Resolution No. 10-2097
Introduced: July 10, 1986
Adopted: July 22, 1986

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Scull

Subject: Approval of Amendment to Plain Language Drafting Manual

Background

To make changes in legislation before the Council more understandable, the Council concludes that the explanation code in the Montgomery County Plain Language Drafting Manual should be updated and simplified.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Sec. 1. Amendment of Manual

The Council amends the Montgomery County Plain Language Drafting Manual as follows:

1. In Part II, Sec. 201. Introductory bill format, strike subsection (f) and replace with the following:

(f) Explanation. The explanation states the rules for showing changes in existing law or a bill.

- - - - - - -

Required Format

EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing law by the original bill.
[Single boldface brackets] indicate text that is deleted from existing law by the original bill.
Double underlining indicates text that is added to the bill by amendment.
[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment.
* * * indicates existing law that is unaffected by the bill.

2. In part II, Sec. 208. Amendment or repeal of existing law, strike subsections (b), (c), (d), and (g) and in each case replace with the following:

(b) Repeal of existing law. Except for repeal of long consecutive portions of text, do not repeal a section by simply stating that section "X" is repealed. Delete material from existing law by enclosing it in single boldface brackets: [repealed text]. In order to avoid confusion on long portions which are deleted, start each single paragraph or section being deleted in brackets. If a following paragraph or section is also deleted, do not yet close the brackets. Simply start the following paragraph or section with brackets, just as though you were using quotation marks.

(c) Addition to existing law. Underline material added to existing law by the original bill: added text.

(d) Additions follow deletions. If text is deleted and added in the same section, the added text immediately follows the deleted text: "Officer [includes] means . . ."

(g) Changing portions of words. If you are changing a portion of a word, repeal the entire word and replace it: "[Disposing] Disposal of pesticides".

3. In part II, Sec. 209. Amendment of a bill or ordinance, strike subsections (b) through (e) and replace with the following:

(b) Addition to existing law by amendment. Add material to existing law or a bill or ordinance by amendment by double underlining it: material added to existing law or introduced bill by amendment.

(c) Deletion from a bill or ordinance by amendment. Delete material from a bill or ordinance by enclosing in double boldface brackets: [[material deleted by amendment]]. You should follow the same rules for bracketing long portions of text that apply to single brackets under Section 208(b).

(d) Reinstatement of existing law by amendment. If a bill or ordinance repeals existing law which you intend to reinstate by amendment, repeat the existing law text and double underline it: [existing law] existing law.

(e) Repetition of existing law that was not repeated in a bill or ordinance as introduced. You may wish to repeat existing law that was not repeated in a bill or ordinance for purposes of providing a broader context or amending Code sections not covered by the bill or ordinance. You can do so by using normal lower case typeface: unchanged existing law.

Sec. 2. Applicability. The explanation code contained in these amendments to the Manual must be used for all bills and ordinances introduced after the passage of this resolution. It may be used for bills and ordinances introduced before its passage but reported from committee or significantly amended after the passage of this resolution.

This is a correct copy of council action.

Kathleen A. Freedman, Secretary
County Council

Resolution No.: 10-1182
Introduced: October 16, 1984
Adopted: February 26, 1985

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Scull

Subject: Montgomery County Plain Language Drafting Manual

Background

In an effort to promote the use of plain language in County government documents, the Council concludes that:

1. A Plain Language Drafting Manual should be adopted to help employees and officials draft bills, ordinances, regulations, resolutions, and forms that laypersons can understand;

2. A drafting manual will encourage a uniform style for format, grammar, and punctuation used in County documents;

3. A drafting manual will also assure consistent drafting style during the Council's code revision process; and

4. Adoption of a drafting manual was contemplated in recent amendments to the County Administrative Procedures Act requiring County government agencies to rewrite County regulations in plain language.

The County Council for Montgomery County, Maryland, approves the following resolution:

Sec. 1. Adoption of Manual.

The Council adopts the Montgomery County Plain Language Drafting Manual dated February 22, 1985, which is attached to this resolution, as the standard for drafting County bills, ordinances, resolutions, regulations, and forms.

Sec. 2. Legal Effect.

(a) Failure to follow manual guidelines does not legally invalidate a document, but it is grounds for the Council not to consider a document.

(b) A document is not ready for introduction or consideration unless it conforms to the format requirements of parts II through V, and substantially complies with the drafting guidelines of parts VI through IX.

Sec. 3. Repeal of Council rule on form of bill.

Section 12 of Appendix C of the Montgomery County Code 1972, as amended, which pertains to the form of a bill, is repealed in its entirety. See part II of the manual for the format of bills.

Sec. 4. Repeal of Council rule on form of resolution.

Section 13 of Appendix C of the Montgomery County Code 1972, as amended, which pertains to the form of a resolution, is repealed in its entirety. See part III of the manual for the format of resolutions.

Sec. 5. Amendment of Council rule on requests for legislation and introduction of bills or resolutions.

(a) Repeal of rule subsections related to legislative request reports. Subsections (a), (b), (c) and (d) of Council rule section 11 are repealed.

(b) Relettering of remaining subsections of Council rule section 11. Subsections (e), (f), (g), (h), and (i) of Council rule section 11 are respectively relettered (a), (b), (c), (d), and (e).

Sec. 6. Adding examples and sample documents.

The Office of Legislative Counsel may add or improve examples or sample documents within the manual.

This is a correct copy of Council action.

Kathleen A. Freedman, Acting Secretary
County Council

270:65

Start of attachment to
Resolution No. 10-1182

MONTGOMERY COUNTY PLAIN LANGUAGE DRAFTING MANUAL

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Montgomery County Council

2/26/85

MONTGOMERY COUNTY PLAIN LANGUAGE DRAFTING MANUAL

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PART I

LEGAL EFFECT

This manual is adopted by resolution of the Montgomery County Council. Its primary purpose is to provide guidance for preparation of County government documents that come before the public. Failure to follow manual guidelines does not legally invalidate a document, but violation is grounds for the Council not to consider a document.

The manual applies to all drafters of bills, ordinances, resolutions, regulations, and forms. Regardless of its source, a document is not ready for introduction or consideration unless it conforms to the format requirements of parts II through V, and substantially complies with the drafting guidelines of parts VI through IX.

PART II

BILL AND ORDINANCE FORMAT

Sec. 201. Introductory bill format.

(a) Parts and order. The introductory parts of a bill and their order are:

(1) heading;
(2) title;
(3) explanation; and
(4) action clause.

(b) Heading. The drafter must provide a short title under "Concerning:" and the draft number and date. The Council staff provides sequential bill numbers and remaining dates at the appropriate time. Bill numbers are sequential after the previous bill, followed by a hyphen and the year of introduction (for example, 1-84, 2-84, etc.).

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Required Format

Bill No.: _____
Concerning: (short title) _____
_____
Draft No. & Date: _____
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. ____, Laws of Mont. Co., FY ___

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember (member's last name) or "County Council"

AN ACT or AN EMERGENCY ACT (title) . . .

\- - - - - - -

(c) Heading for executive branch bills. The heading for a bill requested by the executive branch or a board or commission is the same as in (b) except for sponsorship which is:

By: The Council President at the Request of (name)

(d) Sponsors and cosponsors. You may list more than one sponsor after "By:" and one or more cosponsors following a sponsor after "Cosponsor(s):".

(e) Title. The title has two parts. The first is a "purpose paragraph" which begins with the caption "AN ACT . . .". It is a concise statement of all purposes of the act. The second is a "function chart", which cites the Code chapter and specific section that each section of the bill affects. The chart also states whether the bill section repeals, amends, or adds new material to the Code.

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Example of Required Format

AN ACT: (1) to require owners of bullfrogs to vaccinate, license, and tattoo them;
(2) to provide penalties; and
(3) to generally amend the provisions regarding bullfrogs.

