

1902, ch. 476, sec. 359A. 1918 Code, sec. 527.

535. The burgess and commissioners of Middletown shall have power to provide for the laying out, opening, grading, widening and extending any street or alley within the taxable limits of said town, and may fix the dimensions thereof, which in their judgment the public welfare or convenience may require; to provide for ascertaining whether any and what amount of value of damages will be caused thereby for which the owner possessor of the property through or over which such street or alley may pass, ought to be compensated and paid, and for assessing or laying either generally on the whole of the assessable property within said town, or specially on the property of the persons benefited by said improvement, the whole or any part of the damages and expenses which may be incurred **in laying out, opening, grading, widening or extending** such street or alley; to provide in case they determine to levy and assess the whole or any part of the damages and expenses upon the owners of the property in said town specially benefited by such improvements, for the apportionment among them of such damages and expenses so determined, to be levied upon them in due proportion to the amount of benefits by them respectively received; to provide for the condemnation of all land and property so taken for public use in opening, grading, widening or extending any street or alley as aforesaid, and to provide for the notice to be given in relation thereto for the payment of the damages so awarded, and for the collection and mode of payment under any action allowed by law for the benefits so determined to be assessed; to pass all ordinances necessary and proper to the exercise and enforcement of the powers granted in this section; provided, that no land or property shall be taken under the powers granted in this section without payment or tender of just compensation therefor to the party entitled to such compensation as agreed on with the owners of such property or awarded by jury; and provided further, that the ordinances regulating the condemnation of land or property lying wholly or partly within the taxable limits of the town of Middletown shall provide for a reasonable notice to the owner or owners thereof, and for appeals to the Circuit Court for Frederick County by any person interested, including the burgess and commissioners of Middletown, from the decision of any commissioners, jury or other persons appointed to value or assess damages for taking of any such land or property or interest therein under the powers granted in this section.

1914, ch. 796, sec. 359B. 1918 Code, sec. 528.

536. In addition to the powers conferred upon the Burgess and Commissioners of Middletown, they shall have power to regulate, by ordinance, the building and maintenance of smoke flues, fire places, hot air flues, boilers, smoke stacks, chimneys and stove pipes, and to have any such removed, repaired or reconstructed whenever, in the judgment of the Burgess and Commissioners of Middletown, the same may be dangerous to or menace the property wherein such structures are, or any adjacent or contiguous property and the expense of altering, removal, repairing or re-