

PROPOSED ORDINANCE TO ADOPT THE RENUMBERED

CODE OF THE CITY OF AUGUSTA, MAINE

November 2015

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624

(585) 328-1810 or 800 836-8834
FAX (585) 328-8189

AN ORDINANCE TO REVISE AND CODIFY THE ORDINANCES OF THE CITY OF AUGUSTA, COUNTY OF KENNEBEC, STATE OF MAINE; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE

Be it ordained and enacted by the City Council of the City of Augusta, County of Kennebec, State of Maine, as follows:

**Chapter 1
GENERAL PROVISIONS**

**ARTICLE I
Adoption of Code**

§ 1-1. Legislative intent.

In accordance with 30-A M.R.S.A. § 3004, the ordinances of the City of Augusta, as codified by General Code, LLC, and consisting of Chapters 1 through 300, shall be known collectively as the "Code of Ordinances, City of Augusta, Maine," hereafter termed the "Code." Wherever reference is made in any of the ordinances contained in the Code of Ordinances, City of Augusta, Maine to any other ordinances appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such ordinances had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the 1990 Code and ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such 1990 Code and ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior Code and ordinances. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City of Augusta, and it is the intention of the City Council that each such provision contained within this Code is hereby reaffirmed as it appears in said Code.

§ 1-3. Enactments saved from repeal; matters not affected.

The adoption of this Code shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the City of Augusta prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City of Augusta or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Augusta.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Augusta.
- E. Any ordinance of the City of Augusta providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Augusta or any portion thereof.
- F. Any ordinance of the City of Augusta appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Augusta or other instruments or evidence of the City's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property or approval of preliminary or final subdivision plats or site plans.
- J. Any ordinances adopting or amending a zoning map or otherwise rezoning property.
- K. Any ordinances relating to salaries.
- L. Personnel policies of the City.
- M. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-4. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this ordinance or of any ordinances included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered. If any provision of this Code or the application thereof to any person or circumstance is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-5. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the ordinances known collectively as the "Code of Ordinances, City of Augusta, Maine" or any new ordinances, when enacted or adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be

incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be inserted in said Code as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of any ordinances contained herein, and such ordinances may be amended, deleted or changed from time to time as the City Council deems desirable.

§ 1-6. Code to be kept up-to-date.

- A. It shall be the duty of the Bureau of the City Clerk to keep up-to-date the certified copy of the Code of Ordinances, City of Augusta, Maine. All changes in said Code and all ordinances adopted by the City Council subsequent to the enactment of this ordinance in such form as to indicate the intention of the City Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or ordinances until such changes or ordinances are included as supplements to said Code.
- B. When preparing a supplement to this Code, the codifier (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 do so to embody them into a unified code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions.
 - (2) Provide appropriate headings and titles for sections and subsections of the Code printed in the supplement, and makes changes in such titles.
 - (3) Assign appropriate numbers and/or letters to sections and subsections to be inserted in the Code and, where necessary to accommodate new material, change existing section or subsection numbers and/or letters.
 - (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this section,” etc., as appropriate.
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code.

§ 1-7. Penalties for tampering with Code.

Any person who changes or amends, by additions or deletions, any part or portion of the Code of Ordinances, City of Augusta, Maine or who alters or tampers with such Code in any manner whatsoever which will cause the ordinances of the City of Augusta to be misrepresented thereby or who violates any other provision of this ordinance shall be guilty of an offense and shall, upon conviction thereof, be punishable as set forth in Chapter 1, Article III, General Penalty, of the Code.

§ 1-8. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made Article I of Chapter 1 of the Code of Ordinances, City of Augusta, Maine, such ordinance to be titled "General Provisions, Article I, Adoption of Code," and the sections of this ordinance shall be numbered §§ 1-1 to 1-8, inclusive.