

**PART II**  
**REVISED ORDINANCES**

Chapter 1

**GENERAL PROVISIONS**

**Sec. 1-1. Citation of Revised Ordinances.**

The ordinances contained in this chapter and in the chapters following shall constitute and be designated as "The Revised Ordinances of the City of Brockton," and may be so cited.  
(Code 1965, § 1-1)

**Charter reference**—Codification of ordinances, § 23.

**Sec. 1-2. Certain ordinances not affected.**

Nothing in these Revised Ordinances or the ordinance adopting these Revised Ordinances shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (2) Any ordinance which is temporary although general in effect;
- (3) Any ordinance which is special although permanent in effect;
- (4) Any ordinance the purpose of which has been accomplished;
- (5) Any ordinance or resolution fixing or establishing salaries of the city officers or employees;
- (6) Any right or franchise conferred by an ordinance or resolution upon any person or corporation;
- (7) Any zoning ordinance;
- (8) Any ordinance or resolution accepting, recommending or adopting the provisions of any statute of the commonwealth;

- (9) Any order of the council;
- (10) Any ordinance adopted after April 15, 1982.  
(Code 1965, § 1-1)

**Sec. 1-3. Prospective effect of Revised Ordinances; continuation of offices; repealed ordinances not revived.**

(a) The Revised Ordinances and the repeal provided for in section 1-2 of these Revised Ordinances, or the repeal of any ordinance, shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, nor any offense committed, or any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal for any offense committed, or for the recovery of any penalty or forfeiture incurred under any of the provisions so repealed.

(b) All persons who, at the time when such repeal shall take effect, shall hold any office under any of the ordinances so repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished or those as to which a different provision shall have been made by the ordinances contained in this chapter.

(c) No ordinances or part of an ordinance, which have been heretofore repealed, shall be revised by the repeal in section 1-2 of these Revised Ordinances or any of the ordinances or parts of ordinances therein mentioned, and when any ordinance, repealing a former ordinance, clause or provision, shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.  
(Code 1965, § 1-2)

**Sec. 1-4. Definitions and rules of construction.**

In the construction of these Revised Ordinances, and any other city ordinance the following rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context of the ordinance:

*City.* The City of Brockton, in the County of Plymouth and the Commonwealth of Massachusetts.

*City council, council.* The city council of the city.

*Commonwealth.* The Commonwealth of Massachusetts.

*Computation of time.* The time in which an act is to be done shall be computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall be excluded.

*County.* The County of Plymouth in the Commonwealth of Massachusetts.

*Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

*Month.* A calendar month.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

*Oath.* 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".

*Owner.* When applied to a building or land, 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.* Associations, firms, corporations, partnerships and bodies politic and corporate as well as individuals.

*Preceding, following.* Next before and next after, respectively.

*Revised Ordinances.* Reference to "these Revised Ordinances" or "The Revised Ordinances" shall refer to The Revised Ordinances of the City of Brockton, as designated in section 1-1.

*Statute references.* Whenever reference is made to G. L., c. \_\_\_\_\_, § \_\_\_\_\_, this shall mean the Tercentenary Edition of General Laws.

*Street.* Public ways, streets, avenues, boulevards, roads, alleys, lanes, courts, viaducts, public squares, sidewalks and all other public highways in the city.

*Tenant, occupant.* When applied to a building or land, 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.

*Words purporting to give a joint authority* to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

*"Written" or "in writing"* shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(Code 1965, § 1-3)

#### **Sec. 1-5. Amendments and additions to Revised Ordinances.**

Whenever the city council adopts any ordinance in amendment of, or in addition to, these Revised Ordinances, it shall be by amending or repealing the specific section of the particular chapter dealing with the subject matter of the proposed ordinance. Such chapter and section shall be referred to by number, in order that the structure of these Revised Ordinances may be maintained.  
(Code 1965, § 1-5)

#### **Sec. 1-6. Recording of ordinances.**

All ordinances shall be recorded at length by the city clerk, in the order in which they shall be passed, in a book kept for the purpose.

(Code 1965, §§ 1-6, 2-12)

#### **Sec. 1-7. Catchlines of sections.**

The catchlines of the several sections of these Revised Ordinances printed in boldface type are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when

any of such sections, including the catchlines, are amended or re-enacted.

(Code 1965, § 1-7)

**Sec. 1-8. Severability.**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of these Revised Ordinances, or any other city ordinance are severable, and if any phrase, clause, sentence, paragraph or section of these Revised Ordinances shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these Revised Ordinances, since the same would have been enacted by the city council without the incorporation in this volume of any such unconstitutional phrase, clause, sentence, paragraph or section.

(Code 1965, § 1-8)

**Sec. 1-9. General penalty.**

Whoever violates a provision of these Revised Ordinances or any city administrative rule or regulation shall, unless otherwise provided by law or ordinance, be liable to a penalty of not more than three hundred dollars (\$300.00) for each offense.

(Code 1965, § 1-9)

**State law reference**—Penalties for ordinance violations, G.L. c. 40, § 21.

**Sec. 1-10. Fines and penalties to inure to use of city.**

All fines and penalties for the violation of any ordinance or any order of the city council shall, when recovered, inure to the use of the city, and be paid into the city treasury, unless it be otherwise directed by law or ordinance.

(Code 1965, § 1-10)

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