

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 “Code of Ordinances, Town of Long Island, Maine,” and may be so cited. Such Code may also be cited as the “Long Island Code” or “Code.” (Code 1969, § 101.1)

State law reference-Codification authority, 30 M.R.S.A. § 2154.

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

It is the legislative intent of the Board of Selectmen, in adopting the 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 town. In the construction of this Code and any amendment thereto, the following rules shall be observed, unless the context clearly indicates otherwise:

City. The word “city” shall mean the Town of Long Island.*

City council. The term “City council” or “council” shall mean the Board of Selectmen, Town of Long Island, Maine.*

Code. The term “this code” or “Code” shall mean the Code of Ordinances, Town of Long Island, as designated in section 1-1.

County. The term “the county” or “this county” shall mean the County of Cumberland in the State of Maine.

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

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.

Person. The word “person” means any natural individual, firm, trust, partnership, association, or corporation in his or her or its own capacity or as administrator, conservator, executor, trustee, receiver, or other representatives appointed by the court. 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 such section.

Shall. The word “shall” is mandatory.

State. The term “the state” or “this state” shall be construed to mean the State of Maine.

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

Town. The word “town” shall mean the “Town of Long Island.”

Written, in writing. The words “written” or “in writing” may include printing. (Code 1968, §§ 101.8, 101.13)

*This term has been retained in case it has been inadvertently left in any Codes originally adopted by the town from the City of Portland codes temporarily adopted at the time of incorporation.

Sec. 1-3. 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 selectmen that this Code, and rules and regulations adopted pursuant hereto, shall stand, notwithstanding the invalidity of any provision or section thereof. 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. (Code 1968, § 101.14)

Sec. 1-4. Official copy kept by town clerk.

The town clerk shall keep one (1) copy of this Code in a book or binder in loose-leaf form, or in such other form as she may consider expedient, so that all amendments thereto and all ordinances hereafter passed may be inserted in their appropriate place and all deletions may be extracted therefrom for the purpose of maintaining such copy in such condition that they will show all effective ordinances at any time in such manner that ready reference may be had thereto. In determining the form, chapter or section in which any ordinance hereafter passed shall be inserted in such volumes, and in determining what shall be taken out, if any doubt arises, the town clerk shall be guided by the advice of the town counsel. (Code 1968, § 101.3)

Sec. 1-5 – 1-14. Reserved.

Sec. 1-15. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Wherever a minimum fine is established in this Code, it shall be deemed a sum certain for each alleged offense in any action brought to enforce this Code. Whenever in this Code a minimum but no maximum fine or penalty is imposed, the minimum fine of penalty so fixed, but not exceeding the sum of one hundred dollars (\$100.00). Each act of violation and every day upon which any violation shall occur shall constitute a separate offense.

(b) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the town counsel may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense.

(c) In addition to the penalties provided to subsection (a), the town may enjoin or abate any violation of this Code by appropriate action.