

## THE CODE

### CHAPTER 1 GENERAL PROVISIONS

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#### Sec. 1-1. How code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated as "The Code of the Town of Easton" and may be cited as so. Such ordinances may also be cited as "Easton Town Code" (Ordinance 519 aka E-34, effective 5/7/1967)

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

In the construction of this *The Easton Town Code*, and of all ordinances and resolutions of the town, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council or the context clearly requires otherwise.

***Bond.*** When a bond is required, an undertaking in writing shall be sufficient.

***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; and if the last day be Sunday or a legal holiday, that shall be excluded.

***Council.*** Whenever, the words "council" or "town council" or "governing body" are used, they shall be construed to mean "the council of the Town of Easton."

***County.*** The words "the county" or "this county" shall refer to Talbot County, Maryland.

***Gender.*** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

***Interpretation.*** In the interpretation and application of any of the provisions of this Code, such provisions shall be deemed to be the minimum requirement necessary for the public health, safety, comfort, convenience and general welfare. Where any specific provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

***Joint authority.*** Words purporting to give authority to several persons shall be construed as giving such authority to a majority of such persons.

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

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

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

***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.

***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."

***Or, and.*** "Or" may be read "and", and "and" may be read "or" if the sense requires it.

***Owner.*** The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or 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, partnership, association or society as well as a natural person.

***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.

***Shall, may.*** The word "shall" is mandatory and the word "may" is permissive.

***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.*** The words "signature" or "subscription" includes a mark when the person cannot write.

***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 ways, roads, highways, avenues, alleys and lanes 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.

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

***Town.*** The words "the town" or "this town" shall mean the Town of Easton, in the County of Talbot and State of Maryland.

***Writing.*** The word "writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

***Year.*** The word "year" shall mean a calendar year.

(Ordinance 519 aka E-34, effective 5/7/1967)

### **Sec. 1-3. Reference to chapters, articles, divisions or sections; conflicting ordinances.**

In addition to the rules of construction specified in section 1-2, the following rules shall be observed in the construction of these ordinances:

All references to chapters, articles, divisions and sections are to the chapters, articles, divisions and sections of these ordinances unless otherwise specified.

If the provisions of different chapters of these ordinances conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.

(Ordinance 519 aka E-34, effective 5/7/1967)

#### **Sec. 1-4. Catchlines of sections.**

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 the sections, nor, unless expressly so provided, shall they be deemed when any of such sections, including catchlines, are amended or re-enacted. (Ordinance 519 aka E-34, effective 5/7/1967)

#### **Sec. 1-5. Repeal of ordinances.**

All ordinances or portions of ordinances in conflict with the provisions of this Code are hereby repealed. (Ordinance 519 aka E-34, effective 5/7/1967)

#### **Sec. 1-6. 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 or liability incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or liability incurred under the ordinance repealed.

(Ordinance 519 aka E-34, effective 5/7/1967)

#### **Sec. 1-7. Severability of parts of Code.**

It is hereby declared to be the intention of the 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 otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the paragraphs and sections of this Code, since the same would have been enacted by the council without the incorporation in this Code of any such unconstitutional or otherwise invalid word, clause, sentence, paragraph or section. (Ordinance 519 aka E-34, effective 5/7/1967)

#### **Sec. 1-8. General penalty; continuing violations; civil penalties for municipal infractions.**

(A) Except as provided in subsection (B) hereof, whenever in this Code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act required or the failure to do such an act is declared to be unlawful, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the County jail for not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. (Ordinance 139 effective 6/30/1987, historical reference 519 aka E-34, 137)

(B) Any violations of the chapters of the Easton Code, as specifically referred to herein, shall be considered as municipal infractions which are civil obligations imposed for a violation or breach of the chapter referred to for which the penalty for the first infraction will be a levy of up to one hundred dollars (\$100.00) and a levy of up to two hundred dollars (\$200.00) for any subsequent infraction. Each day that any violation shall continue shall constitute a separate offense. The chapters for which municipal infractions are imposed are as follows:

Chapter Three - Air Conditioning and Refrigeration.

Chapter Four - Animals and Fowl (applying to fierce animal).

Chapter Five - Bicycles and Similar Devices.

Chapter Six - Building Code.

Chapter Eight - Filling Stations.

Chapter Nine - Fire Prevention.

Chapter Eleven - Garbage, Refuse and Weeds

Chapter Thirteen - Housing.

Chapter Fourteen - Licenses and Permits.

Chapter Fifteen - Liquefied Petroleum Gas.

Chapter Sixteen - Litter Control.

Chapter Seventeen - Motor Vehicle Traffic.

Chapter Eighteen - Offenses and Miscellaneous (with the exception of Section 18-4 (A), and 18-15, violations of which shall be a misdemeanors).

Chapter Nineteen - Peddlers.

Chapter Twenty - Plumbing.

Chapter Twenty-One - Rat Control.

Chapter Twenty-Two - Sewers and Drains.

Chapter Twenty-Four - Streets and Sidewalks.

Chapter Twenty-Five - Subdivisions.

Chapter Twenty-Seven - Water.

(Ordinance 363 effective 12/7/1997, historical reference 83, 137, 139)

(C) Any violation of chapter 22 of the Easton Town Code shall be a municipal infraction which is a civil obligation imposed for the violation or breach of that chapter for which the penalty shall be a levy of Four Hundred Dollars (\$400.00). Each day that any violation shall continue shall constitute a separate offense. (Ordinance 139 effective 6/30/1987, historical reference 137)

#### **Sec. 1-9. Provisions as continuation of existing ordinances.**

The provisions appearing in this Code, so far as they are the same as those ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments. (Ordinance 519 aka E-34, effective 5/7/1967)

#### **Sec. 1-10. Authority of Code.**

This Code is a revision and codification of the general regulatory ordinances of the Town of Easton which have been enacted and published in accordance with the provisions of the laws of Maryland and which have not been repealed, and is done by virtue of authority granted in Article 21, Section 232 of the Code of Public Local Laws of Maryland (1930). (Ordinance 519 aka E-34, effective 5/7/1967)