

## **Chapter 1 General Provisions**

### **Section**

1-101	Adoption of Code
1-102	General Definitions and Rules of Construction
1-103	Official Copies Kept by City Clerk
1-104	Additions or Amendments
1-105	References Include Amendments; Construction
1-106	Catch Lines of Sections
1-107	Provisions Considered as Continuations of Existing Ordinances
1-108	Conflicting Provisions
1-109	Repeal of Prior Inconsistent Ordinances
1-110	Effect of Repeal of Ordinances
1-111	Severability of Parts of Code
1-112	General Penalty
1-113	Prohibited Acts Include Causing, Permitting, Concealing
1-114	Same Offense Punishable by Different Sections of the Code; City Attorney's Option

## Chapter 1 General Provisions (*Adopting Ordinance*)

An Ordinance to revise and codify the ordinances of the City of Caribou.  
The City of Caribou ordains:

### Section 1-101 Adoption of Code

The *Caribou Code*, as compiled and published by the Maine Municipal Association, May, 1980, is hereby adopted to the City Council of the City of Caribou, 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 Caribou Code. All references in these adopting provisions to “this Code” refer to the Caribou Code. Copies of the Caribou Code are on file in the office of the City Clerk for public inspection.

*State Law Reference: 30 M.R.S.A. §2156*

*Charter Reference: Article II, sec. 2.15*

### Sec. 1-102 General Definitions and Rules of Construction

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

*And; or.* “And” may be read “or” and “or” may be read “and”, if the sense requires it.

*City* means the City of Caribou.

*Code or this Code* means the *Caribou Code*.

*Council* means the Caribou City Council.

*County* means Aroostook 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.

*May; shall.* The word “may” is permissive, and the word “shall” is mandatory.

*Month* means a calendar month.

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

*Municipal Officers* means the Municipal Officers of the City of Caribou, 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* mean 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 city, 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 City 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 City.

*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 City Clerk**

The City Clerk shall keep in his 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 Caribou to make the same a part hereof, shall be deemed to be incorporated into this Code so that reference to the "Caribou 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 section shall be to the chapters, articles, divisions and sections of this Code unless otherwise specified.

### **Sec. 1-106 Catch Lines of Sections**

The catch lines 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 City 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.

### **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 General Penalty**

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 thereof, the violation of such provision 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.

**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, suffering or concealing the fact of such act or omission.

**Sec. 1-114 Same Offense Punishable by Different Sections 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.