

PART II

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 "Dexter Town Code."

Charter reference-Codification, § 2.13(b).

State law reference-Codification authority, 30-A M.R.S.A. § 3004.

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

It is the legislative intent of the town council, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the city. In the construction of this Code and any amendment thereto, the following rules shall be observed, unless the context clearly indicates otherwise:

Charter. The word "Charter" shall mean the Charter of the Town of Dexter, as set out in Part I of this volume, and shall include any amendment to the charter.

Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day, except that, when the last day falls on a Sunday or a legal holiday, the act may be done on the next succeeding day which is not a Sunday or a legal holiday. When a public office in which an act is to be performed is closed to the public for the entire day which constitutes the last day for doing such act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or legal holiday.

Code. The term "Code" shall mean the Code of Ordinances, Town of Dexter, Maine, as designated in section 1-1.

County. The term "county" shall mean the County of Penobscot in the State of Maine.

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

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

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

Oath. The word "oath" includes an affirmation, when affirmation is allowed.

Officer, department, board, commission, etc. Whenever any officer, department, board, commission or other town agency is referred to by title only, such reference shall be construed as if followed by the words "of the Town of Dexter, Maine." Whenever, by the provisions of this Code, any officer, department, board, commission or other agency of the town is assigned any duty or empowered to perform any act or duty, reference to such officer, department, board, commission or other agency shall mean and include any authorized representative.

Person. The word "person" shall include any individual, firm, copartnership, 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.

Preceding, following. The words "preceding" or "following," used with reference to a section, mean the section next preceding or following that in which it is used when not otherwise expressed.

Shall The word "shall" is mandatory.

State. The term "state" shall be construed to mean the State of Maine.

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

Town. The word "town" shall mean the Town of Dexter, Maine.

Town council. The term "town council" or "council" shall mean the Town Council of the Town of Dexter.

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Words and phrases. 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 any ordinance may require.

Written, in writing. The words "written" or "in writing" may include printing.

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 section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. History notes.

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

Sec. 1-5. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

Sec. 1-6. References and editor's notes.

The references and editor's notes appearing throughout the Code are not intended to have any legal effect, but are merely intended to assist the user of the Code.

Sec. 1-7. Provisions considered as continuations of existing ordinances.

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

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Sec. 1-8. Effect of repeal of ordinances.

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

(b) 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. 1-9. 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 ordinance promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligation assumed by the town;
- (2) Any ordinance granting any right or franchise;
- (3) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the town;
- (4) Any ordinance providing for local improvements and assessing taxes therefor;
- (5) Any ordinance dedicating or accepting any plat or subdivision in the town;
- (6) Any ordinance prescribing the number, classification or compensation of any town officers or employees;
- (7) Any ordinance prescribing specific parking restrictions, no-parking zones, specific speed zones, parking meter zones and specific stop or yield intersections or other traffic signs or ordinances pertaining to specific streets;
- (8) Any zoning map amendment, rezoning or zoning or land use ordinance;
- (9) Any administrative ordinance;

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- (10) Any other ordinance, or part thereof, which is not of a general and permanent nature.

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

Sec. 1-10. Code does not affect prior offenses, rights, etc.

(a) Nothing in this Code or the ordinance 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.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on the date of adoption of this Code.

Sec. 1-11. Amendments to Code.

(a) 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 herein. In the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the town council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, Town of Dexter, Maine, is hereby amended to read as follows: . . ." The provisions shall then be set out in full and underscored or italicized as desired and the matter omitted shall be enclosed in brackets or by striking out the type.

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

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

Charter references- Procedure for amending ordinances, § 2.11; integration into Code, § 2.13(c).

Sec. 1-12. 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 during the period covered by the supplement and all changes made thereby in the Code. 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 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 such catchlines, headings and titles;

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- (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 _____ to _____ (inserting section numbers to 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.

Charter reference—Supplementing the Code, § 2.13(c).

Sec. 1-13. Severability.

Should any provision or section of this Code or any rule or regulation adopted pursuant to this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent of the town council that this Code, and rules and regulations adopted pursuant hereto, shall stand notwithstanding the invalidity of any provision or section hereof. The provisions of this section shall apply to the amendment of any section of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