By repealing
No sections repealed

By amending
Chapter 5, Animal Control
Section 5-1 and 5-31 of the Montgomery County Code

By adding to
Chapter 5, Animal Control
Section 5-79 through 5-82 of the Montgomery County Code

\- - - - - - -

(f) Explanation. The explanation states the rules for showing changes in existing law or a bill.

- - - - - - -

Required Format

EXPLANATION:
- Boldface indicates matter that is a heading or a defined term.
- Underlining indicates matter added to existing law.
- [[Double brackets]] indicate matter repealed from existing law.
- CAPITALS indicate matter quoted from existing law which is added to the bill by amendment.
- UNDERLINED CAPITALS indicate matter added to existing law by amendment to the bill.
- ~~Strikes~~ indicate matter deleted from the bill by amendment.
- * * * indicates existing law unaffected by the bill.

- - - - - - -

(g) Action clause. The action clause signals the beginning of the legally effective text. It follows the explanation and immediately precedes the text of a bill.

The County Council for Montgomery County, Maryland, approves the following act:

Sec. 202. Introductory ordinance format.

(a) Purpose, parts, and order. An ordinance is an exercise of County legislative authority under state law that does not require the signature of the County executive. Currently, ordinances are used primarily for zoning text amendments and to regulate historic preservation and subdivision of land. The introductory parts of an ordinance to amend the zoning text and their order are:

(1) Heading;
(2) Title;
(3) Explanation; and
(4) Action clause.

(b) Heading. The drafter must provide a short title under "Concerning:". The Council staff adds sequential ordinance or zoning text amendment numbers, and dates at the appropriate time.

(c) Title. As with a bill, the title has a purpose paragraph and a function chart. To the extent possible, follow the title format required for bills.

(d) Explanation. The explanation for an ordinance follows the explanation format for a bill.

(e) Action clause. The action clause signals the beginning of legally effective text. It follows the explanation and immediately precedes the text of an ordinance. The action clause illustrated in the required format below is for a zoning text amendment.

\- - - - - - -

Required Format

Identifying No.:_____
Concerning: (short title)_____
_____
Draft No. & Date:_____
Introduced:_____
Adopted:_____
Effective:_____
Sunset:_____

Ordinance No.:_____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY, MARYLAND

By: Councilmember (member's last name) or "District Council"

AN AMENDMENT (title) . . .

OPINION (if any)

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

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Sec. 203. Line numbers and spacing.

Number the printed lines of text in the left margin of each page. Begin numbering after the enacting clause with the first line of text, and begin line numbering with the number "1" for each successive page. Double space the line numbers and the corresponding lines of text.

Sec. 204. Page length.

Use 8 1/2 x 11 inch size paper. This size has 66 lines. Use a maximum of 54 lines for text, which leaves 6 spaces each for top and bottom margins. Since text is double-spaced, 54 available lines yields a maximum of 27 typewritten lines.

Sec. 205. Page Numbers.

Number each page within the bottom margin at the center of the page. Place the bill or zoning text amendment number within the top margin at the right margin of the page.

Sec. 206. Organization of sections and subdivisions.

(a) Length. Limit sections to a single subject or idea. Even though a section is limited to a single idea, it may still be too long or complex. If this happens, consider breaking it up into more than one section. Do not subdivide a section into more than 5 levels, that is, beyond the "item" level as stated below. Never use less than 2 subdivisions for a given level. A section with only one subdivision, "(a)", should be reorganized as a simple section without the subdivision.

(b) Numbering.

(1) Use the existing system. If you are amending a section of existing law, use the existing system of numbers and letters for that chapter. Otherwise, use the system of numbers and letters under this subsection as follows.

(2) Section numbers. A section of the Code is added, amended, or repealed within a section of a bill or ordinance. In order that your reader can readily distinguish between bill or ordinance section numbers and Code section numbers, follow these rules:

(A) Write bill or ordinance section numbers as "Sec. 1.". Write Code section numbers as "1-1."; there is no section abbreviation before a Code section number. The number

before the hyphen in a Code section number refers to the chapter of the Code. The number after the hyphen refers to the section number within the Code chapter. A Code section number appears at the left margin of the page; a bill or ordinance section number is indented 5 spaces. All section numbers are followed by a period.

(B) Subdivision letters and numbers. Within a section, the subdivision letter and number system is the same for both Code and bill sections:

```
     Sec. 1.  Sec. of the bill or ordinance
1-1.  section of the Code
     (a)  subsection
          (1)  paragraph
               (A)  subparagraph
                    (i)  item
```

(c) Heading. Headings have no legal significance. They neither add to nor subtract from the text. However, the text is easier to read if it has headings for sections and subsections. A heading follows the section number or subsection letter and is followed by a period. Capitalize only the first letter of the first word in a heading. Section headings appear on a line by themselves. Subsection headings appear on the first line of text; they are immediately followed by a sentence without beginning a new line. When possible, use boldface type to highlight a heading.

(d) Indentation.

(1) Section headings. As noted in subsection (b) above, indent bill or ordinance section numbers and headings 5 spaces from the left margin of the page. Do not indent Code section numbers and headings at all.

(2) Sections without subdivisions. In a section without subdivisions, indent only the first line of text 5 spaces. Write the remaining text flush with the left margin.

(3) Subdivisions of sections. Indent all of the text of a section subdivision 5 spaces to the right of the subdivision number or letter as follows.

- - - - - - -

Required Format

subdivision	spaces from left margin number	text
Section text: XXXX

(B) Make the introduction a complete sentence which is followed by a colon. Write the introductory sentence so that it makes clear whether the following items in the list apply jointly or individually. Number or letter each item in the list, begin it with a capital letter, and end it with a period. No "and" or "or" follows the next to last item. This paragraph 5 is an example of this form.

Sec. 207. Effective date.

(a) Routine effective date. Section 112 of the Charter provides that "all legislation, except for emergency legislation, shall take effect 91 days following the date on which it shall become law unless a later effective date is prescribed in the legislation."

(b) Longer waiting period. You may state a longer waiting period than that required by the Charter simply by stating the length of the period.

- - - - - - -

Example

Sec. ___. Effective date.

This act takes effect ___ days after it becomes law.

- - - - - - -

(c) Effective date certain. Likewise, you can provide for a date certain. However, you must also include the Charter waiting period as a minimum.

- - - - - - -

Example

Sec. ___. Effective date.

This act takes effect on July 1, 1984, or on the 91st day after it becomes law, whichever occurs later.

- - - - - - -

(d) Emergency legislation. Section 112 of the Charter provides that "Emergency legislation shall take effect on the date on which it shall become law."

(e) Limited duration or "sunset".

(1) Unless provided otherwise, a statute continues in effect indefinitely until repealed by legislative act or held invalid by a court. You can provide for a "sunset" of the statute by stating a certain date for it to expire, or by stating a period of effectiveness, beginning on the effective date. A certain expiration date is easier to understand.

(2) In order to make sure that a sunset date is published as part of the Code along with the rest of the text, write it as a section of the Code, not merely as a section of the bill or ordinance without a Code section number.

(3) In order to make a sunset date easy to find, use the term "sunset date" in the Code section heading.

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Example

Sec. ___. Sunset date.

Sections 80-6 through 80-10 are no longer effective after December 31, 1990.

\- - - - - - -

Sec. 208. Amendment or repeal of existing law.

(a) Reference amended sections. For each section with amended language, state that "section ___-___ is amended to read as follows:".

(b) Repeal of existing law. Except for repeal of long consecutive portions of text, do not repeal a section by simply stating that section "X" is repealed. Delete material from existing law by enclosing it in double brackets: [[repealed text]]. Double underlining under the brackets makes them more visible. If you cannot make this symbol, the double brackets will suffice. In order to avoid confusion on long portions which are deleted, start each single paragraph or section being deleted in brackets. If a following paragraph or section is also deleted, do not yet close the brackets. Simply start the following paragraph or section with brackets, just as though you were using quotation marks.

(c) Addition to existing law. Add material to existing law by underlining it: added text.

(d) Additions follow deletions. If text is deleted and added in the same section, the added text immediately follows the deleted text: "Officer [[includes]] means . . ."

