

1922, ch. 216, sec. 14.

**399.** All individuals, firms and corporations having buildings, conduits, pipes, tracks or other physical obstructions in, over or under the public roads, streets or alleys of the Town of Gaithersburg, or of those portions of Montgomery County outside of said town, which shall block or impede the progress of the town's water or sewerage system, while in process of construction, shall, upon reasonable notice from the Mayor and Council, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense as to fully meet the exigencies occasioning such notice; and should the exigencies of any case involve the taking, in the constitutional sense, of the franchise or right in the exercise of which such construction had its origin, the Mayor and Council shall be empowered to condemn an easement in said franchise or right. Every public service corporation, company or individual, before it or they shall begin any underground construction in any street, road, alley or public highway within the Town of Gaithersburg, shall file with the Mayor and Council a plan of such construction showing the location and depth in such street, road, alley or public highway of the proposed main, conduit or pipe; which plans must be approved by the Mayor and Council before such construction is begun; and when approved no change shall be made in the physical location of anything shown upon said plan except upon the approval of the Mayor and Council. Whenever any such underground main, conduit or pipe is put in without the filing of plans with the Mayor and Council and the approval thereof, or when any change is made in the physical location of such underground main, conduit or pipe, as shown upon the plans approved by the Mayor and Council, or any approved change therein, the Mayor and Council, when such conduit, main or pipe interferes with the construction or operation of its water and sewer systems, remove the same or change the location thereof at the cost and expense of the party so putting them in, or its successors, and without any liability upon the part of the Mayor and Council for damage that might be done to the same by reason of the Mayor and Council's operations in constructing or maintaining its systems. Any violations of the provisions of this section shall be a misdemeanor punishable under Section 401 of this subtitle.

1922, ch. 216, sec. 15.

**400.** Whenever it shall be deemed necessary by the Mayor and Council to take or acquire any land, structures or buildings, or any stream bed, water way, water rights or water shed, either in fee or as an easement, within or without the Town of Gaithersburg, for the construction, extension or maintenance of any water main, sewer or appurtenance thereof, or for any sewage disposal plant, reservoir, water purification plant, tank or pumping station, the Mayor and Council may purchase the same from the owners or failing to agree with the owner or owners thereof, may condemn the same by proceedings in the Circuit Court of Montgomery County, as now provided for condemnation of land by public service corporations in the Code of Public General Laws of Maryland, and Mayor and Council