

CHAPTER 1

DEFINITIONS AND INTERPRETATIONS

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Section 1-1 Definitions.

Unless otherwise specifically provided or unless otherwise clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this code:

- (1) Council: The Town Council of the Town of McAdenville.
- (2) Code: The Code of Ordinances of the Town of McAdenville.
- (3) Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Section 1-2 How Code Cited.

The ordinances embraced in this and the following chapters shall constitute and may be cited as “The Code of Ordinances of the Town of McAdenville” or more simply as “The McAdenville Town Code.”

Section 1-3 Matters Included in and Excluded from Code.

This code includes all ordinances intended to be continuing or permanent (with the following exceptions) and excludes all ordinances relating to boundaries, zones, or locations that must be shown on a map, as well as those ordinances intended to have only a temporary effect or that must be adopted on an annual basis. Without limiting the foregoing, the code excludes the following:

- (1) The annual budget ordinance and any amendment thereto;
- (2) Any ordinance making an assessment;
- (3) Any ordinance relating to zoning map changes;

- (4) Any ordinance relating to the corporate limits;
- (5) Any ordinance relating to the classification, salaries, compensation or bonds of town officers or employees or members of boards or commissions;
- (6) Any franchise ordinance;
- (7) Any ordinance authorizing the issuance of bonds.

Section 1-4 Effect of Repeal or Expiration of Code Provisions.

- (a) The repeal of any provision of this code or its expiration by virtue of any provision contained herein shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the provision expired.
- (b) Whenever an ordinance that repeals a provision of this code is itself repealed, the previous code provision shall not be revived without express words to that effect.

Section 1-5 New Provisions Considered Continuation of Similar Existing Provisions.

Whenever this code is amended by adopting new provisions, insofar as these new provisions are the same in substance as the previously adopted provisions they amend or supersede, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided.

Section 1-6 References to General Statutes that are Later Amended.

Whenever any provision of this code refers to or cites a section of the General Statutes of the State of North Carolina and that section is later amended or superseded, the code provision shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1-7 Section Headings.

The section headings of this code are intended as mere catchwords to indicate the contents of the sections and shall not be construed as part of the sections or as affecting the meaning or interpretation of the sections.

Section 1-8 Computation of Time.

- (a) 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 a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded.

- (b) Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or another paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

Section 1-9 Delegation of Authority.

Unless otherwise specifically provided, whenever a power, duty, function, or responsibility is assigned to a particular official or employee, such official may delegate the authority to exercise the power or perform the function, but ultimate responsibility and accountability for the exercise of the power or performance of the function remains with the official or employee to whom such power or function is assigned.

Section 1-10 Penalties.

Unless otherwise noted, any violation of a municipal code of the Town of McAdenville shall be subject to the provisions of North Carolina General Statute 14-4.

Section 1-11 Severability.

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

Section 1-12 Miscellaneous.

- (a) Words importing the masculine gender include the feminine and neuter.
- (b) Words used in the singular include the plural and words used in the plural include the singular.
- (c) Whenever a section, subsection, subdivision, or sentence begins with “As provided in G.S. _____.” what follows is a summary of the General Statute section cited. It is included for information only, and any violation of the cited section will be punished as provided by state law.