102. Appointments.

The Mayor shall have the right to appoint the Town Auditors and the Town Attorney with the advice and consent of the Town Council. Said appointees shall each hold their respective offices until their successors are appointed and qualified, unless sooner removed for cause in the discretion of the Town Council.

Section 4–103. Town Clerk; Bond; Duties; Compensation.

The Town Clerk, before entering upon his or her duties, shall execute a Bond as required by the ordinance or resolution of the Mayor and Town Council of Oakland and shall take the same oath as that prescribed for the members of the Town Council. The Clerk or his or her designee shall be present at all meetings of the Mayor and Town Council; shall keep a correct record of the proceedings of the Town Council and an account of all of their financial transactions; and shall enter all ordinances passed by the Mayor and Town Council, and signed by the Mayor, in a book kept by the Clerk for that purpose, and the books of the municipal corporation shall be opened for inspection by any taxpayer at all times during reasonable business hours, and copies of all ordinances shall be available for inspection by the public at the Town Hall. The Clerk shall be the financial officer of the Town and shall carry out all duties related thereto. He or she shall have the power to administer oaths or affirmations, to take affidavits to all papers to be filed with the corporation and to administer oaths to any person who is examined as a witness in any matter before the Town Council. The Clerk shall be the Town tax collector and shall collect all taxes and other claims which may be due to the corporation,

under the general administration of the Mayor, and shall pay over and account for the same at such time and in such manner as may be prescribed by law or the ordinances and resolutions made in pursuance thereof. The Clerk shall receive for his or her services such salary or other compensation as shall be provided for by the Mayor and Town Council by its resolution.

In the event the Mayor and Town Council shall be required to bring suit upon the bond of the Clerk for his or her neglect of duty, default in not collecting any tax placed in his or her hands according to law or for breach of his or her duty in not paying over monies collected by him or her, proof of the delivery of the levy list shall be sufficient prima facie evidence to entitle the Mayor and Town Council to receive judgment in said suit unless the Clerk shall show that he or she has discharged his or her duty in such case according to law.

Section 4-104. Successor in Office to Town Clerk.

All books, documents and papers, accounts, credits and deposits belonging to the Town Clerk's Office, or in the custody of the Town Clerk, shall be immediately delivered up and transferred by him or her to his or her successor in office.

Section 4-105. Town Attorney; Duties; Compensation.

The Town Attorney shall render such legal services as may be required or requested of him or her, from time to time, by the Mayor and Town Council, and shall receive such compensation as the Mayor and Town Council may prescribe by resolution or contract.

Section 4-106. Chief of Police; Bond; Duties; Compensation.

The Chief of Police shall, before he or she enters upon his or her duties, execute a Bond as required by the Mayor and Town Council and shall take the same oath as that prescribed for the members of the Town Council. He or she shall be qualified by education, training or experience, in the judgment of the Mayor and Town Council, and shall be required to successfully complete continuing education in his profession, which may from time to time be required of Deputies of the Garrett County Sheriff's Department or as required by the Mayor and Town Council. The Chief of Police shall receive such salary and compensation as may, from time to time, be established by the Mayor and Town Council by resolution or contract.

Section 4-107. Removal of Officers; Supervisors.

The Mayor and Town Council shall have the power, by a majority vote, quorum being present, to remove for cause any officer, department supervisor or other person appointed pursuant to this Article. Cause shall include, but not necessarily be limited to, any dereliction or willful neglect of duty of said persons so appointed, the conviction of any crime of moral turpitude, misappropriation of Town funds, the knowing violation of any State statute or ordinance of the Town relating to ethics or conflicts of interest, inefficiency in the performance of his or her duties or by death or resignation, or the inability of such officer or appointee to carry out his or her duties for a period of more than ninety (90) days.

Section 4-108. Vacancy.

Vacancies in any of the offices as provided for by this Article, except for those of the Mayor and the Council members which shall be subject to other provisions hereof, shall be filled in the same manner, and compensation shall be paid in the same manner, as the office was originally filled.

ARTICLE V

Elections

Section 5-101. Mayor and Council Elected for Two Years.

The Mayor and members of the Town Council shall be elected for two (2) year terms from the second Monday in March of 2000, and shall hold office from the first Monday in April following, except those who were elected in March 1999, who shall continue in office until the month of April 2001, or until their successors are elected and qualified.

Section 5-102. Elections; Qualifications of Voters.

Persons who reside within the corporate boundaries of the municipal corporation at the closing of registration next preceding any municipal election and who are qualified to vote for members of the General Assembly of Maryland shall have the right to vote in all municipal elections.

