

PART II
CODE OF ORDINANCES

CHAPTER 1

Article I. General Provisions and Definitions

1 – 100 *How Code designation and cited.*

The provisions in the following chapters and sections shall constitute and be designated as the “Code of Ordinance, Town of Pittsboro, North Carolina,” and may be so cited.

1 – 101 *Definitions and rules of construction.*

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

1 – 102 *Board of Commissioners, Commissioners.* The words “board of commissioners” or “commissioners” shall be construed as if the words “of the Town of Pittsboro, North Carolina” followed them or it.

1 – 103 *Bond.* Where a bond is required an undertaking in writing shall be sufficient.

1 – 104 *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. If the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

1 – 105 *County.* The words “the county” or “this county” shall mean the County of Chatham in the State of North Carolina.

1 – 106 *Delegation of Authority.* Whenever a provision of this Code requires or authorizes an officer or employee of the town to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision shall specifically designate or provide otherwise.

1 – 107 *Gender.* Words importing the masculine gender shall include the feminine and neuter.

- 1 – 108 *Health Officer.* The term “health officer” shall mean the health officer of Chatham County, North Carolina.
- 1 – 109 *Month.* The word “month” shall mean a calendar month.
- 1 – 110 *Nontechnical and Technical Words.* Words and phrases shall be construed according to the common and approved usage of the language, but 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 such meaning.
- 1 – 111 *Number.* Words used in the singular include the plural and the plural includes the singular number.
- 1 – 112 *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 “affirm” and “affirmed” shall be equivalent to the words “swear” and “sworn.”
- 1 – 113 *Or, And.* “Or” may be read “and” and “and” may be read “or” if the sense requires it.
- 1 – 114 *Officials, Boards, Commissions, Etc.* Whenever reference is made to officials, boards, commissions, committees and the like, by title only, they shall be construed as if followed by the words “or the Town of Pittsboro, North Carolina.”
- 1 – 115 *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.
- 1 – 116 *Person.* The word “person” shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.
- 1 – 117 *Personal Property.* The words “personal property” shall include every species of property, except real property as herein defined.
- 1 – 118 *Preceding, Following.* The words “preceding” and “following” mean next before and next after respectively.

- 1 – 119 *Property.* The word “property” shall include real and personal property.
- 1 – 120 *Real Property.* “Real Property” shall include lands, tenements and hereditaments.
- 1 – 121 *Sidewalk.* The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.
- 1 – 122 *Signature or Subscription.* The words “signature” or “subscription” shall include a mark when a person cannot write.
- 1 – 123 *State.* The words “the state” or “this state” shall mean the State of North Carolina.
- 1 – 124 *Statutes References.* Whenever reference is made, for example to G.S., section 160-200, it shall be construed to refer to General Statutes of North Carolina, Section 160-200, as amended, or to whatever section is cited.
- 1 – 125 *Street.* The word “street” shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, path, viaduct, bridge or other public place and the approaches thereto within the town when any part thereof is open to the use of the public and established for purposes of vehicular traffic.
- 1 – 126 *Tenant, Occupant.* The words “tenant” or “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.
- 1 – 127 *Tense.* Words used in the past or present tense include the future as well as the past and the present.
- 1 – 128 *Town.* The words “the town” or “this town” shall mean the Town of Pittsboro in the County of Chatham and the State of North Carolina.
- 1 – 129 *Town Limits.* The words “town limits” or “corporate limits” shall mean the legal boundary of the Town of Pittsboro, North Carolina.
- 1 – 130 *Writing or Written.* The words “writing” or “written” shall include printing and any other mode of representing words and letters.

1 – 131 *Year.* The word “year” shall mean a calendar year.

Article II. Specific Provisions

1 – 200 Catchlines of sections.

The catchlines of the several section of the Code printed in italic type 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 of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1 – 201 *Amendments to Code—form.*

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 the Code and subsequent ordinances numbered or omitted are readopted as a new Code by the board of commissioners.

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 Pittsboro, North Carolina, is hereby amended to read as follows:...” The new provisions shall then be set out in full as desired.

In the event 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 Pittsboro, 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.

- 1 – 202 *Same—placement.* Every ordinance introduced, which proposes to amend or repeal any portion of this Code, shall show, by proper reference, the chapter, article and section proposed to be amended; or if it proposes to add to this Code a new chapter, article or section, it shall indicate, with reference to the arrangement of this Code, the proper number of such chapter, article or section.
- 1 – 203 *Same—manner.* Not more than one chapter, article or section of this Code shall be amended, repealed or ordained by any one ordinance unless such chapters, articles or sections are consecutive.
- 1 – 204 *Filing of ordinances.* Every ordinance passed by the board of commissioner shall be immediately filed in a book provided for this purpose by the board of commissioners which shall be known as the Official Copy of the Code of the Town of Pittsboro, under the proper chapter and article, according to context, and shall be placed and assigned the proper section number.
- 1 – 205 *Publication of ordinances.* Every ordinance passed by the board of commissioners or a summary thereof, shall be published in some newspaper in the town, unless, at the time of the adoption thereof, the commission designates a later date for its publication. Such published ordinance shall show the date when the same shall become effective.
- 1 – 206 *Effective date of ordinance.* Every ordinance passed by the board of commissioners shall be in force from its passage unless otherwise ordered.
- 1 – 207 *Altering Code.* It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code or to insert or delete pages, or any 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 commissioners which will cause the law of the town to be misrepresented thereby.
- 1 – 208 *Liability of corporate officers, agents and employees for violation of Code.* In the event of a violation of any provision of this Code or other ordinance of the town by a corporation, the officer, agent or employee thereof who performs the act constituting the violation or procures, aids or abets the performance of such act shall be subject to the same penalties as if he himself had committed such violation.

1 – 209

General penalty for violation of Code; continuing violations. 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 whenever in such 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 thereof, the violation of any such provision of this Code or other ordinance shall be punished by a fine not exceeding fifty dollars (\$50.00) or by imprisonment for a term not exceeding thirty (30) days. Each day that any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

1 – 210

Severability of parts of Code. It is hereby declared to be the intention of the board of commissioners 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 commissioners without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.