

# THE CODE OF THE CITY

## Chapter 1

### GENERAL PROVISIONS

#### **Sec. 1-1. How Code designated and cited.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Code of the City of Greenbelt, Maryland" and may be so cited. The Code may also be cited as "Greenbelt City Code."

(Code 1971, § 1-1)

**State Law References:** Ordinance codification, Anno. Code of Md., Art. 23A, §§ 2(1), 17B.

#### **Sec. 1-2. Rules of construction and definitions.**

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out.

*Charter.* The terms "charter" or "city charter" shall mean the charter of the City of Greenbelt.

*City.* The words "the city" or "this city" shall mean the City of Greenbelt, in Prince George's County and State of Maryland.

*City council, council.* The words "city council" or "council" shall mean the city council of the City of Greenbelt.

*Code.* The word "Code" means the Greenbelt City Code as designated in Section 1-1 of this Code.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Sunday or legal holiday, it shall be excluded. When the period

of time allowed is more than seven (7) days, intermediate Sundays and holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Sundays and holidays shall not be counted in computing the period of time.

**State Law References:** Similar provisions, Anno. Code of Md., Art. 94, § 2.

*County.* The words "the county" or "this county" shall refer to Prince George's County, Maryland.

*Gender.* Words importing one gender shall include and apply to the other gender as well.

**State Law References:** Similar provisions, Anno. Code of Md., Art. 1, § 7.

*Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Keeper and proprietor.* The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee of same.

*May.* The word "may" is permissive.

*Month.* The word "month" shall mean a calendar month.

*Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

*Number.* Words used in the singular include the plural and the plural includes the singular number.

**State Law References:** Similar provisions, Anno. Code of Md., Art. 1, § 6.

*Oath.* The word "oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**State Law References:** Oath includes affirmation, Anno. Code of Md., Art. 1, § 9.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

*Person.* The word "person" shall include a corporation, company, firm, partnership, association or society as well as a natural person.

**State Law References:** Similar provisions, Anno. Code of Md., Art. 1, § 9.

*Personal property.* Personal property includes money, goods, chattels, things in action and evidences of debt.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

*Property.* The word "property" shall include real and personal property.

*Real property.* Real property shall include lands, tenements and hereditaments.

*Shall.* The word "shall" is mandatory.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

*Signature or subscription.* Signature or subscription includes a mark when the person cannot write, his name being written near it and witnessed by a person who writes his own name as witness.

*State.* The words "the state" or "this state" shall be construed to mean the State of Maryland.

*Street.* The word "street" shall include public avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the city council.

*Tenant, occupant.* The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Writing.* The word "writing" shall include printing.

*Year.* The word "year" shall mean a calendar year.  
(Code 1971, § 1-2)

### **Sec. 1-3. Catchlines of sections; references to sections, etc.**

(a) The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

(b) All references in this Code to chapters or sections are to chapters or sections of this Code unless otherwise specified.  
(Code 1971, § 1-3)

### **Sec. 1-4. Provisions considered as continuations of existing ordinances.**

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of adoption of this Code, shall be considered as continuations thereof and not as new enactments.  
(Code 1971, § 1-4)

**Sec. 1-5. Certain ordinances and resolutions not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (2) Any appropriation ordinance or resolution providing for the levy of taxes or for an annual budget;
- (3) Any ordinance annexing territory to the city or excluding territory as a part of the city or amending the city charter;
- (4) Any ordinance or resolution granting any franchise, permit or other right;
- (5) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
- (6) Any zoning ordinance;
- (7) Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the city;
- (8) Any ordinance levying special assessments;
- (9) Any ordinance relating to the salaries of city officers or employees;
- (10) Any ordinance whose purpose has been accomplished;
- (11) Any ordinance which is special although permanent in effect;
- (12) Any ordinance which is temporary although general in effect;

and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

**Sec. 1-6. Code does not affect prior offenses, rights, etc.**

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or suffering any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on the date of adoption of this Code, except as otherwise provided.

**State Law References:** Adoption of state code does not affect vested rights, etc., Anno. Code of Md., Art. 1, § 1.

### **Sec. 1-7. Effect of repeal of ordinances.**

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1971, § 1-5)

**State Law References:** Effect of repeal of statute on penalty or liability previously incurred, Anno. Code of Md., Art. 1, § 3.

### **Sec. 1-8. Severability of parts of Code.**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

(Code 1971, § 1-6)

### **Sec. 1-9. General penalty.**

(a) Whenever in this Code or in any other ordinance or resolution of the city or in any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or in any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any other ordinance or resolution of the city or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(b) Except where otherwise provided, every day any violation of such Code or any other ordinance or resolution of the city or such rule, regulation or order shall continue shall constitute a separate offense.

(Code 1971, § 1-7)

**Charter References:** Penalty for ordinance violations, § 3(9).

**State Law References:** Penalty for ordinance violations, Anno. Code of Md., Art. 23A, § 3.

### **Sec. 1-10. Municipal infractions.**

The following procedures shall apply as relates to the enforcement of ordinances, the violations of which have been declared by act of the city council to be municipal infractions:

- (1) The city manager, any police officer or police cadet, and any other code enforcement officials authorized by the city council to enforce provisions of this Code may deliver a citation to any person who is adjudged to be committing a municipal infraction. A copy of the citation shall be retained by the city and shall bear the certification of the enforcement official attesting to the truth of the matters set forth in the citation. The citation shall contain at a minimum the following

information:

- a. Name and address of the person charged;
  - b. The nature of the infraction;
  - c. The location and time that the infraction occurred;
  - d. The amount of the infraction fine assessed;
  - e. The manner, location, and time in which the fine may be paid to the city;
  - f. The person's right to elect to stand trial for the infraction.
- (2) The fine for an infraction shall be as specified in the ordinance violated. The fine is payable by the recipient of the citation to the city within twenty (20) calendar days of receipt of the citation. All fines shall be payable at the office of the city treasurer.
- (3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of his intention of standing trial at least five (5) days prior to the date of payment, as set forth in the citation. Upon receipt of the notice of the intention to stand trial, the city shall forward to the district court having venue a copy of the citation and the notice of intention to stand trial.
- (4) If a person receiving a citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of intention to stand trial for the offense, a formal notice of the infraction shall be sent to the person's last known address. If the citation has not been satisfied within fifteen (15) days from the date of the notice, he/she shall be liable for an additional fine equal to the original fine, thereby making the total amount to be paid twice the amount of the original fine. If after thirty-five (35) days the citation has not been satisfied, the city may request adjudication of the case through the district court having venue.

(Ord. No. 948, § 1-8, 2-27-84)

**Charter References:** Authority to provide for infractions, § 3(9).

**State Law References:** Municipal infractions, Anno. Code of Md., Art. 23A, § 3.