Section 5-103. Elections; Term of Office; Appointments.

The election of the Mayor and three (3) members of the Town Council, whose terms shall expire in the year 2000, shall be held on the second Monday in March 2000, and those elected shall hold office for a term of two (2) years from the date of their election and qualification. The election of three (3) members of the Council whose terms shall expire in the year 2001, shall be held the second Monday in March 2001, and those elected shall hold office for a term of two (2) years from the date of their election and qualification.

Section 5-104. Nomination by Petition; Filing Fees.

The Mayor and Town Council of Oakland, in lieu of any primary election, shall cause to be placed on the official ballot of the Town the name of any registered voter of said Town who fulfills the qualifications for the office for which he or she seeks and who delivers to the Clerk of said Town, [fourteen] (14) days before the regular municipal election and before 4:00 p.m. that day, a petition asking to be placed on said ballot, setting forth his or her name, residence, a statement that he or she is of sufficient age to seek and hold such office, whether he or she is a citizen of the United States and a taxpayer of the corporation, the length of time he or she has resided in said Town and the office which he or she seeks. Such candidate shall pay a registration fee for the particular office for which he or she files, said fee to be set by resolution of the Mayor and Town Council of Oakland. (Res. No. R2007-11, 1-22-08.)

Section 5–105. Ballots.

The Mayor and Town Council shall determine in what place and manner elections are to be held and in what manner votes are to be cast, and may utilize electronic or other such means for the purpose of such elections and the casting of said votes. The ballot, whether physical or electronic, shall contain the names of all candidates who have properly qualified and paid the required filing fee for the particular office for which he or she has filed, arranged alphabetically under the proper designation of the office for which each is a candidate.

Section 5–106. Appointment of Election Judges.

Immediately following the adoption of this Charter, but in no event later than ninety (90) days prior to the next municipal election, the Mayor and Town Council shall appoint two (2) qualified voters of the Town of Oakland to act as election judges, who shall hold office for a period of one (1) year, or until their successors are appointed. In the event of a vacancy in the office of election judge, a successor shall be appointed by the Mayor and Town Council in the same manner as the judge was originally appointed. The said election judges shall be compensated as provided for by the Mayor and Town Council by its resolution.

Section 5–107. Polls; Election Returns.

The judges of elections, appointed in accordance with Section 5–106 of this Charter, and two (2) clerks appointed under Section 5–109 of this Article, and shall keep the polls open from 9:00 a.m. until 6:00 p.m. on election day, and shall conduct said elections in the same manner in which judges of elections are now directed to conduct elections for State and County officials, as far as may be practicable, after making oath before some District Court Judge of Garrett County or some other person duly authorized to administer an oath of office, that they will conduct said elections in accordance with this Article and with applicable State law, and that they will permit only those persons to vote who are qualified to do so under the provisions of this Article. Said judges shall make their returns of the votes cast and persons elected at said elections under the hands and seals of the Mayor and Town Council of Oakland and to the Clerk of the Circuit Court for Garrett County, Maryland.

Section 5–108. Registration Rolls.

The Mayor and Town Council of Oakland shall cause to be maintained a registration of the legal and qualified voters residing within the corporation boundaries of the Town of Oakland; said registration shall specify the place of residence of the voter within the Town, shall specify whether the voter is a citizen of the United States of America and shall contain such other information as the Mayor and Town Council of Oakland may legally consider necessary to show his or her qualifications to vote in Town elections. Such registration shall be essential to the right to vote at any election held under this Charter. Persons so qualified may register at the Town Hall, or any other place designated by the Mayor and Town Council, during normal business hours. The Mayor, the Town Clerk, any member of the Town Council, or their designees, may register such voters.

Section 5–109. Appointment of Registration Clerks; Maintenance of Voter Rolls.

