

Chapter 1

Index

1-1 Adoption of Code	1-1
1-2 Code Supersedes Prior Ordinances.....	1-1
1-3 Rules of Construction And Definitions	1-1
1-4 Catchlines of Sections; References To Sections, Etc.	1-3
1-5 Amendments To Code	1-3
1-6 Code Book To Remain On File And To Be Kept Current	1-4
1-7 Exemption Or Adoption Of Queen Anne's County Ordinances.....	1-4
1-8 Severability Of Code Provisions	1-4
1-9 Repeal Of Ordinances.....	1-4
1-10 Legislation Saved From Repeal Or Waiver.....	1-5
1-11 Town Seal	1-5
1-12 Unpaid Fees And Penalties To Constitute A Lien.....	1-6

Chapter 1 General Provisions

§ 1-1. Adoption Of Code.

The Charter and Ordinances of the Town of Church Hill of a general and permanent nature, as may hereafter be adopted from time to time by the Town Commissioners shall be codified and organized into chapters and shall collectively be known as the “Church Hill Town Code”.

§ 1-2. Code Supersedes Prior Ordinances.

Ordinances hereafter adopted by the Town Commissioners and incorporated into the Town Code shall supersede all other general and permanent ordinances upon the same subjects enacted prior thereto, except to the extent such prior enactments are expressly saved from repeal or are declared to be continued in force.

§ 1-3. Rules Of Construction And Definitions.

(A) In the construction of this Code and of all Town 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 Town Commissioners. 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.

(B) In the interpretation and application of any provisions of this Code, such provisions 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.

(C) 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 Town Council may be fully carried out.

(D) 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.

(E) Words importing one (1) gender include and apply to the other gender as well.

(F) 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.

(G) The word “may” is permissive. 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. Words used in the singular include the plural and the plural includes the singular number. Words used in the past or present tense include the future as well as the past and present.

(H) The following words, phrases and terms shall have the meaning set forth herein:

Charter. The terms “Charter” or “Town Charter” shall mean the Charter of the Town of Church Hill.

Code. The word “Code” means the Church Hill Town Code as designated in section 1-1 of this Code.

Commissioners; Town Commissioners. The words “the Commissioners” or “Town Commissioners” shall mean the Commissioners of the Town of Church Hill, which is the legislative body of the Town.

County. The words “the county” or “this county” shall mean Queen Anne’s County, Maryland.

Keeper and proprietor. The words “keeper” and “proprietor” shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as servant, agent or employee.

Month. The word “month” shall mean a calendar month.

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.”

Owner. The word “owner,” applied to any property, 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 property.

Person. The word “person” shall include a corporation, company, partnership, association or society as well as a natural person.

Personal property. Personal property includes money, goods, chattels, things in action and evidence 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 that portion of a street between the curb line and the adjacent property 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 any public way, road, highway, avenue, alley and lane within the Town.

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.

Town. The terms “the Town,” “this Town,” or “Town” shall mean the Town of Church Hill, Maryland, a municipal corporation of that name chartered by the state. When appropriate such terms shall also refer to the legal boundaries of such municipal corporation.

Writing. The word “writing” shall include printing.

Year. The word “year” shall mean a calendar year.

§ 1-4. 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 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.

§ 1-5. Amendments To Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the Commissioners to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the “Code of the Town of Church Hill” shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf or post binder book containing the certified copy of said Code required by section 1-7 as amendments and supplements thereto.

§ 1-6. Code Book To Remain On File And To Be Kept Current.

(A) A certified copy of the Church Hill Town Code, impressed with the seal of the Town, shall remain on file in the office of the Town clerk, to be made available to persons desiring to examine the same during regular Town business hours for so long as the Code is in effect.

(B) It shall be the duty of the Town clerk, or someone authorized and directed by the Town clerk, to keep the certified copy of the book containing the Code required to be filed in the clerk's office for the use of the public current. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification, which shall be adopted specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-7. Exemption Or Adoption Of Queen Anne's County Ordinances.

(A) The Town is generally exempt from all legislation heretofore or hereafter enacted by the county relating to any subject upon which the Town has been heretofore or is hereafter granted legislative authority to act, either by public general law or by the Town Charter, and upon which subject the Town in fact acts. Legislation of Queen Anne's county upon a subject as to which the Town has not acted shall be in effect in the Town unless and until the Town specifically exempts itself therefrom.

(B) Whenever, in this Code, the Town adopts or incorporates by reference, or otherwise subjects itself or persons within its boundaries to the ordinances or regulations of Queen Anne's County, Maryland, it is the intention of the Town Commissioners to adopt any amendments that might subsequently be enacted by the Queen Anne's County Commissioners, such that the most current version of such ordinance or regulation then in effect in the unincorporated areas of Queen Anne's County shall be effective within the Town.

§ 1-8. Severability Of Code Provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof.

§ 1-9. Repeal Of Ordinances.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance or the date of adoption of any subsequent ordinance incorporating provisions into the Town Code that are inconsistent with the ordinances in the Town Code are hereby repealed to the extent of such inconsistency as of the effective date of the ordinance with which they are inconsistent.

§ 1-10. Legislation Saved From Repeal Or Waiver.

The adoption of this Code and repeal of ordinances provided for in § 1-9 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal or waiver:

- (A) Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- (B) Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provisions or any penalty, punishment or forfeiture which may result therefrom.
- (C) Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- (D) Any franchise, license, right, easement or privilege heretofore granted or conferred.
- (E) Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- (F) Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- (G) Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- (H) The levy or imposition of taxes, assessments or charges.
- (I) The dedication of property or approval of preliminary or final subdivision plats.
- (J) Ordinances establishing the amount and manner of payment of salaries or compensation of officers and employees, establishing workdays and working hours of certain employees and providing for holidays and vacations for employees and keeping of employment records.
- (K) All resolutions, including charter amendment resolutions and annexation resolutions.

§ 1-11. Town Seal.

- (A) The Town of Church Hill Seal as described in subsection (b) is the seal of the Town.

(B) The seal depicts a black oval upon a white ground bearing the words “Church Hill, Maryland” in white letters. The oval surrounds an image of a shield, in the shape of a foreshortened sword, divided into quadrants. The upper left and lower right quadrants bear a tan ground with images, respectively, of three ears of corn and a sheath of tobacco leaves. The upper right and lower left quadrants bear a black ground with images, respectively, of a mill and a church. A banner bearing the date 1876 appears within the oval below the shield.

(C) The seal of the Town is for official use by the Town and its authorized representative only.

(D) The duly elected Town Commissioners and the duly appointed Town Clerk and Town Administrator shall be authorized to attest to the Town of Church Hill Seal.

(E) No person shall use any seal, insignia, envelope or any other format that simulates the Town of Church Hill Seal.

(F) The misuse or unauthorized use of the Town Seal is a municipal infraction subject to the penalty and enforcement provisions of this Code.

§ 1-12. Unpaid Fees And Penalties To Constitute A Lien.

Fees and penalties established in the Town Code which are not paid as required therein shall be included in the non-payor’s real property tax bill and shall be collected as city taxes are collected and the charges shall be due and payable at the time of payment of the tax bill. In the case of a misdemeanor or municipal infraction, the fine shall not be deemed due and owing the Town until such time as judgment or order therefore is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the non-payor’s real property.

Originally Adopted November 2, 2009 as Ordinance No. 116/09. The date of any amendment will appear below the amended paragraph in brackets ([]).