

CHAPTER 1: GENERAL PROVISIONS

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§ 1-1 DESIGNATION AND CITATION.

The provisions in this and the following chapters and sections shall constitute and be designated *The Code of the City of Eden, North Carolina*, and may be so cited. Such code may also be cited as the *City Code*.

('89 Code, § 1-1)

Statutory reference:

Code of ordinances, see G.S. § 160A-77

Ordinance book, see G.S. § 160A-78

§ 1-2 DEFINITIONS; RULES OF CONSTRUCTION.

In the construction of this code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the City Council or unless the context clearly requires otherwise:

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CHARTER. The Charter of the City of Eden, North Carolina, printed in Part I of this volume.

CITY. The City of Eden, in the County of Rockingham, and the State of North Carolina.

CITY BOARDS, COMMITTEES, COMMISSIONS, OFFICERS AND DEPARTMENTS. Whenever reference is made to a board, committee, commission, officer or department, it shall be construed as if followed by the words “of the City of Eden, North Carolina.”

CODE. The Code of the City of Eden, North Carolina.

COMPUTATION OF TIME. In computing any period of time prescribed or allowed by this code, the day of the act, event, default or publication after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

COUNCIL or CITY COUNCIL. The City Council of the City of Eden.

COUNTY. The County of Rockingham in the State of North Carolina.

G.S. Whenever reference is made to G.S. it shall be construed to refer to the latest edition or supplement of the General Statutes of North Carolina.

GENDER. Words importing the masculine gender shall include the feminine and neuter.

IN THE CITY or WITHIN THE CITY. Any territory, the jurisdiction of which, for the exercise of its regulatory power, has been conferred upon the city by general or special law.

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.

MAY. Is permissive.

MONTH. A calendar month.

NUMBER. Words used in the singular include the plural and the plural includes the singular number.

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 Eastern Standard Time or daylight saving time, whichever may be in current use in the city.

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. Includes a corporation, firm, partnership, association, organization and any other group or body corporate or politic acting as a unit, as well as an individual.

PERSONAL PROPERTY. Includes every species of property, except real property, as defined in this section.

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

PROPERTY. Real and personal property.

REAL PROPERTY. Includes lands, tenements and hereditaments.

SHALL. Is mandatory.

SIDEWALK. 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 State of North Carolina.

STREET. Includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

TENANT or OCCUPANT. Applied to a building or land shall include any person who occupies the whole or 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.

WRITING or WRITTEN. Shall include printing and any other mode of representing words and letters.

YEAR. A calendar year.

('89 Code, § 1-2)

Statutory reference:

Rules of construction and definitions in state statutes, see G.S. § 12-3

Computation of time, see G.S. § 1A-1, Rule 6(a), Rules of Civil Procedure

§ 1-3 PROVISIONS OF CODE CONTINUATION OF EXISTING ORDINANCES.

The provisions appearing in this code, so far as they are the same as those of the code and ordinances existing at the time of the effective date of this code, shall be considered as continuations

thereof and not as new enactments.
(‘89 Code, § 1-3)

§ 1-4 REFERENCES TO CHAPTERS OR SECTIONS.

All references to chapters or sections are to the chapters and sections of this code unless otherwise specified.
(‘89 Code, § 1-4)

§ 1-5 CATCHLINES OF SECTIONS NOT PART OF LAW.

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 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.
(‘89 Code, § 1-5)

§ 1-6 CROSS REFERENCES; STATE LAW REFERENCES; EDITOR'S NOTES.

The cross references, state law references and editor's notes appearing throughout the code are not intended to have any legal effect, but are merely intended to assist the user of the code.
(‘89 Code, § 1-6)

§ 1-7 HISTORY NOTES.

The history notes appearing in parentheses after sections in this code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.
(‘89 Code, § 1-7)

§ 1-8 PRIOR ACTS AND RIGHTS NOT AFFECTED.

(A) Nothing in this code or the ordinance adopting this code shall affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this code.

(B) The adoption of this code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on the date of adoption of this code.
(‘89 Code, § 1-8)

§ 1-9 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(A) Nothing in this code or the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;
- (4) Any right or franchise granted by the city;
- (5) Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the city;
- (6) Any ordinance establishing or prescribing grades for streets in the city;
- (7) Any appropriation ordinance providing for the levy of taxes or for adopting an annual budget;
- (8) Any ordinance relating to local improvements and assessments therefor;
- (9) Any ordinance annexing territory to the city or discontinuing territory as a part of the city;
- (10) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (11) Any ordinance or resolution establishing or amending personnel rules or regulations;
- (12) Any ordinance prescribing subdivision regulations;
- (13) Any ordinance or resolution prescribing taxicab passenger rates;
- (14) Ordinances prescribing traffic regulations for specific streets, such as ordinances establishing speed limits or designating one-way streets, no parking areas, truck routes, stop intersections, intersections where traffic is to be controlled by signals, etc.
- (15) Any ordinance establishing or amending zoning or land use regulations or the zoning map or rezoning property;
- (16) Any ordinance calling municipal elections or prescribing the manner of conducting the election in accordance with state law;
- (17) Any ordinance prescribing any fee or payment of money to the city;

(18) Any ordinance prescribing the number, classification, benefits or compensation of any city officers or employees;

(19) Any ordinance which is temporary although general in effect;

(20) Any ordinance which is special although permanent in effect;

(21) Any ordinance containing any administrative provision.

(B) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. Such ordinances are on file in the City Clerk's office.

('89 Code, § 1-9)

Statutory reference:

Authority to omit ordinances from printing of code, G.S. § 160A-77(a).

§ 1-10 EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

(A) The repeal of an ordinance or its expiration by virtue of any provisions 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.

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

('89 Code, § 1-10)

Statutory reference:

Repeal of statutes, see G.S. § 12-2

§ 1-11 ADDITIONS AND AMENDMENTS DEEMED INCORPORATED IN CODE.

Any and all additions and amendments to this code, when passed in such form as to indicate the intention of the City Council to make the same a part of this code shall be deemed to be incorporated in this code, so that reference to the code shall be understood and intended to include such additions and amendments.

('89 Code, § 1-11)

§ 1-12 AMENDMENTS OR ADDITIONS TO CODE.

(A) All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion in it. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this code and subsequent ordinances numbered or

omitted are readopted as a new code by the City Council.

(B) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the section number of this code in the following language: "Section _____ of the Code of the City of Eden, North Carolina, is hereby amended to read as follows: . . ." The new provisions shall then be set out in full as desired.

(C) If a new section is to be added to the code, the following language shall be used: "The Code of the City of Eden, North Carolina, is hereby amended by adding a section, to be numbered _____ which section reads as follows: . . ." The new section shall then be set out in full as desired.

(D) All sections, divisions, articles, chapters or provisions desired to be repealed should be specifically repealed by section, division, article or chapter number, as the case may be.
(’89 Code, § 1-12)

§ 1-13 SUPPLEMENTATION OF CODE.

(A) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through," inserting section

numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

Statutory reference:

Supplements to code adopted, see G.S. § 160A-77

§ 1-14 WARD BOUNDARIES.

