

CHAPTER 10: GENERAL PROVISIONS

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§10.01 TITLE OF CODE

This codification of ordinances by and for the City of Belmont, North Carolina, shall be designated as the Code of Belmont and may be so cited.

§10.02 INTERPRETATION

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 state law.

§10.03 APPLICATION TO FUTURE ORDINANCES

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§10.04 CAPTIONS

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§10.06 DEFINITIONS

(A) *General rule:* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import..

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

CITY, MUNICIPAL CORPORATION, MUNICIPALITY, OR TOWN: the City of Belmont, North Carolina.

CITY COUNCIL OR COUNCIL: The legislative body of the City of Belmont.

CODE, THIS CODE, OR THIS CODE OF ORDINANCES: This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY: Gaston County, North Carolina

MAY: The act referred to is permissive.

MONTH: A calendar month.

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 works **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, OR DEPARTMENT: An officer, office, employee, commission, or department of this City unless the context clearly requires otherwise.

PERSON: Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING: Next before or next after, respectively.

SHALL: The act referred to is mandatory.

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

STATE: The State of North Carolina

SUBCHAPTER: A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN: Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR: A calendar year, unless otherwise expressed; equivalent to the words **YEAR OF OUR LORD.**

§10.06 RULES OF INTERPRETATION

The construction of all ordinances of this City shall be by the following rules, unless such construction is plainly repugnant to the intent of the City Council or of the context of the same ordinance:

- (A) **AND** or **OR:** Either conjunction shall include the other as if written “and/or” if the sense requires it.
- (B) *Acts by assistants:* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
- (C) *Gender; singular and plural; tenses:* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular 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.
- (D) *General term:* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§10.07 SEVERABILITY

If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§10.08 REFERENCE TO OTHER SECTIONS

Whenever in one section reference is made to another section hereof, such 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.

§10.09 REFERENCE TO OFFICES

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

§10.10 ERRORS AND OMISSIONS

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 use of a 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 such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§10.11 OFFICIAL TIME

The official time, as established by applicable state/federal laws, shall be the official time within this City for the transaction of all City business.

§10.12 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 such act or the giving of such notice.
- (B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§10.13 ORDINANCES REPEALED

This code, from and after its effective date, shall contain all of the provisions 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.

§10.14 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.

§10.15 EFFECTIVE DATE OF ORDINANCES

All ordinances passed by the City Council requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§10.16 REPEAL OR MODIFICATION OF ORDINANCE

- (A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.
- (B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anywise be effected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.
- (C) When any ordinance repealing a former ordinance, clause, or provision shall by itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE

- (A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§10.18 SECTION HISTORIES; STATUTORY REFERENCES

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (G.S §160A-6) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)

(2) If a statutory 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.

(C) If a section of this code was derived from the previous code of ordinances of the city published in 1967, and subsequently amended, the 1967 code section number shall be indicated in the history by “(67 Code, §)”

§10.99 GENERAL PENALTY

If any person shall violate any provision of this code of ordinances, except any provision regulating the operation or parking of vehicles, he shall be guilty of a class three misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days. (G.S. §14-4(a)) unless otherwise provided.

Statutory reference:

For provisions concerning enforcement of ordinances, see G.S. §160A-175