

CHAPTER 1 General Provisions

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CHAPTER 1

GENERAL PROVISIONS (Adopting Ordinance)

An Ordinance to Revise and Recodify the Ordinances of the City of Rockland.

It is hereby ordained by the City Council of the City of Rockland, Maine, that an Ordinance to revise and recodify the Ordinances of the City of Rockland be adopted as follows:

Sec. 1-101 Adoption of Code

The Rockland Code, as compiled and published by the Maine Municipal Association, March, 1983, is hereby adopted by the City Council of the City of Rockland, 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 Rockland Code. All references in these adopting provisions to "this Code" refer to the Rockland Code. Copies of the Rockland Code are on file in the office of the City Clerk for public inspection.

Sec. 1-102 Definitions and Rules of Construction

The following rules and definitions shall be observed in the construction of ordinances, unless such construction is inconsistent with the plain meaning of the ordinance.

1. Rules of Construction.

A. Meaning. Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning. The words "and" and "or" are convertible as the sense of an ordinance may require.

B. Number; Gender. Words of the singular number may include the plural; and the words of the plural number may include the singular. Words of the masculine gender may include the feminine.

C. Majority. Words giving authority to three or more persons authorize a majority to act, when the ordinance does not otherwise determine.

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

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

2. Definitions

A. "City Charter" means Chapter 125 of the Private and Special Laws of Maine 1945 entitled "An Act to Grant a New Charter to the City of Rockland," and all additions thereto and amendments thereof.

B. "City" shall be construed as if the words "of Rockland" followed it.

C. "Code" or "this Code" means the Rockland Code.

D. "Council" means the Rockland City Council.

E. "County" means Knox County, Maine.

F. "Department" shall mean department, agency, or office of the City when used in any ordinance, unless the context plainly requires otherwise.

G. "Inhabitant" means a person having an established residence in the City.

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

I. "Month" means a calendar month.

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

K. "Municipal Officers" means the members of the City Council.

L. "Oath" includes an affirmation, when affirmation is allowed. Affirmation is allowed when a person required to be sworn is conscientiously scrupulous of taking an oath.

M. "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.

N. "Person" as used in any ordinance, and in any amendment thereof hereafter enacted, shall include: any individual, firm, co-partnership, corporation, company, association, club, joint adventure, estate, trust, or any group or combination acting as a unit and the individuals constituting such group or unit, unless the intention to give a more limited meaning is disclosed by the context.

O. "Preceding" or "following", used with reference to a section, is meant the section next preceding or following that in which

it is used, when not otherwise expressed.

P. "State" means the State of Maine.

Q. "Statutes" or "Revised Statutes" mean the latest published edition of the Statutes or Revised Statutes of Maine.

R. "Street" or "streets" shall be understood as including highways, ways, avenues, courts, lanes, alleys, parks, squares, places, sidewalks, crosswalks and bridges.

S. "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.

T. "Time" means an hour of the day according to the official time of the City.

U. "Week" means seven (7) days.

V. "Writing" and "Written" mean any representation or words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.

W. "Year" means a calendar year.

Sec. 1-103 Official Copies Kept by City Clerk

The City Clerk shall keep in this office a copy of this Code in loose-leaf form. It shall be the express duty of the City Clerk or someone authorized by him to insert in their designated places all amendments or ordinances which indicate the intention of the City'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 City's legislative body.

Sec. 1-104 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 City of Rockland to make the same a part thereof, shall be deemed to be incorporated into this Code so that reference to the "Rockland Code" to make the same a part hereof, shall be understood as including them.

Sec. 1-105 Reference Include Amendments; 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 as hereafter amended.

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

Sec. 1-106 Headings

No provision of any ordinance shall be held invalid by reason of deficiency in any chapter, article or section heading, it being hereby expressly provided that such headings are not a part of any ordinance.

Sec. 1-107 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.

Sec. 1-108 Conflicting Provisions

1. Within the Code. 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. Same Chapter. 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. With Charter or Statute. Where any conflict exists between a provision of this Code and any provision of the City Charter or Maine Revised Statutes, the latter shall prevail.

4. State Law Incorporated. The laws of the State of Maine which are not inconsistent with the City Charter are hereby incorporated by reference. No person shall violate any law of the State of Maine; and no enumeration of particular State laws in ordinances of the City shall be held to be exclusive.

Sec. 1-109 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 limitation, the adoption of this Code shall not in anyway affect the enforceability of sections 203.1 through 203.7 of Chapter 28, "Zoning," of the existing Revised Charter and Ordinances of the City of Rockland, Maine." Those sections of Chapter 28 are omitted from this Code but are hereby preserved from repeal. The text of the Zone boundary descriptions contained in those sections is on file in the office of the City Clerk. The boundaries also are depicted on the official zoning map of the City of Rockland on file with the City Clerk.

Sec. 1-110 Effect on Repeal

The repeal of any prior ordinance of the City by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract or event, already affected by them.

Sec. 1-111 Separability

If any portion of any ordinance shall be held to be invalid, the intent of the City Council is that such decision does not affect the validity of the remaining portions thereof.

Sec. 1-112 General Penalty

Every person who shall be guilty of a violation of any provision of any ordinance to which a particular penalty is not annexed, shall forfeit and pay a sum of not more than one hundred dollars (\$100) to be recovered to the use of the City on complaint or by other appropriate action before the Sixth District Court.

Sec. 1-113 Responsibility

The prohibition of any act by any ordinance of the City, or in any amendment thereof, shall include the causing, securing, aiding or abetting of another person to do the act.

Sec. 1-114 Same Offense Punishable by Different Section of the Code; City Attorney's Option

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

Sec. 1-115 General Enforcement

The imposition of a penalty for violation of any ordinance shall not excuse the violation, or permit it to continue; such violation shall be remedied within a reasonable time, and each day that a violation is permitted to exist shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. The imposition of penalties for violation of any ordinance shall not preclude the City Attorney from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, removal, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

Historical Note: This ordinance was approved on November 7, 1983. (Eff: December 7, 1983)

Charter Reference: § 214(b)

State Law Reference: 30-A M.R.S. § 3004