

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

The ordinances embraced in this and the following titles, chapters and sections shall constitute and be designated “The Code of the Town of Green Level, North Carolina” and may be so cited.
(Prior Code, § 10.01)

§ 10.02 INTERPRETATION.

(A) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of the General Statutes of North Carolina.

(B) Code, title, chapter and section headings do not constitute any part of the law as contained in the code. Footnotes, cross-references and other comments are by way of explanation only and should not be deemed a part of the text of any section.

(Prior Code, § 10.02)

§ 10.03 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and any amending ordinances, if any, are listed following the text of the code section.

Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) If a General Statute cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute.

Example: (G.S. § 160A-69) (Ord. 10 passed 1-17-1980; Ord. 20, passed 1-1-1985)

(C) If a General Statute cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 31.10 MAYOR.

The Mayor shall preside at all Council meetings.

Statutory reference:

Powers and duties of the Mayor, see G.S. § 160A-67

(Prior Code, § 10.03)

§ 10.04 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I not incompatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

(Prior Code, § 10.04)

§ 10.05 DEFINITIONS.

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNTY. The County of Alamance, in the State of North Carolina, except as otherwise provided.

IN THE TOWN. Any territory jurisdiction of which for the exercise of its regulatory power has been conferred on the town by public or private law.

MONTH. A calendar month.

OFFICIALS, BOARDS, COMMISSIONS AND THE LIKE. Whenever reference is made to **OFFICIALS, BOARDS, COMMISSIONS AND THE LIKE**, by title only, they shall be construed as if followed by the words “of the Town of Green Level”.

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 the building or land.

PERSON. Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

PERSONAL PROPERTY. Every species of property, except real property as herein defined.

PRECEDING and **FOLLOWING.** Next before and next after, respectively.

PROPERTY. Real and personal property.

REAL PROPERTY. Lands, tenements and hereditaments.

STATE. The State of North Carolina.

STATUTORY REFERENCES. The General Statutes of North Carolina shall be cited to throughout this code as “G.S.”.

TENANT or **OCCUPANT.** Applied to a building or land shall include any person who occupies the whole or part of the building or land, whether alone or with others.

THIS CODE or **THIS CODE OF ORDINANCES.** The Town Code of Green Level as modified by amendment, revision and adoption of new titles, chapter or sections.

TOWN. The Town of Green Level in the County of Alamance and the State of North Carolina, except as otherwise provided.

TOWN COUNCIL. The governing body of the Town of Green Level, North Carolina.

TOWN LIMITS or **CORPORATE LIMITS.** The legal boundary of the Town, of Green Level, North Carolina.

YEAR. A calendar year.

(Prior Code, § 10.05)

Statutory reference:

Similar statutory definitions, see G.S. § 12-3

§ 10.06 RULES OF CONSTRUCTION.

The construction of all ordinances of this town shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinances.

(A) *“And” or “or”*. Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) *Gender; singular and plural; tenses*. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(C) *General term*. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

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

(E) *Nontechnical and technical words*. Words and phrases shall be construed according to the common and approved usage of the language. However, technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.

(Prior Code, § 10.06)

§ 10.07 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning of legal effect of the subject matter taken as a whole.

(Prior Code, § 10.07)

§ 10.08 CODE PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

The provisions appearing in this code, so far as they are the same as those of the ordinances included herein, shall be considered as continuations thereof and not as new enactments.

(Prior Code, § 10.08)

§ 10.09 SEVERABILITY.

It is 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 or otherwise invalid by the valid judgment or decree of any court to competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the Town Council without the incorporation in this code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Prior Code, § 10.09)

§ 10.10 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

(Prior Code, § 10.10)

§ 10.11 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the town exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(Prior Code, § 10.11)

§ 10.12 ERRORS AND OMISSIONS.

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the used of word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted that will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

(Prior Code, § 10.12)

§ 10.13 OFFICIAL TIME.

The official time, as established by applicable state and federal law, shall be the official time within the town of the transaction of all town business.

(Prior Code, § 10.13)

§ 10.14 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) In computing any period of time prescribed or allowed by this code, by order of any court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday or a legal holiday. In any event, the period runs until the end of the next day that is not a Saturday, a Sunday or a legal holiday. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded from the computations. A half holiday shall be considered as other days and not as a holiday.

(Prior Code, § 10.14)

Statutory reference:

State law computation of time, see G.S. § 1A-1, Rule 6(a)

§ 10.15 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provision of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

(Prior Code, § 10.15)

§ 10.16 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

(Prior Code, § 10.16)

§ 10.17 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body or a certain town officer or employee to make additional ordinances or regulations for the purpose of carrying out

the intent of the ordinance, all ordinances and regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.
(Prior Code, § 10.17)

§ 10.18 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

Any chapter, section or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Any chapter, section or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of the subsequent ordinance until the legislative body of the town adopts a new code of ordinances.
(Prior Code, § 10.18)

§ 10.19 ALTERING CODE.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this code; insert or delete pages, or any portions thereof; or alter or tamper with the code in any manner whatsoever except pursuant to ordinance or resolution or other official act of the Town Council which will cause the law or the town to be misrepresented thereby.
(Prior Code, § 10.19) Penalty, see § 10.99

§ 10.99 GENERAL PENALTY.

Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or infraction, or whenever in the code or ordinance the doing of any act is required or the failure to do such act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code or other ordinance shall be punished by a fine not exceeding \$50 or by imprisonment for a term not exceeding 30 days. Each day that any violation of this code or of any ordinance continues shall constitute a separate offense.
(Prior Code, § 10.99)

Statutory reference:

- Authority of town to impose penalty, see G.S. § 160A-175*
- Violation of town ordinances, see G.S. § 14-4*