The boundaries of the seven wards of the city shall be as follows:

(A) *First ward.* Beginning at a point in the western corporate limits of the City of Eden, said point being located at the place where the western corporate limits are intersected by the center line of Robin Road projected in a westerly direction to said western corporate limit; thence in an easterly direction up the center of Robin Road to the center of the intersection of Robin Road and Beechwood Lane; thence in a southerly direction with the center of Beechwood Lane to the center of the intersection of Beechwood Lane and Lawson Street; thence with the center of Lawson Street in a northeastwardly direction to the center of the intersection of Lawson and Cedar Streets; thence with the center of Cedar Street in a northerly direction to the center of the intersection of Cedar Street and Louise Avenue; thence with the center of Louise Avenue in an easterly direction to the center of the intersection of Louise Avenue and Patterson Street; thence with the centerline of Patterson Street in a northerly direction to the center of the intersection of Patterson Street and Center Church Road; thence in an easterly direction with Center Church Road to the center of the intersection of Center Church Road and Glenn Street; thence in a southerly direction with the center of Glenn Street to the center of the intersection of Glenn Street and Haled Street; thence with the center of Haled Street in an easterly direction to the center of the intersection of Haled Street and South Hamilton Street; thence in a southeastwardly direction with the center of South Hamilton Street to the center of the intersection of South Hamilton Street and Washington Street; thence with the center of Washington Street in a northeastwardly direction to the center of the intersection of Washington and South Hamilton Streets; thence in a southeastwardly direction with the center of Hamilton Street to the southern corporate limits of the City of Eden; thence in a southwesterly and westerly direction with the north bank of the Dan River and the southern corporate limits of the City of Eden to the mouth of Matrimony Creek and the southeastern corner of Mark Hall and others (Deed Book 1104, page 1453); thence continuing with the south property line of Hall and the north bank of the Dan River the following 10 courses: South 58° 16' 15" West 103.14 feet to a point, South 58° 05' 34" West 163.97 feet to a point, South 70° 08' 33" West 260.13 feet to a point, South 63° 27' 38" West 223.33 feet to a point, South 81° 22' 48" West 141.72 feet to a point, South 64° 00' 26" West 144.60 feet to a point, South 64° 13' 28" West 157.68 feet to a point, South 54° 08' 41" West 159.10 feet to a point, South 55° 40' 35" West 265.41 feet to a point and South 46° 45' 05"

West 186.25 feet to a point marking the southeast corner of CWR Construction Corp. (Deed Book 1060, page 1244); thence with the east line of CWR Construction Corp, North 41° 21' 38" West 411.11 feet to a point and North 41° 30' 11" West 210.87 feet to a point in the south line of Lot 84, Indian Hills Subdivision; thence with the south line of Lot 84, South 66° 39' 37" West 45.39 feet to a point in the east end of the cul-de-sac of River Chase; thence along an arc with a chord bearing and distance of South 19° 01' 03" West 20.03 feet, and an arc distance of 20.13 feet, to a point in the lien of Lot 85, Indian Hills; thence North 81° 58' 53" East 48.59 feet to a point; thence South 31° 14' 57" East 171.35 feet to a point marking the southeast corner of Lot 85; thence with the rear lines of Lots 85 through 101, Lot 103 and Lot 105, Indian Hills Subdivision, the following 7 courses: South 69° 45' 39" West 239.12 feet to a point, North 82° 00' 13" West 100.00 feet to a point, South 72° 38' 30" West 198.86 feet to a point, South 56° 53' 59" West 311.00 feet to a point, South 45° 14' 22" West 105.00 feet to a point, South 35° 01' 45" West 310.36 feet to a point and South 57° 47' 07" West 1,159.36 feet to a point in the eastern right of way line of Harrington Highway (SR 1533); thence crossing Harrington Highway South 62° 15' 50" West 250.29 feet to a point in the western right of way line of Harrington Highway; thence with the western right of way line of Harrington Highway, the following 7 courses: North 27° 44' 10" West 983.33 feet to a point; North 34° 41' 10" West 206.49 feet to a point; North 26° 55' 10" West 604.06 feet to a point; North 17° 57' 40" West passing over an existing iron stake at 219.17 feet, a total of 271.08 feet to a point; South 86° 10' 50" West 71.38 feet to a point, North 03° 06' 50" East 166.98 feet, and North 20° 07' 10" West 162.50 feet to a point in the southern right of way line of N.C. Hwy 135; thence crossing N. C. Hwy 135 North 23° 03' 09" West 61.13 feet to a point in the northern right of way line of N. C. Hwy 135; thence with the northern right of way line of N. C. Hwy 135, South 66° 56' 51" West, passing an existing iron stake at 72.82, a total distance of 172.76 feet to a point marking the southwest corner for Huffman Oil Company, Inc.; thence with the west line of Huffman Oil Company, Inc., North 22° 26' 30" West 400.03 feet to a point in the south line of Lucille P. Carter; thence with the south line of Carter, South 67° 24' 47" West 99.82 feet to an existing iron stake marking the southwest corner for Carter; thence with the rear lines of Carter and John William Martin, North 22° 30' 19" West 179.20 feet to an existing iron stake in the south right of way line of Beddingfield Road; thence crossing Beddingfield Road, North 02° 19' 58" West 56.82 feet to a point in the north right of way line of Beddingfield Road; thence North 32° 39' 21" West 374.13 feet to an existing iron stake; thence North 32° 39' 21" West 288.22 feet to an existing iron stake in the south right of way line of N. C. Hwy 770; thence with the south right of way line of N. C. Hwy 770, North 85° 23' 42" East 394.10 feet to a concrete monument; thence continuing with the south right of way line of N. C. Hwy 770, South 67° 13' 22" East 86.41 feet to a right of way monument; thence crossing N. C. Hwy 770, North 04° 55' 37" West 189.84 feet to a point marking the northeast intersection of N.C. Hwy 770 and Shady Grove Road, said point being located South 87° 13' 39" West 533.44 feet from NC Grid Mon. "Holy" NAD 83, said NC Grid Mon. being North 71° 53' 34" West 10,521.76 feet from NC Grid Mon. "Fellow" NAD 83; thence with the northern right of way line of N.C. Hwy 770 the following 9 courses: thence North 85° 25' 03" East 1,115.68 feet to a point, thence along an arc with a chord bearing and distance of North 71° 51' 58" East 857.66 feet, and an arc distance of 865.70 feet, to a point, thence North 58° 18' 53" East 778.91 feet to a point, thence North 58° 47' 29" East 370.03 feet to

a point, thence North 73° 41' 59" East 62.87 feet to a point, thence North 47° 42' 50" East 144.29 feet to a point, thence North 57° 59' 04" East 104.92 feet to a point, thence North 58° 10' 41" East 125.09 feet to a point; thence in a northerly direction with the present western corporate limits of the City of Eden to the place of beginning.

