

***CODE OF ORDINANCES***  
***TOWN of***  
***SPRING HOPE, NORTH CAROLINA***

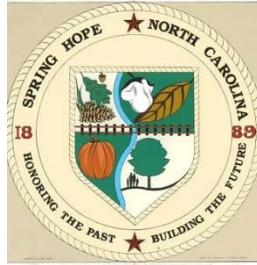
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Published in 2012 by Order of the Board of Commissioners

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Adopted: May 7, 2012

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**CURRENT OFFICIALS**  
**of the**  
**TOWN OF**  
**SPRING HOPE, NORTH CAROLINA**

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W. Kyle Pritchard  
*Mayor*

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Brenda Lucas  
Brent Cone  
Drew Griffin, Mayor Pro Tempore  
"Buddy" James F. Gwaltney III  
Tony Jeffreys  
*Commissioners*

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Michele Collins  
*Town Clerk*

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Andrew DeLonno  
*Town Manager*

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## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Spring Hope, North Carolina.

Source materials used in the preparation of the Code were the Prior Code, as supplemented through December 13, 2004, and ordinances and resolutions subsequently adopted by the Board of Commissioners. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the Prior Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

### *Chapter and Section Numbering System*

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of

the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
CHARTER COMPARATIVE TABLE	CHTCT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

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Town of Spring Hope, North Carolina. 2012.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF SPRING HOPE, NORTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF SPRING HOPE, NORTH CAROLINA;

Section 1. The Code entitled "Code of Ordinances, Town of Spring Hope, North Carolina," consisting of chapters 1 through 26, each inclusive is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 13, 2010, and not included in the code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to retrieve any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Additions or amendments to the Code when passed in such form as to indicate the intention of the town to make the same part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code included the additions and amendments.

Section 5. Ordinances adopted after December 13, 2010, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 6. This ordinance shall become effective May 7, 2012.

Passed and adopted by the Board of Commissioners of the Town of Spring Hope, North Carolina the 7<sup>th</sup> day of May, 2012.

## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

Ord. of	Include/Omit	Supp. No.
5-7-2012	Include	1
7-2-2012(Res.)	Include	1
8-6-2012(Res.)	Include	1
9-4-2012(Res.)	Include	1
10-1-2012(Res.)	Include	1
12-3-2012(Res.)	Include	1
4-1-2013	Include	2
9-9-2013	Include	2
12-2-2013(Res.)	Include	2
8-3-2015	Include	2
11-2-2015(Res.)	Include	2
6-6-2016(1)	Include	3
7-11-2016(1)	Include	3
2-6-2017(1)	Include	3
2-6-2017(2)	Include	3
1-1-2019(1)	Include	3
2-5-2018(1)	Include	3
2-4-2019(2)	Include	3
3-4-2019(1)	Include	3
3-4-2019(2)	Include	3
2-4-2019(1)	Include	3
11-4-2019(1)	Include	3
12-2-2019	Include	4
3-2-2020	Include	4
8-3-2020(Res.)	Include	4
12-7-2020	Include	4
12-7-2020	Include	4
4-5-2021	Include	4
5-3-2021	Include	4
7-6-2021	Include	4
7-6-2021	Include	4
9-6-2021	Include	4
9-6-2021	Include	4
10-21-2021	Include	4

## PART I CHARTER<sup>1</sup>

### Chapter 55 An act to incorporate the Town of Spring Hope, in the County of Nash.

*The General Assembly of North Carolina do enact:*

#### SEC. 1. Incorporation.

That the Town of Spring Hope, in the County of Nash, be and the same is hereby incorporated by the name and style of the Town of Spring Hope, and shall be subject to all the provisions of chapter fifty-six of the Consolidated Statutes of one thousand nine hundred and nineteen, except in so far as said chapter is inconsistent with said chapter fifty-five of the Private Laws of one thousand eight hundred and eighty-nine and acts amendatory thereto.

(Priv. Laws of 1923, ch. 207, § 1, Ratified 3-3-1923)

#### SEC. 2. Corporate limits.

That the corporate limits of said town shall be one mile square, running south forty-seven and one-half degrees west with the Nashville branch of the Wilmington and Weldon Railroad, and south forty-two and one-half degrees east across the same; and that the center of the railroad warehouse (and in taking the center of the warehouse the cotton platform shall be considered a part of said warehouse) shall be the center of said square mile.

That section two of chapter fifty-five of the private laws of North Carolina of one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to include the cemetery of said town of Spring Hope, by adding to said section the following: "Beginning at a point where the corporation line crosses the right-of-way of the Nashville branch of the Wilmington and Weldon Railroad on the northeast side of said town; then running eastward with said right-of-way to the corner of the cemetery lot; thence with its line north sixty and one-half degrees (60½) east, one hundred and fifty-six (156) feet; thence south, eighteen degrees east, six hundred and seventeen (617) feet; thence continue the same course to the corporation line; thence north forty-two and one-half (42½) degrees west to the beginning.

That the corporate limits of said town be extended by adding to the boundaries of said town the following described lands: Beginning at the northwest corner of Oakdale Cemetery. In railroad right-of-way of the Nashville branch of the Atlantic Coast Line Railroad Company, thence with said right-of-way north seventy-one degrees east ninety-four feet to a stake, corner of the cemetery; thence south eighteen degrees east six hundred

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<sup>1</sup>Editor's note(s)—Printed herein is the Charter of the Town of Spring Hope, North Carolina, Priv. Laws of 1889, ch. 55. and ratified on February 25, 1889, as amended. Amendments to the Charter are included as indicated by parenthetical history notes immediately following the amended sections. Obvious misspellings have been corrected without notation. Additions made for clarity are indicated in brackets.

