

Recodification of the Code of Ordinances  
Sponsored by: Council as a Whole

CURATIVE LEGISLATIVE RESOLUTION 21-O-1

Curative Resolution and Ordinance of the Mayor and Common Council, Town of University Park, to correct certain non-substantive errors in Legislative Resolution 20-O-11, which was adopted to recodify the Town of University Park Code of Ordinances with no substantive changes and to include grammatical changes, correct code references and other minor non-substantive changes, and renumbering of chapters, articles and sections with internal references and cross- references.

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the Mayor and Council determined that it was appropriate to recodify, renumber and consolidate the Town Code into chapters and sections and to make certain grammatical and other minor non-substantive changes; and

**WHEREAS**, the Mayor and Council adopted Legislative Resolution LR 20-11 to recodify, renumber and consolidate the Town Code and provide for the continuation of previous provisions; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[~~Brackets~~] indicate matter deleted from existing law

\* \* Asterisks\* \* indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

[~~Brackets~~] indicate matter deleted by amendment to the proposed ordinance

**WHEREAS**, Legislative Resolution LR 20-11 contained several non-substantive errors, specifically, not clearly repealing the provisions of §1-101, “Designation of Code and continuation of provisions” and § 1-102, “Ordinances repealed and their effect”; and

**WHEREAS** the Mayor and Council have determined to adopt this Ordinance to correct the said errors.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Common Council of the Town of University Park, that §1-101, “Designation of Code and continuation of provisions” be repealed, re-enacted and amended to read as follows:

**§1-101 Designation of Code and continuation of provisions.**

~~[The ordinances embraced in this and the following chapters shall constitute and be designated as the Code of the Town of University Park. Those provisions appearing in this Code so far as they are the same as those of preceding Codes and ordinances shall be continuations of those Codes and ordinances and not as new enactments.]~~

THE ORDINANCES EMBRACED IN THIS AND THE FOLLOWING CHAPTERS SHALL, AS REVISED, CODIFIED AND CONSOLIDATED INTO CHAPTERS AND SECTIONS BY GENERAL CODE, AS SET FORTH IN THE DERIVATION TABLE INCLUDED AT THE END OF THE CODE, AND AS RENUMBERED TO CONSIST OF CHAPTERS 1 THROUGH 16, ARE HEREBY APPROVED, ADOPTED, ORDAINED AND ENACTED AS THE "CODE OF THE TOWN OF UNIVERSITY PARK" HEREAFTER REFERRED TO AS THE "CODE." THOSE PROVISIONS APPEARING IN THIS CODE SO FAR AS THEY ARE THE SAME AS THOSE OF PRECEDING CODES AND ORDINANCES SHALL BE CONTINUATIONS OF THOSE CODES AND ORDINANCES AND NOT NEW ENACTMENTS.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Common Council of the Town of University Park, that §1-102 Ordinances repealed and their effect” be repealed, re-enacted and amended to read as follows:

**§ 1-102 Ordinances repealed and their effect.**

~~[All ordinances not contained in this Code are hereby repealed from and after the effective date of this Code. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor shall it affect any suit, prosecution, or proceeding pending at the time of repeal for an offense committed under the ordinances repealed.]~~

A. ALL ORDINANCES NOT CONTAINED IN THIS CODE ARE HEREBY REPEALED FROM AND AFTER THE EFFECTIVE DATE OF THIS CODE. THE REPEAL OF AN ORDINANCE SHALL NOT AFFECT ANY PUNISHMENT OR PENALTY INCURRED BEFORE THE REPEAL TOOK EFFECT, NOR SHALL IT AFFECT ANY SUIT, PROSECUTION, OR PROCEEDING PENDING AT THE TIME OF REPEAL FOR AN OFFENSE COMMITTED UNDER THE ORDINANCES REPEALED.