(e) Repetition of existing law without change. If existing law is merely repeated in a bill or ordinance in order to provide the context for the language that is being changed, it is shown in normal lower case typeface: unchanged existing law. If a portion of existing law is skipped because it is neither changed nor needed to provide the context, it is shown by a separate line of asterisks: * * *.

(f) State amended or repealed sections at length. If a portion of a section is repealed or amended, state the text of that section in its entirety using the markings noted above.

(g) Changing portions of words. If you are changing a portion of a word, repeal the entire word and replace it: "[[Disposing]] Disposal of pesticides".

(h) Complete replacement of sections. If changes in a section are so numerous as to cause confusion, repeal the entire section and replace it.

Sec. 209. Amendment of a bill or ordinance.

(a) Identification features. Amendments prepared by a Council committee are usually made in the text of the complete bill or ordinance as reported by the committee. Committee amendments are identified by a covering memorandum. If you are preparing amendments for a councilmember to introduce during a legislative session, you should identify the amendments at the top of the first page. State the number of the bill or ordinance being amended, its short title, and the name of the councilmember offering the amendment.

- - - - - - -

Example

Amendment to Bill No. 34-88
Secession from the State of Maryland
Amendment by: Councilmember Jackson

- - - - - - -

(b) Addition to existing law by amendment. Add material to existing law by amendment to a bill or ordinance by capitalizing and underlining it: MATERIAL ADDED TO EXISTING LAW BY AMENDMENT.

(c) Deletion from a bill or ordinance. Delete material from a bill or ordinance by striking through it: ~~deleted~~.

(d) Reinstatement of existing law by amendment. If a bill or ordinance repeals existing law which you intend to reinstate by amendment, strike through the double brackets: ~~[[~~repealed by a bill or ordinance, reinstated by amendment~~]]~~.

(e) Repetition of existing law that was not repeated in a bill or ordinance as introduced. You may wish to repeat existing law that was not repeated in a bill or ordinance for purposes of providing a broader context or amending Code sections not covered by the bill or ordinance. You can do so by using capitalized typeface: EXISTING LAW ADDED TO A BILL OR ORDINANCE BY AMENDMENT TO THE BILL OR ORDINANCE.

Sec. 210. Conclusion format - bills.

Following the complete text of a bill, the conclusion format is:

- - - - - - -

Required Format

Approved:

_____ _____

(name) , President date
County Council

Approved:

_____ _____

(name) , County Executive date

This is a correct copy of Council action.

_____ _____

(name) , Secretary date
County Council

- - - - - - -

Sec. 211. Conclusion format - ordinances.

Following the complete text of an ordinance, the conclusion format is:

- - - - - - -

Required Format

This is a correct copy of Council action.

_____
(name) , Secretary
County Council

- - - - - - -

Sec. 212. Legislative request report.

(a) Requirement that report accompany a legislative request. A sponsor or government entity requesting introduction of a bill or ordinance must submit a legislative request report in addition to the draft bill or ordinance as part of a the request. If it is not feasible to submit part of a report, the drafter instead state why it is not feasible to submit that part.

(b) Contents of report. A legislative request report includes all of the following information:

(1) Description. A short, narrative description of the legislation.

(2) Problem. A short statement of the problem or need to be met.

(3) Goals and objectives. A statement of the general goals and specific objectives.

(4) Coordination. A statement of how the legislation would be coordinated with related laws and government programs.

(5) Fiscal impact. A detailed estimate of fiscal impact on capital the program and operating budget in the first and succeeding years.

(6) Economic impact. An estimate of costs and benefits to private organizations and individuals and other economic consequences.

(7) Evaluation. A statement outlining how the legislation will be evaluated, including:

(A) evaluation criteria;

(B) the government agency responsible for the evaluation; and

(C) when the evaluation will take place.

(8) Experience elsewhere. A statement indicating whether similar legislation or programs exist in other jurisdictions, and if so, how it is working.

(9) Sources of information. A list of people or other sources of information about the legislation or its subject matter.

(10) Application within municipalities. A list of municipalities within which the legislation would be effective.

(11) Penalties. A statement of penalties for violation of the legislation.

(c) Executive branch assistance. A sponsor may ask for staff assistance from the County Executive in preparing the report on fiscal impact, economic impact, and application within municipalities.

Sec. 213. Supplemental formats for complex documents.

You may supplement the format guidelines of this part of the manual in order to make complex legislation easier to understand. However, if you use additional markings, you should define these in the "Explanation" portion of the introduction format. See manual section 201 (f). Do not make non-statutory material like a table of contents, a cross-reference chart, or other documentation part of the legislation following the action clause.

PART III

RESOLUTION FORMAT

Sec. 301. Introduction format.

(a) Parts and Order. The introductory parts of a resolution and their order are:

(A) Heading;
(B) Subject;
(C) Background (optional); and
(D) Action clause.

(b) Heading. The Council staff provides sequential resolution numbers and dates at the appropriate time. Resolution numbers indicate the session of County Council followed by a hyphen and the sequential number (for example, 10-1, 10-2, 10-3, etc.). The heading follows the form of the required format below unless, however, the Council is adopting a resolution as a district council or board of health under state law. In that case, "COUNTY COUNCIL" should be changed to the appropriate title.

(c) Subject. State the subject of the resolution in concise and plain language.

(d) Background: Resolutions often give introductory statements of fact, purpose, or legislative history. You should label these as "Background" and number them sequentially.

(e) Action clause. The action clause signals the beginning of legally effective text. It is stated in the required format below.

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Required Format

Resolution No.:_____
Introduced:_____
Adopted:_____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember (member's last name) or "County Council"

Subject: (underlined - can be centered on the page)

Background (optional - heading is centered)

The County Council for Montgomery County, Maryland, approves the following resolution:

- - - - - - -

Sec. 302. Conclusion Format.

Following the complete text of a resolution, the format is:

- - - - - - -

Required Format

This is a correct copy of Council action.

_____
(name) , Secretary
County Council

- - - - - - -

Sec. 303. Ceremonial resolutions.

Except for the format requirements of this section, you need not follow the requirements of this manual in drafting ceremonial resolutions. By design, their purpose is often to invoke traditional language and formats which otherwise would not conform to current usage.

PART IV

REGULATION FORMAT

Sec. 401. Required Information.

The issuer of a County regulation must provide a heading and a preamble at the beginning of each regulation.

Sec. 402. Heading.

The parts of the heading for a regulation and their order are:

(1) subject;
(2) enforcement agency;
(3) issuer of the regulation;
(4) serial regulation number;
(5) Code of Montgomery County Regulations (COMCOR) citation;
(6) County Code authority;
(7) prior regulation that the present regulation supercedes;
(8) method of Council review and Code section that requires review;
(9) Montgomery County Register publication number;
(10) effective date; and
(11) sunset date.

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Example

Montgomery County Regulation on:

NOISE CONTROL
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issued by: County executive
Regulation no. 16-85
COMCOR, title 20, chapter 11
Authority: Code section 4-12
Supercedes: no prior regulation
Council review: method (2) under Code section 2A-15
Register Vol. 3, No. 12

Effective date: February 29, 1988
Sunset date: February 29, 1992

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Sec. 403. Preamble.

(a) Purpose, Parts and Order. The preamble explains the purpose of the regulation and gives information to help the reader find additional information. Its parts and order are:

(1) Summary;
(2) Dates;
(3) Addresses;
(4) Staff Contact; and
(5) Background Information (optional).

(b) Summary. This part states the purpose and effect of the text in language a layperson can understand. Avoid details, arguments about need, and precise legal citations. A summary is very short.

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Example

SUMMARY: The proposed regulation sets decibel level standards for enforcement of the County's noise abatement law. The County law requires that this regulation follow standards set by the federal Occupational Safety and Health Administration. Violation of these standards can result in issuance of a citation and civil or criminal penalty.

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(c) Dates. This part provides dates or time periods in the issuing process including the following, if relevant:

(1) Comment deadline;
(2) Public hearing date; and
(3) County Council review period.

