

PART II

MUNICIPAL CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the Municipal Code of Ordinances, Town of Brunswick, Maine, and may be so cited.

State Law References: Codification authority, 30-A M.R.S.A. § 3004.

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

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

Charter. The word "Charter" shall mean the Charter of the Town of Brunswick, Maine, printed as Part I of this volume.

Code. The word "Code" shall mean the Municipal Code of Ordinances, Town of Brunswick, Maine.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

State Law References: Similar provisions, 1 M.R.S.A. § 71(12).

County. The term "county" shall mean the County of Cumberland.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

State Law References: Similar provisions, 1 M.R.S.A. § 71(7).

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

State Law References: Similar provisions, 1 M.R.S.A. § 71(3).

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

M.R.S.A. The abbreviation "M.R.S.A." shall mean the latest edition or supplement of the Maine Revised Statutes Annotated.

Number. A word importing the singular may extend and be applied to the plural, and vice versa.

State Law References: Similar provisions, 1 M.R.S.A. § 71(9).

Oath. The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

State Law References: Similar provisions, 30-A M.R.S.A. § 2001(14).

Personal property. The term "personal property" includes every kind, tangible and intangible except real property.

Property. The word "property" shall include real, personal and mixed property.

Public property. The term "public property" shall mean owned by the town and any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The word "signature" or "subscription" includes a mark when the person cannot write.

State. The term "state" shall mean the State of Maine.

Street, town way or public way. The word "street" shall embrace streets, highways, avenues, boulevards, roads, town ways, lanes, bridges, and all other public ways dedicated to public use.

Tenant, occupant. The words "tenant" and "occupant" applied to a building or land shall include any

person holding a written or oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The word "town" shall mean the Town of Brunswick, Maine, and shall extend to and include its several officers, agents and employees.

Town council, council. The terms "town council" and "council" shall mean the Town Council of the Town of Brunswick, Maine.

Town boards, committees, commissions, officers, employees, departments, etc. Whenever reference is made to a board, committee, commission, officer, employee or department, etc., it shall mean the same as if it were followed by the words "of the Town of Brunswick, Maine."

Written and in writing. The words "written" and "in writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

State Law References: Similar provisions, 1 M.R.S.A. § 71(10).

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

State Law References: Similar provisions, 1 M.R.S.A. § 71(10).

Sec. 1-5. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

State Law References: Similar provisions, 1 M.R.S.A. § 71(10).

Sec. 1-6. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinances adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Sec. 1-7. Effect of repeals.

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code

in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

Sec. 1-8. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the town, or authorizing the issue of any bonds of the town, or any evidence of the town's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the town;
- (3) Any administrative ordinances of the town not in conflict or inconsistent with the provisions of this Code;
- (4) Any right or franchise granted by any ordinance;
- (5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the town;
- (6) Any appropriation ordinance;
- (7) Any ordinance levying or imposing taxes;
- (8) Any ordinance regarding the Bath-Brunswick Area Refuse Disposal District;
- (9) Any land use, zoning or rezoning ordinance or amendment to the zoning map;
- (10) Any ordinance establishing and prescribing the street grades of any street in the town;
- (11) Any ordinance providing for local improvements and assessing taxes therefor;
- (12) Any ordinance dedicating or accepting any plat or subdivision in the town;
- (13) Any ordinance establishing or setting salaries of town officers and employees;
- (14) Any temporary or special ordinances.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. The ordinances are on file in the town clerk's office.

Sec. 1-9. Effect of amendments to Code.

(a) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town council to make the same a part hereof, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood and intended to include such additions and amendments.

(b) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.

(c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Municipal Code of Ordinances, Town of Brunswick, Maine, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(d) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Municipal Code of Ordinances, Town of Brunswick, Maine, is hereby amended by adding a section to be numbered _____, which section reads as follows:" The new section may then be set out in full as desired.

(e) All sections, divisions, articles, chapters, or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-10. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the town council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the

Code printed in the supplement, and make changes in catchlines, headings and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-11. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

State Law References: Similar provisions, 1 M.R.S.A. § 71(8).