

**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 of the City of Barre, Vermont" and may be so cited.

**Charter reference--**Authority to codify ordinances Sec.306.

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

In the construction of this code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

**CITY.** The words "the city" or "this city" shall mean the City of Barre, Vermont, and shall extend to and include its several officers, agents and employees.

**CITY COUNCIL, COUNCIL.** The term "city council" or "council" shall mean the city council of the City of Barre, Vermont.

**COUNTY.** The term "county" or "this county" shall mean the County of Washington, Vermont.

**COMPUTATION OF TIME.** Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

**DELEGATION OF AUTHORITY.** Whenever a provision appears requiring the head of a department or some other city 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.

**GENDER.** A work importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

**GENERAL ASSEMBLY** shall mean the General Assembly of the State.

**HIGHWAY.** The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the city dedicated or devoted to public use.

**KEEPER AND PROPRIETOR.** The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or through a servant, agent or employee.

**NUMBER.** A word importing the singular may extend and be applied to the plural, and vice versa.

**OATH.** The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

**OR AND.** "Or" may be read "and" and "and" may be read "or" if the sense requires it.

**OWNER.** The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

**PERSON.** The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

**PERSONAL PROPERTY.** includes every species of property except real property as herein defined.

**PROPERTY.** The word "property" shall include real, personal and mixed property.

**PUBLIC PLACE.** The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, school yard or open space adjacent thereto and any lake or stream.

**REAL PROPERTY** shall include lands, tenements and hereditaments.

**SIDEWALK.** The word "sidewalk" shall mean any portion of a street between the curb-line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

**SIGNATURE or SUBSCRIPTION** includes a mark when the person cannot write.

**STATE.** The words "the state" or "this state" shall mean the State of Vermont.

**STREET.** The word "street" shall embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city.

**TENANT, OCCUPANT.** The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

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

**WRITTEN or IN WRITING** shall include any representation of words, letters or figures, whether by printing or otherwise.

**Sec. 1-3. Catch-lines of sections.**

The catch-lines of the several 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 the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch-lines, are amended or reenacted.

**Sec. 1-4. Amendments to Code.**

(a) 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 Code of the City of Barre, Vermont, is hereby amended to read as follows: .... (Set out new provisions in full) ....."

(b) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of the City of Barre, Vermont, is hereby amended by adding a section (or article, chapter or other designation as the case may be), to be numbered \_\_\_\_\_, which reads as follows: ..... (Set out new provisions in full)...."

(c) All additions or revision of any ordinance shall be adopted as provided for pursuant to section 107 of the charter. (Ord. No. 1983-1, 1-13-83)

**Sec. 1-5. Supplementation of Code.**

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which 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, agency or organization authorized to prepare the supplement) may make formal, non-substantive 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 catch-lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch-lines, headings and titles;
- (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) Change the words "this ordinance" or words of the same meaning to this "this chapter," "this article" "this division," 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); and
- (5) Make other non-substantive 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. 1-6. Effect of repeals.**

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code 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 an offense committed under the provision repealed.

**Sec. 1-7. Altering Code.**

It shall be unlawful for any person to amend or alter any part of portion of this Code or to insert or delete any page or portion thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the City of Barre, Vermont, to be misrepresented thereby.

**Sec. 1-8. Severability of parts of Code.**

It is hereby declared to be the intention of the city 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, invalid or unenforceable, such unconstitutionality, invalidity or un-enforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**Sec. 1-9. General penalty; continuing violations.**

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful, an offense 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, where no

specific penalty is provided therefore, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.