(d) Addresses. This part provides addresses for sending comments or requesting information.

(e) Staff. This part provides the name and phone number of a government employee to call for further information.

(f) Background information (optional). This part is the appropriate place for background information, arguments about the issues involved, response to public comments, summary of differences between a proposed and final regulation, or other relevant information.

Sec. 404. Format for text.

If you are drafting regulations, follow the format guidelines for bills to the maximum extent feasible.

PART V

COMMON SECTIONS

Sec. 501. Order for types of sections.

Organize these types of sections in the following order:

(1) Findings, purpose, or policy.

(2) Rules of construction.

(3) Definitions.

(4) Major substantive provisions: scope, exceptions, creation of agency, administration, creation of rights and duties, prohibitions, etc.

(5) Enforcement provisions, sanctions.

(6) Sunset provisions.

(7) Severability.

(8) Effective date.

Sec. 502. Statement of findings, purpose or policy.

(a) Purposes.

(1) General explanation. If a document is complex or its purpose is not otherwise clear, this section can explain the purpose and how the document achieves that purpose. This statement of purpose serves as a guideline for judicial and agency interpretation of ambiguity. It also reduces the risk of administrative error or avoidance of the legislative purpose.

(2) Constitutionality. If a law or regulation limits private property rights, a reviewing court will look for a legitimate public purpose behind the statute, and a reasonable relationship between that purpose and the means chosen to accomplish it. A statement of findings can explain to a court the conditions that prompted the legislation or regulation. A statement of purpose or policy can explain the means chosen to protect the public interest.

(b) Location. Do not draft a statement of findings, purpose, or policy as a section of a bill, ordinance, resolution, or regulation. Place the statement before the enacting, resolving, or issuing clause.

(c) Conservative use. Use statements of findings, purpose, or policy conservatively. The general purpose and approach should be clear from your organization and drafting. Ambiguity should be resolved within the text itself. In addition, reviewing courts usually show some deference to legislative judgment. If a statement of findings, purpose or policy is not carefully drafted, it may undercut this deference and actually impair the constitutionality of a statute.

Sec. 503. Definitions.

(a) Use.

(1) General. Use a definition to avoid repetition of a word or phrase or to specify the meaning of a word that has more than one possible meaning. Avoid defining a word in a way that conflicts with its common or dictionary meaning. Do not define the obvious, and define only words that are used. Do not use a word as part of its own definition.

(2) Substantive content. Do not place substantive content in a definition. For example, avoid including a duty or prohibition within a definition.

(3) Consistency. Once a word is defined, use only that word for that meaning.

(b) Placement.

(1) Generally. Place definitions within a single section at the beginning of the bill.

(2) Alphabetical listing. Arrange definitions in alphabetical order.

(3) Definitions used only once. If a definition is used only once, or if it applies to only one section, do not place it in the definitions section. Instead, place it within the section in which it is used. Begin the definition with "In this section, _____ means".

(c) Words defined previously by law. A number of words are defined by the County Code. Those definitions are contained in the appendix to this manual.

(d) Incorporation by reference. Unless you intend for an incorporated definition to apply even if it is amended in the future, repeat the definition rather than incorporate it by reference.

(e) Definition style.

(1) "Means". Use "means" if the definition is exhaustive.

(2) "Includes". Use "includes" if the definition is illustrative.

(3) "Means" and "includes". Do not combine these terms in the same definition.

(4) Conjunctions. Generally, use "or" to connect terms listed after "means" and "and" to connect terms listed after "includes."

(5) Terms with multiple words. Limit defined terms with multiple words to those that are not likely to be separated in the text of the statute.

(f) Boldface type. Print defined terms in new Code chapters, resolutions, or regulations in boldface type. If you are amending an existing document, follow the style of that document.

Sec. 504. Severability.

If a court holds that part of a law or regulation is unconstitutional, a severability clause assures that the remainder of the document remains in effect in most cases. When drafting a severability clause, be sure that you do intend for the rest of the statute to remain in effect should a court declare an important section unconstitutional. You can exclude certain sections from a severability clause. You can also write an "inseverability" clause to assure that if a section is declared unconstitutional, the whole act falls with it. The following example is a "blanket" severability clause.

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Example

Sec.___. Severability.

If a court holds that part of this act (ordinance) (resolution) (regulation) is invalid, the invalidity does not affect other parts.

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Sec. 505. Tables and charts.

(a) Use. The advantage of a table or chart is that it enables your reader to more easily locate a single item in a large body of information and make comparisons or cross-references. Therefore, use a table or chart if:

(1) several sections or subdivisions deal with the same subject and have parallel content; or

(2) the purpose of the material is to show the relationship among entries that you can state as single words, short phrases, or numbers; examples include a table of contents, a tax table, or a fee schedule.

(b) Guidelines for design.

(1) General. General guidelines for graphic design are stated in part IX, Plain Graphics and Forms.

(2) Headings. Separate headings from the body of a table or chart or from other headings with ample white space. Make headings self-explanatory to your readers.

(3) One page tables. Avoid splitting a table onto 2 or more pages. It is better to leave the remainder of a preceding page blank than to split up a table. If the material will not fit on a page, consider:

(A) making more than one chart;

(B) vertical rather than horizontal alignment on the page; or

(C) photographic reduction of the table or chart.

(c) Rows and columns.

(A) Separate rows and columns in the body of a table or chart with adequate white space. Do not use boxes or lines as a substitute for adequate white space.

(B) Use columns for the most important comparisons. Columns are easier to compare than rows.

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Example

5-950. Mammal hunting license requirements.

a. If your license is for:	b. Your license fee is:	c. Your season limit is:
1. Mad dogs.	1. $10.	1. No limit.
2. Mongoose.	2. $50.	2. One.
3. Moose.	3. $200.	3. Six.

* * * * *

Example

1-950. Penalties for violation of County law.

If a County law, ordinance, or regulation states that violation of its terms is a class A, B, or C civil or criminal misdemeanor violation, the court or agency with jurisdiction may impose a penalty under the following chart. A court may impose either a fine, a jail term, or both. An agency must impose a fine under the chart unless an executive regulation states a lower fine for the specific violation.

	(a) Criminal misdemeanor violation		(b) Civil violation maximum fine	
Class	(1) Maximum fine	(2) Maximum jail term	(1) Initial offenses	(2) Repeat offenses
A	$1,000	6 months	$250	$500
B	$200	30 days	$50	$100
C	$50	none if fine is paid; 10 days otherwise	$25	$50

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PART VI

GRAMMAR

Sec. 601. Tense.

Use the present tense. The operation of law is continuous and, therefore, constantly governs the present. Use the past tense to state a condition precedent to the operation of the law and present tense for a result concurrent with the operation of the law.

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Example - Condition Precedent/Condition Concurrent

If a person has qualified for program benefits, that person is entitled . . .

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Sec. 602. Mood.

(a) Use the indicative or imperative moods. A "mood" is the form of a verb that expresses whether the action it denotes is: (1) an accomplished fact, (2) a command, or (3) a wish or a hypothetical or future event. The indicative mood expresses a "legal" fact; use it for definitions. Example: "'Cooperative' means...". Use the imperative mood to express a command. Example: "An applicant must ...".

(b) Avoid the subjunctive mood. The subjunctive mood expresses a wish, or a hypothetical or future event. It usually uses a form of the verb "to be". Example: "A violation must be investigated ..." The subjunctive is generally not appropriate because the function of most legal drafting is to define or command, not to express a wish or a hypothetical or future event. Another problem with the subjunctive mood is that it has fallen out of common use. It is no longer plain language. The example above should be restated in the imperative mood: "The office must investigate..."

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Example

do not use	use
"Vehicle" shall include ...	"Vehicle" includes ...
There shall be an educational program on animal affairs.	The County executive must create an educational program on animal affairs.
The principal departments of County government shall be ...	The principal departments of County government are ...

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Sec. 603. Singular and Plural.

