

## **CHAPTER I GENERAL PROVISIONS (ADOPTING ORDINANCE)**

An Ordinance to revise and codify the Ordinances of the Town of Freeport, Maine.

BE IT ORDAINED by the Town Council of the Town of Freeport, Maine in Town Council assembled:

### **Section I Adoption of Code**

The Freeport Town Code, as compiled and published is hereby adopted by the Town Council of the Town of Freeport, Maine. This adopting ordinance shall be integrated into said Code as Chapter 1 - General Provisions and the entire Code shall be viewed as one Ordinance known and cited as the Freeport Town Code. Copies of the Freeport Town Code are on file in the office of the Town Clerk for public inspection.

Cross Reference: See Council Manager Charter of the Town of Freeport.

### **Section II General Definitions and Rules of Construction**

In the construction of this Code, and of all ordinances and resolutions of the Town, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the Town Council:

And; Or "And" may be read "or", and "or" may be read "and", if the sense requires it.

Council means the Freeport Town Council.

County means Cumberland County, Maine.

Definitions given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided.

Gender A word importing the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

M.R.S.A. means Maine Revised Statutes Annotated.

May; Shall The word "may" is permissive, and the word "shall" is mandatory.

Municipal Officers means the Municipal Officers of the Town of Freeport, Maine.

Oath shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

Owner applied to any property, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such property.

Person shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said section.

Preceding; Following mean next before and next after, respectively.

State means the State of Maine.

Statutes or Revised Statutes means the latest published edition of the Statutes or Revised Statutes of Maine.

Street shall include public avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the town, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Town Council.

Tenant means any person occupying the premises, building or

land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others.

Tense Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.

Town and this Town shall mean the Town of Freeport, Maine.

Words and Phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

### **Section III Official Copies Kept by Town Clerk**

The Town Clerk shall keep in his office a copy of this Code in looseleaf form. It shall be the express duty of the Town Clerk or someone authorized by him to insert in their designated places all amendments or ordinances which indicate the intention of the Town's legislative body to make the same a part of this Code when the same have been printed or reprinted in page form, and to extract from this Code all provisions which may from time to time be repealed by the Town's legislative body.

### **Section IV Additions or Amendments**

Any additions or amendments to this Code, when passed in such form as to indicate the intention of the legislative body of the Town of Freeport to make the same a part hereof, shall be deemed to be incorporated into this Code so that reference to "The Freeport Town Code" to make the same a part hereof, shall be understood as including them.

### **Section V References Include Amendmednts; Construction**

Any reference in this Code to an ordinance or provision of this Code shall mean such ordinance or provision as may now exist or is hereafter amended.

Any references in this Code to chapters, articles, divisions or sections shall be to the chapters, articles, divisions and sections of this Code unless otherwise specified.

## **Section VI Catchlines of Sections**

The catchlines of the sections appearing in this Code are only intended as guide words or phrases to indicate the contents of the sections and shall not be deemed to be a part of or effect the application or substance of such sections unless expressly so provided.

## **Section VII Provisions Considered as Continuations of Existing Ordinances**

The provisions appearing in this Code, so far as they are in substance the same as the provisions of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

## **Section VIII Conflicting Provisions**

1. If the provisions of different chapters, articles, divisions or sections of this Code conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.
2. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that Chapter.
3. Where any conflict arises between a provision of this Code and any provision of the Town Charter or Maine Revised Statutes, the latter shall prevail.

## **Section IX Repeal of Prior Inconsistent Ordinances**

This code shall effect a repeal of all ordinances, orders, and resolutions in effect prior to its adoption which are in conflict with its provisions. By way of example, and not of limitation, the adoption of this Code shall not affect any previously existing ordinances, orders and resolutions:

1. Levying or imposing taxes;
2. Granting, reviewing or extending a franchise;
3. Authorizing the borrowing of money or the issuance of any bonds for the Town of Freeport;
4. Conveying, leasing, or authorizing the conveyance or lease of any lands of the Town;
5. Establishing a fire department for the Town of Freeport or dealing with fire prevention;
6. Establishing zoning regulations and maps for the Town including, but not limited to, the Zoning Ordinance for the Town of Freeport, Maine adopted May 6, 1986, and any amendments thereto.

## **Section X Effect of Repeal of Ordinances**

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance 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 any offense committed under the ordinance repealed.

## **Section XI Severability of Parts of Code**

If any section, paragraph, sentence or clause contained in this Code shall for any reason be adjudged by any court of competent

jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair or invalidate the remainder of the rules, regulations and ordinances contained in this Code, but shall be confined in its operation to the section, paragraph, sentence, clause or part thereof directly involved in the controversy in which such judgement shall have been rendered.

## **Section XII Penalties**

Whenever in this Code or in material adopted by reference by this Code any act is prohibited, made, or declared to be unlawful, or whenever in this Code or in material adopted by reference by this Code the doing of any act is required or the failure to do any act is declared to be unlawful and where no specific penalty is provided therefore, the violation of such provisions shall be punishable by a fine of not more than one hundred dollars (\$100.00) plus costs. This penalty shall not be deemed to be exclusive of any other appropriate legal or equitable action. Each day any violation of this Code occurs or continues shall constitute a separate offense.

## **Section XIII Prohibited Acts Include Causing, Permitting, Concealing**

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

## **Section XIV Same Offense Punishable by Different Sections of the Code; Town Attorney's Option**

In all cases where the same offense is made punishable or is created by different Sections of this Code, the Town's attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.