

CHAPTER 12

AN ORDINANCE PROVIDING FOR THE APPROVAL AND ADOPTION OF A MAP DEPICTING THE LOCATION AND BOUNDARIES OF DRUG-FREE SCHOOL ZONES AND MAKING AN OFFICIAL FINDING AND RECORD OF THE LOCATION AND BOUNDARIES OF SUCH ZONES

SECTION 1.

Pursuant to the provisions of the Annotated Code of Maryland, the Charter of the Town of Williamsport, and in particular but not limited thereto, the provisions of Article 27 of the Annotated Code of Maryland and Article-Education, Section 412, the Mayor and Council of the Town of Williamsport, Maryland, do hereby declare that the drug-free school zone map produced on or about the 10th day of October, 1989 by the Board of Education of Washington County, Maryland, a copy of which is attached hereto, incorporated herein, and made a part hereof is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any private or public elementary or secondary school or school board, and of the areas on or within one thousand (1,000) feet of such school property.

SECTION 2.

The Drug-Free School Zone Map approved and adopted pursuant to Section 1 of this Ordinance shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property owned by or leased to any private or public elementary or secondary school or school board which is used for school purposes until such time if any that this Ordinance shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones.

SECTION 3.

The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Town engineer and the Town attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.

SECTION 4.

The Town Clerk of the Town of Williamsport is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to Section 1 of this Ordinance, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file and the date thereof. It is hereby further directed that a true copy of such map and of this Ordinance shall be provided without cost to the county clerk, the clerk of the Circuit Court for Washington County, Maryland, and to the office of the States Attorney for Washington County, Maryland.

SECTION 5.

The following additional matters are hereby determined, declared, recited and stated:

A. It is understood that the map approved and adopted pursuant to Section 1 of this Ordinance was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State law, such map shall constitute prima facie evidence of the following:

- 1) The location of elementary and secondary schools within the municipality;
- 2) The boundaries of the real property which is owned by or leased to such schools or a school board;
- 3) That such school property is and continues to be used for school purposes, and
- 4) The location and boundaries of areas which are on or within one thousand (1,000) feet of such school property.

B. (Except as is otherwise expressly noted on the face of the approved and adopted map, which is incorporated herein) all of the property depicted on the map approved and adopted herein as school property was owned by, occupied by, leased to or utilized for school purposes to a school or school board as defined herein, and was being used for school purposes as of July 9, 1978.

C. Pursuant to the provisions of the Annotated Code of Maryland, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to Section 1 of this Ordinance. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is

owned by or leased to any elementary or secondary school or school board (as defined herein) whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.

D. All of the requirements set forth in L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone map have been complied with and insofar as are applicable are incorporated herein and made a part hereof by reference.

E. All other provisions of the Annotated Code of Maryland applicable to the subject of this Ordinance are incorporated herein and made a part hereof insofar as same are pertinent and applicable.

SECTION 6.

Is it hereby declared by the Mayor and Council for the Town of Williamsport pursuant to the provisions of Section 12 of the Charter of the Town of Williamsport that this Ordinance is hereby declared an emergency ordinance and same shall take effect on the 13th day of November, 1989, in accordance with the provisions thereof.

DATE OF INTRODUCTION: November 13, 1989

DATE OF PASSAGE: November 13, 1989

EFFECTIVE DATE: November 13, 1989

Recorded in Liber 3, folio 452.

Former Chapter 38 in 1989 Codification.