

CHAPTER I - GENERAL PROVISIONS

Article 1. - General

Sec. 1-1. Designation and citation of code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the Town of Berlin Code Book and may be so cited.

State law reference—Authority to codify, state statute § 7-148a.

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

In the construction of this code and of all local laws, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the town council:

Charter. The term "charter" shall mean the Charter of the Town of Berlin, Connecticut as printed in Part One of this code book.

Citation to state statutes. A reference to the Connecticut state law shall mean and refer to the latest edition or supplement of such law.

Code. The term "code" means the Town of Berlin Code Book.

Computation of time. A number of days specified as a period from a certain day within which or after or before which an act is authorized or required to be done means such number of calendar days exclusive of the calendar day from which the reckoning is made. If such period is a period of two (2) days, Saturday, Sunday or a public holiday must be excluded from the reckoning if it is in an intervening day between the day from which the reckoning is made and the last day of the period. In computing any specified period of time from a specified event, the day upon which the event happens is deemed the day from which the reckoning is made. The day from which any specified period of time is reckoned shall be excluded in making the reckoning.

Councilmember. The term "councilmember" means a member of the town council of the Town of Berlin in the County of Hartford and State of Connecticut.

County. The term "county" means the County of Hartford in the State of Connecticut.

Delegation of authority. Whenever a provision or section appears requiring the head of a department or some other town official, officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty, unless the terms of the provision or section specify otherwise.

Fee schedule. In lieu of specific fees and citation amounts to be included the town should have a fee that should be a resolution passed by the town council. No public hearing will be held and the resolution is not considered an ordinance.

Gender. A term importing the masculine gender only shall also be construed to include females, corporations, partnerships, associations, joint stock companies, societies and all other entities.

State law reference—Similar provisions, state statute § 1-1(g).

Joint authority. Whenever authority is given to two (2) or more persons, it shall be construed as giving authority to a majority of them.

State law reference—Similar provisions, state statute § 1-1(h).

Justice of the peace. The term "justice of the peace" means a town justice of the Town of Berlin in the County of Hartford and State of Connecticut.

Number. The singular number includes the plural.

State law reference—Similar provisions, state statute § 1-1(f).

Officer, department, employee, board, committee, commission, etc. Whenever reference is made to an officer, department, employee, board, committee, commission, etc., it shall be deemed to refer to an officer, department, board, committee, commission, etc., of the Town of Berlin, Connecticut.

Owner. The term "owner" means a person who has the legal title, alone or with others, or exercises dominion or control over property, both real and personal.

Person. The term "person" means one (1) or more persons of either sex, natural person, corporations, partnerships, associations, joint stock companies, societies and all other legal entities.

State law reference—Similar provisions, state statute § 1-1(k).

State. The term "state" means the State of Connecticut.

State statute. Whenever "state statute" is used in referencing it means the Connecticut General State Statutes.

Tense. Terms used in the present tense include the future tense.

Town and Town of Berlin. The terms "town" and "Town of Berlin" mean the Town of Berlin in the County of Hartford and State of Connecticut.

Town clerk and clerk. The terms "town clerk" and "clerk" mean the town clerk of the Town of Berlin in the County of Hartford and State of Connecticut.

Town council. The term "town council" means the town council of the Town of Berlin in the County of Hartford and State of Connecticut.

State law reference—Meaning of terms, state statute § 1-1.

Cross reference—Definitions generally, chapter I § 1-2 of this code book.

Sec. 1-3. Catchlines of sections.

The catchlines of the sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

Sec. 1-4. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this code, unless otherwise specified.

Sec. 1-5. History notes.

The history notes appearing in parentheses after sections of this code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-6. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.

Sec. 1-7. Provisions considered as continuation of existing ordinances.

The provisions appearing in this code, so far as they are the same as those of the ordinances existing at the time of the adoption of this code, shall be considered as a continuation thereof and not as new enactments.

Sec. 1-8. Code does not affect prior offenses, penalties, contracts and rights.

- a) Nothing in this code or the ordinance adopting this code shall 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 this code.
- b) The adoption of this code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the town in effect on the date of adoption of this code.

Sec. 1-9. Effect of repeal of ordinances.

- a) The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.
- b) 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.

State law reference—Similar provisions with respect to repeal of a statute, state statute § 1-1(s), (u).

Sec. 1-10. Certain ordinances not affected by code.

Nothing in this code or the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following when inconsistent with this code:

- 1) 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 this code.
- 2) Any ordinance promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness.
- 3) Any contract or obligation assumed by the town.
- 4) Any right or franchise granted by the town.
- 5) Any appropriation ordinance providing for the levy of taxes or for adopting an annual budget.
- 6) Any ordinance relating to local improvements and assessments therefor.
- 7) Any ordinance prescribing the number, classification, benefits, retirement plan or compensation of any town officers or employees, not inconsistent herewith.
- 8) Any ordinance prescribing traffic regulations for specific streets, such as establishing speed limits or designating one-way streets, no parking areas, truck routes, stop intersections, intersections where traffic to be controlled by signals, etc.
- 9) Any ordinance prescribing any fee or payment of money to the town.
- 10) Any ordinance which is temporary although general in effect.
- 11) Any ordinance which is special although permanent in effect.
- 12) Any ordinance containing any administrative provisions.

All such ordinances shall remain in effect and are on file in the town clerk's office.

Sec. 1-11. Amendments to code.

- a) All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances such repealed portions may be excluded from the code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the town council.
- b) Amendments to any of the provisions of this code should be made by amending such provisions by specific reference to the section of this code in substantially the following language: "That section _____ of the Town of Berlin Code Book is hereby amended to read as follows:ö (set out new provisions in full).
- c) When the town council desires to enact ordinances of a general and permanent nature on a subject not heretofore existing in the code, which the town council desires to incorporate into the code, a section in substantially the following language shall be made a part of the ordinance:

"Section _____. It is the intention of the town council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of

the Town of Berlin Code Book and the sections of this ordinance may be renumbered to accomplish such intention.ö

- d) All sections, articles, chapters or provisions of this code desired to be repealed should be specifically repealed by section number or chapter number, as the case may be.

Sec. 1-12. Supplementation of code.

- a) By contract or by town personnel, supplements to this code shall be prepared and printed. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.
- b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.
- c) When preparing a supplement to this code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in 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) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this part," etc., as the case may be, or to "sections _____ to _____," inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code.
 - 3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
 - 4) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles.
 - 5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

Sec. 1-13. Severability of parts of code.

It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Sec. 1-14. Unlawful alteration of code.

It shall be unlawful for any person to willfully misrepresent the provisions of this code by altering or changing any of the provisions herein, inserting or deleting pages, or by any other manner whatsoever.

Sec. 1-15. General penalty.

Unless otherwise specifically provided, the violation of any chapter, rule or regulation or any specific provision or provisions thereof adopted by the town council as a part of this code shall be deemed an offense against such chapter, rule, regulation or provision thereof punishable by a fine as listed in the town fee schedule.

State law reference—Penalty for violation of town legislation, state statute § 7-148(c)(10)(A).