

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

- Sec. 1-1. Code designation and citation.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Provisions considered as continuations of existing ordinances.
- Sec. 1-4. Catchlines, history notes and references.
- Sec. 1-5. Severability of parts of Code.
- Sec. 1-6. General penalty; continuing violations.
- Sec. 1-7. Fees.
- Sec. 1-8. Certain ordinances not affected by and may be omitted from Code.
- Sec. 1-9. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-10. Supplementation of Code.

***Charter reference**—Incorporation, corporate boundaries, and powers, art. I.

Oath. The term "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 like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, departments, Boards, etc. Whenever reference is made to any officer, department, Board, commission or other agent, agency or representative, such reference shall be construed as if followed by the term "of the City of Washington, North Carolina."

Official time standard. Whenever certain hours are named in this Code, those hours shall mean standard time or daylight saving time, as may be in current use in this city.

Owner. The term "owner," applied to any property, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

Person. The term "person" includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property except real property, as herein defined.

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

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

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

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

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

State. The term "state" shall be construed to mean the State of North Carolina.

Street. The term "street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city and means the entire width of the right-of-way between abutting property lines.

Tenant; occupant. The term "tenant" or "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

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

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

Year. The term "year" means a calendar year.
(Code 1972, § 1-2; Code 1993, § 1-2)

State law references—Time, G.S. 1-593 and 1A-1; rule 6; rules for construction of statutes, G.S. 12-3; definition ["street" defined], G.S. 20-4.01.

Sec. 1-3. Provisions considered as continuations of existing ordinances.

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

(Code 1972, § 1-3; Code 1993, § 1-3)

Sec. 1-4. Catchlines, history notes and references.

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

(b) The history notes following sections and the references and notes throughout the Code are informational only, with no legal effect on the substantive provisions, and are merely for the benefit of the user of this Code.

(Code 1972, § 1-4; Code 1993, § 1-4)

Sec. 1-5. Severability of parts of Code.

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

(Code 1972, § 1-5; Code 1993, § 1-5)

Sec. 1-6. General penalty; continuing violations.

Except where expressly provided otherwise:

- (a) Wherever in this Code or in any ordinance of the city or in any rule, regulation, order or notice of any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor; or
- (b) Wherever in such Code, ordinance, rule, regulation, order or notice the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor;

the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be punished as provided in G.S. 14-4 for each separate violation. Each day any violation of this Code or of any ordinance, rule, regulation, order or notice shall continue shall constitute a separate offense, except as may otherwise be specifically provided.

(Code 1972, § 1-6; Code 1993, § 1-6; Ord. No. 00-1, 2-14-2000)

State law references—Judgment confessed; bond given to secure fine and costs, G.S. 6-47 et seq.; enforcement of ordinances, G.S. 160A-175.

Sec. 1-7. Fees.

Except where otherwise stated, the Council shall set all fees annually in conjunction with the adoption of the City budget by reducing said fees to a schedule to be adopted as part of and included in the City budget. Said schedule thereof shall be kept on file in the office of the City Clerk. Any reference in this Code to a fee or other monetary term where the amount is not given shall refer to an amount set from time to time by the Council, pursuant to this section.

(Code 1993, § 1-7)

Sec. 1-8. Certain ordinances not affected by and may be omitted from Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (a) 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;
- (b) Any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Code;
- (c) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city;
- (d) Any annual tax levy;
- (e) Any right or franchise conferred by ordinance or resolution of the city;
- (f) Any ordinance adopted for purposes which have been consummated;
- (g) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;
- (h) Any ordinance relating to the salaries of the city officers or employees;
- (i) Any ordinance annexing territory to the city;
- (j) Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the city;
- (k) Any ordinance amending any Official Zoning Map.

All such ordinances may be omitted from this Code and, if omitted from this Code, are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this section.

(Code 1972, § 3; Code 1993, § 1-8)

Sec. 1-9. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend or in any other 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. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Council to make the same a part hereof, shall be deemed to be incorporated herein, so reference to the Code shall be understood and intended to include such additions and amendments.

(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 the City of Washington, 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 the City of Washington, North Carolina, is hereby amended by adding a section, to be numbered _____, which reads as follows:" The new section shall then be set out in full as desired.

(d) Provisions to be repealed may be specifically repealed by section, article or chapter number in the following language: "That (section, chapter or article) _____ of the Code of the City of Washington, North Carolina, is hereby repealed."

(Code 1993, § 1-9)

Sec. 1-10. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the Council 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 the preparation of 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 authorized to prepare the supplement) may make formal, nonsubstantive changes in 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 in the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of the 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.

(Code 1993, § 1-10)