(B) *Second ward.* Beginning at the center of the intersection of Center Church Road and Glenn Street; thence with the center of Center Church Road in an easterly direction to the center of the intersection of South Hamilton Street and Center Church Road; thence with the center of South Hamilton Street in a northwestwardly direction to the center of the intersection of South Hamilton Street and Early Avenue; thence with the center of Early Avenue in a northeasterly direction to the center of the intersection of Boone Road and Early Avenue; thence continuing in a line and the same course as the center line of Early Avenue projected to the center of Smith River; thence with the center of Smith River in a northerly direction to the center line of West Meadow Road; thence with the center of West Meadow Road in an easterly direction to the center of the intersection of North Carolina State Highway #14, Van Buren Road and Meadow Road; thence with the center of North Carolina State Highway #14, Van Buren Road, in a southerly direction to a point where N. C. Highway 14 intersects the north bank of the Dan River, thence with the north bank of the Dan River the following courses: South 50 deg.42 min. West 601.48 feet to a point, South 50 deg. 42 min. West 161.49 feet to a point, South 62 deg. 24 min. West 755.66 feet to a point, South 88 deg. 54 min. West 556.61 feet to a point, North 76 deg. 30 min. West 801.08 feet to a point in the east right of way line of Mebane Bridge Road; thence continuing with the north bank of the Dan River, approximately the following courses, North 68 deg.19 min.52 sec. West 437.93 feet, thence North 49 deg.28 min.14 sec. West 431.60 feet, thence North 44 deg.26 min.18 sec. West 285.13 feet, thence North 22 deg.19 min.58 sec. West 678.60 feet, thence North 10 deg.38 min.33 sec. West 300.33 feet, thence North 0 deg.55 min.52 sec. West 323.86 feet, thence North 16 deg.16 min.18 sec. West 394.41 feet, thence North 05 deg.39 min.20 sec. West 160.20 feet, thence North 12 deg.05 min.50 sec. West 351.55 feet, thence North 15 deg.52 min.34 sec. West 260.84 feet to a point on the east bank of the Smith River, thence crossing the Smith River North 37 deg.25 min. West 265.80 feet to a point on the north bank of the Dan River where it is intersected by the west bank of the Smith River, thence continuing along the north bank of the Dan River North 34 deg.25 min.27 sec. West 566.25 feet, thence North 41 deg.57 min.55 sec. West 1,077.95 feet, more or less, to a point on the east bank of the Dan River below site of the old Wooden Bridge, said point being the same point at low water line on the north bank of the Dan River where it is intersected by a line parallel to and 400 feet south of the southern right-of-way chord of South Bridge Street, formerly referred to as Highland Drive, as described in Deed Book 602 at Page 536 as recorded in the Rockingham County Register of Deeds office in Wentworth, North Carolina; thence continuing with the north bank of the Dan River and the southern corporate limits in a northerly and westerly direction to the center of North Carolina State Highway #87, South Hamilton Street; thence with the center of South Hamilton Street in a northwesterly direction to the center of the intersection of Washington Street and South Hamilton Street; thence westerly with the center of Washington Street to the center of the intersection of Washington Street and South Hamilton Street; thence in a northwesterly direction with the center of South Hamilton Street to

the center of the intersection of South Hamilton Street and Haled Street; thence in a westerly direction with the center of Haled Street to the center of the intersection of Haled Street and Glenn Street; thence with the center of Glenn Street to the center of the intersection of Glenn Street and Center Church Road, the place of beginning.

(C) *Third ward.* Beginning at a point in the western city limits of the City of Eden, said point being located at the place where the western city limits are intersected by the center line of Robin Road projected in a westerly direction to the city limits; thence in a northerly direction with Matrimony Creek, the western city limits, to the mouth of Boiling Springs Branch; thence in a northeastwardly direction with Boiling Springs Branch, the western and northern city limits, to a concrete monument in the north right-of-way line of N. Oakland Avenue, N. C. Highway No. 87; thence North 44 deg.20 min. West 293.78 feet to an iron, said iron being the southeast corner of Lot 1, C. H. Robertson Heirs as recorded in Map Book 2, page 42, Rockingham County Registry; thence from said iron along the north right-of-way line of N. C. Highway No. 87, North 44 deg.20 min. West 200.00 feet to a point, said point being the southwest corner of tract; thence North 45 deg.35 min. East 215.00 feet to a point; thence North 45 deg.35 min. East 364.47 feet to an iron, said iron being the northwest corner of tract; thence South 86 deg.09 min. East 33.79 feet to an iron; thence South 86 deg.□9 min. East 443.96 feet to a concrete monument; thence South 4 deg.53 min. West 471.74 feet to a concrete monument; thence South 45 deg.36 min.30 sec. West to the present corporate limits; thence in a southeasterly direction to a point in Lewis Dixon Associates westerly property line being approximately 400 feet northeast of the north side of Oakland Avenue (N. C. #87); thence North 45 deg.34 min. East for 257.60 feet to a point; thence South 87 deg.03 min. East for 200 feet to a point; thence South 4 deg.11 min. West to a point on the south side of the south right-of-way of Fourth Street; thence in an easterly direction south of the right-of-way line of Fourth Street and with the present city limit line to the center of North Hamilton Street; thence in a southerly direction with the center of North Hamilton Street to the center of the intersection of North Hamilton Street and Tuttle Street; thence in an easterly and southerly direction with the center of Tuttle Street to the center of the intersection of Tuttle Street and Church Street; thence in a southwesterly direction with the center of Church Street to the center of the intersection of Church Street and The Boulevard; thence in a southeasterly direction with the center of The Boulevard to the center of the intersection of The Boulevard and South Primitive Street; thence in a northeasterly direction with the center of South Primitive Street to the center of the intersection of South Primitive Street and Hollingsworth Street; thence in a southeasterly direction with the center of Hollingsworth Street to the center of the intersection of Hollingsworth Street and Early Avenue; thence in a southwesterly direction with the center of Early Avenue to the center of the intersection of Early Avenue and South Hamilton Street; thence in a southerly direction with the center of South Hamilton Street to the center of the intersection of South Hamilton Street and Center Church Road; thence in a westerly direction with the center of Center Church Road to the center of the intersection of Center Church Road and Patterson Street; thence with the center line of Patterson Street in a southerly direction to the center of the intersection of Patterson Street and Louise Avenue; thence with the centerline of Louise Avenue in a westerly direction to the center of the intersection of Louise Avenue and Cedar Street; thence in a southerly direction with the center of Cedar Street to the center of the

intersection of Cedar Street and Lawson Street; thence in a southwesterly direction with the center of Lawson Street to the center of the intersection of Lawson Street and Beechwood Lane; thence in a northerly direction with the center of Beechwood Lane to the center of the intersection of Beechwood Lane and Robin Road; thence in a westerly direction with the center of Robin Road to its terminus and continuing in a westerly direction on the course of the center line of Robin Road projected to the city limits of the City of Eden, the place of beginning.

