

**DIVISION II**  
**CODE OF GENERAL ORDINANCES**

**CHAPTER 1**

**Use of the Code and Penalties**

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**Section 1.1 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.

**Board.** The words "the Board" shall mean the Board of Commissioners of the Town of Hudson.

**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; and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

**County.** The word "county" shall mean the County of Caldwell, in the State of North Carolina, except as otherwise provided.

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

**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.

**Mayor.** The words "the Mayor" shall mean the Mayor of the Town of Hudson.

**Month.** The word "month" shall mean a calendar month.

**Number.** Words used in the singular include the plural, and words used in the plural include the singular number.

**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 "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

**Owner.** The word "owner," applied to a building or land, 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 building or land.

**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.

**Personal property.** The words "personal property" include every species of property except real property as herein defined.

**Preceding, following.** The words "preceding" and "following" shall mean next before and next after respectively.

**Property.** The word "property" shall include real and personal property.

**Real Property** shall include lands, tenements and hereditaments.

**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.

**Signature.** The words "signature" or "subscription" include a mark when the person cannot write.

**State.** The word "state" shall be construed to mean the State of North Carolina, except as otherwise provided.

**Street.** The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, or bridge and the approaches thereto within the Town.

**Tenant.** The words "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land whether alone or with others.

**Time.** Words used in the past or present tense include the future as well as the past and present.

**Town.** The words "the town" shall mean the Town of Hudson in Caldwell County, North Carolina, except as otherwise provided.

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

**Year.** The word "year" shall mean a calendar year.

**Section 1.2 Provisions considered as continuations of existing ordinances.**

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

**Section 1.3 Section designations.**

The headings of the several sections of this Code printed in bold-face 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.

#### **Section 1.4 Effect of repeal or expiration of ordinances.**

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, 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 ordinance expired.

When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

#### **Section 1.5 Penalty for violations; criminal penalty not exclusive remedy; continuing violations.**

(a) In accordance with G. S. 160A-175, and unless this Code of Ordinances provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G. S. 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G. S. 14-4.

(b) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in G. S. 160A-175, including the imposition of civil fines, the ordering of appropriate equitable relief, including injunctions, or a combination of such remedies.

(c) An ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

**Cross Reference:** G. S. 160A-175, authorizing municipalities to employ alternate remedies in the enforcement of local ordinances, is set out in the Related State Laws portion of this Code.

#### **Section 1.6 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 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 Board without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

#### **Section 1.7 Damaging ordinances prohibited.**

No person shall tear or deface any of the Town ordinances.