Use the singular; it includes the plural.

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Example

do not use	use
a person or persons who . . .	a person who . . .

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Sec. 604. Relative pronouns.

(a) "That" and "which". Use "that" to introduce a modifier that you need to define or to limit the term modified. A "that" clause is a restrictive clause and is not set off by commas. Use "which" to introduce a modifier that could be deleted without changing the meaning of the sentence. A "which" clause is usually a nonrestrictive clause, and in that case, is set off by commas.

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Examples

do not use	use
"Association" includes organizations which are not incorporated.	"Association" includes organizations that are not incorporated.
An association that is defined in section 101 is not liable.	An association, which is defined in section 101, is not liable.

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(b) "Who" and "that". Do not use "who" to refer to inanimate objects or "that" to refer to a person.

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Examples

do not use	use
The department who enforces ...	The department that enforces ...
A person that violates . . .	A person who violates . . .

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Sec. 605. Gender-based pronouns.

Avoid using gender-based pronouns. Instead, use "the" or "a", repeat the antecedent, omit the pronoun altogether, or restructure the phrase. Obviously, gender-based pronouns are appropriate if the subject relates to only one sex, such as maternity benefits. Although it is awkward, you may use "he or she" if no alternative is available.

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Examples

do not use	use
his name	the name of the applicant
his refusal to comply	refusal to comply
The secretary must file her report.	The secretary must file the report.
If he or she is . . .	If the taxpayer is . . .

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PART VII

PUNCTUATION

Sec. 701. Capitalization.

Use capitals sparingly. The principal rule is to capitalize only proper nouns. This rule capitalizes the names of acts, names of government agencies, and official titles, but only when the title precedes an office holder's name. Regardless of where they appear, do not capitalize articles, conjunctions containing less than five letters or prepositions containing less than five letters. The rule is flexible when you use nouns like "Code", "Council", or "County", as short forms of proper nouns like "Montgomery County Code", "Montgomery County Council", or "Montgomery County", because the short form refers only to the proper noun within the County Code. Other than these short forms, however, follow the Webster's Abridged Dictionary definition of proper noun and do not capitalize a short form noun if it is preceded by an article like "the" or "a".

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Examples

do not use	use
alternative dispute act	Alternative Dispute Act
the Office	the office
office of consumer affairs	Office of Consumer Affairs
a Councilmember	a councilmember
councilmember Jackson	Councilmember Jackson
the council	the Council
the county executive	the County Executive
the Director	the director

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Sec. 702. Commas.

(a) Commas in a series. In a series of 3 or more words, phrases, letters, or numbers that are connected with an "and", "or", or "nor", insert a comma after each item in the series.

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Example

do not use	use
make, sell or dispose	make, sell, or dispose

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(b) Paired commas for nonrestrictive clauses. A nonrestrictive clause is one that could be deleted without changing the meaning of the sentence. While it adds information, it is not essential to define the term that it modifies. Parenthetical expressions are usually nonrestrictive clauses. Set off a nonrestrictive clause or a parenthetical expression with paired commas.

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Example

do not use	use
The director (under the limitations of section 4) may grant a permit.	Under the limitations of section 4, the director may grant a permit.
The license which is effective for one year is not renewable.	The license, which is effective for one year, is not renewable.

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(c) No commas with restrictive clauses. A restrictive clause is one that that is essential to define the term that it modifies. Do not set off a restrictive clause with commas or other punctuation.

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Example

do not use	use
The person, who files the application, must sign the application.	The person who files the application must sign the application.

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(d) Commas in sentences with 2 independent clauses. If a sentence consists of 2 independent clauses, you should usually insert a comma before the conjunction that joins them.

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Example

do not use	use
The Commission must report to the Council but its members need not testify.	The Commission must report to the Council, but its members need not testify.

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(e) Commas in sentences with 2 predicates. Do not separate 2 objects by inserting a comma after the first predicate.

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Example

do not use	use
Members must submit a mileage log, and parking receipts.	Members must submit a mileage log and parking receipts.

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Sec. 703. Quotation Marks.

Unless the punctuation is part of the quoted material, place all punctuation after the ending quotation mark.

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Example

do not use	use
"Nuisance" includes . . . a "cat house."	"Nuisance" includes . . . a "cat house".

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Sec. 704. Parentheses.

Avoid using parentheses. Use commas instead.

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Example

do not use	use
The director (subject to the limitations of section 4) may grant a permit.	The director, subject to the limitations of section 4, may grant a permit.

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Sec. 705. Apostrophe.

Do not use contractions. Do not use an apostrophe to indicate ownership unless the "owner" is an entity capable of ownership.

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Examples

do not use	use
isn't	is not
the application's	of the application

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Sec. 706. Numbers.

Except for the number "one" and the first word or phrase of a complete sentence, express numbers in Arabic numerals. Express ordinals as figures from 1st on up. Express a percentage as "10 percent" rather than "10%" or "10/100ths".

Sec. 707. Hyphens.

Hyphenate adjectives composed of 2 or more words if they precede a noun as in "moderate-income person". Do not hyphenate two-word adverbs in which the first word ends in "ly" as in "publicly owned". Do not hyphenate the last word on a page or the last word at the bottom of a column.

PART VIII

PLAIN LANGUAGE

Sec. 801. Simplify sentences.

(a) Write short sentences. The drafter of a long sentence has tied several ideas together. The reader of a long sentence has to untie them. The purpose of this rule is to save the reader the mental step of untying the ideas. The result of untying long sentences is often a longer paragraph, but one the reader can read faster.

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Example

one long sentence	two shorter sentences
The Council staff director must notify members of the Council, and make available to the general public through the news media, and furnish upon request of members of the public, information on the time and purpose of all regular schedules and special meetings and sessions, as well as known items of agenda and matters pending before the Council.	The Council staff director must notify councilmembers, and upon request, the news media and members of the public, of all Council meetings and sessions. Notice includes time, agenda items, and matters pending before the Council.

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(b) Avoid intrusive phrases and clauses. When a phrase or clause is inserted into the middle of a sentence, it interrupts the logical flow of subject-verb-predicate. It also makes the sentence longer. The result is slower reading time and reduced recall. Remove intrusive material and place it in a new sentence, or at the beginning or end of the same sentence.

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Examples

intrusive phrase	relocated
Interested attorneys may, on or before (date), address to the Clerk, (address), written comments regarding the proposed change in court procedures.	If you want to comment on the proposed change in procedures, send your comments in writing to the Clerk (address), by (date).
The State Highway Administration, after approval of the governing body of the county affected, may designate . . .	After approval of the governing body of the county affected, the State Highway Administration may designate . . .

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(c) Untangle complex "if - then" or conditional statements. Complex "if - then" statements create a conditional relationship that is often difficult to understand. A conditional relationship can also exist without the words "if - then", which can make the statement even harder to understand. There are several ways to simplify complex conditionals without losing the conditional relationships:

(1) Begin with the simple part of the conditional, the single condition or the single result, if there is one.

(2) Physically separate the conditions. Use numbers or letters as organizational aids.

(3) Place exceptions in separate sentences.

(4) Use indentation to align the conditions or results. Prominently display the "and" or "or" to clarify joint or separate conditions.

(5) Do not use "provided that" to introduce conditions or exceptions.

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Example

Tangled Complex Conditional

Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

Untangled Complex Conditional

Extending a time period.

(a) When rule applies. This rule applies to acts that may or must be done within a certain time when that time is specified by:
  (1) the Federal Rules;
  (2) a notice issued under the Federal Rules; or
  (3) a court order.

(b) Reason for request. If you wish to extend the time period, you must give the court a good reason for doing so.

(c) Court authority to extend time. If the court finds that a good reason exists for extending the time, then it may extend the time under conditions that depend on when you make the request.
  (1) If you make the request before the time period expires, the court may extend the original time period, or a previously extended time period, with or without a motion or notice to another party.
  (2) If you make the request after the time period expires, the court may extend the original time period, but only if:
    (A) your failure to act was the result of excusable neglect; and
    (B) you make your request by motion to the court with notice to another party.