(D) *Fourth ward.* Beginning at a point where the center line of N. C. Highway 14, North Van Buren Road, is intersected by the center line of the right-of-way of the Norfolk and Southern Railway Co. (formerly Carolina and Northwestern Railway Co.); thence in a southwestwardly direction with the center line of the railroad right-of-way to the intersection of the west bank of the Smith River; thence with the west bank of the Smith River in southwesterly direction to a point where the west bank of the Smith River is intersected with the centerline of W. Meadow Road; thence with the centerline of W. Meadow Road in an easterly direction to the center of the Smith River; thence in a southerly direction with the center of Smith River to a point where the center of Smith River is intersected by the center line of Early Avenue projected in an easterly direction; thence in a westerly direction to the center of the intersection of Boone Road by Early Avenue; thence in a southeasterly direction with the center of Early Avenue to the center of the intersection of Early Avenue and Hollingsworth Street; thence in a northwesterly direction with the center of Hollingsworth Street to the center of the intersection of Hollingsworth Street and South Primitive Street; thence in a southwesterly direction with the center line of South Primitive Street to the center of the intersection of South Primitive Street and The Boulevard; thence in a westerly direction with the center of The Boulevard to the center of the intersection of The Boulevard and Church Street; thence in a northwesterly direction with the center of Church Street to the center of the intersection of Church Street and Tuttle Street; thence in a northerly and northwesterly direction with the center of Tuttle Street to the center of the intersection of North Hamilton Street and Tuttle Street; thence in a northerly direction with the center of North Hamilton Street to the intersection of the northern city limits by the center of North Hamilton Street; thence in an easterly direction with the northern city limits to a point 250 feet east of North Hamilton Street where the city limits change direction to run in a northerly direction and parallel with North Hamilton Street and 250 feet to the east thereof about 2,900 feet to the center line of Kendall Street; thence with the centerline of Kendall Street in a westerly direction approximately 100 feet to a point, said point being approximately 150 feet eastwardly from the center line of North Hamilton Street and running thence in a northwardly direction and parallel with the center line of North Hamilton Street at a distance of 150 feet therefrom approximately 3,800 feet to the intersection of the center line of Morgan Road by the city limits of the City of Eden; thence in a northerly direction along the center line of Morgan Road for 877 feet, more or less, to a point in center line of Morgan Road, said point being opposite the southeast corner of the E. Griffin property; thence North 33 deg.18 min. East, 275 feet, more or less, to a white oak stump; thence continuing with said Griffin line North 8 deg.47 min. East, 491 feet, more or less, South 69 deg.14 min. East, 314 feet, more or less, South 77 deg.25 min.30 sec. East, 260 feet, more or less, to a point in the west property line of City of Eden Park property; thence with the Griffin and city park property line North 19 deg.47 min. East, 609 feet, more or less, North 59

deg.11 min. East, 185 feet, more or less, to a point in south right-of-way line of North Carolina State Highway #14; thence with said right-of-way South 58 deg.48 min. East, 803 feet, more or less, to a point on the west bank of Smith River; thence along the west bank of said river in a southeasterly direction 4350 feet, more or less, to a point where the city limits changes direction from southeasterly to northeasterly; thence in a northeasterly direction with the city limits to the point where the center line of N. C. Highway No. 14, North Van Buren Road, is intersected by the northern city limits of the City of Eden; thence in a northeasterly direction with the city limits to a point in the northern right-of-way of N. C. Highway No. 14, said point being corner of old Bateman (now North Spray Subdivision) tract; thence North 14 deg.54 min. East 1,468.5 feet to a white oak; thence North 87 deg.37 min. East with line of North Spray Subdivision, 471.4 feet; thence South 19 deg. East 643 feet with said subdivision; thence South 23 deg.30 min. West 850 feet with said subdivision to a point in Fall Creek; thence with Fall Creek as it meanders in a southerly direction to a point marking the southeast corner of Lot 1A, Block 3, North Spray Development (Map Book 7, page 72); thence continuing with Fall Creek and the east line of Lot 1A, South 17 deg. 08 min. West 73.9 feet to a point; thence North 89 deg. 48 East 307.6 feet to a point marking the northwest corner for Lot 1, Block 6, North Spray Development; thence with the west line of Lot 1, South 04 deg. 59 min. East 112 feet to an iron in the north line of E. Aiken Road; thence in a southerly direction the same course to the centerline of E. Aiken Road; thence with the centerline of E. Aiken Road in an easterly direction to the center of the intersection of E. Aiken Road and Chatham Court; thence with the centerline of Chatham Court in a southwesterly direction to the center of the intersection of Chatham Court, Roosevelt Street and Virginia Street; thence continuing in a line and the same course as the center line of Chatham Court projected to the centerline of N. C. Highway 14; thence in a southerly direction with the center of N. C. Highway No. 14, North Van Buren Road, to the Point of Beginning.

(E) *Fifth ward.*

(1) Beginning at a point where the center line of N. C. Highway 14, North Van Buren Road, is intersected by the center line of the right-of-way of the Norfolk and Southern Railway Co. (formerly Carolina and Northwestern Railway Co.); thence in a northerly direction with the center line of N. C. Highway 14, Van Buren Road, to a point where the centerline of N. C. Highway 14 is intersected by the center line of Chatham Court projected in a westerly direction; thence with the centerline of Chatham Court in a northeasterly direction to the center of the intersection of Chatham Court and E. Aiken Road; thence with the centerline of E. Aiken Road in a westerly direction to a point where the centerline of E. Aiken Road is intersected by the west line of Lot 1, Block 6, North Spray Development, projected in a southerly direction; thence in a northerly direction to the north margin of E. Aiken Road marking the southwest corner of Lot 1, Block 6, North Spray Development; thence with the west line of Lot 1, North 04 deg. 59 min. West 112 feet to a point marking the northwest corner of Lot 1; thence South 89 deg. 48 min. East 307.60 feet to a point in Fall Creek; thence with Fall Creek as it meanders in a northerly direction to a point marking the southeast corner for Lot 9A, Block 3, North Spray Development; thence North 81 deg.09 min. East about 690 feet to a point in the city limit line, said point being 600 feet, more or less, in a westwardly direction from East Aiken Road; running thence

