

CHAPTER 1
GENERAL PROVISIONS

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Sec. 1-100 How Code Designated And Cited

The ordinances in this and the following chapters shall constitute and be designated the “Code of Ordinances of Section 5 of the Village of Chevy Chase, Maryland” and may be so cited.

Sec. 1-200 Definitions and Rules of Construction

The following definitions and rules of construction shall apply to this Code and to all ordinances unless the context requires otherwise:

Council. The term Council means the governing body of Section 5 of the Village of Chevy Chase.

Section 5. Section 5 means Section 5 of the Village of Chevy Chase

Charter. The term “Charter” means the Charter of Incorporation of Section 5 of the Village of Chevy Chase.

Conjunctions. In a provision involving two or more items, conditions, provisions or event, which items, conditions, provisions or events are connected by the conjunction “and,” “or” or “either...or,” the conjunction shall be interpreted as follows:

- (1) “And” indicates that all the connected terms, conditions, provisions or events apply.
- (2) “or” indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) “Either...or” indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Gender. Words of one gender include the other genders.

The terms “includes” and “including” are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.

May. The term “may” is to be construed as being permissive and not mandatory.

May not. The term “may not” is to be construed as having a prohibitory effect. The term “may not” states a prohibition.

Municipal corporation. The term “municipal corporation” or “municipality” means Section 5 of the Village of Chevy Chase, Maryland.

Oath. The term “oath” includes an affirmation in all cases where an affirmation may be substituted for an oath. In similar cases, term “sworn” includes the term “affirmed”.

Owner. The term “owner,” as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.

Person. The term “person” means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Personal property. The term “personal property” means any property other than real property.

Premises. The term “premises,” as applied to real property, includes land and structures.

Property. The term “property” means real and personal property.

Real Property. The term “real property” includes lands, tenements and hereditaments.

Shall. The term “shall” is to be construed as being mandatory.

State. The term “state” means the State of Maryland.

Week. The term “week” means seven consecutive days.

Year. The term “year” means 12 consecutive months.

Sec. 1-300 Catchlines of Sections, History Notes, References

- (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 are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such sections, including the catchlines are amended or reenacted
- (b) Editor’s notes, history notes, charter references, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.
- (c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

Sec. 1-400 General penalty; Continuing Violations.

- (a) In this section “violation of this Code” means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

- (3) Failure to perform an act if the failure is prohibited or is made or is declared unlawful, an offense, a violation by a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section “violation of this Code” does not include the failure of a municipal officer or municipal employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be guilty of a municipal infraction and punished by a fine not exceeding \$1000. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations of this Code, each act is a separate offense.
- (d) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- (e) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

Sec. 1-500 Severability

The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and of all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the Council declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.