Sec. 802. Use the positive.

Use the positive unless you want to emphasize the negative. Do not use multiple negatives. A negative statement is less direct than the corresponding positive statement. Negative statements are also more difficult to read quickly and understand. Double negatives are even more difficult to understand.

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Examples

double negative	positive
No motion for reconsideration is in order unless made on the same day...	A motion for reconsideration is in order only on the same day...
...but in no case after the advertisement.	...but only before the advertisement.
When a question is under dabate, no motion shall be received but a motion (1)... (2)...	When a question is under debate, a member may only move: (1)... (2)...
Nothing herein, however, shall prevent any member from introducing a new bill... at a future date.	However, a member may still introduce a new bill... at a future date.
No action of the Council otherwise validly adopted is invalid for failure to comply with Robert's Rules. (triple negative.)	The Council need not comply with Robert's Rules in order for an action to be valid.

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Sec. 803. Use logical order.

(a) Within a sentence use logical order such as time sequence, cause and effect, or order of priority.

(b) Use proper transition words. Transition words include "and", "but", "however", "nonetheless", "therefore", etc. They can be helpful in showing the logical relationship between sentences.

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Example

without transition word	with transition word
Robert's Rules of Order govern the Council in all matters not provided for in these rules. The Council need not comply with Robert's Rules in order for an action to be valid.	Robert's Rules of Order govern the Council in all matters not provided for in these rules. However, the Council need not comply with Robert's Rules in order for an action to be valid.

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(c) Use parallel structure. Parallel structure is important because it shows that sentences or clauses bear the same logical relationship to a particular idea. Sentences with parallel structure are thus easier to read and remember.

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Examples

not parallel	parallel
The secretary must make copies available to the press, each member should receive a copy, and copies are retained on file.	The secretary must: (1) make copies available to the press; (2) deliver a copy to each member; and (3) retain copies for the file.
The order of business for a legislative session is: (1) Correct the journal (2) Introduction of bill (3) Presenting memorials. (4) Call of bills for final reading.	The order of business for a legislative session is: (1) Correct the journal. (2) Introduce bills. (3) Present memorials. (4) Call bills for final reading.

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Sec. 804. Use the active voice rather than the passive.

An active sentence like "The secretary shall write a motion," reads as follows when stated in the passive voice: "A motion shall be written by the secretary." There are three problems with passive statements.

First, the passive voice focuses attention on the person or thing being acted upon rather than on the "actor." This is a problem because the goal of most legislation is to focus attention on the "actor" and the logic of subject-verb-object. The passive sentence is less "vigorous" than the active sentence.

Second, the "actor" is often dropped from the sentence altogether, as in: "The motion shall be reduced to writing." The reader loses the information about who does what. At the very least, this makes the statement harder and slower to read because the reader must go through an additonal mental step. However, the reader may not always be able to correctly identify a missing actor.

Third, passive statements simply require more words. The active sentence above is 6 words, the passive sentence 8, an increase of 33 percent.

Therefore, use the passive voice only when you intentionally want to stress the person or thing acted upon rather than the actor. Once you do choose the passive voice, try not to drop the "actor" from the sentence.

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Examples

passive voice	active voice
A motion for reconsideration... may be made only on the same day on which the original vote was taken.	A member who voted with the majority or who was absent may move for reconsideration... only on the same day on which the Council originally voted.
the measure cannot be reintroduced...	the original sponsor or a member may not reintroduce

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Sec. 805. Avoid using nouns instead of verbs, adverbs, or adjectives.

(a) Avoid creating nouns from verbs and adjectives. An example of a noun that has been created from a verb is "enforcement". It is created from the verb "enforce". "Enforceability" is created from the adverb "enforceable"; "specificity" from "specific". Although these words are grammatical, they create the same problems that passive statements do. Using these nouns instead of the corresponding verb or actor eliminates information about who did what. The actor is eliminated.

Another problem is that these nouns have "swallowed" the active verb, requiring the drafter to substitute another verb like "do" or "make". The result is a sentence that does not communicate any action. Because the reader cannot easily picture the action, the sentence is harder to understand and takes longer to read.

Finally, creating nouns from verbs and adverbs often results in longer sentences and awkward constructions. The verb "applied" is usually better than the verb-plus-noun "submitted an application"; "decide" is usually better than "make a decision".

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Examples

noun from verb/adverb	the original verb/adverb
A separate suspension of the rules is necessary for each proposition.	The Council must suspend the rules for each proposition.
...the item may not be taken up for consideration again...	... the Council may not consider the item again...
A bill... may be read as amended once before vote on final passage.	A bill...may be read once as amended before the Council votes on final passage.

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(b) Avoid noun strings. Nouns can be used in the place of adjectives as well as in the place of verbs and adverbs. For example, in "client benefit interview form", the first three nouns modify the last one. Noun strings are a drafting problem because they can make it difficult for the reader to understand the relationship among all the nouns. Avoid or shorten a noun string by putting back the prepositions or possessives that clarify the relationships between the nouns.

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Examples

unreformed noun strings	prepositions/possessives supplied
Montgomery County Human Rights Act limitation period	limitation period under the Montgomery County Human Rights Act
qualified community development funding bonds	qualified bonds for funding community development.
bar association client grievance committee dispute resolution process.	process for resolving disputes between clients and lawyers through the grievance committee of the bar association.

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Sec. 806. Avoid ambiguity.

(a) Avoid ambiguity at each level: the word, the phrase, the sentence, and the document as a whole.

(1) Word-level ambiguity. Most words in the english language have more than one meaning. The context usually resolves which meaning applies. Ambiguity occurs when a word has more than one interpretation, even in context. For example, "residence" in an elections statute could mean either place of abode or legal residence, regardless of whether it is actually the current place of abode. Avoid double meaning by choosing alternative words which have only one interpretation: "domicile" for legal residence and "place of abode" for just that.

(2) Phrase-level ambiguity. Phrase-level ambiguity is a matter of uncertainty as to which word a modifier or referent applies. For example, "charitable and educational institutions" could mean (a) "institutions that are both charitable and educational", or (b) "charitable institutions and educational institutions." Either of these options would avoid the ambiguity, depending on which meaning the drafter intends. Option (a) could also be expressed with tabulation:

"Institutions that are:
(1) charitable; and
(2) educational."

(3) Document-level ambiguity. Document-level ambiguity is primarily a result of inconsistent usage of a word or phrase. You have to review an entire document to determine whether one concept appears with more than one label.

(b) Shall/must/may - words of command or authorization.

For the function	The preferred usage is:
(1) to command, require action, state a duty	"must" is preferred; "shall" is grammatically correct if it conveys "must" or "has a duty to", but it is not preferred
(2) to state a negative command, prohibit action, state a duty to refrain	"must not" is preferred; "shall not" is grammatically correct but not preferred
(3) to authorize, permit, empower	"may"
(4) to authorize, permit, empower, but stated as a negative	"need not"
(5) to state a nonobligatory direction	"should" is preferred; "will" is nonobligatory and grammatically correct, but the future tense is not preferred

Drafters commonly use "shall" to require action or state a duty. Shall is gramatically correct, but is not the preferred use. One reason is that it is not used consistently to mean "has a duty to". Inconsistent use creates ambiguity as to whether or not the action is mandatory. Another reason is that it is not in common usage. It smacks of legalese.

"Must" is preferred because it conveys the mandatory meaning and presents none of the confusion associated with "shall". "Must" is commonly used to express a command.

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Examples - Problems with "Shall"

The following inconsistent uses of "shall" are frequently found in legal documents. These examples are drawn from the County Council's own rules.

- Use of "shall" where the context indicates that it is meant to authorize rather than to command:

  Example: "The president shall vote on all questions except on an appeal from his decision on a point of order."

- Use of "shall" with "will" in the same document, particularly when paired in the future tense with "will":

  Example: "The time of convening of any legislative session shall be 1:30 P.M., unless otherwise previously determined . . .All sessions and meetings will be held at the County Council Hearing Room . . . unless some other place has been designated."

