

Chapter 1: General Provisions

Town of Norlina Code of Ordinances

Section 1-1. Title and Citation

This Code, together with the following chapters and sections, shall be known and may be cited as the “**Code of Ordinances of the Town of Norlina, North Carolina**”, or simply the “**Norlina Town Code**.”

Section 1-2. Definitions and Rules of Construction

Unless otherwise specified or clearly inconsistent with the context or intent of the Town Board, the following definitions and construction rules shall apply throughout this Code and to all Town ordinances:

- **Board:** Refers to the Town Board of Commissioners of the Town of Norlina.
- **Bond:** Any written undertaking required by ordinance shall be deemed sufficient unless otherwise specified.
- **Computation of Time:** Time is calculated by excluding the first and including the last day. If the last day falls on a Saturday, Sunday, or legal holiday, that day is excluded.
Reference: G.S. 1-593
- **County:** Refers to Warren County, North Carolina.
- **Gender:** Words importing the masculine gender shall include the feminine and neutral.
- **In the Town:** Includes all territory subject to the Town’s regulatory authority by law.
- **Joint Authority:** When authority is given to three or more persons, it shall be construed as authority given to a majority.
- **Month:** A calendar month.
- **Number:** The singular includes the plural, and vice versa.
- **Oath:** Includes “affirmation.” “Swear” and “sworn” include “affirm” and “affirmed.”
- **Official Time:** Refers to either Eastern Standard Time or Eastern Daylight Time, whichever is in use.
- **Owner:** Includes any part owner, joint owner, tenant in common, or joint tenant.
- **Person:** Includes individuals, corporations, partnerships, associations, and any legal entities.
- **Personal Property:** Includes all property except real property as defined herein.
- **Preceding / Following:** Mean next before and next after, respectively.
- **Property:** Includes both real and personal property.
- **Real Property:** Includes land, tenements, and hereditaments.

- **Sidewalk:** The pedestrian portion of a street between the curb (or roadway) and adjacent property lines.
 - **Signature / Subscription:** Includes a mark if the person is unable to write.
 - **Shall / May:** “Shall” is mandatory; “may” is permissive.
 - **Street:** Includes any public roadway, highway, avenue, boulevard, alley, bridge, and any sidewalk unless the context clearly excludes them.
 - **Tenant / Occupant:** Refers to any person occupying land or a building, wholly or partially.
 - **Time:** Past and present tenses include the future.
 - **Writing / Written:** Includes printing or other representations of words and letters.
 - **Year:** A calendar year unless “fiscal year” is expressly stated.
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Section 1-3. Continuity of Ordinances

The provisions of this Code that are substantially the same as provisions in previous ordinances or codes, including ordinances adopted after the 2007 codification, are intended to be continuations thereof and not new enactments.

Section 1-4. Section Headings

Section headings (catchlines) are for convenience only and shall not be considered a part of the legal text or used to construe the meaning of the section.

Section 1-5. Severability

If any section, clause, sentence, or part of this Code is determined by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

Section 1-6. General Penalty and Enforcement

(a) Criminal Penalty

Unless otherwise provided, any violation of this Code or any Town ordinance shall constitute a misdemeanor under N.C. Gen. Stat. § 14-4 and may be punishable by a fine not exceeding **\$500.00**.

(b) Civil Penalties and Notice

Violations may also be subject to civil penalties:

1. **Issuance of Violation Notice:** A written notice shall be served by a department head or enforcement officer by personal delivery, first-class mail, certified mail, or other methods reasonably calculated to ensure notice.
2. **Time for Correction:** A reasonable time shall be provided to correct the violation. No grace period is required if the violation involves obstruction or interference with official duties.
3. **Assessment:** If unresolved, a civil penalty may be assessed. Refusal to accept notice does not negate liability.

(c) Appeal Process

Any person receiving a civil penalty may appeal within **10 days** of the notice date. Appeals must be submitted in writing and state the grounds for appeal. The appeal will be heard by the Town Board or a designated officer, and the decision may be affirmed, reversed, or modified. Proceedings will be recorded.

(d) Judicial Review

Decisions may be appealed to the general court of justice via **Writ of Certiorari** filed within **10 days** of the decision. A \$250 deposit shall be made for transcript preparation unless the penalty is deemed invalid.

(e) Collection of Penalties

If a civil penalty is not paid within 10 days and no appeal is filed, the Town may recover the penalty through civil action within three years of the notice date.

(f) Equitable Remedies

Violations may also be enforced through equitable relief (e.g., injunctions) as authorized by law. The court may issue abatement orders and the Town may recover abatement costs via lien on the property.

(g) Daily Violations

Each day a violation continues shall constitute a separate and distinct offense unless otherwise provided.

(h) Extraterritorial Enforcement

Town ordinances may be enforced on any property owned, leased, or operated by the Town, whether within or outside town limits.

Section 1-7. Returned Check Fee

If a payment to the Town (including for taxes, utility bills, or fees) is made via check or draft that is returned unpaid, the Finance Director shall assess a **\$35.00 returned check fee**. The original debt is not considered paid until both the debt and fee are fully paid.

Section 1-8. Effective Date

This ordinance, titled “**General Provisions**” and codified in Chapter 1 of the Norlina Town Code, shall become effective upon adoption by the Town Board at a regularly scheduled meeting.