approximately parallel with East Aiken Road about North 52 deg. East 1,600 feet, more or less, to a point; thence South 78 deg. East approximately 400 feet to a point; thence North 6 deg.43 min. East 205.79 feet to a point; thence North 4 deg.01 min. East 93.75 feet to a point; thence North 3 deg.04 min. West 80.62 feet to a point; thence North 4 deg.03 min. East 1,332.4 feet to a point; thence North 34 deg.16 min. East 309.08 feet to a point; thence North 5 deg.15 min. West 380 feet to the South side of Haywood Street; thence crossing Haywood Street North 0 deg.36 min. East 348 feet to a point; thence South 83 deg.40 min. East 140.5 feet to a point; thence South 77 deg.45 min.28 sec. East crossing Hillcrest Drive and Pine Lane 1,555.20 feet to a point; thence South 11 deg.43 min. East 335.33 feet to a point; thence South 45 deg.17 min. West 152.54 feet to a point; thence South 00 23 min. West 500.49 feet to a point; thence South 66 deg.09 min. East 468.67 feet to a point; thence South 24 deg.08 min. West 362 feet to a point; thence South 66 deg.02 min. East 200 feet to a point; thence South 24 deg.08 min. West 196.51 feet to the North side of Bedford Drive; thence with the North side of Bedford Drive and crossing Friendly Road 250 feet to a point in the eastern margin of Friendly Road; thence along the eastern margin of Friendly Road in a southwestern direction to a point 200 feet northeast of the northeast line of Summit Road; thence, a new line, in a southeasterly direction parallel with and 200 feet northeast of the northeast edge of Summit Road 3,500 feet, more or less, to the southern right-of-way line of Industrial Drive; thence continuing in a southeasterly direction parallel with and 200 feet northeast of the northeast edge of the right-of-way of Summit Road 216.00 feet, more or less, to the North property line of D. T. Pulliam (Deed Reference: Book 719 at page 808); thence with Pulliam's North line, North 51 deg.44 min. East 100 feet, more or less, to an iron; thence North 38 deg.47 min.30 sec. West 224.38 feet to a point in the southern right-of-way line of Industrial Drive; thence with the South right-of-way line of Industrial Drive, North 46 deg.51 min.40 sec. East 280.00 feet to a point, a common front corner between Miller Brewing Company and Wayne G. Church, (see Deed Book 811, page 5, as recorded in the Rockingham County Register of Deeds office); thence South 38 deg.35 min.10 sec. East 300.00 feet to a point; thence South 46 deg.01 min. West 280.00 feet to an iron; thence South 26 deg.51 min. East 129.63 feet to an iron; thence South 63 deg.04 min. West 100.00 feet to a point in the present (1994) Eden City Limit line, said point being 200 feet from the northeastern right-of-way line of S.R. #1733, Summit Road; thence continuing in a southeasterly direction parallel with and 200 feet northeast of the northeast edge of the right-of-way of Summit Road 420 feet, more or less, to an iron marking Danny R. Nicholson's northwest corner (Deed Book 876, page 2059); thence leaving the existing city limit line with Nicholson's north line, South 89 deg.32 min.25 sec. East 774.50 feet to the northeast corner of a tract deeded to Danny R. Nicholson, (See Deed Book 876, page 2059, as recorded in the Rockingham County Register of Deeds office), said iron being a common corner with Miller Brewing Company; thence with the western line of Miller Brewing Company South 05 deg.51 min.35 sec. West 501.58 feet to an iron marking the line of Arthur Fulton (see Deed Book 798, page 943); thence continuing with the western line of Miller Brewing Company South 05 deg.54 min.10 sec. West 89.95 feet to an iron; thence South 04 deg.36 min. West 467.11 feet to an iron; thence South 03 deg.36 min. East 409.00 feet to a point in the present (1994) Eden City Limit line; thence with a line parallel to and 200 feet north of the old northern right-of-way line of N. C. Highway 700, (Meadow Road), South 68 deg.54 min. West to the center line of the Duke Power Company power line easement; thence in a southerly

direction with the center line of the Duke Power Company power line easement 200 feet, more or less, to the center line of East Meadow Road, N. C. Highway Nos. 700 and 770; thence in a westerly direction with the center line of Meadow Road, N. C. Highway Nos. 700 and 770, to the center of the intersection of Meadow Road, N. C. Highway Nos. 700 and 770, and Weaver Street; thence in a southerly direction with the center line of Weaver Street to the center of the intersection of Weaver Street and Greenway Drive; thence in a westerly direction with the center line of Greenway Drive to the center of the intersection of Greenway Drive and Panther Lane; thence in a southerly direction with the center line of Panther Lane to the center of the intersection of Panther Lane and Stadium Drive; thence in a westerly direction with the center line of Stadium Drive to the center of the intersection of Stadium Drive and N.C. Highway No. 14, Van Buren Road; thence in a northerly direction with the center line of N. C. Highway No. 14, Van Buren Road, to the center of the intersection of N. C. Highway No. 14 and Meadow Road, N. C. Highways Nos. 700 and 770; thence in a westerly direction with the center line of Meadow Road, N.C. Highway Nos. 700 and 770, to the west bank of the Smith River; thence with the west bank of the Smith River in a northeasterly direction to the centerline of the right-of-way of the Norfolk and Southern Railway Co.; thence in a northeasterly direction with the center line of the main track right-of-way of the Norfolk and Southern Railway Co. to its intersection with the center line of N. C. Highway No. 14, Van Buren Road, the place of beginning.

(2) The following described areas which are not contiguous to the primary corporate limits shall be added to and included in the Fifth Ward:

- (a) BEGINNING at an iron stake in the north margin of Summit Circle marking the southeast corner for Lot 94, (Map for S. T. Jackson and George W. Smith by H. C. Pierce dated August 21, 1947), said stake being located North 34 deg. 33 min. 38 sec. East 274.56 feet from a point marking the intersection of the centerline of Summit Circle by the centerline of Summit Road; thence North 45 deg. 08 min. 48 sec. West 275.90 feet to an axle found marking the southeast corner for Lot 93; thence with the rear lines of Lots 91 thru 93, North 39 deg. 13 min. 35 sec. East 93.78 feet to an existing iron stake; thence with the rear lines of Lots 87 thru 90, North 39 deg. 13 min. 34 sec. East 100.17 feet to an existing iron stake, a common corner for Lots 86, 87, 102 and 103; thence with the dividing line between Lots 102 and 103, South 50 deg. 35 min. 07 sec. East 275.06 feet to an iron stake in the north margin of Summit Circle; thence with the north margin of Summit Circle, South 39 deg. 21 min. 12 sec. West 220.10 feet to an iron stake, the POINT OF BEGINNING and being all of Lots 94 thru 102 as shown on the above referenced Jackson and Smith map and being designated as Parcel A containing 1.306 acres on a plat entitled "Annexation Map for City of Eden" by C. E. Robertson and Associates, P.L.S. dated November 16, 2007, revised December 3, 2007, and recorded in Map Book 64, page 52 in the Office of the Register

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of Deeds for Rockingham County, North Carolina, to which map reference is hereby made.

- (b) BEGINNING at an iron stake in the south margin of Summit Circle marking the northwest corner for Lot 13 (Map for S. T. Jackson and George W. Smith by H. C. Pierce dated August 21, 1947); thence with the south margin of Summit Circle the following four calls: North 39 deg. 21 min. 12 sec. East 300.00 feet to an iron stake, North 37 deg. 38 min. 51 sec. East 25.00 feet to a point, north 34 deg. 14 min. 07 sec. East 25.00 feet to a point and North 32 deg. 05 min. 49 sec. East 25.28 feet to an existing iron stake marking a front corner for Lots 140 and 141; thence with the dividing line between Lots 140 and 141, South 61 deg. 41 min. 20 sec. East 174.50 feet to an existing iron stake marking the rear corner for Lots 140 and 141 in the north property line of Bobby L. Parker and Mary Jane Parker (Deed Book 940, page 1565); thence with the Parker's north line, South 25 deg. 08 min. 25 sec. West, passing over existing iron stakes at 111.92 feet, 189.17 feet, and 292.65 feet, for a total distance of 448.63 feet to an existing iron stake marking the southeast corner for Lot 2; thence with the rear lines of Lots 2 thru 13, North 45 deg. 08 min. 48 sec. West, passing over an existing iron stake at 139.64 feet, for a total distance of 276.53 feet to an iron stake, the POINT OF BEGINNING, and being all of Lots 126 thru 140 as shown on the above referenced Jackson and Smith map and being designated as Parcel B containing 2.057 acres on a plat entitled "Annexation Map for City of Eden" by C. E. Robertson and Associates, P.L.S. dated November 16, 2007, revised December 3, 2007, and recorded in Map Book 64, page 52 in the Office of the Register of Deeds for Rockingham County, North Carolina, to which map reference is hereby made.

