

PREFACE

This volume contains the Charter of the City of South Portland, Maine, as amended and the Code of Ordinances, City of South Portland, Maine, being a revision and codification of the ordinances of a general and permanent nature of the City of South Portland which were deemed appropriate to be included.

The Code is an entire new codification, and as expressed in the Adopting Ordinance, supersedes all ordinances not included herein or expressly saved from repeal by the Adopting Ordinance. Special ordinances or those dealing with only a portion of the inhabitants of the city, rather than all of them, or relating to special purposes, such as ordinances levying special assessments, providing for bond issues, paving, vacating and opening specified streets, changing street names, granting franchises, etc., are not included herein. For a more specific enumeration of the types of ordinances which are not included herein, see Section 3 of the Adopting Ordinance.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been appropriately catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. The source of each section is cited in parentheses following the section. The absence of such a citation indicates that the section is new and was adopted for the first time with the adoption of the Code.

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the fourteenth section of Chapter 21 is 21-14. Under this system each section is identified with its chapter and, at the same time, new sections may be inserted in their proper places by using the decimal system for amendment. By way of illustration, if new material consisting of three sections that would logically come between Sections 4-4 and 4-5 is to be added, the new sections would be numbered 4-4.1, 4-4.2, 4-4.3. New chapters may also be included by the use of the decimal system. Thus, if the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12.1, 12.2, 12.3. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way, or in the case of articles may be placed at the end of the chapter embracing the subject and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

A special feature of this Code is the looseleaf system of binding and supplemental servicing. With this looseleaf system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to the holders of the Codes with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into the Code, may be cited as a part thereof as provided in Section 5 of the Adopting Ordinance.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference.

The indices have been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology and still others in language generally used by city officials and employees. There are numerous cross references within the indices themselves which stand as guideposts to direct the user to the particular item in which he is interested.

This Code is presented for the use and benefit of the citizens of the City of South Portland, Maine.

December, 1992

ORDINANCE NO. 28-72

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PORTLAND, MAINE, ADOPTING AND ENACTING A CODE OF ORDINANCES; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A PENALTY FOR THE VIOLATION OF AND TAMPERING WITH SUCH CODE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE COUNCIL OF THE CITY OF SOUTH PORTLAND HEREBY ORDAINS:

Section 1. That this ordinance consisting of Chapters 1 through 27, inclusive, is hereby adopted and enacted as the "Code of Ordinances, City of South Portland, Maine," shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before September 18, 1972, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all provisions of such Code shall be in full force and effect from and after January 1, 1973, and all ordinances of a general and permanent nature of the City of South Portland, enacted on final passage on or before September 18, 1972, and not in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of such Code, except as hereinafter provided.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code; nor shall such repeal affect any of the following:

- (a) Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the City;
- (b) Any administrative ordinance of the City Council not in conflict or inconsistent with the provisions of such Code;
- (c) Any right or franchise granted by any ordinance of the City;
- (d) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the City;
- (e) Any appropriation ordinance;
- (f) Any ordinance levying or imposing taxes;
- (g) Any zoning ordinance or any amendment thereto;
- (h) Any ordinance establishing or prescribing grades in the City;
- (i) Any ordinance providing for local improvements and making assessments therefor;
- (j) Any ordinance dedicating or accepting any plat or subdivision in the City;
- (k) Any ordinance extending or contracting the boundaries of the City;
- (l) Any ordinance prescribing the number, classification or compensation of any city officers or employees not inconsistent herewith;
- (m) Any ordinance establishing utility rates;
- (n) Any ordinance enacted after September 18, 1972.

Such repeal shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, City of South Portland, Maine" shall be understood and intended to include such additions and amendments.

Section 5. That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf 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 Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Code of Ordinances of South Portland, Maine.

Section 6. Whenever in said Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or a misdemeanor, 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 or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00) plus costs. Each day any violation of any provisions of this Code or of any ordinance shall continue shall constitute a separate offense.

Section 7. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1-8 of such Code shall apply to the section as amended or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section amended, unless such penalty is specifically repealed therein.

Section 8. That it shall be unlawful for any person, firm or corporation in the City to change or amend, by additions or deletions, any part or portion of such 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 of South Portland to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 6 of this ordinance and Section 1-8 of the Code of Ordinances of the City of South Portland, Maine.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. That this ordinance shall be in full force and effect from and after January 1, 1973.

DATED: November 6, 1972.

Given first reading and laid upon table: November 6, 1972.

Given public hearing, second reading and final passage: November 20, 1972.