

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. WARD BOUNDARIES

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Section histories; statutory references
- 10.04 Application to future ordinances
- 10.05 Definitions
- 10.06 Rules of construction
- 10.07 Conflicting provisions
- 10.08 Code provisions considered as continuations of existing ordinances
- 10.09 Severability
- 10.10 Reference to other sections
- 10.11 Reference to offices
- 10.12 Errors and omissions
- 10.13 Official time
- 10.14 Reasonable time
- 10.15 Ordinances repealed
- 10.16 Ordinances unaffected
- 10.17 Ordinances saved
- 10.18 Amendments to code; amendatory language
- 10.19 Altering code
- 10.20 Corporate limits; official town map
- 10.21 Extraterritorial jurisdiction for enforcement of certain ordinances
- 10.22 Town seal
- 10.23 Insurance

- 10.99 General Penalty

' 10.01 TITLE OF CODE.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Municipal Code of Plymouth, North Carolina" and may be so cited.

('74 Code, ' 1-1)

' **10.02 INTERPRETATION.**

(A) 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 the General Statutes of North Carolina.

(B) Code, title, chapter, and section headings do not constitute any part of the law as contained in the code. Footnotes, cross-references, and other comments are by way of explanation only and should not be deemed a part of the text of any section.

' **10.03 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) If a G.S. cite is included in the history, this indicates that the text of the section reads word-for-word the same as the statute. Example: (G.S. ' 160A-69) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). If a G.S. 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. Example:

' **31.10 MAYOR.**

The Mayor shall preside at all Council meetings.
(Ord. 10, passed 1-1-80)

Statutory reference:

For powers and duties of the Mayor, see G.S. ' 160A-67

' **10.04 APPLICATION TO FUTURE ORDINANCES.**

All provisions of this chapter not incompatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

' **10.05 DEFINITIONS.**

For the purpose of this code, unless otherwise specifically provided, the following words and phrases shall have the following meanings.

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.

COUNTY. The County of Washington, in the State of North Carolina, except as otherwise provided.

GOVERNOR. The Governor of North Carolina.

JOINT AUTHORITY. All words giving a **JOINT AUTHORITY** to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

MONTH. A calendar month.

MUNICIPALITY. The municipality of Plymouth, North Carolina, unless the context in which used indicates another **MUNICIPALITY**.

OATH. Includes 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."

OFFICIAL TIME STANDARD. Whenever certain hours are named in this code, they shall mean standard time or daylight saving time as may be in current use in this municipality.

OWNER. When applied to any property, shall include 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. Includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

PERSONAL PROPERTY. Every species of property, except real property, as herein defined.

PRECEDING and **FOLLOWING.** Next before and next after, respectively.

PROPERTY. Real and personal property.

REAL PROPERTY. Lands, tenements, and hereditaments.

SIDEWALK. Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

SIGNATURE or **SUBSCRIPTION.** Shall include a mark when a person cannot write.

STATE. The State of North Carolina, except as otherwise provided.

STREET. Any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto within the town; the entire width of the right-of-way between abutting property lines.

TENANT or **OCCUPANT**. Any person who occupies the whole or a part of the building or land, whether alone or with others.

TOWN. The Town of Plymouth, Washington County, North Carolina, except as otherwise provided.

TOWN COUNCIL. The governing body of the town.

YEAR. A calendar year.
(’74 Code, ’ 1-2)

’ 10.06 RULES OF CONSTRUCTION.

The construction of all ordinances of this town shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinances.

(A) **AND** or **OR**. Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall 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.

(C) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

(D) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(E) Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language. However, 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 that meaning.

’ 10.07 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the subject matter taken as a whole.

' 10.08 CODE PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

The provisions appearing in this code, so far as they are the same as those of the ordinances included herein, shall be considered as continuations thereof and not as new enactments.
(74 Code, ' 1-3)

' 10.09 SEVERABILITY.

It is the intention of the Town 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 the same would have been enacted by the Town Council without the incorporation in this code of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.
(74 Code, ' 1-5)

' 10.10 REFERENCE TO OTHER SECTIONS.

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

' 10.11 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the town 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.

' 10.12 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 the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted that 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 the error.

' 10.13 OFFICIAL TIME.

The official time, as established by applicable state and federal law, shall be the official time within the town of the transaction of all town business.

' 10.14 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 the act or the giving of the notice.

(B) In computing any period of time prescribed or allowed by this code, by order of any court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday, or a legal holiday. In any event, the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computations. A half holiday shall be considered as other days and not as a holiday.

