

CHAPTER 1 GENERAL PROVISIONS

Sec. 1-1. Designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of the Ordinances of the Town of Kent, Connecticut" and may be so cited.

Sec. 1-2. Rules of Construction

In the construction of this Code and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

Board. The term "Board" shall mean the Board of Selectmen of the Town of Kent.

Code. The term "Code" shall mean the Code of the Ordinances of the Town of Kent, Connecticut.

County. The words "the county" and "this county" shall mean the County of Litchfield in the State of Connecticut.

Gender. A word importing a particular gender shall extend and be applied to the opposite gender and to firms, partnerships and corporations, as well as the gender stated.

Number. A word importing the singular number only may extend and be applied to several persons and things, as well as to one (1) person and thing.

Person. The word "person" shall extend and be applied to associations, communities, firms, partnerships and bodies politic and corporate, as well as to individuals.

Personal property shall include every species of personal property except real property as herein defined.

Property. The word "property" shall include real and personal property.

Real property shall include lands, tenements and hereditaments.

State. The words "the state" or "this state" shall be construed to mean the State of Connecticut.

State law, general law or general statutes shall refer to Connecticut General Statutes, Revision of 1958, as amended.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the town and may include private ways over which the town exercises jurisdiction.

Town. The term "town", "this town" or "the town" when used herein shall mean the Town of Kent in the County of Litchfield and State of Connecticut.

In the construction of this Code, except as otherwise provided, in this Code, words and phrases shall be construed according to the common usage of the language and according to the General Statutes; technical words and phrases and such as have acquired a peculiar and appropriate meaning shall be construed and understood accordingly. (Refer to General Statutes Sec. 1-1 for rules of construction of terms used in the General Statutes).

Sec. 1-3. Names of Sections

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate 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 names, are amended or reenacted.

Sec. 1-4. Amendments to Code; effect of new ordinances; amendatory language

All ordinances passed subsequent to adoption of this Code of Ordinances 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 herein. In the case of repealed chapters, articles, division, 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.

All ordinances which amend or repeal any provision of this Code shall set forth in full the sections or subsections to be amended or repealed and if to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring.

Sec. 1-5. Effect of repeal of ordinances

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

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 an offense committed under the ordinance repealed.

Sec. 1-6. Severability of Parts of the Code

Each section of the Code and every part of each section is an independent section or part of a section. If any phrase, clause, sentence, paragraph, section or part of a section of this Code shall be declared invalid, void, or unconstitutional by the valid judgment or decree of any court, such invalidity or unconstitutionality shall not affect any of the remaining provision of this Code.

Sec. 1-7. Altering Code

It shall be unlawful for any person to change or amend, by additions or deletions, any part of this Code of any ordinance of the Town or to insert or delete pages or any portion thereof, or to alter or tamper with such Code in any manner whatsoever with intent that any provision of this Code or other ordinance of the Town shall be misrepresented or with intent to commit a fraud thereby.

Sec. 1-8. Adoption of Code as Official Publication

Section 7-148a of the General Statutes requires each town to compile and publish in permanent form all ordinances, new ordinances and all special acts which are in effect as of the date of publication and thereafter.

The publication entitled "Code of the Ordinances of the Town of Kent, Connecticut" also known as the "Code" is hereby adopted and shall hereafter constitute the official set of ordinances of the Town of Kent.

Sec. 1-9. Repealer

All town ordinances in effect on the date of adoption of this codification of ordinances and not contained in the Code of the Ordinances of the Town of Kent or which are inconsistent with any provision of the Code of the Ordinances of the Town of Kent are hereby repealed as of the effective date of this Article, except as hereinafter provided.

Past ordinances and votes now covered by State Statute or this Code are not included in this edition but are referenced in the History of each ordinance.

Sec. 1-10. Matters Not Affected by Repeal

The following ordinances, regulations, rights or obligations shall not be affected by adoption of the Code of the Town of Kent.

(a) Any ordinance or regulation adopted subsequent to the effective date of this Code.

(b) Any right or liability established, accrued or incurred under any legislative provision of the Town of Kent prior to the effective date of this Article or any actions or proceeding brought for the enforcement of such right or liability.

(c) Any obligation or liability by reason of any offense or act committed or done before the effective date of the Article in violation of any legislative provision of the Town of Kent or any penalty, punishment or forfeiture which may result therefrom.

(d) Any franchise, license, right, easement or privilege heretofore granted or conferred by the town.

(e) Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Article brought pursuant to any legislative provision of the Town.

(f) Any ordinance or resolution of the Town 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 Kent or other instruments or evidence of indebtedness.

(g) Ordinances or votes authorizing the purchase, sale lease of transfer of property or any lawful contract or obligation.

(h) The levy or imposition of taxes, assessments or changes.

(i) The dedication of property or approval of preliminary or final subdivision lots.

(j) The terms of offices of any elected official or the rotation of terms of office legally in effect at the time of adoption of this Code.

Sec. 1-11. Incorporation of Ordinances into the Code

Any and all ordinances adopted subsequent to the effective date of this Code, shall be incorporated into and shall become a part of the Code of Ordinances of the Town of Kent, Connecticut, under the numbering system established by the Code, notwithstanding that such ordinances have been or may be adopted under another numbering system. All such ordinances shall be deemed to be incorporated into the Code so that reference to the Code shall be understood and intended to include such ordinances. The Town Clerk, from time to time, but not less than every two (2) years, shall cause such amendments or supplements to said Code. Upon certification by the Town Clerk for conformity, in substance, to the original enactments, such printed amendments or supplements shall constitute official proof of said Code.

Sec. 1-12. Code To Be Kept Up-to-Date

It shall be the duty of the Town Clerk or such other person authorized and directed by the Town Clerk to keep up-to-date, in loose-leaf form, a copy of the Code of Town of Kent, Connecticut. Said up-to-date copy of the Code shall be filed in the Office of the Town Clerk and shall remain there for use and examination by the public and shall be made available to person desiring to examine during business hours. All changes in the Code shall be included in the Code by reference until such changes or new ordinances are printed as amendments or supplements to the Code, at which time such amendments or supplements shall, upon certification by the Town Clerk, be inserted therein.

Sec. 1-13. Approval of Appendix

The Appendix to the Code containing the Subdivision Regulations and Zoning Regulations is hereby approved for consistency with the current regulations. Such approval is not intended to

abridge the legal authority of any board, commission or agency of the Town of Kent to make, publish, adopt, repeal, change or amend its rules, regulations or bylaws in accordance with law.