(F) *Sixth ward.*

(1) Beginning at the intersection of the northern city limits by the centerline of North Hundley Drive; thence in a southerly direction with the centerline of North Hundley Drive to the center of the intersection of North Hundley Drive and Carolina Avenue; thence in a westerly direction with the centerline of Carolina Avenue to the center of the intersection of Carolina Avenue and N. Hale Street; thence in a southerly direction with North and South Hale Street to the center of the intersection of South Hale Street and Maryland Avenue; thence in an easterly direction with Maryland Avenue to the center of the intersection of Maryland Avenue and South Hundley Drive; thence in a southerly direction with South Hundley Drive to the center of the intersection of South Hundley Drive and South Avenue; thence in a westerly direction with South Avenue to the center of the intersection of South Avenue and Merriman Street; thence in a southerly direction with the centerline of Merriman Street to the southern city limits at the terminus of Merriman Street in the property line of Nigel Buist; thence with the property line of

Buist approximately 240.94 feet to an iron pin found marking the common rear corner for Lots 16 and 17, Block 1, Merriman Street Addition (Map Book 5, page 86); thence South 88 deg. 50 min. West with the southern city limits to the point where the city limits line changes course to South 72 deg. West; thence South 72 deg. West approximately 2,300 feet and paralleling Sharp Street and being 200 feet from the south line of said street to the east right of way line of South New Street; thence with the east right of way line of South New Street, South 20 deg. 26 min. 32 sec. East 430.25 feet to an existing iron stake, a corner with Nigel Buist (see Deed Book 1029, page 2468) and the northwest corner for Hopkins, LLC (Parcel A, Deed Book 1030, page 673); thence with the west line of Hopkins, LLC, the following three calls: South 20 deg. 26 min. 32 sec. East 63.68 feet to a point, along a curve to the right, a chord bearing and distance, South 10 deg. 03 min. 04 sec. East 420.07 feet (with a circle having a radius of 1139.50 feet) to a point, and South 00 deg. 20 min. 24 sec. West 770.64 feet to an iron stake; thence along and with the boundary line of the Hopkins Property, North 89 degree 56 min. 36 sec. East 655.86 feet to an existing rebar in a western boundary line of the Hopkins Property; thence along and with a western boundary line of the Hopkins Property the following six (6) courses and distances: (i) South 00 degree 27 min. 54 sec. West 1084.91 feet to an existing rebar; (ii) South 04 degree 23 min. 36 sec. West 235.21 feet to an existing rebar, (iii) South 04 degree 12 min. 16 sec. West 277.03 feet to an existing rebar, (iv) South 04 degree 12 min. 16 sec. West 397.73 feet to an existing rebar; (v) South 59 degree 31 min. 00 sec. East 209.38 feet to an existing rebar; (vi) South 04 degree 27 min. 13 sec. East passing through an existing rebar at 733.24 feet a total distance of 756.25 feet to a point in the southwestern corner of the Hopkins Property on the northern bank of the Dan River; thence along and with the northern bank of the Dan River the following five (5) courses and distances: (i) North 78 degree 30 min. 09 sec. West 105.40 feet to a point; (ii) North 78 degree 47 min. 01 sec. West 286.17 feet to a point; (iii) South 88 degree 48 min. 59 sec. West 272.74 feet to a point. (iv) North 89 degree 29 min. 49 sec. West 283.04 feet to a point; and (v) North 88 degree 59 min. 06 sec. West 274.17 feet to a point in the southeastern corner of the Hopkins Property; thence along and with the eastern boundary line of the Hopkins Property the following five (5) courses and distances: (i) North 06 degree 34 min. 27 sec. East passing through an existing iron pin at 43.34 feet a total distance of 830.09 feet to an existing iron pin, (ii) North 10 degree 08 min. 04 sec. West 367.10 feet to an existing rebar, (iii) North 10 degree 08 min. 04 sec. West 380.27 feet to an existing iron pin, (iv) North 42 degree 53 min. 25 sec. West 518.36 feet to an existing iron pin and (v) North 00 degree 26 min. 01 sec. East 798.22 feet to an existing rebar in the southern boundary line of the TBMA Properties, LLC (Deed Book 1226, page 1573 and Map Book 59, page 79); thence North 00 degrees 11 min. 21 sec. East 42.31 feet to an existing iron stake, a corner with Hopkins, LLC; thence with Hopkins min. north line, North 89 degrees 59 min. 42 sec. West 954.60 feet to an existing iron stake; thence with an eastern line of Hopkins, North 00 degrees 29 min. 39 sec. East 382.46 feet to an existing iron stake; thence continuing with Hopkins' eastern line, North 07 degrees 00 min. 39 sec. East 421.41 feet to an existing iron stake, a control corner; thence with the southern line of Hopkins, South 88 degrees 29 min. 23 sec. East 1049.30 feet to an existing iron stake, also a control corner; thence the following three calls with Hopkins' lines North 01 degrees 23 min. 42 sec. East 249.25 feet to an existing iron stake; North 56 degrees 51 min. 08 sec. East 178.45 feet to an existing iron stake; North 80 degrees 04 min. 41 sec. East 339.26 feet to an existing iron