Immediately following the adoption of this Charter, but in no event later than the end of business on the first Monday thereafter, the Mayor and Town Council shall appoint two (2) qualified voters [of] the Town of Oakland to act as Registration Clerks for the Town. The clerks so appointed shall sit on the last Monday in January of each year for the purpose of reviewing voter rolls and registration of the Town of Oakland. They shall purge from said rolls the names of all persons known to them who are no longer qualified as voters within the Town of Oakland by reason [of] change of residence or the failure to vote. The said clerks shall purge from the said rolls the names of all persons known to them who have failed to vote in the preceding ten (10) municipal elections whether or not they still reside within the boundaries of the municipal corporation, unless cause to the contrary be shown. A notice of this action and the reason therefor shall be sent to the last known address of the voter. This notification shall inform the voter of his or her right to challenge his or her removal from the voter registration list as set forth herein. The notice shall also state that the voter may vote in a future election only if he or she registers again and shall set forth the procedures for registration. The clerks shall not cancel the registration of a person within ninety (90) days of the date of an election. Registration clerks, after having completed their review of the registration and voter rolls of the Town, shall present and certify the same to the Mayor and Town Council within seven (7) days after the last Monday in January of each year. The Mayor and Town Council may, however, utilize the services of the Garrett County Office of Elections, by whatever name called, to carry out such registration duties, if such services be made available, and may do so in accordance with any rules of universal registration as adopted by the same, as long as such rules conform with all applicable State laws.

ARTICLE VI

Finances and Taxes

Section 6–101. Tax Rate; Discount.

The Mayor and Town Council shall have the power to levy and collect ad valorem taxes and taxes on assessments made on all property, real and personal, within the Town to provide the funds necessary to pay the costs of the operation and administration of the Town and its government, and to pay the principal and interest, coming due on any indebtedness incurred by the Town pursuant to Section 6–102, without limitation as to rate or amount, and the Mayor and Town Council shall have the authority to set a levy, and affix the date thereof, and to direct the Clerk to collect said taxes. Said taxes shall be due and payable upon the date set by the Mayor and Town Council, in accordance with law, and on all taxes paid in full before the said date, the Mayor and Town Council may, in its discretion and by its resolution, allow a discount or make such other adjustments as to it may seem appropriate as long as the same be in accordance with any other governing law.

Section 6–102. Authority for Borrowing; Payment of Indebtedness.

A. The Mayor and Town Council of Oakland 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 evidences of indebtedness in the manner prescribed in this Section.

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 or competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law;

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 may be determined by a method approved by the Mayor and Town Council; and

4. For either cash or other valuable consideration.

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 indebtedness issued by it under the authority of this Section 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 Section, whether or not such pledge be stated in the bonds, notes or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 6–102A. Acquisition of Real, Personal or Mixed Property through Capital Leases.

(a) The Town, in the exercise of its borrowing powers, may finance or refinance the acquisition of any real, personal or mixed property for any public purpose, including (without limitation) for real, personal or mixed property designed to achieve energy performance savings, and related costs of issuance by entering into capital leases. For purposes of this Section 6–102A, “capital lease” means any stand-alone or master multi-year lease, conditional sale, conditional purchase, installment sale, installment purchase, lease-purchase, or similar agreement (by whatever name known), defined as a capital lease in accordance with generally accepted accounting principles; provided that, the Town’s obligation to make periodic payments

denominated into principal and interest components under a capital lease shall be contingent on the availability of appropriated or other legally available funds for such purpose during each year or fiscal year that such capital lease is outstanding, except as otherwise provided in accordance with subsection (i) below.

(b) In connection with entering into any capital lease, the Town may pledge or assign the real, personal or mixed property to be acquired in whole or in part pursuant to the capital lease to secure its obligation to make payments under the capital lease.

(c) In connection with entering into any capital lease, the Town may enter into escrow agreements, trust agreements, financing agreements, security agreements, mortgages, deeds of trust, investment agreements or similar agreements and any other agreements, documents, certificates or instruments deemed necessary or desirable to consummate the transactions contemplated by the capital lease (collectively, the “related documents”).

(d) The Town Council may approve, authorize or provide for the financing or refinancing of the acquisition of any real, personal or mixed property by capital lease for any public purposes pursuant to this Section 6–102A by ordinance and/or resolution; and any such ordinance or resolution may delegate to an appropriate official or officials the authority to negotiate, approve, execute and deliver on behalf of the Town any necessary or desirable documentation, including the capital lease and any related documents.

(e) Notwithstanding anything to the contrary contained in this Charter or the Town Code, the Town may select the counterparty or counterparties to any capital lease or related documents without complying with any public bidding procedures.

(f) Except as provided for in subsection (i) below, no capital lease shall be construed to be a debt of the Town or constitute a pledge of the full faith and credit and taxing power of the Town.

(g) The Town and its appropriate officials are authorized to take any and all action deemed necessary or appropriate to maintain the exclusion from gross income for federal income tax purposes of the interest payable under any capital lease, including (without limitation) filing any forms or reports required under the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder, restricting the investment yields of proceeds of a capital lease, and making any required rebate payments or payments in lieu thereof.