- Use of "shall" and "should" in reference to the same desired action:

  Example: "The statement of the fiscal impact should contain . . . the following items which would be reported as applicable. . . .The report shall include costs for planning, supervision and design . . .

- Use of "shall" to declare a legal result, rather than state a command. The translation of the phrase "real property shall mean ..." could be either "real property has a duty to mean ...", or "real property will mean ...", or "real property means ...". The latter is the proper use; it avoids an inconsistent use of shall and states a definition in the indicative mood.

  Example: "motions shall have precedence ..."
  (should be "motions have precedence ...")

Though "shall" is not commonly used in everyday speech, even there it is used interchangeably to mean "will," "must," "should," and "intend to". The problem is that "shall" has multiple meanings, and drafters tend to be inconsistent in their use of the word. The rule of consistency requires that if you are amending a document which already uses "shall," then you must continue to use "shall," but only where its mandatory sense is appropriate. A partial conversion to "must" might create the very ambiguity you seek to avoid.

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Example - Problems with "May Not"

A number of state drafting manuals, including Maryland's, recommend "may not" to state a negative command, rather than the "must not" recommended here. The problem with "may not" is that in certain settings it is inescapably ambiguous. For example, the sentence:

> "If you give incorrect information on your application, the department may not accept the application"

could mean "the department must not accept" or "the department need not accept". Regardless of the meaning you intend here, "may not" leaves your reader guessing.

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(c) Conjunctions: "and" and "or".

(1) Use "and" to connect elements that are additive or joint.

(2) Use "or" to connect elements that are alternative or several.

(3) Do not use "and/or". Instead, use "A or B, or both," to connect elements which are effective either together or apart. Use "A or B, but not both," to connect elements which are effective apart but not together.

(d) Modifiers.

(1) Generally, place a modifier as close as possible to the word it modifies.

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Example

do not use	use
An applicant must file a statement with the department in writing.	An applicant must file a written statement with the department.

- - - - - - -

(2) Do not place a modifier so that it could possibly modify both a preceding and a following term.

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Example

do not use	use
The administrator must require him promptly to repay the loan.	The administrator must require him to repay the loan promptly. or The administrator must promptly require him to repay the loan.

- - - - - - -

(3) Do not place a modifier so that it could possibly modify either each item in a series, or all items in a series.

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Example

do not use	use
charitable corporations or institutions that perform educational functions	corporations which are charitable or institutions that perform educational functions or charitable corporations or charitable institutions that perform educational functions

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(e) Pronouns.

(1) Make sure the antecedent of a pronoun is clear.

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Example

do not use	use
The Board must review the application for renewal of the permit before it lapses	The Board must review the application for renewal of the permit before the application lapses. or before the permit lapses.

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(2) Make sure that a pronoun and its antecedent are either both singular or both plural.

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Example

do not use	use
The architect must issue certificates for the stages listed in section 403.	The architect must issue a certificate for each stage listed in section 403. unless you mean: The architect must issue certificates for each stage. . . or The architect must issue certificates, each of which must be for all stages . . .

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(f) Proviso clauses. Avoid clauses which begin with "provided", "provided that" or "provided, however". Instead, introduce a condition with "if." Introduce an exception or limitation with "however" or "but". If possible, start a new sentence.

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Example

do not use	usse
The agenda is open until the meeting begins; provided, that a member should request an agenda item at least 72 hours in advance.	The agenda is open until the meeting begins. However, a member should request an agenda item at least 72 hours in advance.

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Sec. 807. Use plain and necessary words.

(a) Eliminate Redundancy. Avoid couplets of words which have the same meaning in context. Of the two words to pick from, use the one in most common usage. Also, avoid modifiers which add no meaning.

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Examples - Redundant Couplets

do not use	use
buy and purchase	buy
each and every	each
aid and abet	aid
false and untrue	false

Examples - Meaningless Modifiers

do not use	use
personal opinion	opinion
next subsequent	subsequent
positive benefits	benefits
real progress	progress

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(b) Eliminate extraneous words. Avoid words or phrases if your sentence has the same meaning without them.

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Example

do not use	use
The purpose of this section is to give you the right to be represented by counsel.	This section gives you the right to be represented by counsel.

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(c) Eliminate archaic words. Usually, you can simply delete archaic words entirely. If you cannot, replace them with words or phrases in common usage.

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Examples

do not use	use
aforesaid	use of specific reference to a Section or subsection or use "the" or "that" if the antecedent is clear
henceforth	
herein	
hereinbefore	
thereby	
thereinafter	
thereunto	

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(d) Eliminate jargon. Avoid words that are not in common usage Avoid "latinisms", technical terms, and "terms of art" that can be replaced by common words.

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Examples

do not use	use
accord	give
for the duration of	during
has the option of	may
in lieu of	instead of
in the event that	if
per annum	a year
promulgate	issue
provided that	however
pursuant to	under
said, same, such	the, this, that

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Sec. 808. Plain language use chart.

do not use	use
authority and direction	
has the option of	may
is authorized to	may
is authorized and directed to	must
is directed to	must
is empowered to	may
is entitled to	may
is required to	must
is vested with power and authority and it shall be his duty to	must
it is his duty to	must
it is unlawful to	must (an actor) must not
may not	must not
no person may	a person must not
no person shall	a person must not
shall	must
shall not	must not
conditions	
in cases which	if
in the event that	if
or, in the alternative,	or
provided that, provided, however	however, but, except or start a new sentence
whatsoever	whatever
wheresoever	if
whensoever	if
whosoever	whoever
definitions	
is defined to mean	means
means and includes	means or includes
shall be construed to mean	means
shall mean	means

cross-reference

aforesaid aforementioned beforementioned said such	avoid all of these; use specific reference to section or subsection; or use "the" or "that" if the antecedent is clear
hereinafter hereinbefore hereinabove above below following preceding	use specific references
in accordance with	under
pursuant to	under
under the provisions of	under

numbers

any or all	a or each
each and all	each
each and every	each or every
in excess of	more than
per annum	a year
percentum	percent

miscellaneous

accord	give
adequate amount	enough
afford	give
aggregate	total
allocate	give or divide
and/or	X or Y or both
as to	about, relating to
attain	reach
attributable to	from, by
deem	consider
effectuate	carry out
exclusively	only
expiration	end
for the duration of	to, for

for the reason that	because
initiate	begin
in lieu of	instead of
institute	begin
maintain	keep, continue
necessitate	require
on the part of	by
promulgate	issue
render	make, give
solely	only, alone
sufficient	enough
said, same, such	the, this, that
to the extent that	if, when
unto	to
utilize	use
without the County	outside the County

redundant couplets

alter or change	change
assume and agree	agree
any and all	each or all
aid and abet	aid
bind and obligate	bind
cease and come to an end	stop
chargeable or accountable	chargeable
convenant and agree	agree
deemed and considered	considered
due and owing	due
each and all	each
each and every	each
final and conclusive	final
finish and complete	finish
for and during the period	during
for and in behalf of	for
full and complete	total
full force and effect	effective
furnish and supply	supply
kept and performed	kept
kind and character	kind
known and described as	known as
made and entered into	made
mentioned or referred to	referred to
null and void	void

null and no effect	void
order and direct	must
over and above	in addition to
perform and discharge	perform
perform and observe	comply
power and authority	power
relieve and discharge	relieve
shall and will	must <u>or</u> should
shall have and exercise	must
sole and exclusive	only
stand and be in full force	effective
suffer or permit	permit
supersede and displace	supersede
then and in that event	then
true and correct	correct
type and kind	kind
under and subject to	under
understood and agreed	accepted
when and as	since
within and under the terms of	under

<u>redundant words - one includes the other</u>

all and every	each
any and all	a
authorize and direct	may
authorize and require	must
by and between	between
by and under	under
desire and require	must
from and after	after
have and obtain	have
may have access to and examine	may have access to
request and demand	demand
shall have and may exercise	may

<u>time</u>

on or before	by
originate	start
per annum	a year
prior to	before
subsequent to	after
terminate	end, finish

PART IX

GRAPHICS AND FORMS

Sec. 901. Source and further information.

