

HYATTSVILLE CHARTER AND CODE

Chapter 1
GENERAL PROVISIONS

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville: Art. I, 12-19-83 as HB No. 15-83; Art. IV, 12-19-83 as HR No, 9-83. Amendments noted where applicable.]

ARTICLE I

Adoption of Code

[Adopted 12-19-83 as HB No. 15-83]

Be it enacted and ordained by the Mayor and Council of the City of Hyattsville.

§ 1-1. Adoption of Code.

The Charter, the ordinances and certain resolutions of a general and permanent nature, have been approved, adopted, ordained and enacted as the “Code of the City of Hyattsville, Maryland,” hereinafter known and referred to as the “Code.”

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. Effective date.

All provisions of this ordinance of the Code shall be in full force and effect on and after December 19, 1983.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form serially numbered Number “1” has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Hyattsville by impressing thereon the Seal of the City, and such certified copy shall remain on file in the office of the Clerk of the City, to be made available to persons desiring to examine same during all times while the Code is in effect.

§ 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 governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the “Code of the City of Hyattsville, Maryland” 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 book containing said Code as amendments and supplements thereto.

§ 1-6. Publication and filing.

The Clerk of the City of Hyattsville, pursuant to law, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

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§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk, or someone authorized and directed by her, to keep up-to-date the certified copy of the book containing the Code required to be filed in her office for the use of the public. 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 book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by resolution of the Mayor and Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Hyattsville to be misrepresented thereby. Any violation of this section shall be punishable as a misdemeanor, the penalty for which shall be a fine not to exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both such fine and imprisonment.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of 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 sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

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

§ 1-12. 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 and not contained in the Code are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to October 3, 1983.
- B. 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.
- C. 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.

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D. 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.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. 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.

G. By 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 City's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

I. The levy or imposition of taxes, assessments or charges.

J. The dedication of property or approval of preliminary or final subdivision plats.

K. 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.

L. All legislation pertaining to vehicles and traffic and all amendments thereto.

§ 1-14. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-15. Deposit of copies with state agencies.

Pursuant to § 8B of Art. 23A of the Annotated Code of Maryland, a copy of the Code of the City of Hyattsville containing the Charter shall be deposited with the required state agencies.

§ 1-16. Emergency measure.

This measure shall be deemed an emergency measure effective from the date of passage.

ARTICLE II

Legislation Adopted During Codification

During the process of codification, certain complete new ordinances were approved by the Mayor and Council for inclusion in the Code of the City of Hyattsville. Such new enactments are noted in the histories of individual chapters by the phrase "Adopted . . . during codification; see Ch. 1, General Provisions, Art. II." During the course of normal supplementation, specific dates of adoption will be inserted where pertinent in the text of the various chapters.

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The enumeration appearing below lists each chapter affected by any such legislation adopted during codification.]

Chapter	Bill No.	Adoption Date
Ch. 114, Vehicles and Traffic	HB 14-83	12-19-83

ARTICLE III

Charter Amendments

During the process of codification, certain changes were made to the Charter of the City of Hyattsville. The substantive changes are noted in the history of the Charter as “amended during codification; see Ch. 1, General Provisions, Art. III.” Certain other nonsubstantive changes, such as in numbering, grammar and punctuation, have also been made throughout the Charter. These substantive and nonsubstantive changes will be adopted and/or accounted for in accordance with the requirements of Article 23A of the Annotated Code of Maryland. During the course of normal supplementation, specific dates of adoption will be inserted into the Charter where pertinent.

ARTICLE IV

Ratification of Nonsubstantive Changes to Charter

[Adopted 12-19-83 as HR No. 9-83]

Be it resolved by the Mayor and City Council of Hyattsville as follows:

§ 1-17. Number change.

In conjunction with the codification of the Charter the ordinances and certain resolutions of the City of Hyattsville, the numbering system used in the Charter of the City of Hyattsville has been changed to a system which parallels the numbering to be used in the Code of the City of Hyattsville. It is hereby declared to be the intent of the Mayor and Council that the new Charter numbering system be ratified.

§ 1-18. Other nonsubstantive revisions.

Also in conjunction with the codification of the Charter, certain nonsubstantive changes in grammar, punctuation, spelling, etc., have been made. It is hereby declared to be the intent of the Mayor and Council that said nonsubstantive changes be ratified.