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and thirty-nine feet six inches; thence continuing south eighteen degrees east, to the present corporation line in W. W. Batchelor's field.

(Priv. Laws of 1895, ch. 48, § 1, Ratified 2-19-1895; Priv. Laws of 1905, ch. 169, § 2, Ratified 2-24-1905)

### **SEC. 3. Officers.**

That the officers of said corporation shall consist of a mayor and five commissioners.

(Priv. Laws of 1895, ch. 48, § 2, Ratified 2-19-1895; Priv. Laws of 1923, ch. 207, § 2, Ratified 3-3-1923; Priv. Laws of 1924, ch. 48, § 1, Ratified 8-22-1924; Priv. Laws of 1973, ch. 40, § 2, Ratified 3-1-1973)

### **SEC. 4. Elections.**

The Town of Spring Hope, in the County of Nash, is hereby authorized and empowered to hold an election for the office of mayor at the regular municipal elections of November, 1973. The mayor shall be elected for a term of four (4) years.

The Town of Spring Hope, in the County of Nash, is hereby authorized and empowered to hold an election, at the regular municipal elections of November, 1973, to elect a Board of Commissioners composed of five (5) members. The two (2) candidates receiving the highest number of votes at such election shall serve for a term of four (4) years. The three (3) candidates receiving the next highest number of votes shall serve for a term of two (2) years. At the expiration of such terms, the term of office for all candidates then elected to the Board of Commissioners shall be a period of four (4) years.

(Priv. Laws of 1973, ch. 40, § 1, Ratified 3-1-1973)

### **SEC. 5. Oath of office.**

That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law for such officers before some justice of the peace of said county, or other persons qualified to administer an oath, within thirty days from the passage of this act, and enter upon the discharge of their respective duties.

### **SEC. 1 [6. Streets.]**

That the commissioners of the Town of Spring Hope in Nash county shall have power, in their discretion, when necessary to lay out new streets and to regulate the width of all streets, so that each street shall be of uniform width its entire length, and for this purpose may condemn any land in the corporate limits of said town, and to pay for the same; *provided*, that any money necessary for said purpose shall come out of the general funds of said town, and no special tax shall be laid or debt contracted therefor.

(Priv. Laws of 1897, ch. 49, § 1, Ratified 2-20-1897)

### **SEC. 2 [7. Eminent domain.]**

That when any lands or right of way shall be required by said Town of Spring Hope for the purpose of opening new streets, or for widening streets or sidewalks, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen by the commissioners, and in making said valuation said freeholders, after being duly sworn by the mayor, or a justice of the peace of the county or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also any special benefit or

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advantage each owner may receive from the opening of such street or other improvements, and shall state the value and amount of each, and the excess of loss or damage over and above the advantage shall form the measure of valuation of said land or right-of-way: *Provided*, nevertheless, that if any person over whose land the said street may pass, or improvement be erected, or the aldermen be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next superior court of the county to be held hereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation with the proceedings thereon; and the land so valued by the freeholders shall vest in the town, so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land); *provided, however*, that such appeal shall not hinder or delay the commissioners opening such streets or erecting such improvements; *and provided further*, that in the case of the discontinuance of the use of the land, and it reverts to the owner, the town shall have the right to remove any improvement under its authority erected.

(Priv. Laws of 1897, ch. 49, § 2, Ratified 2-20-1897)

### **SEC. 3 [8. License taxes on retail liquor dealers.]**

That the commissioners of said town shall have the power to levy and collect license taxes on all retail liquor dealers and manufacturers, an amount not exceeding the sum of one thousand dollars per annum, payable at such times as the commissioners of said town shall direct, and that all taxes heretofore levied and collected by said town shall be deemed to have been legally and properly collected.

(Priv. Laws of 1905, ch. 169, § 3, Ratified 2-24-1905)

### **SEC. 4 [9. Fire districts.]**

The Commissioners of the Town of Spring Hope shall have the power to establish fire districts within said town and to declare what classes of buildings shall be erected within said fire districts, and shall have the power to prohibit the erection of any building not in accordance with such ordinance or ordinances as they shall from time to time pass regulating the construction of buildings within said fire district.

(Priv. Laws of 1905, ch. 169, § 4, Ratified 2-24-1905)

### **SEC. 2 [10. Discounts and penalties on taxes.]**

That on all Spring Hope town taxes paid in the month of October of each year the taxpayer shall be allowed or given a discount of one per centum; that on all Spring Hope town taxes paid in the month of November of each year the taxpayer shall be allowed or given a discount of one-half of one per centum; that throughout the months of December and January of each year no discount shall be allowed or penalty charged, but the taxpayer shall pay the net amount of said tax; that on all Spring Hope town taxes paid in the month of February of each year the taxpayer shall pay, in addition to the net amount of the tax, one-half of one per centum of said amount; and that thereafter an addition of one-half of one per centum shall be added on the first day of each calendar month until the full amount of the tax, together with the additional charge, is paid.

(Priv. Laws of 1924, ch. 57, § 2, Ratified 8-23-1924)

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## CHARTER COMPARATIVE TABLE PRIVATE LAWS

This table shows the location of the sections of the basic Charter and any amendments thereto.

Private Laws Year	Ratified Date	Chapter Number	Section	Section this Charter
1895	2-19-1895	48	1, 2	2, 3
1897	2-20-1897	49	1, 2	6, 7
1905	2-24-1905	169	2	2
		169	3, 4	8, 9
1923	3- 3-1923	207	1	1
			2	3
1924	8-22-1924	48	1	3
	8-23-1924	57	2	10
1973	3- 1-1973	40	1	4
			2	3

### Subpart A GENERAL ORDINANCES