Statutory reference:

State law computation of time, see G.S. ' 1A-1, Rule 6(a)

' 10.15 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.

' 10.16 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.

' 10.17 ORDINANCES SAVED.

Whenever an ordinance by its nature either authorizes or enables the legislative body or a certain town officer or employee to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved unless such prior ordinances and regulations are specifically repealed.

' 10.18 AMENDMENTS TO CODE; AMENDATORY LANGUAGE.

Any chapter, section, or division amended or added to this code by ordinances passed subsequent to this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Any chapter, section, or division repealed by subsequent ordinances may be excluded from this code by omission from reprinted pages. Subsequent ordinances as printed or omitted shall be prima facie evidence of the subsequent ordinances until the legislative body of the town adopts a new code of ordinances.

' 10.19 ALTERING CODE.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this code; insert or delete pages, or any portions thereof; or alter or tamper with the code in any manner whatsoever, except pursuant to ordinance or resolution or other official act of the Town Council, which will cause the law of the town to be misrepresented thereby.

Penalty, see ' 10.99

' 10.20 CORPORATE LIMITS; OFFICIAL TOWN MAP.

The current municipal boundaries shall at all times be drawn on a map, set out in a written description, or shown by a combination of these techniques. This delineation shall be retained permanently in the office of the Clerk. Alterations in these established boundaries shall be indicated by appropriate entries upon or additions to the map or description made by or under the direction of the officer charged with that duty by the Town Council. This map shall be known and may be cited as the official town map.

('74 Code, ' 1-7)

' 10.21 EXTRATERRITORIAL JURISDICTION FOR ENFORCEMENT OF CERTAIN ORDINANCES.

(A) The town hereby establishes boundaries for the extraterritorial enforcement of such provisions of this code and other ordinances as may be authorized for such extraterritorial enforcement by G.S. ' 160A-360 by the Town Council acting pursuant to G.S. ' 160A-360.

(B) The boundaries of the area for extraterritorial enforcement are described as follows:

Starting at Point "A", Point "A" being the center of Welch Creek where it intersects the center of the Roanoke River. Proceed in a southerly direction along the center of Welch Creek to Point "B", Point "B" being the center of Welch Creek where it intersects the center of the Southern Railway right-of-way. Thence S 49E 30' E, 6,400' to Point "C", Point "C" being the center of U.S. Highway 64. Thence S 01E 30' E, 9,150' to Point "D", Point "D" being the center of S.R. 1106. Thence N 50E 30' E, 16,400' to Point "E", Point "E" being the center of S.R. 1111. Thence N 17E

30' W, 4,300' to Point "F", Point "F" being the center of S.R. 1300. Thence N 41E W, 6,900' to Point "G", Point "G" being the center of the Roanoke River. Thence in a southerly direction along the center of the Roanoke River to Point "A", the beginning point.

This land includes that portion of the one-mile extraterritorial area which will determine the future growth and development of the town. The one-mile area also has contained within it major sewer lines that connect to residential, commercial, and industrial sites. With the intended expansion of the town as population increases, this area becomes vital to the future growth of the town.

(C) The boundaries described in division (B) are delineated on the face of a map entitled Extraterritorial Jurisdiction of the Town of Plymouth. The official copy of this section and such map shall be on record in the office of the Clerk for public inspection during normal business hours. The Clerk shall cause a certified copy of this section and map and any subsequent amendments to be recorded in the office of the county registrar of deeds. The Clerk shall cause signs, signposts, or similar readily identifiable markers to be installed at all points of intersection of the extraterritorial boundary with all roads, streets, highways, and railroads.

(Ord. passed 4-21-75)

‘ 10.22 TOWN SEAL.

(A) The town seal shall be a corded circle, within which there shall be another corded circle, and between these corded circles and conforming to the arcs thereof shall be the words "Seal of the Town of Plymouth, North Carolina", and near the bottom of and within the inner corded circle, in a horizontal position, shall be the date "1807", above which and conforming to the arc of the inner corded circle shall be the word "Incorporated."

(B) The Clerk shall be custodian of the town seal.

('74 Code, ' 1-8)

‘ 10.23 INSURANCE.

(A) The Town Council may, by resolution, authorize the Mayor or Town Manager, on behalf of the town, to contract with one or more insurance companies authorized to do business in this state to protect the town and town officers and employees while acting in the line of duty against losses rising from public liability, fire, theft, hail, windstorm, and other causes, the amount and terms of policies to be as prescribed by the Town Council and agreed upon by the insurers.

(B) Nothing in this section shall be construed as a waiver of the governmental immunity of the town under the provisions of G.S. ' 160A-485.