stake in the west margin of South New Street; thence with the west margin of South New Street, North 20 deg 26 min. 32 sec. West 429.29 feet to an iron stake; thence leaving New Street and running with the South line of the Jamestown Subdivision and the line of Fieldcrest-Cannon, Inc., South 69 deg.29 minutes 46 sec. West, 1010.65 feet to an iron pin found; thence continuing with the Jamestown Subdivision line and the Fieldcrest Cannon, Inc. line, North 20 deg.30 min.27 sec. West, 575.02 feet, to an iron pin found on the South right-of-way line of Knott Street (formerly Clark Avenue); thence with the South right-of-way line of an un-opened street (Knott Street, formerly Clark Avenue) South 69 deg.29 min.00 sec. West, 2553.25 feet, passing over an iron at 2471.97 feet, to a point in the West right-of-way line of Duke Power Co.; thence leaving the street right-of-way but with the Duke Power right-of-way line, South 10 deg.20 min.04 sec. East, 943.09 feet, to a point located South 69 deg.29 min.03 sec. West, 132.17 feet from a solid bar found, said solid bar being in the center line of the Duke Power Co. steel tower power line; thence South 69 deg.29 min.03 sec. West 384.00 feet, more or less, to a point, said point being North 69 deg.28 min. East 725 feet from the Northwest corner of the Duke Power Village as shown on a plat of survey filed in Map Book 7 at page 90 in the Office of the Register of Deeds of Rockingham County, N.C.; thence South 20 deg.32 min. East 180.00 feet to a point, South 69 deg.28 min. West 86.90 feet to a point, South 20 deg.32 min. East 240.00 feet to a point, South 69 deg.28 min. West 55.00 feet to a point, South 20 deg.32 min. East 180.00 feet to a point, South 69 deg.28 min. West 96.80 feet to a point, South 20 deg.32 min. East 240.00 feet to a point and South 69 deg.28 min. West 860.10 feet to a point in the centerline of Edgewood Road, NCSR 1779; thence with the center line of Edgewood Road, North 3 deg.27 min. East 88.24 feet to a point; thence with the city limits line and the boundary line between Fieldcrest Cannon, Inc. and Duke Power Company, South 63 deg.14 min. West 1484.9 feet to a concrete monument on the east side of Moir Branch; thence continuing South 63 deg.14 min. West 10.00 feet to the centerline of Moir Branch; thence in a southerly direction with the centerline of Moir Branch to the southeast corner of Fieldcrest Cannon, Inc. in the north line of the Duke Power Company Steam Plant site; thence with the southern boundary of Fieldcrest Cannon, Inc. as shown on a plat of survey entitled Moir Branch Property and Country Club Area Property of Marshall Field & Co. to Fieldcrest Mills, Inc. by W.T. Combs, C.E. dated June 25, 1954, South 82 deg.22 min. West 250 feet, more or less, to the northeast corner of Area 5-C as described in the annexation ordinance of the City of Eden adopted May 17, 1994; thence in a southerly direction with the western line of Fieldcrest Cannon, Inc. tract, South 19 deg.08 min.04 sec. East 1,315.52 feet, more or less, to the north bank of the Dan River, thence southwesterly with the meanderings of the Dan River approximately 4,900 feet, more or less, as traversed by the following twelve courses: South 20 deg.49 min.19 sec. West 95.26 feet, thence South 66 deg.32 min.40 sec. West 143.93 feet, thence South 38 deg.51 min.28 sec. West 394.60 feet, thence South 32 deg.53 min.32 sec. West 303.91 feet, thence South 31 deg.19 min.50 sec. West 359.73 feet, thence South 47 deg.25 min.21 sec. West 254.02 feet, thence South 41 deg.10 min.44 sec. West 442.85 feet, thence South 43 deg.15 min.24 sec. West 998.91 feet, thence South 38 deg.11 min.23 sec. West 389.30 feet, thence South 48 deg.08 min.49 sec. West 858.61 feet, thence South 53 deg.38 min.43 sec. West 107.08 feet, thence South 43 deg.21 min.13 sec. West 575.84 feet to the point at which the north bank of said Dan River intersects with the eastern right-of-way line of N.C. Highway 14 (Van Buren Road), thence continuing in a southwesterly direction to a point where

the north bank of the Dan River intersects the centerline of N. C. Highway 14; thence in a northerly direction with the center of N. C. Highway No. 14, South Van Buren Road, to the center of the intersection of N. C. Highway No. 14, South Van Buren Road, and Stadium Drive; thence in an easterly direction with the center line of Stadium Drive to the center of the intersection of Stadium Drive and Panther Lane; thence in a northerly direction with the center line of Panther Lane to the center of the intersection of Panther Lane and Greenway Drive; thence in an easterly direction with the center line of Greenway Drive to the center of the intersection of Greenway Drive and Weaver Street; thence in a northerly direction with the center line of Weaver Street to the center of the intersection of Weaver Street and Meadow Road, N. C. Highways Nos. 700 and 770; thence in an easterly direction with the center of Meadow Road, N. C. Highways Nos. 700 and 770, to the centerline of the Duke Power Company power line easement east of the intersection of Meadow Road and Summit Road; thence in a northerly direction with the center of the Duke Power Company easement 200 feet, more or less, to a point 200 feet, more or less, east of Summit Road; thence in an easterly direction with the northern city limits to the place of beginning.

(2) The following described area which is not contiguous to the primary corporate limits shall be added to and included in the Sixth Ward:

BEGINNING at an iron marking the intersection of the northern edge of the right of way for SR 2039 and the western edge of the right of way for Mebane Bridge Road (SR 1964), thence with the northern edge of the right of way for SR 2039, North 66 deg. 39 min. 56 sec. West 262.20 feet to an iron, thence a new line across Parcel D as shown in Map Book 13, page 86, North 4 deg. 49 min. 06 sec. East 385.42 feet to an iron on the bank of the Dan River, thence South 69 deg. 38 min. 57 sec. East 97.10 feet to a point, thence North 88 deg. 26 min. 35 sec. East 143.16 feet to a point, the northeast corner of lot herein conveyed, thence South 8 deg. 06 min. 08 sec. West 40.73 feet to a point, thence continuing with the edge of the right of way for the Mebane Bridge Road (SR 1964), South 7 deg. 09 min. 23 sec. West 194.14 feet to a point, thence South 1 deg. 51 min. 02 sec. West 129.56 feet to a point, thence South 4 deg. 45 min. 07 sec. East 92.19 feet to a point, thence South 10 deg. 43 min. 40 sec. East 3.79 feet to an iron, the POINT OF BEGINNING and containing 2.173 acres as per plat of survey by William S. May, Jr., R.L.S., dated April 17, 1979. For a more perfect and accurate description, see said plat, a copy of which is recorded in Book 728, Page 39, Rockingham County Registry. For further reference see Deed Book 692, page 461 in the Office of the Register of Deeds of Rockingham County, North Carolina. Also as shown on a more current Plat of Survey for T & S Properties Southeast LLC by C. E. Robertson & Associates, P.L.S. dated April 24, 2003, and recorded in Map Book 52, page 89 in the office of the Register of Deeds for Rockingham County, North Carolina.

