

Chapter 1 GENERAL PROVISIONS

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SECTION 1.1. How Code designated and cited.

The provisions embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Vanceboro, North Carolina." Such Code may also be cited "Town Code, Vanceboro, North Carolina."

State law references: Admission of Code in evidence, G.S. 160A-79.

SECTION 1.2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of aldermen or the context clearly requires otherwise:

Board of Aldermen. The words "board of aldermen" shall mean the board of aldermen of the Town of Vanceboro, North Carolina.

Charter. The word "Charter" shall mean and refer to the Charter of the Town of Vanceboro, North Carolina as printed in Part I of this volume.

Code. The terms "Code" or "this Code" shall mean and refer to the Town Code, Vanceboro, North Carolina as designated in section 1.1.

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

State law references: Computation of time, G.S. 1-593.

County. The words "the county" or "this county" shall mean Craven County, North Carolina.

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

Interpretation. In the interpretation and application of any provisions of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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.

Land. "Land" and "real estate" includes rights and easements of an incorporeal nature.

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular number include the plural, and the plural includes the singular number.

Oath. The word "oath" shall be construed to 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."

Officers, departments, boards, etc. Whenever reference is made to any officer, department, board, commission or other municipal agent, agency or representative, such reference shall be construed as if followed by the words "of the Town of Vanceboro," except as herein otherwise provided.

Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

Owner. The word "owner" when applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The word "person" shall extend and be applied to firms, societies, partnerships, associations, clubs, organizations, bodies politic and corporate and any other groups acting as a unit, as well as to individuals.

Personal property. The words "personal property" includes every species of property, except real property.

Plural, singular. Words importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, and words importing the plural shall include the singular.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

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

Real property. The words "real property" shall include lands, tenements and hereditaments.

Shall, may. The word "shall" is mandatory and the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians.

Signature or subscription. The word "signature" or "subscription" includes a mark when a person cannot write.

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

Statute references. Whenever reference is made, for example, G.S. 160A-100, it shall be construed to refer to the General Statutes of North Carolina, § 160A-100, as amended, or whatever section is cited.

Street. The word "street" shall mean and include any dedicated and maintained public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the Town.

Tenant, occupant. The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

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

Town. The words "Town" or "the Town" shall mean the Town of Vanceboro, in the County of Craven, and the State of North Carolina, except as otherwise provided; and when such word or words are used in conjunction with an official's or employee's title they shall refer to the particular official or employee of the Town of Vanceboro, North Carolina.

Writing, written. The words "writing" and "written" shall include printing and any other mode of representing words and letters.

Year. The word "year" shall mean a calendar year.

State law references: Similar rules of construction, G.S. 12-3.

SECTION 1.3. Catchlines, history notes and references.

(a) The catchlines of the several sections, subsections, or ordinances or sections thereof, of this Code 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 the titles of such sections, subsections, or ordinances or sections thereof, nor as any part of the section, nor shall they be so deemed when any of such sections, subsections, or ordinances or sections thereof, including the catchlines, are amended or reenacted, unless expressly so provided.

(b) The history notes appearing in parentheses after sections of the Code and the references scattered throughout the Code shall not be considered as part of the Code but are mere aids for the benefit of the user of the Code.

SECTION 1.4. Effect of repeal of ordinances.

The repeal of any prior ordinance of the Town by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract or event, already affected by them.

SECTION 1.5. Severability of parts of Code.

It is hereby declared to be the intention of the Board of Aldermen 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 any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 1.6. Amendments to Code; effect of new ordinances; amendatory language.

(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 herein. 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. 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 board of aldermen.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language:

"That section _____ of the Code of Ordinances, Town of Vanceboro, North Carolina, is hereby amended to read as follows:"

The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used:

"That the Code of Ordinances, Town of Vanceboro, North Carolina, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:"

The new section shall then be set out in full as desired.

SECTION 1.7. Altering Code.

It shall be unlawful for any person in the Town to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except pursuant to ordinance or resolution or other official act of the board of aldermen, which will cause the law of the Town to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1.8 hereof.

SECTION 1.8. General penalty.

(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Code or of the ordinances of the Town.

(b) Where no specific penalty is provided in any provision of this Code or in any ordinance of the Town, each person convicted for the violation of any such provision may be punished by a fine of not more than \$500.00, or by imprisonment for not more than 30 days.

(c) In addition to all other punishment herein provided for, any person found guilty of violating any of the ordinances, or provisions thereof, of the Town may be required to pay the court costs, or any portion thereof, in the discretion of the court.

(d) Unless otherwise expressly provided, each day's violation of a provision of this Code or other ordinance of the Town shall constitute a separate offense.

SECTION 1.9. Responsibility for violations by corporations.

If any provision of this Code is violated by a corporation, the officer, agent or employee thereof who violates such provision, or who procures, aids or abets such violation, shall be subject to the same penalties as if he himself committed the violation.

SECTION 1.10. Acts, ordinances, etc., not affected by Code.

Neither this Code nor 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; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered on or prior to the effective date of this Code; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by or for the Town or authorizing the issue of any bonds of the Town or any evidence of indebtedness or any contract or obligation assumed by the Town; nor shall such repeal affect the administrative ordinances or resolutions of the board of aldermen not in conflict or inconsistent with the provisions of such Code; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town on any person; nor shall it affect any ordinance adopted for purposes which have been consummated or any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any of the following ordinances or any amendment thereto:

- (1) Any appropriation ordinance;
- (2) Any ordinance levying or imposing taxes;
- (3) Any ordinance providing for any public improvement;
- (4) Any ordinance making any assessment;
- (5) Any ordinance opening, relocating, closing, altering or naming any streets or alleys;
- (6) Any ordinance relative to salaries, compensation or bonds of Town employees and officials or members of Town boards or commissions;
- (7) Any ordinance establishing, extending or contracting the limits of the Town;
- (8) Any ordinance relative to building lines or setback lines;
- (9) Any ordinance establishing or relative to water, sewer or garbage rates;

(10) The zoning or land use ordinance of the Town as from time to time amended, or any ordinance zoning or rezoning any specific parcel of real property; or

(11) Any ordinance relative to pedestrian crossings; which classes of ordinances have been omitted from this Code.

SECTION 1.11. Supplementation of Code.

(a) By contract or by Town personnel, supplements to this Code shall be prepared as determined by the Board of Aldermen. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the Board of Aldermen 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 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, nonsubstantive 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 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.

(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 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.

(5) Make other nonsubstantive changes necessary to preserve the original meanings 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.