B. IN COMPILING AND PREPARING THE ORDINANCES AND PRIOR CODE FOR PUBLICATION AS THE 2020 CODE OF THE TOWN OF UNIVERSITY PARK, NO CHANGES IN THE MEANING OR INTENT OF SUCH LEGISLATION HAVE BEEN MADE. CERTAIN GRAMMATICAL CHANGES AND OTHER MINOR NON-SUBSTANTIVE CHANGES WERE MADE IN ONE OR MORE OF SAID PIECES OF LEGISLATION. CHAPTERS, ARTICLES AND SECTIONS HAVE BEEN RENUMBERED INCLUDING ALL INTERNAL REFERENCES AND CROSS-REFERENCES. IT IS THE INTENTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF UNIVERSITY PARK THAT ALL SUCH CHANGES BE ADOPTED AS PART OF THE CODE AS IF THE ORDINANCES HAD BEEN PREVIOUSLY FORMALLY AMENDED TO READ AS SUCH. THE ORDINANCES AND RESOLUTIONS SPECIFIED IN THIS SUB-SECTION ARE RECOGNIZED AS CONTINUING IN FULL FORCE AND EFFECT TO THE SAME EXTENT AS IF SET OUT AT LENGTH HEREIN.

C. THE PROVISIONS OF THIS CODE, INSOFAR AS THEY ARE SUBSTANTIVELY THE SAME AS THOSE OF ORDINANCES AND THE PRIOR CODE IN FORCE IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS CODE BY THIS ORDINANCE, ARE INTENDED AS A CONTINUATION OF SUCH ORDINANCES AND NOT AS NEW ENACTMENTS, AND THE EFFECTIVENESS OF SUCH PROVISIONS SHALL DATE FROM THE DATE OF ADOPTION OF THE PRIOR ORDINANCE. ALL SUCH PROVISIONS ARE HEREBY CONTINUED IN FULL FORCE AND EFFECT AND ARE HEREBY REAFFIRMED AS TO THEIR ADOPTION BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF UNIVERSITY PARK, AND IT IS THE INTENTION OF SAID MAYOR AND COMMON COUNCIL THAT EACH SUCH PROVISION CONTAINED WITHIN THE CODE IS HEREBY REAFFIRMED AS IT APPEARS IN SAID CODE.

D. 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 TOWN OR AUTHORIZING ISSUANCE OF ANY BOND OF THE TOWN OR ANY EVIDENCE OF THE TOWN'S INDEBTEDNESS;

(2) ANY APPROPRIATION ORDINANCE OR RESOLUTION PROVIDING FOR THE LEVY OF TAXES OR AN ANNUAL BUDGET;

(3) ANY ORDINANCE OR RESOLUTION APPROVING, AUTHORIZING OR OTHERWISE RELATING TO ANY CONTRACT, AGREEMENT, LEASE, DEED OR OTHER INSTRUMENT; AND

(4) ANY ORDINANCE RELATING TO THE SALARIES OF TOWN OFFICERS OR EMPLOYEES.

E. FOR PURPOSES OF TRANSITION FROM THE PRIOR CODE TO THIS CODE, ANY REFERENCE TO A CHAPTER OR SECTION NUMBER FROM THE PRIOR CODE ON OR IN ANY FORM, LICENSE, PERMIT, TICKET OR OTHER TOWN OF UNIVERSITY PARK DOCUMENT SHALL BE DEEMED TO REFER TO THE CORRESPONDING CHAPTER OR SECTION IN THIS CODE UNTIL SUCH FORM, LICENSE, PERMIT , TICKET OR OTHER TOWN DOCUMENT IS REVISED OR REPRINTED TO REFER TO THE NUMBERING IN THIS CODE.

Section 3. Be it further resolved that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 4: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 5. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this 5th day of April, 2020.

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

Andrea D. Marcavitch  
Andrea D. Marcavitch, Town Clerk

By:   
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
Suellen M. Ferguson, Town Attorney

# TUP Adopted 21-O-01 Recodification Curative

Final Audit Report

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