(h) Nothing in this Section 6–102A shall prevent the Town from entering into a capital lease the interest on which is not excludable from gross income for federal income tax purposes.

(i) Notwithstanding the provisions of subsections (a) and (f) above, the Town may pledge its full faith and credit and unlimited taxing power to the payment of amounts owed under a capital lease by otherwise complying with applicable procedures to authorize and issue general obligation debt of the Town.

(j) The provisions of this Section 6–102A shall be liberally construed to effectuate the financing or refinancing of the acquisition of real, personal or mixed property by the Town through capital leases and related documents.

(k) Notwithstanding any other provisions of law, any capital leases and related documents entered into by or on behalf of the Town prior to the date this Section 6–102A is added to the Charter, and all ordinances and resolutions passed concerning them, are declared to be valid, legal and binding and of full force and effect as if authorized and approved as provided for in this Section 6–102A. (Res. No. R2012–10, 12–28–12.)

Section 6–103. Taxes; Collection.

All taxes, fees and/or assessments levied or charged by the Mayor and Town Council shall be a lien on any and all property for which they are levied, from the date of said levy, whether the owner or owners of said properties are residents or nonresidents of the Town, and whether adult or infant, and in the event of delinquency in the payment of said taxes, the Clerk, or designee, as tax collector, with the assistance of the Town Attorney, may sell such real estate for the payment of taxes by complying with applicable State law governing the same. The Clerk, or designee, in the name of the municipal corporation, shall also have the right to record said lien among the Land Records of Garrett County, Maryland, and to proceed against any person or persons or any property to obtain a judgment for any delinquent taxes, fees and/or assessments, and said lien, levy, assessment or judgment shall be treated as any other tax, shall be collectible as such and shall constitute a lien on the property regarding which the tax was levied, whether or not so recorded. (Res. No. R2007–12, 1–22–08.)

Section 6–104. Tax Collector; Interest on Taxes.

The Clerk, as tax collector, shall collect and pay over to the Town all taxes, fees and assessments collected for or on behalf of the Mayor and Town Council, and shall do so on a monthly basis. On all taxes remaining unpaid after the first day of October next following any levy, the Clerk shall charge and collect interest from the first day of October at the legal rate not in excess as provided by State law, unless otherwise provided for in this Charter, to be accounted for with the tax, and said interest shall be due and collectible in accordance with State law.

Section 6–105. Assessments.

For purposes of the Oakland tax levy, the assessed value of all property within the boundaries of the municipal corporation shall be the same as the property is assessed for purposes of the County taxes by the Maryland Tax Collector.

Section 6–106. Dogs; Tags.

The Mayor and Town Council, by its ordinance, shall have the power to levy a tax on dogs, and the amount of said tax shall be within the sound discretion of the Mayor and Town Council as adopted by ordinance.

ARTICLE VII

Water and Sewerage System

Section 7–101. Construction; Contracts; Condemnation.

The Mayor and Town Council of Oakland is hereby authorized and empowered to construct and erect water works and sewerage, and to contract for the purchase in fee simple or lease for a term of years, renewable at its pleasure, any land, real estate, springs, brooks, water courses or streams, and to use and occupy forever or for a term of years any land, real estate, springs, brooks, water courses or streams, which it may deem expedient and necessary for the purposes of furnishing said Town with water and maintaining said sewerage, and it is hereby invested with all the rights and powers necessary for the induction of water into the said Town, and the maintenance of said sewerage system. If for any cause the said Mayor and Town Council of Oakland shall be unable to agree with any owner of real or leasehold property, springs, brooks, water streams or water courses, or any other material which partakes of or is a necessary part of realty, or for any right-of-way which it may find necessary for the conduct of said water and sewerage in its entry into or in said Town, or if such owner is under any disability or incapacity to contract or absent out of the County or unknown, the said Mayor and Town Council of Oakland is hereby clothed with the power of condemnation under the right of eminent domain as provided in Section 2(b)(24) of Article 23A of the Annotated Code of Maryland, as fully as if said Section had been herein. The said Mayor and Town Council of Oakland shall have full power to fix schedules of rates for furnishing water and sewerage to private residences and other buildings, and the said Mayor and Town Council shall have power to collect the same as other taxes are collected, and the income thereof shall be applied for expenses and maintenance and for the payment of the interest and principal on the bonds, notes or other indebtedness therefor, and a sinking fund for the upkeep and eventual replacement thereof.

ARTICLE VIII

General Provisions

Section 8–101. Mayor and Town Council; Interest in Contracts.

