

## Chapter 1 - GENERAL PROVISIONS

### Sections:

#### 1-1. - How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of North Wilkesboro, North Carolina," and may be so cited. Such Code may also be cited as "North Wilkesboro Town Code."

#### 1-2. - 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 of Commissioners.** The phrase "board of commissioners" shall mean the governing body of the Town of North Wilkesboro, North Carolina.

**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 shall be excluded.

**County.** The word "county" shall mean the County of Wilkes 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.

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

**Number.** Words used in the singular include the plural and the plural includes 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."

**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 town.

**Owner.** The word "owner," 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.** 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" includes 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.

**Shall; May.** The word "shall" is mandatory, and the word "may" is permissive.

**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" or "subscription" includes 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, bridge and the approaches thereto within the town and shall mean the entire width of the right-of-way between abutting property lines.

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 North Wilkesboro, in the County of Wilkes and the State of 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.

#### 1-3. - Provisions considered as continuations of existing ordinances.

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

#### 1-4. - Catchlines of sections.

The catchlines of the several sections of this Code 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 thereof, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

#### 1-5. - 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 they would have been enacted by the board of commissioners without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

#### 1-6. - General penalty—Continuing violations.

Wherever in this Code or in any ordinance of the town or in any rule, regulation, order or notice of any officer or agency of the town, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code, ordinance, rule, regulation, order or notice the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be punished as provided in Section 14-4 of the General Statutes of North Carolina as amended by Chapter 446 of the 1991 Session Laws, with violators of an ordinance regarding the operation or parking of vehicles responsible for a penalty not to exceed fifty dollars for each separate violation and violators of all other ordinances subject to a fine not to exceed five hundred dollars or imprisonment for not more than thirty days for each separate violation; provided, that, notwithstanding the foregoing, the violation of any provision contained in Divisions 1 or 3 of Article V of Chapter 11 of this Code is, by virtue of the provisions of Section 160A-175 of the General Statutes of North Carolina, not subject to the penalty provisions of Section 144 of the General Statutes of North Carolina, and the violation of any such provision shall give rise to a civil penalty only, as provided in Section 160A-175 (c) of the General Statutes of North Carolina,

and shall be enforced in the nature of a civil claim for relief against the offending party. Each day any violation of this Code or of any ordinance, rule, regulation, order or notice shall continue shall constitute a separate offense, except as may otherwise be specifically provided.

#### 1-7. - Extraterritorial jurisdiction.

In accordance with the authority conferred by the Zoning Ordinance

For extension of extraterritorial jurisdiction (ETJ), the Town must provide mailed notice thirty days prior to ETJ hearing; the Town may hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d).) The Town may hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.) It is hereby declared that the extraterritorial jurisdiction of the town from and after the effective date of this section is and shall be the area hereinafter described. The Subdivision Regulations, Zoning Ordinance, and Planning Board Ordinance of the town, as in effect from time to time from and after the effective date of this section, shall apply to the area within the corporate limits of the town and to the extraterritorial area hereinafter described. The extraterritorial area specified in this section is shown on the "Official Zoning Map, North Wilkesboro, North Carolina," dated July, 1971, the map is maintained by the Planning Director and kept on file via paper and digital format in the Town Hall. Such extraterritorial area is generally described as being the area lying between the corporate limits of the town and the following described extra territorial line:

"BEGINNING at the Yadkin River Bridge on Wilkesboro Blvd. between the Towns of North Wilkesboro and Wilkesboro, following the extraterritorial jurisdictional (ETJ) line of the Town of Wilkesboro going easterly along the center of the Yadkin River; thence following said ETJ line southerly to a point in the center line of SR 2446 (Camp Joe Harris Rd), said point being 1.9 miles south of the intersection of SR 2446 (Camp Joe Harris Rd) and SR 2510 (Old 421); thence along the center line of SR 2446 (Camp Joe Harris Rd) to the intersection of SR 2446 (Camp Joe Harris Rd) and SR 2443 (Hunter Rd); thence north along the center line of SR 2443 (Hunter Rd) to the intersection of SR 2443 (Hunter Rd) and NC 115; thence along the center line of NC 115 in a northerly direction to the intersection of SR 2318 (Mathis Mill Rd); thence along the center line of SR 2318 (Mathis Mill Rd) to the intersection of SR 2358 (Lakeview Dr); thence along the center line of SR 2358 (Lakeview Dr) to the end of said road; thence leaving SR 2358 and following an unnamed creek approximately .9 miles north to the point where said creek empties into the Yadkin River; thence east with the meanders of the Yadkin River for approximately .8 miles to the point where an unnamed creek intersects said river; thence traveling north to the terminus of said creek and thence along the south and west property lines of John William Caudill to the intersection of SR 2090 (Vista Ln) and NC Hwy 268; thence along the center line of SR 2090 (Vista Ln) north and leaving SR 2090 (Vista Ln) thence along the western property line of Phillip and Donna Osborne; thence north along the western property line of Phillip and Nancy Southern and along the eastern property line of Roger and Vivian Pilkington until the intersection of SR 2086 (Beaumont-Poplar St) and SR 2102 (Beaumont-Elm St); thence following the center line of SR 2102 (Beaumont-Elm St) north for 156 feet to the point where the north property line of Ray and JoAnn Porter intersects said road; thence heading in a westerly direction along the northern property lines of Dennis and Deborah Adams, James and Tommie Burchette, Dean and Carolyn Vannoy, Frank and Elizabeth Aversa; thence along the eastern and northern property lines of John and Virginia Bauguess; thence along the northern property line of Guy Hutchinson to a point in the center of Mulberry Creek; thence north with the center of Mulberry Creek 1750 feet to a bend in the Creek; thence from the western-most corner of James William Brown et al (Beaumont Acres lot #10) due west crossing Mulberry Creek to the eastern-most corner of Walter Clay and Nancy Richardson; thence following the Richardson's north property line and then along the southern property line of Franklin and Lois Lewis to a point where said property line intersects the end of SR 1701 (Cartpath Rd); thence traveling with the center line of SR 1701 (Cartpath Rd) crossing SR 1002 (Mtn. View Rd.) to the intersection of SR 1701 (Cartpath Rd) and NC Hwy 18N; thence south with the center line of NC Hwy 18 to the intersection of NC Hwy 18 and SR 1532 (Byrd Ridge Rd); thence along the center line of SR 1532 (Byrd Ridge Rd) to the intersection of SR 1532 (Byrd Ridge Rd) and SR 1533 (Robin Ln); thence along SR 1533 (Robin Ln) to the end of the road; thence leaving said road and following the northern and western property lines of Minnie Wagoner and the western property line of John Ferguson until intersecting the Reddies River at a bend in said river; thence along the center of the Reddies River approximately 3900 feet in a southerly direction to a point in the river where the northern

property line of Bobby and Patsy Caudill intersects said river; thence along the Caudill's northern property line to the end of SR 1520 (Suncrest Orchard Rd); thence along the center line of SR 1520 (Suncrest Orchard Rd) to the intersection of SR 1520 (Suncrest Orchard Rd) and SR 1517 (Suncrest-Sunset Connector Rd); thence following the center line of SR 1517 (Suncrest-Sunset Connector Rd) south 2250 feet to a point in the road; thence following the western property line of Max and Betsy Ferree, and along Mrs. S.V. Forester's eastern-most property line; thence along the eastern property line of Richard Meade; thence along the south and western property lines of Ralph and Marcia Faw until it intersects the end of state maintenance for SR 1586 (Beashears-Owings Ln); thence along the center line of SR 1586 (Beashears-Owings Ln) to the intersection of SR 1586 (Beashears-Owings Ln) and SR 1514 (Welcome Home Church Rd); thence along the center line of SR 1514 (Welcome Home Church Rd) to the end of state maintenance of SR 1514 (Welcome Home Church Rd); thence leaving SR 1514 (Welcome Home Church Rd) and heading 400 feet southwest to an unnamed creek; thence south with said unnamed creek to the junction of another creek, both being on S & S Farm property; thence following said creek west to the northernmost point of the Town of Wilkesboro's ETJ; thence following the Town of Wilkesboro's ETJ back to the BEGINNING point."