County forms are not subject to approval by the County Council. However, as documents that come directly before the public, they should be clear and readable. The following guidelines are based on research on how people react to graphics and forms. The source for most of this part of the manual is Guidelines for Document Designers, a publication of the Document Design Center, American Institutes for Research, Washington, D.C., 1981. In addition to providing principles and examples of good document design, Guidelines contains summaries and bibliographies of "plain language" behaviorial research.

Sec. 902. Headings.

The simple rule for headings is to use them. Beyond that, make headings stand out from the rest of the text with techniques like the following ones:

(1) Set off headings by using white space, by placing them in the margin, or by indenting the text before or after a heading.

(2) Print headings in larger type if possible.

(3) Print headings in boldface type if possible.

Sec. 903. White space.

(a) Space between sections. Use white space between sections or paragraphs to clearly show where parts of the document begin and end. Use of white space also keeps a document from looking crowded. A crowded looking document is more difficult to read.

(b) Space between lines. Too little space between lines within a section or paragraph also makes a document look crowded; it makes the entire page look gray. Too much space between lines makes it harder for the eye to follow from one line to the next. For 8 to 12 point type, use one or 2 points of space between lines. A point is 1/72 of an inch; the more the points, the larger the space.

(c) Indentation. Indentation can show how a document is organized. In this manual, for example, subdivisions are indented progressively to the right from the left-hand margin. Indent all of a section in order to make it stand out from the text before or after it. Indent all of a section if it is important for your reader to know how that section is organized within a complex document.

(d) Boxes. Drafters sometimes use boxes or lines to keep the parts of a crowded document from running together. While boxes or lines may be helpful as highlighting techniques, they are a poor substitute for adequate indentation or white space between lines or columns.

Sec. 904. Highlighting technique.

(a) Use highlighting, but do not overuse. Use highlighting techniques like boldface type, italic print, larger print, or setting off with white space to emphasize headings or important parts of a document. Do not overuse these techniques, however, because overuse of highlighting clutters the document and defeats the purpose of making the part stand out.

(b) Capital letters. Using all capital letters to emphasize a word or phrase within a lower case section is effective. But do not use all capital letters to emphasize an entire section or paragraph. It is harder to read a long portion of capital letters, and other techniques are more effective.

Sec. 905. Lines of text.

(a) Line length. Avoid lines of type that are too long or too short. A line that is too short requires excessive eye movement to jump back and forth between lines. A line that is too long tires the eye and may cause the reader to get lost, having to start reading the line over again. The easiest line length to read is between 50 and 70 characters.

(b) Ragged right margins. Ragged right margins are easier for many people to read than right-justified lines. The reason is that the different length of lines gives the reader a way to separate and identify each line. This rule, however, is more a matter of taste and is not crucial to readability.

Sec. 906. Size of type.

For most documents, 8 to 10 point type is the easiest type to read. The appearance of type also differs significantly according to the shape of the letters. Select the most readable size of type by considering both the size and shape of letters.

Sec. 907. Questions and answers.

(a) Arrangement. Place questions and white space for answers immediately next to each other. Make it obvious to your reader where a question is answered.

(b) Room for answers. Experiment with a form you design in order to test whether you have provided enough space for anticipated answers. Consider whether the person answering the question will be writing or typing the answer.

(c) Computer keypunch forms. Many forms use boxes in order to separate letters of words for the convenience of the person typing the data into a computer memory. Unfortunately, these boxes sometimes confuse the person filling out the form. Use lines of open spaces instead.

(d) Machine-readable forms. Adapt forms to meet technical requirements for machine reading whenever possible.

Sec. 908. Tables.

(a) Headings. Separate headings from the body of a table or chart or from other headings with ample white space. Make headings self-explanatory to your readers.

(b) One page tables. Avoid splitting a table onto two or more pages. It is better to leave the remainder of a preceding page blank than to split up a table. If the material will not fit on a page, consider:

(1) making more than one chart;

(2) vertical rather than horizontal alignment on the page; or

(3) photographic reduction of the table or chart.

(c) Rows and columns.

(1) Separate rows and columns in the body of a table or chart with adequate white space. Do not use boxes or lines as a substitute for adequate white space.

(2) Use columns for the most important comparisons. Columns are easier to compare than rows.

APPENDIX 1

Reference Chart to the Charter, Code, and Council Rules.

Charter Section	Manual Section
Sec. 112. Effective date of legislation.	207
Code Section	
Sec. 1-2. Definitions and rules of construction.	602
Sec. 2A-21(e) & (f). Review of regulations.	PART V specifically, VI - X generally
Rules Section Prior to Adoption of Manual	
Sec. 11. Request for legislation and introduction of bills and resolutions.	
(a) Request for legislation by executive branch and other governmental agencies.	210
(c) Introduction of bills initiated in the legislative branch.	210
Sec. 12. Form of bill.	
first paragraph	201 (a), (b)
(a) Heading.	201 (b), (c), (d)
(b) Title.	201 (e)
(c) Enacting clause.	201 (f)
(d) Numbering of sections.	206 (b)
(e) Amendment of existing law.	208
(f) Numbering of lines.	203
(g) Approval line.	202
Sec. 13. Form of resolution.	
(a) Heading.	401
(b) Legend on adopted resolution.	401, 402

APPENDIX 2

Words Defined by Law

A number of words are defined by section 1-2 of the Code. Those definitions are quoted below as they appear in the Code.

(1) "Charter. The word 'Charter' shall mean the Montgomery County, Maryland, Charter, as set out in Part I of this Code.

(2) "Chief administrative officer. The words 'chief administrative officer' shall mean the duly appointed chief administrative officer of Montgomery County, Maryland.

(3) "Code. Except where otherwise specifically provided, the words 'this Code' shall mean, include and embrace all of the provisions set out in Volumes I through IV hereof, with the exceptions of the Appendices, carried in Volume III.

(4) "Computation of time. In computing any period of time prescribed or allowed by law for the doing of any act, 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 it is a Saturday, a Sunday or a legal holiday in which event the period runs until the end of the next day which is neither a Saturday, nor a Sunday, nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(5) "Council. The words 'council' or 'the council' mean the county council for Montgomery County, Maryland.

(6) "County. The words 'county' or 'the county' mean Montgomery County, in the State of Maryland.

(7) "County executive. The words 'county executive' shall mean the county executive for Montgomery County, Maryland.

(8) "Joint authority. Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

(9) "Month. The word 'month' means a calendar month.

(10) "Number. Words importing the singular number may extend and be applied to several persons or things and words importing the plural number may include the singular.

(11) "Oath. The word 'oath' shall be deemed to include an affirmation, and the word 'sworn' shall be construed to include the word 'affirmed'.

(12) "Owner. The word 'owner' applied to a building or land shall include any part owner, joint owner, tenant in common, tenants by the entirety, tenant in partnership, joint tenant or the whole or a part of such building or land.

(13) "Person. The word 'person' means any individual, partnership, corporation, joint stock association or any city or state or any subdivision thereof; and includes any trustee, receiver, assignee or personal representative thereof.

(14) "Personal property. The words 'personal property' include every species of property except real property as defined by this section.

(15) "Preceding, following. The words 'preceding' and 'following' mean next before and next after, respectively.

(16) "Property. The word 'property' shall include real and personal property.

(17) "Real property. The words 'real property' shall include lands, tenements and hereditaments and shall embrace all chattels real.

(18) "State. The words 'state' or 'the state' mean the State of Maryland.

(19) "Street. The word 'street' means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic.

(20) "Tense. Words in the present tense include the future.

(21) "Written, in writing. The words 'written' and 'in writing' may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

(22) "Year. The word 'year' means a calendar year unless otherwise expressed. (Mont. Co. Code 1965, §1-3; 1973 L.M.C., ch. 3 §1.)"