(G) *Seventh ward.*

(1) Beginning at the intersection of the centerline of Hundley Drive by the northern city limits of the City of Eden; thence in an easterly direction with the northern city limits to the eastern city limits; thence in a southerly direction with the eastern city limits to a point on the north bank of Dan River corner between old Lucy Sharp and Bethel tracts of land, said point being the identical point of the Draper Town Limits as set out in the Charter of the Town of Draper and runs thence North 86 deg.45 min. West 400 feet with the north bank of Dan River to the present bridge spanning said river; thence continuing up the north bank of Dan River, South 82 deg. West 243 feet and South 63 deg.15 min. West 670 feet; thence South 54 deg.30 min. West 634 feet to the mouth of Covenant Branch; thence up run of said branch, North 5 deg.15 min. East 240 feet, North 44 deg.30 min. East 180 feet, North 32 deg. East 253 feet, North 9 deg. East 200 feet to the line of an unopened street; thence North 62 deg. West 122 feet along said unopened street to a corner of Lot 140 of the Lucy Sharp Addition to Draper at or near the run of another branch entering Covenant Branch; thence up the run of said branch and approximately along the East line of Lots 140, 139, 138, 137, 136 and part of 135, a total distance of approximately 1,018 feet to a point; thence North 88 deg.30 min. West through Lots 135, 115, 94, 71, all of the Lucy Sharp Addition to Draper, a distance of 1,086 feet to the Lucy Sharp Line, also corner between Lots 79 and 80, Section 31 of the West Lake Street Subdivision, and continuing North 88 deg.30 min. West 403 feet crossing Lake Street to a point; thence with the South line of South Lake Subdivision (Map Book 14, page 23), South 89 deg.27 min.19 sec. West 1229.67 feet to an angle iron found, said iron being in the property line between W. A. Johnson, Jr. and Nigel A. Buist; thence with the Buist property line, North 35 deg.55 min.17 sec. West to the centerline of the terminus of Merriman Street; thence in a northeasterly and northerly direction with the centerline of Merriman Street to the center of the intersection of Merriman Street and South Avenue; thence in a westerly direction with South Avenue to the center of the intersection of South Avenue and South Hundley Drive; thence in a northerly direction with the centerline of South Hundley Drive to the center of the intersection of South Hundley Drive and Maryland Avenue; thence in a westerly direction with the centerline of Maryland Avenue to the center of the intersection of Maryland Avenue and South Hale Street; thence in a northerly direction with South and North Hale Street to the center of the intersection of North Hale Street and Carolina Avenue; thence in an easterly direction with the centerline of Carolina Avenue to the center of the intersection of Carolina Avenue and North Hundley Drive; thence in a northerly direction with the centerline of Hundley Drive to the Place of beginning.

(2) The following described area which is not contiguous to the primary corporate limits shall be added to and included in the Seventh Ward: Beginning at an old iron in the southern margin of North Carolina Highway No. 770 at the dividing line between Spray Water Power & Land Co. and the westerly line of R. I. Smith's Willow Oak Farm, said beginning point, also, being South 80 deg.49 min. West 134.68 feet from an iron in the northern margin of said Highway at the easterly line of Roanoke Webster Brick Co., and the westerly line of Imperial Place, property of Spray Water Power & Land Co.; thence from the point of beginning with the line of Willow Oak Farm South 17 deg.13 min. West 750 feet to an iron; thence a new line,

through the property of Spray Water Power & Land Co. North 77 deg.00 min. West 900 feet to an iron; thence another new line North 17 deg.13 min. East 750 feet to an iron in the southern margin of North Carolina Highway No. 770; thence with said margin of Highway South 77 deg.00 min. East 900 feet to the point of beginning and containing 673,171 sq. ft. (15.454 acres). Same being a tract of land in the Knob Tract as per map by Shanks & Wilmarth dated March 11, 1966, for Spray Water Power & Land Company.

(Ord. passed 2-16-93; Am. Ord. passed 3-21-95; Am. Ord. passed 7-5-95; Am. Ord. passed 7-18-95; Am. Ord. passed 4-21-09)

§ 1-15 SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the City 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 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 City Council without the incorporation in this code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

('89 Code, § 1-15)

§ 1-16 ENFORCEMENT OF THE CITY CODE AND THE ORDINANCES OF THE CITY; REMEDIES, REMEDIES NONEXCLUSIVE.

(A) Unless an ordinance expressly provides which remedy or remedies shall be used to enforce its provisions, the city may enforce an ordinance by fines, imprisonment, civil penalties, actions in law and actions in equity or by a combination of such remedies.

(B) The power to enforce an ordinance shall include the power to secure preliminary injunctions, temporary restraining orders, mandatory injunctions or prohibitory injunctions, orders of abatement and any other appropriate equitable remedy issuing from the appropriate division of the North Carolina General Court of Justice to the full extent that the city is empowered to use such remedy by the North Carolina General Statutes and the laws of the State of North Carolina. Legal and equitable action to enforce the ordinance shall be governed by the laws and rules governing civil proceedings including G.S. §160A-175(e) and the Rules of Civil Procedure.

(C) It shall not be a defense to an application by the city for equitable relief that it may have an adequate remedy at law.

(Ord. passed 6-20-96)

§ 1-16.1 GENERAL PENALTY FOR VIOLATIONS OF ORDINANCES, PENALTIES NONEXCLUSIVE.

(A) Unless otherwise provided by the terms of an ordinance, a violation of such ordinance is a misdemeanor or infraction as provided by G.S. § 14-4 unless the City Council has expressly stated that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation of a particular ordinance is some amount of money or number of days less than the maximum penalties imposed by G.S. § 14-4.

(B) This section shall not be deemed to be the exclusive penalty for violation of a city ordinance nor shall it in any way be deemed to limit any legal or equitable remedy or power the city may be empowered to use to enforce its ordinances.

(C) Each act that violates this ordinance and each day upon which a violation of this ordinance shall occur shall constitute a separate offense except as may be otherwise specifically provided.

(Ord. passed 6-20-96)

§ 1-16.2 ENFORCEMENT OF ORDINANCES BY CIVIL PENALTIES, NONEXCLUSIVE.

(A) In addition to the general penalty provided for in § 1-16.1 of the City Code, an ordinance may provide that a violation of the ordinance shall subject the offender to a civil penalty.

(B) In the event an ordinance provides that a violation thereof shall subject the offender to a civil penalty, the civil penalty shall be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 15 days after the offender has been served with a citation for a violation of the ordinance.

(C) Upon determination of a violation of any section of this code, the penalty for which is a civil penalty, the appropriate official of the city shall report such violation to the City Manager and request approval to proceed with the civil citation procedure. Approval of the request to proceed by the City Manager shall empower the appropriate city official to proceed to issue a warning citation and, if necessary, a penalty citation. The warning citation and the citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is one for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall be served by delivering a copy to the violator or by mailing a copy to the violator by first class mail by depositing it enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service.

(D) Where the official determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or based upon a schedule agreed upon with the violator for abatement, the official may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

(E) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the official and either served personally on the violator, or the violator's duly designated agent, or registered agent if a corporation, or by depositing a copy in the post office for mailing by registered or certified mail, return receipt requested, addressed to the violator at the violator's dwelling house or usual place of abode. The citation shall direct the violator to pay the citation to the Finance Department within 15 days of the date of service of the citation. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued.

(F) Appeals from a citation for a violation of the zoning ordinance shall be made to the Board of Adjustment and the violator must file written notice of such appeal with the Board of Adjustment within ten days from the date of the service of the citation. Except in any case where the ordinance which is violated specifically grants to the Board of Adjustment other powers in considering appeals and such appeal is applied for, the Board of Adjustment in considering appeals of a citation shall have power only in the manner of administrative review and interpretation where it is alleged that the official has made an error in the application of this code, in the factual situation as it relates to the application of the code, or both.

(G) Except for appeals from citations for violations of the zoning ordinance, appeals shall be made to the City Manager and the violator must file written notice of such appeal with the City Manager within ten days from the date of the service of the citation.

(H) Unless the terms of an ordinance exempt it from the operation of this section, each day upon which a violation of the ordinance shall continue or occur shall constitute a separate and distinct offense.

(Ord. passed 6-20-96)

Statutory reference:

Violation of city ordinances a misdemeanor, see G.S. § 14-4

Authority of city to impose penalties for violations of city ordinances, G.S. § 160A-175