Neither the Mayor nor any member of the Town Council shall during the term of his or her office hold or be interested in any other office, for which compensation is paid, under the corporation, except as may be allowed by general law, nor shall he or she be a party directly or indirectly to or interested in any contract in which the corporation is interested, unless the said office or interest is fully disclosed and approved pursuant to the applicable ethics' [ethics] laws of the Mayor and Town Council of Oakland or the State of Maryland.

Section 8–102. Condemnation; Appeal.

Whenever it shall, in the judgment of the Mayor and Town Council, become necessary to condemn land for the purpose of opening or widening any street or alley, in pursuance of any water or sewerage project, or for any other purpose which the Mayor and Town Council may

deem necessary in the pursuance of its duties under this Charter, the Mayor and Town Council of Oakland is hereby clothed with the power of condemnation under the right of eminent domain as provided for in Section 2(b)(24) of Article 23A of the Annotated Code of Maryland as fully as if said Section had been herein incorporated.

Section 8–103. Sidewalks; Repair.

It shall be the duty of the owner or possessor of property abutting on any street, or wherever in the discretion of the Mayor and Town Council they deem it necessary for the safety and use of the public, to construct the sidewalk adjacent to said street upon which the said property so abuts and to keep it in good repair at his or her own expense. If the owner, possessor or other person responsible shall fail to construct, repair or maintain any sidewalk after due notice, according to the ordinance of the Town, the corporation shall construct, repair or maintain the same and charge the same to the owner, possessor or other person responsible for such construction, repair or maintenance, and the cost and expense of the construction, repair or maintenance of any such sidewalk after the failure of the owner, possessor or other person responsible to do so, shall be a lien upon the said abutting property, in the same manner and to the same extent as taxes are now made a lien by law. The Mayor and Town Council shall have the same rights and remedies to enforce payment of the same as is now given to them by law to enforce the payment of taxes, but the Mayor and Town Council shall not be responsible for any damage which may be occasioned by reason of a failure on the part of the lot owner to keep his or her sidewalks in proper repair.

Section 8–104. Licensing Power.

The Mayor and Town Council shall have the power to require licenses from all exhibitors, theatricals, concerts, block parties or for any event or function which requires a temporary beer, wine or liquor license operating within the Town. The Mayor and Town Council shall also have the right to require licenses from all traveling salespersons, door-to-door salespersons, hackers, carts or carriages operated within the Town for profit or hire. Further, they shall have the right to require licenses for all auctions, hawkers, peddlers and temporary sales establishments of whatever nature operating within the Town. The fees for such licenses and the terms thereof shall be established by ordinance or resolution of the Mayor and Town Council of Oakland.

Section 8–105. Codification of Ordinances.

The Mayor and Town Council may provide for codification of all ordinances which have been or may be passed by it, and for the printing of such codifications thereof, and the ordinances so issued by the authority of the Mayor and Town Council may be read in evidence from the printed codification.

Section 8–106. Franchises.

The Mayor and Town Council of Oakland shall have the power and authority to contract with or grant unto any other corporate body, individual or partnership for any franchise to be

granted by the Town for its operation within the corporate boundaries of the Town of Oakland. The Mayor and Town Council are empowered to pass all such ordinances as may be necessary to put into operation the provisions of this Section and also to grant, by ordinances or otherwise, the right to lay conduits, electrical lines, cable lines, telephone lines or any other such thing through the streets from the Town of Oakland.

Section 8–107. Tort Liability – Notice of Claim.

No action shall be maintained and no claim shall be allowed against the Mayor and Town Council of Oakland, or its officers or employees, for unliquidated damages for any injury or damage to person or property, unless, within ninety (90) days after the injury or damage was sustained, written notice thereof setting forth the time, place and cause of the alleged damage, loss, injury or death shall be presented in person or by registered mail by the claimant, his or her agent or attorney, or, in case of death, by his or her executor or administrator, to the Mayor, the President of the Town Council or the Town Clerk, as the case may be.

Section 8–108. Retirement; Pension System.

The Mayor and Town Council of Oakland shall have power, in its discretion, to provide for retirement pensions for employees and officers whose compensation is paid by the Town, and may, in its discretion, establish and maintain a general retirement or pension system for such employees and officers, and appropriate and expend such sums as may be necessary to pay said pensions and all expenses in connection with said pensions or pension system.

Section 8–109. Effective Date.

This Charter shall become effective on the 1st day of May, 2000.

NOTES

(1) Res. No. 2011-09 enlarged the corporate boundaries of Oakland with the annexation of 9.85 acres of land, more or less, effective January 20, 2012.