

Introduced and Read for the First Time: April 15, 2014
Introduced and Read for the Second Time: May 6, 2014
Ordinance Passed X, Passed As Amended , or Rejected : May 6, 2014

**TOWN OF BRENTWOOD
ORDINANCE 2014 – 04**

**AN ORDINANCE TO RE-CODIFY THE CODES
WITHIN THE TOWN OF BRENTWOOD**

A Charter Ordinance of the Mayor and Council of the Town of Brentwood, Maryland adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (2005 Replacement Volume).

WHEREAS Section 401.0 (“**General powers**”) of the Brentwood Charter states that “The Council shall have the general power to pass all such ordinances ... as it may deem necessary for the good government of the Town”; and

WHEREAS the Mayor and Council of the Town of Brentwood desires to re-codify the existing Town Code for easier access and readability; and,

WHEREAS the Mayor and Council seeks to provide for the maintenance of said Code and repealing and saving from repeal certain ordinances not included therein; and,

WHEREAS the Mayor and Council establish penalties for altering and tampering with the Code; and,

WHEREAS the Mayor and Council make certain substantive and nonsubstantive changes in previously adopted ordinances,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Brentwood revises the General Code with the following Ordinance adopting a codification and revision of the ordinances of the Town of Brentwood with the following prescriptions and directives to read as follows:

§ 1-1. Adoption of Code.

The Charter, the ordinances and certain resolutions of the Town of Brentwood, of a general and permanent nature, adopted by the Mayor and Council of the Town of Brentwood, as revised, codified and consolidated into chapters and sections by General Code, LLC, and consisting of the Charter and Chapters 1 through 320, together with an Appendix, are hereby approved, adopted, ordained and enacted as the “Code of the Town of Brentwood,” 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 June 21, 2014.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form, has been filed in the office of the 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 Town of Brentwood by impressing thereon the Seal of the Town, and such certified copy shall remain on file in the office of the Clerk of the Town, 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 Mayor and Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Brentwood, 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 published as amendments and supplements thereto.

§ 1-6. Publication and filing.

The Clerk of the Town of Brentwood, 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 Town. 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.

§ 1-7. Code to be kept up-to-date.

It shall be the duty of the Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's 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 published as supplements to said Code.

§ 1-8. Sale of Code; supplementation.

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be established by the Mayor and Council, which 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 Town of Brentwood 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 \$500 or imprisonment for a term not to exceed 90 days, or both such fine and imprisonment.

§ 1-10. Severability.

- A. Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a 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 section or parts thereof.
- B. 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.

§ 1-11. 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.

§ 1-12. Ordinances saved from repeal.

The adoption of this Code and repeal of ordinances provided for in §§ 1-11 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 June 6, 2013.
- 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.
- 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, high way, park or other public place or any portion thereof.
- G. Any 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 Town'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.
- L. All ordinances pertaining to zoning or Zoning Map changes.

§ 1-13. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for revision as part of the Code, certain grammatical changes and other nonsubstantive minor changes were made in one or more of said ordinances. In addition, chapter and section number references to the ordinances may have been renumbered for consistency. It is the intention of the Mayor and 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 changes, amendments or revisions as set forth in Schedule A, attached and made a part hereof, 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.)

§ 1-14. Deposit of copies with state agencies.

Pursuant to § 4-109 of the Local Government Article of the Annotated Code of Maryland, a copy of the Code of the Town of Brentwood containing the Charter shall be deposited with the Maryland Department of Legislative Services.

BE IT FURTHER RESOLVED that the aforementioned increase shall become effective 45 days following its enactment.


READ AND ADOPTED THIS 6 day of May, 2014.

ATTEST/WITNESS:

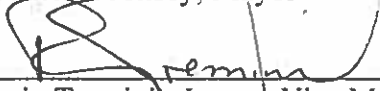


Jeanette Prevots, Town Clerk

Mayor and Town Council of Brentwood, Maryland



E James Cooksey, Mayor

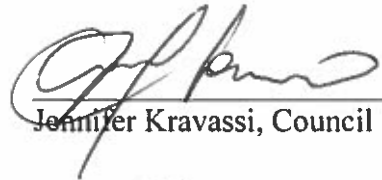


Rocio Treminio-Lopez, Vice Mayor



Jason Barnett, Council Member





Jennifer Kravassi, Council Member



Jennifer Murphy, Council Member