

**CHAPTER 1**

**GENERAL PROVISIONS**

**SECTION 1-101**      HOW CODE DESIGNATED AND CITED

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Revised Code of Ordinances, City of Hallowell (1997)", and may be so cited.

[Derivation: Section 1-1, 1973 Revised Code of Ordinances]

**SECTION 1-102**      RULES OF CONSTRUCTION

1.     In General. In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council, The rules of construction set out herein or the definitions under Section 1-103 shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter of context of such section may be repugnant thereto.
2.     Liberal Construction. Generally, all general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.
3.     Most Restrictive Provision Controls. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
4.     Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.
5.     Delegation of authority. Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer 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.
6.     Gender. Words of the masculine gender may include the feminine.

7. Joint authority. Words giving authority to three (3) or more persons authorize a majority to act, when the enactment does not otherwise determine.
8. Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
9. Number. Words of the singular number may include the plural; and words of the plural number may include the singular.
10. Officials, boards, commissions. Whenever reference is made to officials, boards, commissions by title only, i.e., "City Council", "City Clerk", "The Mayor", "City Manager", etc., they shall be deemed to refer to the officials, boards, and/or commissions of the City of Hallowell.
11. Or, And. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
12. Shall. The word "shall" is mandatory.
13. Signature or subscription. Signature or subscription includes a mark when the person cannot write.
14. Tense. Words used in the past or present tense include the future as well as the past and present.

[Derivation: Section 1-2, 1973 Revised Code of Ordinances as amended]

**SECTION 1-103**      DEFINITIONS

Unless otherwise defined within subdivisions of this Code, the enumerated words and terms enumerated in this Section and as used in this Code are defined as follows:

1. City. "City" means the City of Hallowell, Maine.
2. City Council, Council. Whenever the words "council" or "City Council" are used, they shall be construed to mean the City Council of the City of Hallowell, Maine.
3. City Charter, Charter. "City Charter" or "Charter" means the City Charter of the City of Hallowell as amended.
4. Code, Hallowell Code. "Code" or "Hallowell Code" means this Revised Code of Ordinances, City of Hallowell (1977) and all amendments thereto.
5. Compact, Built Up Section, Urban Area. The compact or built up section of the City means a section of the highway where structures are nearer than two hundred (200) feet apart for a distance of one-quarter (1/4) of a mile.

6. Corporate or City limits. The terms "corporate limits" or "City limits" shall mean the legal boundaries of the City of Hallowell, Maine.
7. County. The words "the county" or "this county" shall mean the County of Kennebec in the State of Maine.
8. Mayor. "Mayor" shall mean the Mayor of the City.
9. Oath. The word "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.
10. Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, lessee or sublessee of the whole or of a part of such building or land.
11. Person. "Person" means an individual, partnership, corporation, trust or other legal entity.
12. Personal property. "Personal property" includes every species of property except real property, as herein described.
13. Property. The word "property" shall include real and personal property.
14. Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
15. State. "State" means the State of Maine.
16. Street. The word "street" means all public ways in the City, and shall include all areas thereof between the property lines and dedicated to the public use, whether or not part of the traveled way.
17. Tenant or occupant. The words "tenant" or "occupant", applied to a building or land, includes any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.
18. Written, in writing. The words "written" or "in writing" means any representation of words, letters or figures, whether by printing or otherwise.

[Derivation: Section 1-2, 1973 Revised Code of Ordinances as amended]

**SECTION 1-103**      CATCHLINES OF SECTIONS

The catchlines of the several sections of this Code printed in capital type are intended to indicate the contents of the section and shall not be deemed or taken to be the title of the Section, nor as any part of the Section.

[Derivation: Section 1-3, 1973 Revised Code of Ordinances as amended]

**SECTION 1-104**      (Reserved)

**SECTION 1-105**      UNAUTHORIZED ALTERATION OR TAMPERING WITH CODE

It shall be unlawful for any person in the City to change or amend, by additions or deletions, any part or portions of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

[Derivation: Section 1-5, 1973 Revised Code of Ordinances]

**SECTION 1-106**      EFFECTIVE DATE; REPEAL OF PRIOR ORDINANCES

This Code shall be effective April 18, 1997. The Revised Code of Ordinances, City of Hallowell, Maine (1973) as amended prior to the effective date of this Code, the Zoning Ordinance of the City of Hallowell, Maine (1989) as amended prior to the effective date of this Code, and the General Assistance Ordinance of the City of Hallowell (1993) as amended prior to the effective date of this Code are repealed and replaced by this Code.

**SECTION 1-107**      EFFECT OF REPEAL OF ORDINANCES

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

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 an offense committed or cause of action arising under the ordinance repealed.

[Derivation: Section 1-6, 1973 Revised Code of Ordinances]

**SECTION 1-108**      SEVERABILITY OF PARTS OF CODE

The chapters, subchapters, divisions, sections, subsections, paragraphs, subparagraphs, sentences, clauses and phrases of this Code are severable, and if any portion of this Code shall be declared unconstitutional, invalid or un-enforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or un-enforceability shall not affect any of the remaining portions of this Code.

[Derivation: Section 1-7, 1973 Revised Code of Ordinances]

**SECTION 1-109**      GENERAL PENALTY FOR VIOLATION OF CODE, CONTINUING VIOLATION

Any violation of this Code by any person shall be a civil violation. Any person whose act or failure to act is described as unlawful under this Code or whose conduct otherwise constitutes a violation of this Code shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for each offense unless a greater or lesser fine for a specific violation is expressly provided. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any penalty imposed for a civil violation under this Code shall not preclude, and shall be in addition to, any other civil remedies that may be available to the City.

[Derivation: Section 1-8, 1973 Revised Code of Ordinances as amended 1/11/88 and Ord. No. 01-3, eff. 1/18/01]

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