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| **TITLE I: GENERAL PROVISIONS** Chapter **10. GENERAL PROVISIONS** **11. ELECTION DISTRICT BOUNDARIES** |
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| **CHAPTER 10: GENERAL PROVISIONS** |
| **Section** 10.01 Title of code 10.02 Interpretation 10.03 Application to future ordinances 10.04 Captions 10.05 Definitions 10.06 Rules of construction 10.07 Severability 10.08 Reference to officers, departments and boards 10.09 Reference to statutes 10.10 Reference to other sections 10.11 Errors and omissions 10.12 Official time 10.13 Reasonable time; computation 10.14 Ordinances confined to one subject 10.15 Effective date 10.16 Official copy 10.17 Effect of repeal of ordinance 10.18 Amendments to code 10.19 Altering code 10.20 Responsibility for violations by corporations 10.21 Ordinances cumulative 10.22 Ordinances repealed 10.23 Ordinances unaffected 10.24 Section histories; statutory references 10.99 General penalty**§ 10.01 TITLE OF CODE.** The provisions embraced in this and the following chapters and sections shall constitute and be designated the “Code of Ordinances, Town of Fremont, North Carolina” and may be so cited.('85 Code, § 10.01)**§ 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.** The captions of the several sections, subsections, or ordinances or sections thereof of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the title of the sections, subsections, or ordinances or sections thereof, nor as any part of the section, nor shall they be so deemed when any of the sections, subsections, or ordinances or sections thereof, including the catch lines, are amended or reenacted, unless expressly so provided.('85 Code, § 10.03) |
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| **§ 10.05 DEFINITIONS.** For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.  **Fremont - General Provisions** ***BOARD OF ALDERMEN.*** The Board of Aldermen of the Town of Fremont, Wayne County, North Carolina. ***COUNTY.*** Wayne County, North Carolina. ***KEEPER or PROPRIETOR.*** Persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent, or employee. ***LAND.*** Rights and easements of an incorporeal nature. ***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 words affirm and affirmed. ***OWNER.*** 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.*** 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.*** Every species of property, except real property. ***PROPERTY.*** Real and personal property. ***REAL PROPERTY.*** Lands, tenements, and hereditaments. ***SHALL.*** The act referred to is mandatory. ***SIDEWALK.*** Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways. ***SIGNATURE*** or ***SUBSCRIPTION.*** Includes a mark when the person cannot write.***STATE.*** The State of North Carolina. ***STREET.*** Street, avenue, boulevard, road, alley, lane, viaduct and any other public highway in the town. |
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|  ***SUBCHAPTER.*** A division of a chapter, designated in this code by an underlined 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. ***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. ***TOWN.*** The Town of Fremont, in the County of Wayne, and the State of North Carolina, except as otherwise provided; and when the word is used in conjunction with an official's or employee's title they shall refer to the particular official or employee of the town of Fremont, North Carolina. ***WRITING*** or ***WRITTEN.*** Printing and any other mode of representing words and letters. ***YEAR.*** A calendar year.('85 Code, § 10.04)**§ 10.06 RULES OF CONSTRUCTION.** (A) *Gender.* Words importing the masculine gender shall extend and be applied to females and to firms, partnerships, and corporations as well as to males. (B) *Number.* Words importing the singular number only may extend and be applied to several persons and things as well as to one person and things, and words importing the plural shall include the singular. (C) *Preceding, following.* The words “preceding” and “following” shall mean next before and next after, respectively. (D) *Or, and.* “Or” may be read “and,” and “and” may be read “or” if the sense requires it. (E) *Tense.* Words used in the past or present tense include the future as well as the past and present. (F) *Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving the authority to a majority of the persons or officers.('85 Code, § 10.05)**§ 10.07 SEVERABILITY.** It is 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.('85 Code, § 10.06) |
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| **§ 10.08 REFERENCE TO OFFICERS, DEPARTMENTS AND BOARDS.** Whenever reference is made to any officer, department, board, commission or other town agent, agency, or representative, the reference shall be construed as if followed by the words “of the town of Fremont,” except as herein otherwise provided.('85 Code, § 10.07)**§ 10.09 REFERENCE TO STATUTES.** Whenever reference is made, for example, to G.S. § 160A-272, it shall be construed to refer to the General Statutes of North Carolina, § 160A-272, as amended, or whatever section is cited.('85 Code, § 10.08)**§ 10.10 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, recodifies, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.('85 Code, § 10.09)**§ 10.11 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.('85 Code, § 10.10)**§ 10.12 OFFICIAL TIME.** The official time, as established by applicable state/federal laws, shall be the official time within this town for the transaction of all town business.**§ 10.13 REASONABLE TIME; COMPUTATION.** (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 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. ('85 Code, § 10.11) |
