

ORDINANCE NO. O-10-10

AN ORDINANCE TO REPEAL AND REENACT WITH
AMENDMENTS SECTION 1-2 OF CHAPTER 1 OF THE
CITY CODE ENTITLED "DEFINITIONS AND RULES OF CONSTRUCTION"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Section 1-2 of Chapter 1 of the City Code, are hereby amended to read as follows:

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all other ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

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

City. The words "the city" or "this city" shall mean the City of Gaithersburg, Maryland.

Computation of time. In computing any period of time in which an act is to be done or a default occurs, the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless: (1) it is a Sunday or a legal holiday, in which event the period so computed is to include the next day, which is neither a Sunday nor a legal holiday; or, (2) the act to be done is the filing of some paper in court, and the office of the clerk of such court on such last day of the period is not open, or is closed for a part of a day, in which event the period runs until the end of the next day which is neither a Sunday, Saturday, a legal holiday, nor a day on which such office is not open the entire day during ordinary business hours. When the period of time allowed is more than seven (7) days, intermediate Sundays and legal holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Sundays, Saturdays and legal holidays shall not be counted in computing the period of time.

Council; city council. The words "the council" or "the city council" shall mean the council of the City of Gaithersburg.

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

Gender. Words importing the masculine gender shall include the feminine and neuter.

Joint authority. 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.

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

May. The word "may" is permissive.

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

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."

State law references: Similar provisions, Anno. Code of Md., 1957, art. 1, § 9.

Owner. The word "owner," applied to a building or land, 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 building or land.

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 evidences 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.

Published or publication. The words 'published' or 'publication' shall mean: Posting the notice on the City's website or other means of electronic communication readily available to the public and at a convenient public location at or near the place of meeting; and

Real property. Real property shall include lands, tenements and hereditaments.

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 ways, roads, highways, avenues, alleys and lanes within the city.

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.

Writing. The word "writing" shall include printing.

ADOPTED this 7th day of June, 2010 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 7th day of June, 2010. APPROVED by the Mayor of the City of Gaithersburg, this 7th day of June, 2010.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the 7th day of June, 2010 and that the same was approved by the Mayor of the city of Gaithersburg on the 7th day of June, 2010. This ordinance will become effective on the 28th day of June, 2010

Angel L. Jones, City Manager

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>