

Chapter 1
General Provisions (*Adopting Ordinance*)

Table of Contents

| Section | Page |
|---------|---|
| 1-101 | Adoption of Code -----2 |
| 1-102 | General Definitions and Rules of Construction-----2 |
| 1-103 | Official Copies Kept by Town Clerk -----3 |
| 1-104 | Additions or Amendments -----3 |
| 1-105 | References Include Amendments; Construction -----4 |
| 1-106 | Catchlines of Sections -----4 |
| 1-107 | Provisions Considered as Continuations of Existing Ordinances -----4 |
| 1-108 | Conflicting Provisions-----4 |
| 1-109 | Repeal of Prior Inconsistent Ordinances-----4 |
| 1-110 | Effect of Repeal of Ordinances -----5 |
| 1-111 | Severability of Parts of Code -----5 |
| 1-112 | Penalties -----5 |
| 1-113 | Prohibited Acts Include Causing, Permitting, Concealing -----5 |
| 1-114 | Same Offense Punishable by Different Sections of the Code; Town Attorney’s Option -----6 |

Chapter 1 General Provisions (*Adopting Ordinance*)

An ordinance to revise and codify the ordinances of the Town of Bucksport, Maine.
BE IT ORDAINED by the Town Council of the Town of Bucksport, Maine, in Town Council assembled:

SEC. 1-101 Adoption of Code

The *Bucksport Town Code*, as compiled and published by the Maine Municipal Association, December 1977, is hereby adopted by the Town Council of the Town of Bucksport, 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 *Bucksport Town Code*. All references in these adopting provisions to “this Code” refer to the *Bucksport Town Code*. Copies of the Bucksport 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 Bucksport, Sec. 2.25*

SEC. 1-102 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.

Code or this Code means the Bucksport Town Code.

Council means the Bucksport Town Council.

County means Penobscot 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.

Month means a calendar month.

Municipal Officers means the Municipal Officers of the Town of Bucksport, 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.

Time means an hour of the day according to the official time of the Town.

Town and *this Town* shall mean the Town of Bucksport, Maine.

Week means seven (7) days.

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.

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

Year means a calendar year.

SEC. 1-103 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.

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 Town of Bucksport to make

the same a part hereof, shall be deemed to be incorporated into this Code so that reference to “The Bucksport Town Code” to make the same a part hereof, shall be understood as including them.

SEC. 1-105 References 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 is hereafter amended.

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

SEC. 1-106 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.

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. 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 exists between a provision of this Code and any provision of the Town Charter or Maine Revised Statutes, the latter shall prevail.

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 examples, 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 Bucksport;
4. Conveying, leasing, or authorizing the conveyance or lease of any lands of the Town;

5. Establishing a fire department for the Town of Bucksport or dealing with fire prevention; (See *Chapter 7*)
6. Establishing zoning regulations and maps for the Town including, but not limited to the Shoreland Zoning Ordinance for the Town of Bucksport, Maine adopted June 13, 1974 and any amendments thereto; (See *Appendix E*)
7. Establishing regulations and maps for flood hazard areas in the Town including, but not limited to the Flood Insurance Resolution adopted August 14, 1975 An Ordinance Relating to Flood Hazard Building Permit System and Review Procedure adopted September 11, 1975 and any amendments thereto. (See *Appendix D*)

SEC. 1-110 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.

SEC. 1-111 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 judgment 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 judgment shall have been rendered.

SEC. 1-112 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 provision shall be punishable by a fine or 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.

SEC. 1-113 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.

SEC. 1-114 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.

Chapter 1 General Provisions (Adopting Ordinance) was adopted in conjunction with the Town Code on March 9, 1978.