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| **§ 10.14 ORDINANCES CONFINED TO ONE SUBJECT.** All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.('85 Code, § 10.12)**§ 10.15 EFFECTIVE DATE.** All ordinances shall be effective after the ratifications thereof except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements.('85 Code, § 10.14)**§ 10.16 OFFICIAL COPY.** A true copy of an ordinance which has been duly enacted by the Board of Aldermen, and attested by the Clerk shall be known as an official copy of any ordinance for the town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapters.('85 Code, § 10.15)**§ 10.17 EFFECT OF REPEAL OF ORDINANCE.** 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 the prior ordinance, unless the 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.('85 Code, § 10.16)**§ 10.18 AMENDMENTS TO CODE.** (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, the 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 the subsequent ordinances until the time that this code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the Board of Aldermen. (B) Amendments to any of the provisions of this code may be made by amending the provisions by specific reference to the section number of this code in the following language: “That Section\_\_ of the Code of Ordinances, Town of Fremont, North Carolina, is hereby amended to read as follows: . . .” The new provisions shall then be set out in full as desired. (C) 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 Fremont, 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.('85 Code, § 10.17) |
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| **§ 10.19 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 this code in any manner whatsoever except pursuant to ordinance or resolution or other official act of the town Board of Aldermen, which will cause the law of the town to be represented thereby. Any person violating this section shall be punished as provided in § 10.99('85 Code, § 10.18)**§ 10.20 RESPONSIBILITY FOR VIOLATIONS BY CORPORATIONS**. In the event any provision of this code is violated by a corporation, the officer, agent, or employee thereof who violates the provision, or who procures, aids, or abets the violation shall be subject to the same penalties as if he himself committed the violation.('85 Code, § 10.19)**§ 10.21 ORDINANCES CUMULATIVE.** The provisions of this code shall be cumulative and in addition to any other ordinances or state law.('85 Code, § 10.20)**§ 10.22 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.**§ 10.23 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.**§ 10.24 SECTION HISTORIES; STATUTORYREFERENCES.** (A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances (or motions or resolutions), 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) 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-69) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). (C) 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. **§ 10.99 GENERAL PENALTY.** |
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|  (A) Any violation of any provision of this code shall subject the violator to a civil penalty in the sum of $100 per day. (1) A citation for the penalty shall be issued by the Police Chief or other authorized officer, agent, or employee of the Town of Fremont.  (2) Each citation for a civil penalty must be paid within 96 hours of issuance. (B) Each and every day that the violator continues in violation shall be a separate and distinct offense.  (C) Except as provided in subsection (D) of this section, where no specific criminal penalty is provided therefore, whenever in any ordinance, any act is prohibited, or made or declared to be unlawful or a misdemeanor, or the doing of any act is required for the failure to do any act is declared to be prohibited, unlawful or a misdemeanor, each separate violation of such provision shall be a misdemeanor, for which the maximum fine shall be $500. 00 and for which the maximum imprisonment shall be 30 days. Unless provided otherwise, limits on criminal fines do not imply limits on noncriminal or other criminal remedies.  (D) Violations of Title VII of this ordinance arising from the operation or parking of a vehicle are subject only to civil penalties.  (E) The municipality may also, in addition, seek any and all appropriate equitable remedies, injunctions, and/or abatement orders from the appropriate court of competent jurisdiction.  |
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| **CHAPTER 11: ELECTION DISTRICT BOUNDARIES** |
| **Section** 11.01 Boundaries on map**§ 11.01 BOUNDARIES ON MAP.** The boundaries of the six single member electoral district shall be as shown on a map titled Official Election District Boundaries dated June 18, 1991. The six single member electoral districts shall be drawn on an official electoral district boundary map which shall be retained permanently in the office of the Clerk for the town. The boundaries under each district under the present corporate limits as it currently exists are hereby established as shown on the official map and which map is a part hereof. A separate metes and bounds description shall not be deemed to be required or necessary in establishing electoral district boundaries or any amendments thereto.(Ord. passed 6-11-87; Am. Ord. passed 7-18-91) |
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