('74 Code, ' 1-9)

' 10.99 GENERAL PENALTY.

(A) Unless otherwise specifically provided, violation of any provision of this code or any other town ordinance shall be a misdemeanor, as provided by G.S. ' 14-4.

(B) Any provision of this code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(C) (1) Any provision of this code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the State Rules of Civil Procedure in general and Rule 65 in particular.

(2) (a) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this code or the ordinance.

(b) If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement.

(c) The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien.

(d) The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the Judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the Judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(D) The provisions of this code and any other town ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

(E) Except as otherwise specifically provided, each day's continuing violation of any provision of this code or any other town ordinance shall be a separate and distinct offense.
(G.S. ' 160A-175) ('74 Code, ' 1-6)

CHAPTER 11: WARD BOUNDARIES

Section

11.01 Ward boundaries

' 11.01 WARD BOUNDARIES.

(A) The town is hereby divided into three voting wards, as follows:

(1) *Ward I.* The first ward shall comprise the area within the following boundary line: Bounded on the north by the Roanoke River, bounded on the east by the city limits, bounded on the south by the Norfolk-Southern Railroad running from the east city limits to a point of intersection with East Main Street, then running along East Main Street westward to Jackson Heights Drive, then north with said drive to Mackeys Road, then with said road westward to East Main Street, then with said street northward to Conaby Creek, then running approximately southwestwardly with Conaby Creek to Rankin Lane, then running southward along Rankin Lane to U.S. Highway 64, then running westwardly along U.S. Highway 64 to Washington Street, then running northward along Washington Street and Washington Street extended to the Roanoke River and with the river eastward to the city limits line. This Ward I is comprised of the following blocks from the 2000 census: 1016-1019, 1021-1034, 2014-2015, 3000-3005, 3013-3024, and 3029-3035.

(2) *Ward II.* The second ward shall comprise the area within the following boundary line: Bounded on the northwest by U.S. Highway 64, at its intersection with Monroe Street, then northwardly with Monroe Street to Brinkley Avenue, then eastward with Brinkley Avenue to Jefferson Street, then northwardly with Jefferson Street to Fort Williams Street, then eastwardly with said street to Washington Street, then southwardly with Washington Street to U.S. Highway 64, then eastwardly with U.S. Highway 64 to Rankin Lane, then northwardly with Rankin Lane to Conaby Creek, then with said creek eastward to East Main Street and with East Main Street eastward to Mackeys Road, then with said road northeastward to Jackson Heights Drive, then with said drive southward to East Main Street, then with said street eastward to the southern city limit line, then with the southern city limit line to the eastern sideline of U.S. Highway 64, then southward with said highway to the Free Temple Ministries property, then with said property line eastward, southward and westward to U.S. Highway 64, then with said highway southward to the Norfolk-Southern Railroad Line, then with said line southward to the southern boundary of Lucian Park Subdivision, a ditch, then westward with said ditch to the eastern boundary of J.H. Jackson subdivision, a ditch, then with this ditch southward to the southern boundary of the Jackson subdivision, another ditch, then with this ditch to U.S. Highway 64 and with said highway northeastward to Monroe Street. Ward II also includes Paylor Court, the Plymouth Housing Authority development

on Buncombe Drive adjacent to Roosevelt Avenue. This Ward II is comprised of the following blocks from the 2000 census: 1020, 2004-2012, 2016-2019, 2021-2022, 3036, 3038-3040, 5000-5013, 5020-5028, and a portion from the 1999 annexation that was precleared by the United States Department of Justice, but not included in the PL 94-171 census file.

(3) *Ward III.* The third ward shall comprise the area within the following boundary line: Bounded on the north by Welch=s Creek and the Roanoke River, bounded on the east by Washington Street extended to the Roanoke River, then southeastward with Washington Street to Fort Williams Street, then westward with Fort Williams Street to Jefferson Street, then southward with Jefferson Street to Brinkley Avenue, then westward with said avenue to Monroe Street, then southward with Monroe Street to U.S. Highway 64, then with said highway southwestward to the western city limits, then with the city limits to Welch=s Creek. Ward III also includes that satellite tract of land south of Wilson Street and U.S. Highway 64. This Ward III is comprised of the following blocks from the 2000 census: 3006-3012, 3025-3028, 3037, 4000-4026, 4028-4029, 4035, 4042, and 4999.

(B) The ward boundaries shall be shown on the ward map of the town which is on file in the office of the Town Clerk and the County Election Office.

('74 Code, ' 7-5) (Ord. passed 7-11-83; Am. Ord. passed 6-11-01)