

CHAPTER ONE GENERAL PROVISIONS

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BRADLEY CODE ORDINANCE

“AN ORDINANCE TO REVISE AND CODIFY ORDINANCES OF THE TOWN OF BRADLEY”

1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such legislation and not as new enactment's, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Council of the Town of Bradley, and it is the intention of said Town Council that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former pieces of legislation as are omitted from the Code shall be deemed repealed or abrogated by the provisions of 1-3 below.

1-3. Repeal of enactment's not included in Code.

All ordinances of a general and permanent nature of the Town of Bradley in force on the date of the adoption of this ordinance and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance.

1-4. Enactment's saved from repeal; matters not affected.

The repeal of ordinances provided for in 1-3 of this ordinance shall not affect the following classes of ordinances, rights, and obligations, which are hereby expressly saved from repeal:

- A.
 - 1. Land Use Ordinance as amended and any amendments thereto.
 - 2. Building Permit Ordinance as amended and any amendments thereto.
 - 3. Shoreland Zoning Ordinance as amended and any amendments thereto.
 - 4. Flood Plain Management Ordinance as amended and any amendments thereto.
 - 5. Bradley Subdivision Regulations as amended and any amendments thereto.
 - 6. Personnel Ordinance as amended and any amendments thereto.
 - 7. Charter of the Town of Bradley as amended and any amendments thereto.
 - 8. Addressing Ordinance as amended and any amendments thereto.
 - 9. Pawn Broker's Ordinance as amended and any amendments thereto.
 - 10. Budget Cap Ordinance as amended and any amendments thereto.
 - 11. General Assistance Ordinance as amended and any amendments thereto.
 - 12. General Assistance Work Ordinance as amended and any amendments thereto.
 - 13. Rules and Regulations Restricting Heavy Loads on Closed Town Ways as amended and any amendments thereto.
 - 14. Dog Ordinance as amended and any amendments thereto.
 - 15. Holding Tank ordinance as amended and any amendments thereto.
 - 16. Town Way Entrance Ordinance as amended and any amendments thereto.
 - 17. Paid Sexual Contact Ordinance as amended and any amendments thereto.
 - 18. Excise Tax Credits and Refunds Policy as amended and any amendments thereto.
 - 19. Council's Working Rules of Order as amended and any amendments thereto.
 - 20. Sexual Harassment Policy as amended and any amendments thereto.
 - 21. Emergency Operation Plan as amended and any amendments thereto.
- B. Any right or liability established, accrued or incurred under any legislative provision of the town of Bradley prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Town of Bradley or any penalty, punishment, or forfeiture which may result therefrom.

- D. 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 Town of Bradley.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Bradley.
- F. Any ordinance of the Town of Bradley providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or location of any right-of-way, easement, street, road, highway, park or other public place within the Town of Bradley or any portion thereof.
- G. Any ordinance of the Town of Bradley appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Bradley or other instruments or evidence of the town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of special assessments or charges.
- J. The annexation or dedication of property.
- K. Any legislation relating to salaries.
- L. Any ordinance amending the Zoning Map.
- M. The General Assistance Ordinance and any amendment thereto.
- N. Personnel policies of the town.
- O. Legislation relating to the Conservation Commission.
- P. Any regulations adopted by various boards and commissions which are regulatory in nature but which do not affect this Code.
- Q. Any legislation adopted subsequent to December 14, 1999.

1-5. Severability.

If any clause, sentence, paragraph, section, Article, chapter, or part of this ordinance or of any legislation 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.

1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Bradley and shall remain there for use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified by the Town Clerk of the Town of Bradley by impressing thereon the Seal of the town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the legislation known collectively as the "Code of the Town of Bradley" or any new ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town 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 be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of any legislation contained herein, and such legislation may be amended, deleted or changed from time to time as the Town Council deems desirable.

1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Bradley and it is required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all legislation adopted by the Town Council subsequent to the enactment of this ordinance in such form as to indicate the intention of said Town 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 legislation until such changes or legislation are printed a supplements to said Code book, at which time such supplements shall be inserted therein.

1-9. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Town Clerk of The Town of Bradley upon the payment of a fee be set by the Town Council, and the Town Council may also arrange for procedures for the periodic supplementation thereof.

1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions any part or portion of the Code of the Town of Bradley or who alters or tampers with such code in any manner whatsoever which will cause the legislation of the Town of Bradley to be misrepresented thereby or who violates any other provision of this ordinance shall be guilty of an offense and shall be guilty of such offense and shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions 1-15, Violations and Penalties.

1-11. Changes in Previously adopted legislation; new provisions.

- A. In compiling and preparing the legislation for publication as the Code of the Town of Bradley no changes in the meaning or intent of such legislation have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other non-substantive changes were made in one (1) or more of said pieces of legislation. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the legislation had been previously formally amended to read as such.
- B. In addition, the following amendments and/or additions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section numbers references are to the legislation as it has been renumbered and appears in the code.

1-12. Incorporation of provisions into the Code.

The provisions of this ordinance are hereby made Article I of Chapter 1 of the Code of the Town of Bradley, such ordinance to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this ordinance shall be numbered 1-1 to 1-13, inclusive.

1-13. When effective.

This ordinance shall take effect immediately.

1-14. (Reserved).

ARTICLE II
General Penalty

[Adopted on December 14, 1999 by the Town Council at the Town of Bradley Town Council Meeting.]

1-15. Violations and Penalties.

Unless otherwise provided, any person, firm, or corporation who or which shall violate any provisions of this Code shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500). Each day that a violation continues shall be considered a separate offense.

ENACTED AND ORDAINED, Councilors into an ordinance this 14th day of December A.D., 1999 of the Town of Bradley of Penobscot County in lawful session duly assembled.

Councilors of the Town of Bradley

Bonnie M. Coe
Andrew Wilcox
Sally A. Stout

A TRUE COPY

Michael R. Crooker

Attest: Town Clerk

Michael R. Crooker

A TRUE COPY

Michael R. Crooker

ATTEST: TOWN CLERK

MICHAEL R. CROOKER

DATE: DECEMBER 7, 1999

Shall an ordinance entitled, "Bradley Code Ordinance," and represented by an attested copy dated December 7, 1999 be enacted?

The Town of Bradley hereby ordains that an ordinance entitled, "Bradley Code Ordinance," which is represented by an attested copy dated December 7, 1999, be adopted by this date, December 14, 1999.

This ordinance shall be effective 30 days from the date of adoption.

Councilors of the Town of Bradley

Bonnie M. Crook
Judith Wilcox
Sally A. Thront

A TRUE COPY

Michael R. Crook

Attest: Town Clerk
Michael R. Crook